

# **Township of Oakfield**

**KENT COUNTY, MICHIGAN**



## **ZONING ORDINANCE**



**ADOPTED BY THE TOWNSHIP BOARD ON OCTOBER 11, 2016  
(with Amendments Adopted through January 8, 2019)**

**10300 14 MILE ROAD  
ROCKFORD, MICHIGAN 49341**



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**CHAPTER 1  
PURPOSE AND SCOPE**

**Section 1.1 Short Title.** This Ordinance shall be known as the “Oakfield Township Zoning Ordinance.”

**Section 1.2 Purpose.** This Ordinance has the following purposes:

- (a) To encourage the use and preservation of lands and other resources of the Township in accordance with their character, adaptability and suitability for particular uses and purposes.
- (b) To provide for the orderly and wholesome development of the Township.
- (c) To create safe and favorable conditions for living, economic progress and other activities in the Township.
- (d) To provide security from fire, safety in traffic and reduce hazards to life and property.
- (e) To provide, in the interests of health and safety, standards under which certain buildings and structures may hereafter be erected and used.
- (f) To protect, stabilize and enhance property and property values.
- (g) To facilitate the development of adequate systems of transportation, fire protection, education, recreation, safe sewage disposal, safe and adequate water supplies and other public requirements.
- (h) To conserve life and natural resources and the use of public funds for public services and improvements to conform with the most advantageous uses of land, resources and properties.

**Section 1.3 Scope of this Ordinance.** This Ordinance shall affect and regulate the uses and occupancy of all land and structures in the Township. If, in any circumstance, this Ordinance imposes greater restrictions than those imposed or required by provisions of other ordinances, private restrictions, covenants, deeds or other private instruments affecting land titles or land uses, the provisions of this Ordinance shall control.

**Section 1.4 Interpretation.** In their interpretation and application of the provisions of this Ordinance, the Township, any enforcement officer or agency, any court having jurisdiction and the members of the Township Zoning Board of Appeals shall determine the provisions of this Ordinance to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township.

**Section 1.5 Legal Basis.** This Ordinance is adopted in accordance with the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended.



## CHAPTER 2 DEFINITIONS

**Section 2.1 Definitions.** For the purpose of this Ordinance, certain words and phrases are defined in this chapter.

- (a) The terms, words and phrases listed in this chapter shall have the definitions respectively set forth for the same. Such definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise stated.
- (b) The catch-line headings given for sections or subsections are for convenience only and shall not be deemed to either enlarge or restrict the scope of the material to which they refer.
- (c) Unless the context of this Ordinance 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 and words used in the plural number shall include the singular.
- (d) The word “person” shall include a firm, association, partnership, joint venture, corporation, trust, estate or any combination of them, as well as a natural person.
- (e) Any word, term or phrase not defined herein shall be deemed to have the meaning in common or standard use.

**Section 2.2 Definitions, A – E.**

- (a) **Accessory Building.** A subordinate building detached from the principal building but located on the same parcel of land as the principal building, and which is devoted to an accessory use. A subordinate part of a principal building, such as an attached garage, is not an accessory building.
- (b) **Accessory Use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- (c) **Adult Day Care Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of less than 24 hours per day, five or more days per week and for two or more consecutive weeks, as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- (d) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for periods of 24 hours per day, five or more days per week and for two or more consecutive weeks. as licensed and regulated under the Adult Foster Care Facility Licensing Act, Act 218

of the Public Acts of 1979, MCL 400.701 et seq., as amended. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

- (e) **Adult Foster Care Group Home.** An adult foster care facility licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, in which the adult foster care group home licensee is a member of the household and an occupant of the residence. The home shall be a private residence providing adults with foster care for 24 hours a day, five or more days per week and for two or more consecutive weeks. A foster care group home with the approved capacity to receive at least seven but not more than 12 adults is a “small” group home. Group homes with the approved capacity to receive at least 13 but not more than 20 adults is a “large” group home.
- (f) **Animal Clinic.** A place where animals are given medical care, limited grooming, and the boarding of animals is limited to short-term care incidental to clinical use.
- (g) **Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (h) **Bed and Breakfast Establishment.** A private residence that offers overnight accommodation to lodgers in the principal residence of the owner or operator of the establishment, and which generally serves breakfast as a part of the overnight accommodation.
- (i) **Billboard.** An outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- (j) **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- (k) **Building, Principal.** A building in which the main use of the lot or parcel of land is conducted.
- (l) **Building, Height.** The vertical distance from the average finish grade of the building to the highest point of the roof surface. Mechanical equipment, chimneys, spires and steeples, water towers and similar appurtenances are not included in the measurement of building height.
- (m) **Child Care Center.** A facility, other than a private residence, receiving one or more pre-school or school age children for periods of less than 24 hours per day, for not less than two consecutive weeks (regardless of the numbers of hours of care per day), where the parents or guardians are not immediately available to the child, including

facilities described as day care centers, day nurseries, nursery schools, parent cooperative pre-schools, play groups and drop-in centers (as licensed and registered under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, as amended). Child care centers shall not include Sunday schools, vacation bible schools or religious instructional classes.

- (n) **Child Care Home, Family.** A private home in which fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- (o) **Child Care Home, Group.** A private home in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (p) **Church or Other House of Worship.** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- (q) **Contractor's Yard.** An area of land, which may include a building, used for the purpose of parking and/or storing heavy equipment or other equipment used for construction, earth moving, lawn maintenance and similar activities; such equipment may be located either in a completely enclosed building or, if located out of doors, is fully enclosed by fencing or other screening, as may be permitted by regulations in this ordinance.
- (r) **Drive-In or Drive-Through Facilities.** Any facility or feature used to serve patrons while in their motor vehicles, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.
- (s) **Dwelling.** A building, including a mobile home or manufactured home, designed and used as the permanent residence for a family, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, tourist cabins or trailers.
- (t) **Dwelling, Multiple Family.** A building containing more than two dwelling units, each of which is designed and used by one family and provides independent living, cooking, and kitchen accommodations.
- (u) **Dwelling, Single Family Detached.** A detached building designed for the occupancy of only one family.
- (v) **Dwelling, Two Family.** A building containing two attached dwelling units.

- (w) **Dwelling Unit.** A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.
- (x) **Engineering Laboratory.** A specialized facility for analysis of materials, components, chemicals or other objects or substances associated with engineering, manufacturing and similar or accessory uses. Such a laboratory may be located in a separate facility or it may be located within and as a part of an approved manufacturing plant or facility.
- (y) **Essential Services.** The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills, wireless telecommunication antennas, and wind generators on towers.

### Section 2.3 Definitions, F – L.

- (a) **Family.**
  - (1) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit.
  - (2) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort or seasonal in nature nor include state licensed residential facilities as defined by the Zoning Enabling Act of 2006, as amended.
- (b) **Farm.** A parcel or parcels of land devoted to a farm operation, including the commercial production of farm products, the raising of farm animals, the construction and use of farm buildings and the conducting of productive agriculture as a business and profit-making enterprise. A farm includes, but is not limited to, field crops, truck farming, orchards, nurseries and related dwellings, and the use of farm vehicles and equipment.
- (c) **Farm Animals.** Livestock, including but not limited to, beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other commonly raised farm animals.
- (d) **Farm Building.** Any building or accessory structure other than a non-farm dwelling unit or non-farm accessory building which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milk house.



- (e) **Farm Market.** A public or private open air venue where local farm products, primarily including fruits, vegetables, and other locally produced goods or crafts, are sold during the growing seasons. Seasonal farm markets may include a covered structure without walls to protect against weather conditions.
- (f) **Farm Operations.** Conditions or activities which occurs on a farm in connection with the commercial production of farm products, and which include, but are not limited to, noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- (g) **Farm Supply Business.** A business, which may include a building and other structures, for the purpose of offering for sale supplies and related items that are needed for or associated with farming and farm operations, including crop seed, fertilizers, pesticides, herbicides and other farm supplies.
- (h) **Fence.** A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement.
- (i) **Flag Lot.** A lot or other parcel of land that has less frontage on a public or private street than is required in the zone district in which the lot or parcel is located, but shall be at least 66 feet, and which at some distance back from the street right-of-way line, achieves a width equal to at least the minimum required lot width in the zone district, and such minimum width is not diminished throughout the remainder of the lot.
- (j) **Floor Area.** The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.
- (k) **Gasoline Service Station.** A business in which operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories by the proprietor of the gasoline service station, and also minor vehicle adjustment services. If permitted under the provisions of this ordinance, such services may also include major vehicle repairs, major vehicle body damage repairs and similar services.
- (l) **Greenhouse.** A building or structure constructed chiefly of glass or plastic, in which tender produce or exotic plants are grown or sheltered.
- (m) **Home Occupation.** An occupation which is carried on in a dwelling or a lawful accessory building on the same parcel of land as the dwelling, by the residents of the dwelling and not more than one other person. Such occupation shall be clearly a customary, incidental and secondary use of the dwelling, and if applicable, an

accessory building, and the parcel of land on which the dwelling and, if applicable, the accessory building, are located.

- (n) **Hotel.** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- (o) **Kennel.** A commercial or noncommercial establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold. A kennel may be subject to county kennel licensing requirements.
- (p) **Lot.** A portion of land exclusive of any streets, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the County Register of Deeds.
- (q) **Lot Area.** The total area within the boundaries of the lot, excluding any road rights-of-way.
- (r) **Lot, Corner.** A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees.
- (s) **Lot Coverage.** The part or percent of a lot occupied by buildings and accessory buildings, parking areas, driveways, patios, decks, and other impervious surfaces.
- (t) **Lot Depth.** The average distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing several evenly spaced perpendicular lines at ten foot intervals from the front to rear of the lot and averaging the length of these lines.
- (u) **Lot Lines.**
  - (1) **Lot Line, Front.** The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. For a corner lot in existence at the time of the adoption of this Ordinance, the front line shall be that which corresponds to the property's street address. In the case of any building or structure which fronts on a body of water, the front yard shall be the area which lies between the front line of any building and/or structure, or any projection thereof, and the water's edge of the body of water.
  - (2) **Lot Line, Rear.** The boundary line which is opposite and most distant from the front lot line.
  - (3) **Lot Line, Side.** Any lot boundary which is neither a front lot line nor a rear lot line.

- (4) **Lot Width.** The straight line horizontal distance between the side lot lines of a lot, as measured at the front lot line, and which width is not diminished throughout the depth of the lot, except as otherwise specified for flag lots and cul-de-sac lots. In the case of a corner lot, lot width is the shortest straight line horizontal distance between the side lot lines that extend back from the designated front lot line, such width to be measured at the designated front lot line and which width shall not be diminished throughout the entire distance back from the designated front lot line.

In the case of a lot abutting a cul-de-sac, the minimum required lot width shall be measured at the rear of the required front yard and such width shall not be diminished throughout the depth of the lot. A cul- de-sac lot shall have a required minimum front yard of at least 40 feet.

#### **Section 2.4 Definitions, M- Q.**

- (a) **Manufactured Housing.** A structure, transportable in one or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.
- (b) **Marijuana.** Also known as marihuana, also known as cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, as referred to in section 3(d) of the MMMA (Michigan Medical Marijuana Act). Any other term pertaining to marijuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the MMMA General Rules.
- (c) **Medical Marijuana Dispensary.** Except as set forth below, any business, facility, structure, association, collective, cooperative, location or operation, whether fixed or mobile, whether profit or nonprofit, where medical marijuana is made available; provided, sold, used, grown, cultivated, processed, stored, dispensed, given, delivered or distributed by or to a registered primary caregiver, a registered qualifying patient or any member of the public, except as stated below in this subsection.

A medical marijuana dispensary shall also include any business, facility, association, collective, cooperative or operation, whether fixed or mobile, whether profit or nonprofit, where medical marijuana is smoked, consumed or used by three or more persons simultaneously.

A medical marijuana dispensary shall not include the providing of medical marijuana by a primary caregiver to not more than five qualifying patients in strict accordance with the MMMA, as amended, and the requirements of this Ordinance so long as not more than the lawful amount of medical marijuana is delivered to the qualifying patient and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules and regulations.

A medical marijuana dispensary shall also not include smoking, consuming or use of medical marijuana by a qualifying patient in strict accordance with the MMMA, as amended, and the requirements of this Ordinance and other applicable Township ordinances and applicable Michigan laws, rules and regulations.

A medical marijuana dispensary shall also not include uses occurring in compliance with this Ordinance and all laws and rules of the State of Michigan at the following locations: a state-licensed health care facility, a state licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

- (d) **Providing of Medical Marijuana.** The acquisition, possession, cultivation, manufacture, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA. The providing of medical marijuana shall not be considered a commercial, personal service or retail use, farm or farm operation, agricultural use, processing or industrial use, or use similar to these uses or as any use except a home occupation conducted in accordance with the provisions of this Ordinance.
- (e) **Michigan Medical Marijuana Act.** Initiated Law 1 of 2008, as amended from time to time. Also referenced in this Ordinance as the "MMMA."
- (f) **Mini Warehousing (also known as Self-Storage Units).** A commercial venture that rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units.
- (g) **MMMA General Rules.** The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA, as amended from time to time.
- (h) **Mobile Home.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "manufactured home" in this ordinance.
- (i) **Motel.** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- (j) **Motor Vehicle Repair Shop.** A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment.

- (k) **Motor Vehicle Sales.** The display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition, but not including motor vehicle repair.
- (l) **Motor Vehicle Wash Establishment.** A building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles, trucks, and other motor vehicles for the general public. The establishment may include self-wash, automated-wash facilities and similar installations.
- (m) **Nonconforming Use.** A land use which was lawful within a structure or on land at the time of adoption of this Ordinance, or any applicable amendment, and which does not currently conform to the regulations of the district in which it is located, or other applicable current provisions of this Ordinance.
- (n) **Nonconforming Lot.** Any lot or parcel of land lawfully existing at the effective date of this Ordinance, or any relevant amendment thereto, and which does not comply with the current minimum lot area or dimensional requirements of the zone district, or other applicable current zone district or other applicable current provisions of this Ordinance.
- (o) **Nonconforming Structure.** Any building, structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or any relevant amendment thereto, which does not comply with the current minimum requirements of the zone district, for such structure or other applicable current zone district or other applicable current provisions of this Ordinance.
- (p) **Open Air Business.** An area of land, which may include a building and/or other structures, with associated driveways and parking areas, used for the display and sale of merchandise and other goods and commodities out of doors, on a retail basis. An open air business may include auction sales.
- (q) **Out-Patient Medical Facilities.** A building and associated site improvements designed and used for the providing of medical and health services for patients who do not usually remain in the facility overnight. Such medical and health services may include medical or surgical care which need not be rendered in a hospital. Such facilities may include associated services and uses for the benefit of out-patients, including laboratories and other specialized medical facilities that need not necessarily be located in a hospital.
- (r) **Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use and enjoyment or for the use and enjoyment of owners, occupants, and their guests.
- (s) **Paraphernalia.** Drug paraphernalia as defined in Section 7451, or successor provision, of the Michigan Public Health Code that is or may be used in association with medical marijuana.

- (t) **Parking Area.** A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.
- (u) **Primary Care Giver.** A person who has agreed to assist with a qualifying patient’s medical use of marijuana, possessing the qualifications and registration as provided by the MMMA and the MMMA General Rules.
- (v) **Principal Use.** The primary or predominant use of any lot or parcel.
- (w) **Private Road.** A road, path or trail, not dedicated to the public, which provides or is intended to provide the primary means of access to two or more parcels of land or two or more principal buildings, dwelling units or structures or a combination thereof. A private road may be created by an easement, a right-of-way agreement or may be established by prescription or other circumstances authorized by law.
- (x) **Provisioning Center Agent.** A principal officer, board member, employee, operator or any other person acting as an agent of a provisioning center.
- (y) **Qualifying Patient.** “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition, as defined in the MMMA, and who has been issued a registry identification card by the Michigan Department of Community Health that identifies such person as a registered qualifying patient.

**Section 2.5 Definitions, R – T.**

- (a) **Recreational Vehicle or Unit.**
  - (1) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.
  - (2) Recreational units shall include, but shall not be limited to, the following: boats, jet skis, boat trailers, snowmobiles, snowmobile trailers, all-terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet ski(s), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.
- (b) **Rental Service Business.** A business which has on its premises, or otherwise has available, goods, supplies, equipment, including motorized yard equipment and other motorized equipment, and offers the same for rental to customers, for use on a temporary basis.
- (c) **Restaurant.** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

- (d) **Right-of-Way.** A public or private strip of land acquired or established by reservation, dedication, easement or other legal means, and to be used for the passage of persons, motor vehicles and non-motorized vehicles, and the installation and use of utility lines and similar uses.
- (e) **Roadside Market Stand.** A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on the property where the roadside market stand is located; the structure shall be designed and arranged to include the proprietor or employees, space for the display of the goods and products offered for sale, but not space for customers within the booth or stand itself.
- (f) **Safety Compliance Facility.** A business, facility or other entity or activity that tests marijuana produced for medical use for contaminants or potency.
- (g) **Safety Compliance Facility Agent.** A principal officer, board member, employee, operator or agent of a safety compliance facility.
- (h) **Screening or Buffering.** A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.
- (i) **Seedling.** A marijuana plant that has no flowers, is less than 12 inches in height and is less than 12 inches in diameter.
- (j) **Setback.** The minimum unoccupied distance between front, side or rear lot line and the principal and accessory buildings on a lot or parcel of land as required by the terms of this ordinance.
- (k) **Sexually Oriented Business.** A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- (l) **Stable, Commercial Riding.** A building and associated land area where horses and/or ponies are sheltered, fed and maintained for riding purposes by customers of the stable.
- (m) **Story.** That part of a building included between the surface of any floor above the average grade or ground at the foundation of the building, and the surface of the next floor, or if there is no floor above, then the ceiling next above.

- (n) **Street.** An easement, right-of-way or other interest in land established or used for the purpose of providing access to abutting land.
  - (1) A street may be a public street or a private street.
  - (2) A public street is an easement, right-of-way or other interest in land which has been conveyed or dedicated to, and accepted by, the Township, county or other governmental body for the purpose of providing access to abutting land.
  - (3) A private street is a non-public street that provides the means of access to two or more lots or parcels of land.
- (o) **Structure.** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure includes a building.
- (p) **Transportation Terminal.** A building or area in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.
- (q) **Trash and Junk.** Used or discarded articles or used or discarded pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber, ashes, broken up or discarded cement, discarded asphalt or asphalt fragments, garage, industrial by-products or waste, empty cans, fruit containers, bottles, crockery, utensils of any kind, boxes, barrels and all other articles, objects, litter, and/or refuse customarily considered trash or junk and which are not housed in a building.

**Section 2.6 Definitions, U – Z.**

- (a) **Use.** Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.
- (b) **Use, Temporary.** A use or activity which is permitted only for a limited time and subject to specified regulations in this Ordinance.
- (c) **Vehicle Sales.** A building and/or area used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.
- (d) **Warehousing.** The storage of goods, materials and commodities, and including associated driveways, vehicle circulation areas and off-street parking areas. A warehouse may include the storage of goods, materials and commodities on a wholesale basis, prior to their distribution for retail sale.



- (e) **Wireless Communication Facilities.** A facility consisting of antennas and towers and other equipment for communications, radio or television and, to the extent permitted, non-commercial or non-public antennas and towers for such purposes. Such a facility also includes the structures and equipment involved in transmitting and/or receiving telecommunication signals. Also includes are private and commercial mobile radio service facilities, personal communication towers and cellular telephone towers.
- (f) **Yard.** The open space on the same lot with a principal building that is unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.
  - (1) **Front Yard.** An open unoccupied space unless occupied by a use specifically permitted, extending across the full width of the lot and lying between any street or access easement right-of-way line and the main wall of the principal building. If a lot has frontage on a lake or other body of water, the front yard shall be that space extending from the water's edge of the body of water and the main wall of the principal building.
  - (2) **Side Yard.** An open unoccupied space unless occupied by a use specifically permitted, on the same lot with the principal building, between the main wall of the principal building, and the side lot line, extending from the front line of the principal building to the rear line of the principal building.
  - (3) **Rear Yard.** A space unoccupied except by a permitted accessory building or use specifically permitted, extending across the full width of the lot between the main wall of the principal building and the rear lot line.
- (g) **Yard, Required.** The required yard shall be the required minimum yard setback for a principal or other building as stated in the provisions for each zone district.



## CHAPTER 3 ZONING DISTRICTS

**Section 3.1 Zoning Districts.** For purposes of this Zoning Ordinance, the Township of Oakfield is hereby divided into the following zoning districts:

R-R	Rural Residential and Agricultural District
MDR	Multiple Family District
MHC	Manufactured Housing Community District
L-R	Lakes Residential District
C	General Commercial District
C-1	Neighborhood Commercial District
I-1	Light Industrial District
PUD	Residential Planned Unit Development District

### **Section 3.2 The Zoning Map.**

- (a) The locations and boundaries of the zoning districts are hereby established as shown on a map entitled "Zoning Map of the Township of Oakfield, Kent County, Michigan" which accompanies and is made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be constructed to follow such centerlines.
  - (2) Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
  - (3) Boundaries indicated as approximately following township or village boundaries shall be construed as following township village boundaries.
  - (4) Boundaries indicated as following the shoreline of lakes or rivers shall be construed as following such shoreline, and in the event of a change in the shoreline of a lake or river, said boundary shall be construed as changing with said shoreline.
  - (5) Boundaries indicated as approximately following property lines or section lines or other lines of the government surety shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment.
- (b) The Zoning Map of the Township, last revised and redrawn December 2004, is hereby adopted as the zoning map of the Township. but with the updated zoning changes stated in subsection (c) of this section and to reflect the rezoning of parcels of land as stated in subsection (d) of this section. Upon the adoption of this ordinance, the Zoning Map shall be redrawn in accordance with this Section 3.2.

(c) The Township Zoning Map, last revised in December 2004, is hereby re-adopted in its entirety, including the previously approved and effective amendments stated in this subsection (c) and with the additional amendments stated in subsection (d):

(1) Parcel No. 41-08-16-101-002 (11400 14 Mile Road) – zoned in the C General Commercial District:

PART OF NW 1/4 COM AT N 1/4 COR TH S 0D 06M 09S E ALONG N&S 1/4 LINE 50.13 FT TO SLY LINE OF M-57 TH N 88D 52M 26S W ALONG SD SLY LINE 470.05 FT TH S 0D 06M 09S E 175.0 FT TH N 88D 52M 26S W 468.75 FT TH SELY 8.50 FT ON A 250.0 FT RAD CURVE TO LT /LONG CHORD BEARS S 44D 15M 30S E 8.50 FT/ TH SELY 139.71 FT ON A 250.0 FT RAD CURVE TO RT /LONG CHORD BEARS S 29D 13M 37S E 137.90 FT/ TH N 88D 52M 26S W TO W SEC LINE TH N ALONG E SEC LINE TO N SEC LINE TH E ALONG N SEC LINE TO BEG EX THAT PART LYING NLY OF SLY LINE OF STL M-57 \* SEC 16 T9N R9W, OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

(2) Parcel No. 41-08-16-127-001 (11560 Holmden Court) – zoned in the C General Commercial District:

PART OF NW 1/4 COM AT N 1/4 COR TH S 0D 06M 09S E ALONG N&S 1/4 LINE 50.13 FT TO SLY LINE OF M-57 TH N 88D 52M 26S W ALONG SD SLY LINE 470.05 FT TH S 0D 06M 09S E 175.0 FT TO BEG OF DESC - TH S 0D 06M 09S E 125.0 FT TH N 88D 52M 26S W 395.69 FT TH NWLY 139.71 FT ON A 250.0 FT RAD CURVE TO LT /LONG CHORD BEARS N 29D 13M 37S W 137.90 FT/ TH NWLY 8.50 FT ON A 250.0 FT RAD CURVE TO RT /LONG CHORD BEARS N 44D 15M 30S W 8.50 FT/ TH S 88D 52M 26S E 468.75 FT TO BEG \* SEC 16 T9N R9W, OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

(3) Parcel No. 41-08-18-100-024 (9760 14 Mile Road) – zoned in the I-1 Light Industrial District:

PART OF NW 1/4 COM AT N 1/4 COR TH S 0D 12M 49S W ALONG N&S 1/4 LINE 66.2 FT TO S LINE OF STL M-57 TH N 89D 52M 12S W ALONG SD S LINE 2052.79 FT TO E LINE OF W 514.21 FT OF NW 1/4 TH S 0D 13M 44S W ALONG SD E LINE 460.0 FT TO BEG OF THIS DESC - TH S 89D 52M 12S E 728.30 FT TO E LINE OF W 1/2 OF NW 1/4 TH S 0D 22M 10S W ALONG SD E LINE 804.35 FT TO S LINE OF NW 1/4 NW 1/4 TH S 89D 55M 04S W ALONG SD S LINE 726.34 FT TO E LINE OF W 514.21 FT OF NW 1/4 TH N 0D 13M 44S E ALONG SD E LINE 807.03 FT TO BEG \* SEC 18 T9N R9W, OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

(d) The following described lands are hereby rezoned from their respective current zoning districts to the zoning district indicated respectively below, and the Township Zoning Map shall be revised accordingly:

(1) Parcel No. 41-08-02-251-013 (13380 MacClain Street) – rezoned from the R-R Rural Residential and Agricultural District to the L-R Lakes Residential District:

THAT PART OF GOVT LOT 1 LYING SLY & WLY OF THOMAS LAKE PLAT & BANKS LAKE PLAT EX W 652 FT ALSO E 1/2 SW 1/4 NE 1/4 ALSO GOVT LOT 2 EX BANKS LAKE PLAT & EX COM AT NE COR OF LOT 2 WOODBECK LAKE PLAT TH SELY ALONG NLY LINE OF SD LOT EXT ELY TO WATERS EDGE OF WOODBECK LAKE TH SLY ALONG SD WATER EDGE TO ELY LINE OF LINE OF WOODBECK LAKE PLAT TH NLY ALONG SD ELY LINE TO BEG ALSO GOVT LOT 3 EX COM 70.15 FT 90D 00M 00S W FROM NW COR OF LOT 1 WOODBECK LAKE PLAT TH 90D 00M 00S W 567.90 FT TH S 3D 01M 11S W 221.85 FT TH S 6D 24M 04S E 312.52 FT TO NLY LINE OF POINT DR TH S 67D 11M 00S E ALONG SD NLY LINE 199.35 FT TH ELY 35.80 FT ALONG SD NLY LINE ON A 40.0 FT RAD CURVE TO LT /LONG CHORD BEARS N 89D 03M 30S E 34.30 FT/ TO WLY LINE OF POINT DR TH N 65D 18M 00S E ALONG SD WLY LINE 144.60 FT TH NELY 43.98 FT ALONG SD WLY LINE ON A 40.0 FT RAD CURVE TO LT /LONG CHORD BEARS N 33D 48M 00S E 41.80 FT/ TH N 2D 18M 00S E ALONG SD WLY LINE 243.80 FT TH N 31D 00M 00S E ALONG SD WLY LINE 315.10 FT TO BEG ALSO RELICTED LAND IN W 1/2 SE 1/4 LYING N OF HORSESHOE & WOODBECK LAKES EX COM 564.90 FT S ALONG N&S 1/4 LINE FROM CEN OF SEC TH S 51D E 386.0 FT TH S PAR WITH SD 1/4 LINE 1176.9 FT M/L TO SHORE OF LAKE TH SWLY ALONG LAKE SHORE 300 FT M/L TO SD 1/4 LINE AT A PT 1417.8 FT M/L S OF BEG TH N TO BEG & EX WOODBECK LAKE PLAT \* SEC 2 T9N R9W; OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

(2) Parcel No. 41-08-14-101-022 (12935 Old 14 Mile Road) – rezoned from the MDR Multiple Family District to the R-R Rural Residential and Agricultural District:

PART NW 1/4 COM AT SE COR OF LOT 20 OF HART'S OAK PARK PLAT NO.1 TH N 88D 43M E ALONG S LINE OF SD PLAT 887.8 FT TH S 79D 37M 30S E ALONG S LINE OF SD PLAT 50.24 FT TH S 0D 14M E PAR WITH W SEC LINE 181.19 FT TH S 88D 43M W PAR WITH S LINE OF SD PLAT 355.90 FT TH S 0D 14M E PAR WITH W SEC LINE 545 FT TO NLY LINE OF HWY M57 /150 FT WIDE/ TH NWLY ALONG NLY LINE OF SD HWY TO A LINE BEARING S 0D 14M E FROM BEG TH N 0D 14M W 440 FT M/L TO BEG \* SEC 14 T9N R9W; OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

- (3) Parcel No. 41-08-15-100-062 (12150 14 Mile Road) – rezoned from the MDR Multiple Family District to the MHC Manufactured Housing Community District:

PART NW 1/4 COM AT NW COR OF SEC TH S 1D 40M W ALONG W SEC LINE 425.0 FT TH S 87D 05M E 435.60 FT TH S 1D 40M W TO S LINE OF N 1/2 NW 1/4 TH E TO SE COR OF NW 1/4 NW 1/4 TH N TO NE COR OF NW 1/4 NW 1/4 TH W TO BEG EX THAT PART LYING NLY OF SLY LINE OF STL M-57 /14 MILE RD/ RELOCATED \* SEC 15 T9N R9W; OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

- (4) Parcel No. 41-08-24-301-012 (10293 Morgan Mills Avenue) – rezoned from the MDR Multiple Family District to the L-R Lakes Residential District:

LOT 1 EX COM AT SW COR OF SD LOT TH N 133 FT TH ELY PERP TO W LINE SD LOT 60 FT TH S 91.45 FT TO SLY LOT LINE TH SWLY 73.06 FT TO BEG & EX COM AT SWLY COR OF LOT 2 TH S 59D 43M E ALONG SWLY LINE SD LOT 100 FT TO MOST SLY COR SD LOT TH S 30D 17M W 148 FT TH N 2D 58M W 178 FT TO BEG & EX COM AT SWLY COR OF LOT 2 TH N 59D 43M W 90 FT ALONG EXT SWLY LINE SD LOT TH N 30D 17M E 145.4 FT TO SHORE OF CHAIN LAKE TH S 56D 21M E 90.16 FT ALONG SD SHORE LINE TO EXT NWLY LINE SD LOT 2 TH S 30D 17M W 140 FT TO BEG & EX COM 108 FT N 59D 43M W ALONG EXT SWLY LINE OF LOT 2 FROM SWLY COR OF LOT 2 TH W 18D 02M W 20.48 FT TH N 59D 43M W 42.51 FT TO W LINE OF LOT 1 TH NLY ALONG W LINE OF SD LOT 202.7 FT TO SHORE OF CHAIN LAKE TH S 56D 21M E 109.69 FT ALONG SD SHORE TO A LINE BEARING N 18D 02M W FROM BEG TH S 18D 02M E 151.76 FT TO BEG ALSO LOT 4 \* OAKFIELD TOWNSHIP ASSESSOR'S PLAT; OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

- (5) Parcel No. 41-08-27-376-004 (12205 Hart Street) – rezoned from the MDR Multiple Family District to the MHC Manufactured Housing Community District:

THAT PART OF GOVT LOTS 4 & 5 IN E 1/2 SW 1/4 LYING WLY OF FOL DESC LINE - COM 590.0 FT W ALONG S SEC LINE FROM S 1/4 COR TH N 0D 11M E 861.51 FT TH N 50D 29M E 259.93 FT TH N 0D 11M E 285.0 FT TH S 89D 54M W 230.0 FT TH N 46D 26M W 217 FT M/L TO WATERS EDGE OF WABASIS LAKE & PT OF ENDING \* SEC 27 T9N R9W, OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

- (6) Parcel No. 41-08-28-451-013 (11675 Wabasis Lake Drive) – rezoned from the MDR Multiple Family District to the L-R Lakes Residential District:

THAT PART OF GOVT LOT 6 COM 390.72 FT N 3D 10M W OF S 1/4 COR TH E 675.18 FT TH N 484.44 FT TO WABASIS LAKE TH WLY ALONG LAKE SHORE TO E LINE OF ASSESSOR'S PLAT OF WABASIS PARK TH SLY OF SLY LINE OF SD PLAT EXT NELY TO BEG \* SEC 28 T9N R9W; OAKFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

**Section 3.3 Areas Not Included Within a District.** In every case where lands have not been specifically included within a zoning district, such lands shall be deemed to be in the R-R Rural Residential and Agricultural District.





## CHAPTER 4 GENERAL PROVISIONS

**Section 4.1 Scope of this Chapter.** These general provisions shall apply to all zoning districts unless otherwise stated in this Ordinance. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare in the Township.

**Section 4.2 The Effect of Zoning.** Zoning affects every structure, land use and parcel of land. No building, structure or land shall be used or occupied, and no building or part thereof, or structure or part thereof, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with the provisions in this Ordinance for the zone in which such building, structure or land is located and except in compliance with other applicable provisions of this Ordinance. Any building, structure or land use not provided for in this Ordinance is prohibited.

**Section 4.3 Existing Lots of Record; Existing Lawful Uses.**

- (a) If any lot or parcel in the R-R or MFR Zoning Districts is platted or otherwise of legal record as of the effective date of this Ordinance, but such lot or parcel does not comply with the area and/or width requirements of the zoning district in which it is located, then such lot or parcel may be used for single-family dwelling use, if it has an area of not less than 17,500 square feet.
- (b) Any building, structure or use that is lawfully in existence at the effective date of this Ordinance or any amendment thereof, but which does not comply with an otherwise applicable provision of this Ordinance, may be continued, but it shall be subject to the terms and provisions of Chapter 16, regarding nonconforming uses and structures.

**Section 4.4 Principal Building on a Parcel.** Not more than one principal building shall be placed on a lot or parcel of land unless the lot or parcel of land is used for multiple family, agricultural, commercial or industrial purposes, or for single family and two-family detached dwellings in a conventional condominium development, and unless such use complies with the minimum provisions of the zoning district in which the use is located.

**Section 4.5 Required Area or Space.** No lot or parcel of land shall be so divided or so reduced in area that any required yard or lot area is less than the minimum requirements of this Ordinance at the time of such division or reduction.

**Section 4.6 Accessory Buildings.**

- (a) Accessory buildings are permitted in all zone districts in accordance with the provisions of this section and the accessory building provisions of the applicable zone district.
- (b) No accessory building shall be built or used on a parcel of land on which there is no principal building.

- (c) No accessory building or accessory structure shall be used as a dwelling, either in whole or in part.
- (d) No accessory building shall be installed or constructed before the principal building is constructed, nor maintained or used unless there is a principal building on the lot.
- (e) No mobile home, manufactured home, house trailer, camper, recreational vehicle, semi-trailer, truck or other vehicle, tank, junked object or salvage materials or similar things, objects or items shall be placed, established, installed, erected or used, in whole or in part, as or for an accessory building or an accessory use, whether for storage or any other accessory purpose and whether or not there is a principal building on the same parcel of land as any of such things, objects or items; provided, however, that:
  - (1) A semi-trailer, with all of its wheels and tires attached, may be used in the C and C-1 Districts only, on a parcel of land that includes a principal commercial building, for the storage of commercially-related goods and items that cannot be accommodated in the principal building or in an approved accessory building, subject to all of the following requirements:
    - (i) The semi-trailer must be placed at the rear of the principal commercial building, at a location such that it is not visible from the street that is located parallel to the front yard of the building.
    - (ii) The semi-trailer shall have an attached door or doors, which shall be locked after business hours.
    - (iii) The doors of the semi-trailer shall be kept closed except when goods or items are being placed into or removed from the semi-trailer.
    - (iv) All goods and items kept or stored in the semi-trailer shall be kept fully inside, and no junk, debris or discarded items shall accumulate outside the semi-trailer.
    - (v) When the semi-trailer is no longer used for such permitted storage, it shall be promptly removed.
    - (vi) The goods and items stored in the semi-trailer shall be only those associated with the permitted commercial use occurring on the property; no other goods or items shall be stored or kept in the semi-trailer, nor shall the semi-trailer be rented to or used by persons who are not owners of the property or operators of the commercial use occurring thereon.
- (f) No accessory building shall be installed or constructed unless a building permit and a zoning permit has been issued for such building, unless specifically excepted by this ordinance.

- (g) An accessory building shall be located such that it is at least 10 feet away from the principal building.
- (h) An accessory building may be located in the rear yard, but it shall not be located closer to the rear lot line than the required minimum rear yard building setback for the principal building; provided, however, that an accessory building that has an area of 200 square feet or less may be located within five feet of the rear lot line; and provided further, that in the case of a waterfront lot, an accessory building may be located in the front yard (water side), but it shall not be closer than 40 feet from the water's edge.
- (i) An accessory building may be located in the side yard, but it shall not be closer to any side lot line than the principal building is permitted to be. Accessory buildings located in the side yard shall not occupy more than 30% of the area of the side yard.
- (j) No accessory building shall be located in the front yard of a parcel of land, except as follows:
  - (1) An accessory building may be located in the front yard of a parcel of land if it is placed at least 100 feet back from the nearest street right-of-way line and if no part of the accessory building is located in front of any part of the dwelling or other principal building on the parcel of land.
  - (2) An accessory building on a waterfront parcel of land may be located in the front yard (the water side) of the parcel if it is set back at least 40 feet from the water's edge of the body of water.

**Section 4.7 Accessory Uses.** In any zoning district, accessory uses, incidental and secondary to a permitted land use or other approved land use, shall be permitted when located on the same parcel of land, unless otherwise provided or limited by the terms of this ordinance.

**Section 4.8 Yards and Parcels of Land.**

- (a) Every parcel of land shall have the minimum front, rear and side yards and the minimum lot area and minimum lot width as required by the terms of the zone district in which it is located.
- (b) Minimum lot area shall not include lands comprising public street easements or private street easements, except that if the front line of a lot or parcel is the centerline of a public or private street, or if a portion of a lot or parcel lies within a street right-of-way, the lot area calculated to determine minimum lot area shall include that area inside the street right-of-way.
- (c) Minimum lot width shall not include lands comprising public street easements, private street easements, alleys or other types of easements.
- (d) All lots and other parcels of land shall be adjacent to a public street right-of-way or a private street right-of-way.

- (e) The front lot line of a lot or other parcel of land shall be at least as wide as the required minimum lot width, except that the width of a flag lot and a cul-de-sac lot at their respective front lot lines shall be at least 66 feet.
- (f) The required minimum width of a lot or other parcel of land shall be maintained throughout the depth of the lot or parcel; provided, however, that the width of a flag lot or cul-de-sac lot that has at least 66 feet of street frontage, but less than the required lot width at the street right-of-way line, shall increase throughout the depth of the lot until the required minimum lot width is achieved, and from that point, such required minimum lot width shall be maintained throughout the remainder of the lot, back to the rear lot line.
- (g) The required minimum front yard building setback shall be measured from the nearest street right-of-way line, except that for a flag lot and a cul-de-sac lot, such setback shall be measured from the point at which the required minimum lot width is first achieved.

The required minimum front yard building setback shall be measured to the nearest point on any part of the main wall of the building; provided, however, that if the portion of the street used for travel (whether paved, graveled or otherwise) is located in whole or in part nearer to the main building than the nearest street right-of-way line, then the required front yard shall be measured from the nearest edge of the traveled portion of the street (whether such portion is paved, graveled or otherwise).

- (h) No building or structure shall be located closer to the front lot line than the required minimum front yard building setback for the zone district.
- (i) No building or structure shall be located within that part of a lot or a parcel that has less than the required minimum lot width for the zone district.
- (j) That part of a lot or parcel that has less than the required minimum lot width shall not extend a distance greater than 1,320 feet from the public street or the private street on which it fronts.

#### **Section 4.9 Height Exceptions.**

- (a) The maximum height requirements of all zones may be exceeded by parapet walls that are four feet or less in height, chimneys, silos and farm barns, cupolas, steeples, spires and other ornamental projections, water towers and wind turbine generators and their supporting towers not exceeding 50 feet in height.
- (b) The height of antennas and towers for communications, radio, television, wind energy and other purposes shall be subject to Section 12.49.
- (c) In the I-1 District, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary appurtenances are permitted above the maximum height limitation, if their distance from any adjoining property line is at least as great as their height.

- (d) Signs, wherever located, are not included within the height exceptions specified in this section; signs in all districts shall be subject to the terms of Chapter 14.

**Section 4.10 Corner Lots.** If a lot or other parcel of land is bounded by two streets, the required front yard building setback shall be complied with for each adjacent street.

**Section 4.11 Moving of Buildings.** The moving of a building to a new location shall be considered as the erection of a new building, and all provisions and requirements relating to the erection of a new building shall apply.

**Section 4.12 Basement and Illegal Dwellings.** The use of a basement or any part thereof as a dwelling or as sleeping quarters is prohibited. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages shall not be occupied for dwelling purposes.

**Section 4.13 Essential Services.** The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer or storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district. The erection and use of buildings for such purposes shall take place only if approved by the Planning Commission as a special use under Chapter 12.

**Section 4.14 Single-Family Dwellings – Minimum Requirements.** A single-family dwelling erected or placed on a lot or parcel of land outside of a manufactured housing community shall comply with all of the following minimum requirements:

- (a) It shall have a minimum width of 22 feet, extending for at least 3/4 of its length (in the application of this sentence, width shall mean the shortest elevation of the dwelling).
- (b) There shall be a minimum floor to ceiling height of 7 1/2 feet.
- (c) The dwelling shall comply with the minimum floor area requirements for the district in which it is located.
- (d) The dwelling shall be connected to a public sewer system and public water supply system, or to such private sewer facilities and water facilities as are approved by the Kent County Health Department or by other agency having jurisdiction.
- (e) All construction and all plumbing, mechanical, electrical apparatus and insulation in and about the dwelling shall be of a type and quality complying with the Township Construction Code or the Mobile Home Construction and Safety Standards as promulgated by the U. S. Department of Housing and Urban Development. The dwelling shall satisfy all applicable roof, snow load and strength requirements.
- (f) The placement, installation and construction of a mobile home shall meet the following additional requirements:

- (1) It shall have either a sloped roof with shingles, or a flat roof containing built-up roofing.
- (2) Additions to the mobile home shall comply with the Township Building Code. The exterior of any addition shall be compatible with the exterior appearance of the mobile home.
- (3) The mobile home shall comply in all pertinent respects with the Township Construction Code. It shall be secured to the premises by an anchoring device complying with regulations of the Michigan Manufactured Housing Commission. An exposed towing mechanism or undercarriage shall not be permitted.

**Section 4.15 Maximum Lot Depth to Width Ratio.** In all zoning districts, no building or structure shall be constructed on a lot or parcel the length or depth of which exceeds four times the width of such lot or parcel, as measured at the required front yard building setback line; provided, however, that this provision shall apply only to lots or parcels of land that are 10 acres or less in area; and, provided further, that this section shall not apply to a lot or other parcel of land which was platted or was otherwise of record in the office of the register of deeds at the effective date of this section.

**Section 4.16 Home Occupations.** Home occupations, in accordance with the terms of this section, are permitted in the R-R, MFR and L-R Districts, if the home occupation is clearly incidental and secondary to the principal residential use. A home occupation shall comply with all of the requirements of this section; provided, however, that the providing of medical marijuana as a home occupation shall comply with Section 4.17 and those provisions of this Section 4.16 that are required to be complied with under the terms of Section 4.17.

- (a) A home occupation shall comply with all of the following requirements:
  - (1) The use shall be conducted entirely within a dwelling or within a building accessory to a dwelling.
  - (2) It shall be carried on only by the residents of the building and not more than one additional person.
  - (3) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling for dwelling purposes. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from their residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light that carry beyond the premises, except that a sign or signs complying with the sign requirements of the applicable zoning district may be used.
  - (4) There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.

- (5) No storage or display shall be visible from outside the dwelling or an accessory building.
  - (6) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
  - (7) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
  - (8) As a result of home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
  - (9) There shall be adequate off-street parking spaces.
  - (10) There shall be no deliveries from commercial suppliers, other than on an occasional or incidental basis.
  - (11) A sign identifying a home occupation permitted by right shall not exceed six square feet in area.
  - (12) Not more than four motor vehicles shall be permitted at any one time on the premises, except for motor vehicles owned by persons residing on the premises and used for their personal use.
  - (13) A home occupation located in a dwelling shall occupy an area not greater than 20% of the area of one story of the dwelling.
- (b) The following home occupations shall be permitted, if in compliance with the terms of this section:
- (1) Dressmaking, sewing and tailoring.
  - (2) Painting, sculpturing and writing.
  - (3) Telephone answering service.
  - (4) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making, but any sales on the premises shall be of only arts and crafts made on the premises and shall occur only occasionally.
  - (5) Office of a sales person, sales representative or manufacturer's representative.

- (6) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
- (7) Drafting and illustration services.
- (8) Architecture and interior design work.
- (9) Bookkeeping, accounting and financial planning.
- (10) Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like (but excluding sales on the premises).
- (11) Consulting and counseling services.
- (12) Private tutoring.
- (13) Telephone solicitation work; telephone answering service.
- (14) Computer programming and other computer related work.
- (15) Secretarial services.
- (16) Office of minister, priest or other member of the clergy.
- (17) Watch repair.
- (18) Beauty salons and barber shops.
- (19) Furniture upholstery.
- (20) Cabinet making and carpentry work.
- (21) Television and other small household appliance repair.
- (22) Office of building contractor or building trades persons.
- (23) Travel booking service.
- (24) Gun repair and fitting service as a gunsmith engaged solely in the business of gun repair and fitting. The gun repair and fitting service home occupation shall not include sales on the premises.
- (25) Home occupations which are similar in nature and effect to those specifically listed in this section. The determination whether a proposed home occupation is sufficiently similar in nature and effect to a home occupation specifically listed in this section may be made by the zoning administrator.



but in the discretion of the zoning administrator, such determination may be made by the Planning Commission at a public meeting.

**Section 4.17 Providing of Medical Marijuana.**

- (a) A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this section, shall be permitted as a home occupation, as regulated in this Section 4.17. Nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marijuana not in strict compliance with the MMMA and the MMMA General Rules.

Because federal law is not affected by the MMMA or the MMMA General Rules, nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the providing or use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act or any other applicable federal legislation.

- (b) The following standards and requirements shall apply to the location at which the providing of medical marijuana, as defined in Section 2.4(d), is conducted by a primary caregiver. These requirements shall supersede and replace the general standards in Section 4.16 of the ordinance, except where such provisions are expressly incorporated by reference herein.
  - (1) The providing of medical marijuana shall comply at all times and in all circumstances with the MMMA and the MMMA General Rules, as they may be amended from time to time.
  - (2) A registered primary caregiver shall be located outside of a 1,000-foot radius from any school, school grounds, school playing field or other school property used for instruction of children in grades kindergarten through 12th grade.
  - (3) Not more than one registered primary caregiver shall be permitted to operate at one property. The primary caregiver shall be a full-time resident of the dwelling.
  - (4) The providing of medical marijuana shall be conducted entirely within the dwelling (which may include an attached garage) and not more than one lawful accessory building located on the same parcel of land as the dwelling.
  - (5) No sign shall be permitted which in any way identifies the home occupation, or indicates that the providing of medical marijuana is taking place on the premises, whether by word, image or otherwise, nor shall any vehicle having such a sign be parked anywhere on the premises.

- (6) Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the providing of medical marijuana, there shall be no use of material or equipment not generally associated with the normal ownership, use, and maintenance of a dwelling or a permitted accessory building.
- (7) The distribution or other delivery of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. Marijuana and associated permitted items shall be delivered to the qualifying patients associated with the primary caregiver only at the qualifying patient's residence or elsewhere. No qualifying patient shall visit, come to or be present at the residence of the primary caregiver to smoke, consume, obtain or receive possession of any marijuana.
- (8) No person other than the primary caregiver for a qualifying patient shall deliver marijuana to that qualifying patient. The primary caregiver shall personally deliver the marijuana to his or her qualifying patient.
- (9) All medical marijuana shall be contained within the primary caregiver's dwelling and/or lawful accessory building on the same parcel of land as the dwelling (except when being lawfully delivered by the primary caregiver to the primary caregiver's qualifying patient at the qualifying patient's home or elsewhere) and in a fully enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver. Any person under 18 years of age shall not have access to any medical marijuana.
- (10) No on-site consumption or smoking of marijuana shall be permitted within the dwelling or a lawful accessory building (or on the lot or other parcel of land) of a primary caregiver except for any lawful medical marijuana consumption by the primary caregiver himself or herself if he or she is a registered qualifying patient and in full compliance with the MMMA.
- (11) No quantity of medical marijuana shall be grown, processed or handled at, from or through the dwelling or lawful accessory building of the primary caregiver beyond the quantity which is permitted by law for the qualifying patients of the primary caregiver.
- (12) All required building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling or lawful accessory building in which electrical wiring, lighting or watering devices that support the cultivation, growing, or harvesting of marijuana are located.
- (13) If a room with windows is utilized as a growing location for marijuana, the plants shall be located or the windows covered so that no marijuana plant is visible from outside of the dwelling or lawful accessory building. Any lighting shall be shielded, without alteration to the exterior of the dwelling or

lawful accessory building, to prevent ambient light spillage that may create a distraction for adjacent or nearby properties.

- (14) No growing or processing of marijuana shall occur out-of-doors. All medical marijuana growing, processing and handling shall occur entirely within the dwelling or lawful accessory building.
  - (15) No sale or distribution of merchandise or products associated in any way with medical marijuana shall be conducted on, within or from the dwelling or lawful accessory building (including the lot or parcel of land involved) of the primary caregiver, other than the permitted quantity of medical marijuana itself.
  - (16) The dwelling, any accessory building and the parcel of land on which they are located shall be open for inspection upon request by the zoning administrator, building official and law enforcement officials, for determining compliance with all applicable laws and rules.
- (c) Medical use of marijuana, a medical marijuana dispensary, a medical marijuana business, a medical marijuana provisioning center and a safety compliance facility were not permitted prior to adoption of this section, and accordingly, such uses or activities, or any of them, shall not be nonconforming uses, in whole or in part, nor shall they or any of them have the benefits of or be treated as nonconforming uses, in whole or in part.
  - (d) The providing of medical marijuana was not permitted prior to adoption of this section, and accordingly any such prior action shall not qualify as a nonconforming use.
  - (e) A qualifying patient's use of his or her dwelling or lawful accessory building for the cultivation of or other lawful activity relating to medical marijuana solely for personal use of the patient shall comply with all applicable requirements of the MMMA, the MMMA General Rules and this section.
  - (f) It is unlawful and a violation of this Ordinance to establish or operate a medical marijuana dispensary or a medical marijuana business within the Township.
  - (g) It shall be unlawful and a violation of this Ordinance:
    - (1) For a person who is not a registered primary caregiver to sell, transfer, convey, give or deliver marijuana, including the seeds of the marijuana plant or any other part of the marijuana plant, to any person;
    - (2) For a primary caregiver to sell, transfer, convey, give or deliver marijuana, including the seeds of the marijuana plant or any other part of the marijuana plant, to any person who has not specified that primary caregiver as the person's primary caregiver;

- (3) For a qualifying patient to sell, transfer, convey, give or deliver marijuana, including the seeds of the marijuana plant or any other part of the marijuana plant, to any other qualifying patient, except that a qualifying patient who is also a primary caregiver may provide marijuana to his or her qualifying patient(s) in accordance with the MMMA and this Ordinance;
- (4) For any person to possess or cultivate marijuana plants or any part thereof if such person is neither a registered primary caregiver nor a registered qualifying patient; or for any primary caregiver to possess or cultivate marijuana plants or any part thereof in excess of 12 marijuana plants for each registered qualifying patient for whom such person is the specified primary caregiver; or for any qualifying patient to possess or cultivate more than 12 marijuana plants or any part thereof if the qualifying patient has not specified a primary caregiver for himself or herself and if the qualifying patient is not also a registered primary caregiver for a qualifying patient;
- (5) For any person who is not a registered primary caregiver to sell, transfer, convey, give or deliver paraphernalia relating to the administration of marijuana to any person other than the caregiver's registered qualifying patient who is receiving or acquiring the paraphernalia for the purpose of treating or alleviating his or her own debilitating medical condition or symptoms associated with the debilitating medical condition.
- (6) For a primary caregiver to possess, or to sell, transfer, convey, give or deliver any quantity of the seeds of the marijuana plant in excess of an incidental amount of such seeds, to any person, such incidental amount being defined as not more than (a) one marijuana plant seed for each marijuana plant that a primary caregiver is permitted by law and this Ordinance to cultivate for each of the caregiver's qualifying patients, and (b) one marijuana plant seed for each marijuana plant that the primary caregiver is permitted by law and this Ordinance to cultivate for himself or herself, if such primary caregiver is also a registered qualifying patient.
- (7) For a qualifying patient to possess more than an incidental amount of seeds of the marijuana plant, such incidental amount being defined as not more than one marijuana plant seed for each marijuana plant that the qualifying patient is permitted by law to cultivate for his or her own use to treat or alleviate his or her debilitating medical condition or symptoms associated with the debilitating medical condition as defined in the MMMA.
- (8) Purchasing medical marijuana from a registered primary caregiver or a registered qualifying patient.
- (9) Purchasing or receiving medical marijuana, including seedlings, from a medical marijuana provisioning center.
- (10) Purchasing marijuana seeds to grow medical marijuana from a registered primary caregiver, a registered qualifying patient, a medical marijuana

business, a medical marijuana dispensary or a medical marijuana provisioning center.

- (11) Cultivating or manufacturing medical marijuana from marijuana seeds or marijuana seedlings that were purchased from a registered primary caregiver, a registered qualifying patient, a medical marijuana business, a medical marijuana dispensary or a medical marijuana provisioning center.
- (12) Possessing or manufacturing paraphernalia.
- (13) Possessing or processing medical marijuana produced by a medical marijuana provisioning center.
- (14) Transporting medical marijuana, including seeds and seedlings, from a medical marijuana provisioning center or a safety compliance facility.
- (15) Receiving compensation, other than reimbursement for actual and direct expenses, for the supplying or providing of medical marijuana to a registered qualifying patient.

**Section 4.18 Building Access.** No building shall be constructed or used unless the lot or parcel on which it is located is adjacent to a public or private street right-of-way.

**Section 4.19 Outdoor Lighting.**

- (a) The intent and purpose of this section is to promote and maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties.
- (b) Outdoor lighting shall comply with, and certain types of outdoor lighting are exempt from, the provisions of this section.
  - (1) The following types of outdoor lighting are not regulated by this section and are therefore exempt from its provisions:
    - (i) Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal lighting such as for holiday purposes, and residential yard lights, whether building mounted or pole mounted.
    - (ii) Sign lighting, which is regulated by Chapter 14.
    - (iii) Outdoor light fixtures installed prior to the effective date of this section; provided, however, that when any such outdoor light fixture is replaced or structurally altered, then the fixture shall thereafter comply with all of the provisions of this section.

- (iv) Outdoor light fixtures at and for temporary recreational events, festivals and celebratory observances not exceeding three days in duration, but such events and observances shall not be illuminated after 11 p.m., except to conclude an event or observance that was in progress prior to such time.
  - (v) Outdoor light fixtures at and for public schools, publicly-owned stadiums and arenas and other publicly-owned facilities, but an outdoor recreational facility or other outdoor recreation activity shall not be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or activity, where the event or activity was in progress prior to 11:00 p.m.
  - (vi) Street lights located within the right-of-way of a public street or private street.
  - (vii) Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.
  - (viii) Lighting necessary for road or utility construction or emergencies.
  - (ix) Outdoor light fixtures for the purpose of illuminating monuments and United States, state and township flags, but such lighting shall not be of any greater intensity than that necessary to reasonably illuminate such monuments or flags, and it shall not result in excessive glare or spillage of light onto adjacent or nearby lands.
  - (x) Outdoor lighting necessary for security purposes, but such lighting shall be sufficiently shielded so as not to cause excessive glare or spillage of light onto adjacent or nearby lands or public or private streets.
- (2) Outdoor lighting shall be reviewed as a part of the site plan review process under Chapter 13. The following types of lighting are regulated by the terms of this section:
- (i) Parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - (ii) Multiple family development parking lot lighting and site lighting.
  - (iii) Publicly and privately owned roadway lighting.
  - (iv) Commercial and industrial building facade lighting.

- (v) Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
  - (vi) All forms of neon lighting.
- (3) Lighting shall be designed and constructed so as to comply with all of the following requirements:
- (i) Insure that direct or directly reflected light is confined to the development site.
  - (ii) Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
  - (iii) The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one foot candle.
  - (iv) Lighting fixtures shall have 100 percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than 20 feet above the average grade of the site, unless otherwise permitted. All luminaries shall be recessed within the fixture to conceal the luminary or bulb.
  - (v) Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
  - (vi) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and searchlights are not permitted.
  - (vii) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (4) Prohibited Outdoor Lighting.
- (i) Unshielded dusk to dawn outdoor lighting is prohibited in all zoning districts, except that such lighting shall be permitted on bona fide farms in the R-R District if it complies with other requirements of this section, but all such lights shall be designed, equipped and installed

so as not to cause excessive glare or spillage of light onto adjacent or nearby lands.

- (ii) The use of search lights except by law enforcement agencies and civil authorities is prohibited.

#### **Section 4.20 Private Roads.**

- (a) **Definition.** A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwelling units or structures, or combination thereof, whether created by private right-of-way agreement, easement or prescription.
- (b) **Minimum Improvement and Maintenance Required.** All private roads, whether new or existing, shall at all times be improved, maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards provided in this section. All persons who own property which abuts a private road are jointly and severally responsible for compliance with this requirement.
- (c) **New Buildings.** No building or structure shall be erected which has its primary means of access from a private road unless the requirements of this section are satisfied.
- (d) **Standards for New Private Roads.** Means of ingress or egress which are physically improved or extended after May 17, 1991 so as to become private roads, regardless of whether the right-of-way was legally in existence before that time, shall comply with the following requirements:
  - (1) New private roads shall be subject to site plan review in accordance with Chapter 13 of this Ordinance. The Planning Commission shall review the plans, drawings, and other materials relating to the private road and, if it determines that all applicable provisions of the ordinance have been satisfied, the Planning Commission shall approve the issuance of a private road permit. Private roads which are part of a site condominium, planned unit development, or other development shall be reviewed and approved as part of that process, and separate site plan review shall not be required. Applicants for review of a private road shall pay a fee established by resolution of the Township Board from time to time.
  - (2) Prior to the issuance of a private road permit, there shall be submitted to the Township zoning administrator an approved driveway permit from the Michigan State Highway Department or the county road commission, in all cases where either of such permits is required.
  - (3) In connection with site plan review, the applicant and/or owner of the proposed private road right-of-way shall provide the Township with a



recordable private road maintenance or restrictive covenant agreement between the owners of the private road right-of-way and any other parties having an interest therein, or other documentation satisfactory to the Township which shall provide for and ensure that the private road shall be regularly maintained, repaired and snowplowed so as to ensure that the private road is safe for travel at all times, that suitable access is provided for emergency vehicles, and that the cost thereof is paid. The agreement shall be binding against all future owners of lands which are served by the private road. Said agreement, once approved, must be executed and recorded before a building permit shall be issued for any building or structure to be served by the private road.

- (e) **Design and Construction Requirements.** All private roads shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:
- (1) The private road right-of-way shall be at least 66 feet in width.
  - (2) The area in which the private road is located shall have a minimum cleared width of 30 feet.
  - (3) Private roads serving four or fewer parcels shall have a minimum roadbed width of 16 feet; private roads serving five or more parcels shall have a minimum roadbed width of 22 feet of paved shoulder or valley gutter on each side.
  - (4) Private roads serving four or fewer parcels of land shall have a minimum subbase of 12 inches of sand and six inches of finished, compacted gravel (No. 22A).
  - (5) Private roads serving five or more parcels of land shall be paved with a minimum subbase of 12 inches of sand and six inches of finished, compacted gravel (No. 22A), and a minimum of 3.5 inches of bituminous aggregate. Such paved private roads shall comply with other applicable county road commission construction requirements for local roads.
  - (6) Any private road which terminates at a dead end shall have a cul-de-sac with a minimum radius of 40 feet and shall have a cleared minimum radius of at least 60 feet.
  - (7) No private road shall extend for a distance of more than 2,640 feet in length from the nearest public road right-of-way as measured along the centerline of the private road, unless direct access is provided thereto from another public road.
  - (8) The private road surface shall have a minimum crown of .2 feet from the centerline of the road to the outside edge thereof.

- (9) A road shoulder shall be provided on each side of the private road surface with a minimum width of two feet for each shoulder.
  - (10) The maximum longitudinal road grade shall not exceed 6 percent, provided the Township may allow up to an 8 percent grade provided the Township is satisfied that such increase in road grade will not adversely public safety or cause undue erosion.
  - (11) A private road shall be constructed so as to sufficiently control storm water runoff, by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of storm water runoff.
  - (12) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private road, shall satisfy the requirements of the Township engineer and/or any governmental agency having jurisdiction.
- (f) All parcels utilizing a private road shall have frontage on the private road for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.
  - (g) All private roads shall have direct access to a public road.
  - (h) All private roads shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.
  - (i) The layout of the private road and the intersections of the private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured. The minimum distance between intersections of public and/or private road and street rights-of-way shall not be less than 150 feet, as measured along the right-of-way lines thereof.
  - (j) All private roads shall be named and identified by use of appropriately located road name signs. Road names shall not duplicate any existing road name in the County, except in the case of the continuation of an existing road. All lots fronting on a private road shall have an address on the private road. A stop sign conforming to the requirements of the county road commission shall be provided at the exit point from the private road to the public road, if required by the county road commission.
  - (k) A private road or interconnected private road system shall not serve more than 40 parcels, principal buildings, dwelling units, structures, or combination thereof, unless a second means of access is provided for the entire property or development served by the private road or private road system. Any such second means of ingress and egress shall comply with the minimum standards for private roads, as set forth in this section.

- (l) Upon completion of construction, the owner shall submit a certification signed by a registered engineer stating that the road has been completed in accordance with the approved site plan and construction plan. The owner shall correct any deficiencies identified. Upon review and approval of the completed private road improvement, the zoning administrator shall issue a final private road permit to the owner. Building permits for construction on property served by the private road shall not be issued until the final private road permit has been issued.
- (m) The erection of a building or other structure which would increase to five or more the total number of such buildings or structures served by a private road constructed after May 17, 1991, whether by extension of the private road, lot division or otherwise, shall be prohibited unless such private road complies, for its whole length, with paragraph (d)(5) and the other provisions of this section.
- (n) **Existing Private Roads.** Notwithstanding the foregoing, a building or structure may be erected upon a lot or parcel abutting a private road constructed adjacent to that property before May 17, 1991 if:
  - (1) The lot or parcel was platted or otherwise of legal record as an individual lot or parcel as of December 31, 1998 and
  - (2) The private road:
    - (i) Has a cleared area at least 24 feet in width.
    - (ii) Has a travel area at least 16 feet in width.
    - (iii) Is graded to be passable by emergency vehicles.
    - (iv) Has sufficient gravel or other surface to be passable on a year-round basis.
- (o) **Division of Parcels on Existing Private Roads.** Notwithstanding the foregoing, if
  - (i) a building or structure is proposed to be erected upon a lot that was not platted or otherwise of legal record as an individual lot or parcel as of December 31, 1998, and
  - (ii) the private road abutting the lot was constructed before May 17, 1991, then the building or structure may be erected if that portion of the private road which from its intersection with the public right-of-way, extending across the lot on which the building is to be constructed, is brought into compliance with paragraph (d), with the following exceptions:
    - (1) Site plan review shall not be required.
    - (2) The required minimum right-of-way shall be reduced to 24 feet for private roads which provide access to less than five lots, parcels, buildings or structures and to 30 feet for those which provide access to five or more lots, parcels, buildings, or structures, and the required right-of-way width for any required turn-around to a radius of 40 feet.

(3) The requirement for a road maintenance agreement shall be waived if the owners of other properties abutting the road refuse to agree upon road maintenance. In this case, there shall be recorded against the property a binding covenant that the owner of the property must ensure that the private road shall be maintained, repaired, and snowplowed so as to ensure that it is safe for travel at all times and provides sufficient access to emergency vehicles. Such covenant will not relieve other parties who utilize the road from their responsibilities under paragraph (b) of this section.

(p) **Extension of Private Roads.** No private road which does not meet the standards of paragraph (d) shall be extended in length, nor shall any new private road be constructed which intersects with said nonconforming private road, unless the entire length of the private road or roads is brought into compliance with paragraph (d) of this section, subject to the same exceptions listed in paragraphs (n)(1) and (2).

#### **Section 4.21 Inoperable, Disabled and Unused Motor Vehicles.**

- (a) The accumulation or storage of inoperable, disabled or unused motor vehicles, or parts thereof, except in compliance with the terms of this Ordinance or other township ordinances, is hereby declared to be a public nuisance. The presence of such motor vehicles or parts thereof constitutes an attractive nuisance, invites plundering, constitutes an unsightly condition tending to reduce the value of real property and otherwise contributes to blight and deterioration, all contrary to the public interest and welfare.
- (b) No inoperable or disabled motor vehicle or any part thereof shall be located on any lot or parcel of land for a period in excess of seven consecutive days, unless such motor vehicle or part thereof is kept within a wholly-enclosed building or other wholly-enclosed structure or unless the keeping of such motor vehicle or part thereof is in compliance with the junk yard regulations of the Township Ordinance Code and all other applicable Township ordinances.
- (c) As used in this section, an inoperable motor vehicle means:
- (1) A motor vehicle subject to registration under the State of Michigan Motor Vehicle Code but which has not been registered or which does not display current license plates issued for the vehicle.
  - (2) Or a motor vehicle, whether or not registered under the State of Michigan Motor Vehicle Code, which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power or which is unsafe for operation on the streets and highways of the state because of its non-compliance with the State Motor Vehicle Code.
- (d) As used in this section, disabled motor vehicle means any motor vehicle which is wrecked, inoperable, partially or totally dismantled, junked or abandoned and any part or parts thereof which:

- (1) Constitute an unsightly condition.
  - (2) Create a fire hazard.
  - (3) Constitute an attractive nuisance.
  - (4) Tend to be a refuge for disease-spreading insects or vermin.
  - (5) Promote or contribute to blight or deterioration.
- (e) Not more than one motor vehicle may be parked or stored out of doors on any lot or parcel of land for more than seven consecutive days without such vehicles displaying current valid license plates, unless the same is otherwise permitted by the terms of this Ordinance or by the terms of other applicable Township ordinances.

**Section 4.22 Trash and Junk.** It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in the Township, except in a lawful junk yard or sanitary landfill or unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.

**Section 4.23 Motor Vehicle Repair.** Normal and customary maintenance work on motor vehicles in residential districts shall be permitted, but such work shall not be carried out for business or commercial purposes.

**Section 4.24 Traffic Visibility Across Corners.** No fence, structure or planting over 30 inches in height shall be erected or planted within a 20-foot radius of the corner property lines, in order to avoid interference with traffic visibility across corners.

**Section 4.25 Fences and Walls.**

- (a) The construction, placement and use of all fences and walls shall comply with the provisions of this section.
- (b) All fences or walls constructed on lands abutting lakes or other navigable bodies of water shall be so located and shall be constructed of such material as to permit an unobstructed view of any such lake or body of water through the fence or wall.
- (c) Fences or walls constructed or maintained on lots or parcels of land having an area of three acres or less shall not contain barbed wire or have any electric current or other charge of electricity.

**Section 4.26 Antennas and Towers Not Exceeding 50 Feet in Height.** Freestanding radio, television or commercial wireless telecommunications antennas or towers (including satellite dish antennas) not exceeding 50 feet in height, are permitted in all districts upon compliance with the following requirements:

- (a) The antenna shall be permanently secured to a stable foundation.

- (b) No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- (c) No freestanding antenna shall exceed a height of 50 feet above grade, except that freestanding antennas or towers exceeding such height may be permitted by the Planning Commission as a special land use under Chapter 12.
- (d) Except in the R-R District, an antenna or tower (including a satellite dish antenna) shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
- (e) An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of 20 feet, as measured from its foundation.
- (f) All antennas must be grounded to protect against damage from lightning.
- (g) An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- (h) Amateur radio antennas (being antennas operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and operated under a license issued by the Federal Communications Commission shall be subject to the provisions of this section, but if the effect of any such provision upon the operation of an amateur radio antenna would be to preclude or prevent the operation of such an antenna, then such provisions shall not apply.

**Section 4.27 Flag Lots.** Flag lots are permitted in the R-R Rural District only upon compliance with the following minimum requirements:

- (a) A flag lot shall be accessed only by that part of the parcel that is at least 66 feet wide and which connects to a public street. That part of the parcel which consists of the access portion and which connects to a public street shall not be included for purposes of calculating the minimum lot area of the flag lot.
- (b) A flag lot shall be divided from a lot not less than five acres in area. After the division both the flag lot and the parcel from which it is divided shall each have a minimum lot area of two acres.
- (c) Except for the access portion of the flag lot, the flag lot shall comply with the minimum lot width of the zone district, and its length or depth shall not exceed four times its width.
- (d) The minimum distance between the access portions of two flag lots shall be at least 200 feet.

- (e) The access portion of a flag lot shall have a cleared area at least 24 feet wide, have a traveled area at least 16 feet wide and shall be graded and sufficiently maintained to be readily passable by emergency vehicles on a year round basis. The access portion of a flag lot shall have a cul-de-sac with a minimum 40-foot radius turn-around area at the end, so as to accommodate the turning around of emergency vehicles.
- (f) The house number for a flag lot shall be posted on the public street near the intersection of the public street with the access portion of the flag lot.

**Section 4.28 Domestic Animals.**

- (a) Animals shall be kept only under sanitary conditions and in sanitary enclosures.
- (b) Livestock such as, but not limited to, horses, cattle, pigs, sheep, llamas, buffalo and other large animals commonly regarded as livestock shall be permitted only in the R-R District.
- (c) Not more than three adult, household dogs, six months of age or older, shall be kept or housed on any parcel of land unless a kennel special land use is approved under the terms of Section 12.29.
- (d) Animals other than customary household pets shall at all times be confined on the parcel of land where they are kept, and shall not be permitted to escape to other lands.
- (e) Exotic, endangered or unusual animals such as but not limited to leopards, bobcats, wolves, coyotes, cougars, large snakes and alligators shall not be kept or maintained on lands in any district.
- (f) The provisions of this section shall not apply to farm livestock and other farm animals that are kept as a part of a bona fide farm operation.

**Section 4.29 Natural River District.** As to all lots and parcels of land adjacent to Wabasis Creek and east of Morgan Mills Avenue, the following minimum provisions shall be required:

- (a) Each lot or parcel shall have a minimum width of 150 feet.
- (b) No structure shall be located closer than 100 feet from the edge of the stream.
- (c) A 25-foot wide natural vegetation strip shall be maintained on both sides of the stream. Trees and shrubs may be pruned in order to create a filtered view of the river, but clear-cutting is prohibited. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed without approval of the Zoning Administrator. Selective removal or trimming of trees for timber harvest, landscaping or public utilities is permitted if approval is obtained from the Zoning Administrator.

- (d) No mining or other extractive industry or activity shall be permitted within 300 feet of the stream.

**Section 4.30 Landscaping and Buffering.**

- (a) Landscaping is an important element of the use, development and preservation of lands devoted to those land uses that are subject to site plan review under the terms of this ordinance. Landscaping is a significant factor in conserving the value of land and buildings.
- (b) The standards and requirements of this section apply to any land use for which site plan review is required under the terms of Chapter 13, including but not limited to commercial uses, industrial uses, special land uses, planned unit developments and other circumstances or types of land use as to which site plan review is required.
- (c) The provisions of this section shall not apply to an individual single-family detached dwelling or an individual two-family dwelling.
- (d) In several instances, the standards and requirements of this chapter are intentionally made flexible, so as to encourage innovative and creative landscape design, consistent with the purposes of this chapter. Applicants are encouraged to provide landscaping in addition to the minimum required, so as to improve the function, appearance and value of properties within the Township.
- (e) The landscaping requirements of this section shall be complied with insofar as they are reasonably feasible. However, in its review of a site plan, the Planning Commission may modify the landscaping, buffering and screening requirements of this chapter, if the purposes of this chapter will nevertheless be achieved. In approving any such modifications, the Planning Commission shall consider the following criteria:
  - (1) The amount of space on the site available for landscaping.
  - (2) Existing landscaping on the site and on adjacent and nearby properties.
  - (3) The type of land use on the site and the size and scope of the development
  - (4) Existing and proposed adjacent and nearby land uses.
  - (5) Existing native vegetation on the site, and the extent to which strict application of the regulations of this chapter may result in less effective screening and landscaping than alternative landscape designs which incorporate the native vegetation on the site.
  - (6) The topographic features of the site which may create conditions such that strict application of the provisions of this chapter will result in less effective screening and landscaping than alternative landscape designs which utilize existing topographic features.



- (f) For those land uses for which landscaping is required, a landscape plan shall be prepared and submitted. The plan may be incorporated within a site plan being submitted for site plan review or for other approvals, or it may be a separate plan. The plan shall have sufficient detail and clarity to enable the Planning Commission fully to evaluate all aspects of the proposed landscaping. The landscape plan shall include, among other matters, the following, except those matters which the Planning Commission determines are not necessary to a decision with respect to required landscaping:
- (1) Existing vegetation on the site and a clear indication of which existing plants, if any, will be retained.
  - (2) Existing and proposed contours of the site, shown at reasonable intervals.
  - (3) The location, spacing, size and description of each plant type proposed to be used in all landscaped areas.
  - (4) Topographic features of the site which will be utilized as a part of the landscaping of the site.
  - (5) Description of a proposed landscape maintenance program, including a statement that all diseased, damaged or dead plant materials shall be promptly replaced.
- (g) A landscape plan shall be subject to the approval of the Planning Commission. The Commission shall review the plan in its review of a site plan, a planned unit development plan, or in connection with the review of other land uses for which a landscape plan is required. The Planning Commission may approve the landscape plan, reject the plan or approve the plan with terms and conditions and/or modifications.
- (h) Required landscaping under the provisions of this section shall comply with the following:
- (1) All required landscaping shall be planted prior to the issuance of a certificate of occupancy; provided, however, that if a certificate of occupancy is ready to be issued, but inclement weather prevents the completion of required landscaping, the certificate may nevertheless be issued, but upon the specific condition that the remaining required landscaping shall then be installed as soon as weather conditions permit, or not later than a date to be specified in the certificate.
  - (2) For the purpose of applying the landscape requirements of this chapter, a corner lot shall be considered as having a front yard along each intersecting street, and accordingly, the required front yard landscaping shall be provided for both street frontages.

- (3) Plant materials shall be planted and maintained so as not to create any site obstruction near street intersections.
- (4) Landscaping shall be provided adjacent to buildings if such landscaping serves to enhance the general appearance of the building.

**(i) Preservation of Existing Trees and Other Landscape Elements.**

- (1) A landscape plan shall provide for the preservation of existing trees of reasonable quality whenever such preservation is feasible, particularly in greenbelt areas. Relocation of existing trees within the site is also encouraged.
- (2) Existing trees may be utilized for the purpose of complying with landscape requirements, if the trees are in healthy growing condition and if they comply with minimum size requirements.
- (3) Existing trees and other vegetation that are to be preserved shall be labeled "to remain," or with some comparable legend, on the landscape plan. During construction, protective measures shall be taken so as to protect all plants that are to be preserved, including the installation of temporary fencing or other barriers.

**(j) Installation and Maintenance of Plant Materials.**

- (1) All landscaping shall consist of hardy plant materials, which shall be maintained thereafter in a healthy condition. Withered and/or dead plant materials shall be replaced within one growing season.
- (2) All landscaped areas shall be provided with a readily available water supply, sufficient in quantity and reasonably convenient, so as to assure adequate water for maintaining plant materials in a healthy growing condition.

**(k) Front Yard Landscaping.**

- (1) Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped in accordance with the following minimum requirements:
  - (i) Front yard landscaping required by the terms of this section, shall be within a greenbelt that is at least 20 feet wide.
  - (ii) Front yard landscaping may consist of canopy trees, evergreen trees, ornamental trees, shrubbery or any combination thereof, subject to the approval of the Planning Commission in site plan review.
  - (iii) As an alternative to formal groupings of trees and shrubbery, and to provide more variety in landscaping, applicants are encouraged to

incorporate natural vegetation, including grasses, perennials and the like.

- (iv) Earthen berms may be utilized within the front yard to provide variety in the appearance of the site and for the screening of vehicle parking areas.

- (l) **Parking Area Landscaping.** Off-street paved parking areas may be required to be landscaped, either along portions of the perimeter thereof or by the establishment of landscaped islands, as may be required by the Planning Commission in site plan review.

**Section 4.31 Open Space Preservation Development.** Residential open space preservation development, as defined herein shall conform to the provisions of Section 506 of the Zoning Enabling Act, or its successor provisions; and all applicable provisions of this Ordinance. A division of land on the basis of condominium ownership shall comply with the requirements of Chapter 13A of this Ordinance for site condominium approvals.

- (a) The terms of this Section 4.31 are intended to offer an optional open space preservation approach to residential development patterns within areas of the Township zoned for two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer units per acre. In no event shall an open space preservation development result in more residential units on a site than would be permitted within the zoning district under conventional development patterns.
- (b) Prior to submitting an application for site plan approval to develop lands within the Township for residential purpose, an applicant considering this open space preservation development option shall submit a pre-application therefore to the Township Zoning Administrator. Such pre-application shall:
  - (1) State the intent to undertake an open space preservation development.
  - (2) Indicate the proposed method for the perpetual preservation of open space.
  - (3) Indicate the proposed number of parcels.
- (c) Not less than 50 percent of the developable land area, will remain perpetually in an undeveloped state by means of a recorded legal instrument which may include, but not necessarily be limited to, a conservation easement, plat dedication, master deed, restrictive covenant or other legal means that runs with the land. Such legal instrument shall be subject to the review and approval of the Township Attorney.
- (d) The maximum number of lots that may be approved shall be determined through the submission of a layout plan applying all zoning rules and regulations illustrating the maximum number of lots that may be developed. Unbuildable areas, including areas in a floodway, slopes greater than 15 percent, wetlands, and areas necessary for storm water management facilities, shall be taken into consideration and clearly delineated.

- (e) To achieve the permitted density and preserve the required open space, the lot area may be reduced up to 50 percent of the required lot area for the district and lot width may be reduced up to 33 percent of the required lot width in the district.
- (f) The zoning administrator shall review the pre-application and determine compliance with the requirements of this section. Upon the approval of the zoning administrator, the applicant shall submit a request for the applicable land division process - land split, subdivision or site condominium in accordance with applicable standards and rules of the Township. A building permit shall only be issued after all approvals have been granted and a copy of the recorded documents preserving the open space has been filed with the Township clerk.
- (g) Open space area developments shall adhere to the following design standards:
  - (1) The landscape and natural features shall be preserved, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site. Natural drainage areas shall be a priority for non-disturbance on the site.
  - (2) The development shall be set back from a public street such minimum distance as may be required by the Planning Commission.
  - (3) An undisturbed natural vegetation buffer of 25 feet in width shall be maintained immediately adjacent and parallel to any wetland, lake or stream bank or high water line.
  - (4) Where an open space development abuts a lake or stream, at least 50 percent of the shoreline, or such lesser percent as may be specified by the Planning Commission, as well as reasonable access to the shoreline, shall be a part of the common open space land.
  - (5) At least one-third of the common open space, or such lesser portion as may be permitted by the Planning Commission, shall be usable open space. The open space and access to it shall be permanently and clearly marked.
  - (6) Common open space in any one residential cluster shall be laid out, to the maximum extent feasible, to connect with other open space existing or proposed.
  - (7) Open space areas may not include golf courses, marinas, parking areas, the area within a platted lot or condominium unit, street rights-of-way, or utility easements.
  - (8) Open space areas shall have minimum dimensions of 50 feet on all sides.

**Section 4.32 Temporary Buildings.** A temporary building for construction materials and/or equipment which is incidental and necessary for construction work at the site where the temporary building is located shall be permitted, but any such temporary building shall be promptly removed upon the completion of the construction work at the site.

**Section 4.33 Security for Completion of Improvements.** When financial security is required for completion of any improvement provided for by this Ordinance, such security shall comply with the following standards:

(a) **Performance or Surety Bond.**

- (1) The bond shall inure to the benefit of the Township, covering construction, operation and maintenance of the improvement.
- (2) The bond shall be in an amount equal to the total estimated cost for completing construction of the improvement, including contingencies, as estimated by the Planning Commission, and the Township Engineer.
- (3) The Planning Commission shall specify the term during which the bond shall remain in force.
- (4) The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

(b) **Cash Deposits, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.**

- (1) A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, acceptable to the Township, shall be given to the Township Clerk, or deposited with a responsible escrow agent or trust company.
- (2) The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement including contingencies, as estimated by the Township.
- (3) The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period specified by the Township.
- (4) In the case of cash deposits or certified checks, an agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the improvement, in accordance with a previously entered into agreement.

**Section 4.34 Standards for Discretionary Decisions.** In addition to any specific standards which may be applicable, the following standards and guidelines shall serve as the basis for decisions involving special land uses, planned unit developments and other discretionary decisions set forth in this Ordinance: The proposed uses shall (a) be compatible with adjacent uses of land; (b) be consistent with, and promote the intent and purpose of, this Ordinance; (c) be compatible with the natural environment; (d) be consistent with the capacities of public services and facilities affected by the proposed use; and (e) protect the public health, safety and welfare.

**Section 4.35 Maps, Drawings and Renderings.** Whenever under the terms of this Ordinance the Planning Commission and/or the zoning administrator may be considering or reviewing a proposed land use or activity, the Planning Commission may require the submission of maps, drawings, renderings and such other information as will assist the Planning Commission and/or the zoning administrator in their consideration and review of the proposed land use or activity.

**Section 4.36 Resubmission of Matters to Planning Commission.** For a period of one year following a decision by the Planning Commission, no reconsideration of the decision shall be undertaken, nor may an application for the same matter be submitted, unless the Planning Commission in its sole discretion determines that there has been a material change in the development plans submitted or a material change in the facts and circumstances applicable to the requested rezoning, special land use, planned unit development or other relief or approval sought by an applicant.

**Section 4.37 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odor.** Every use shall be so conducted and operated that it does not create a nuisance and so that it is not dangerous by reason of heat, glare, fumes, dust, noise, vibration or odor beyond the lot on which the use is located.

**Section 4.38 Reimbursement of Township Land Use Expenses; Escrow Deposit.**

- (a) The Township Board has adopted a policy that applicants for land use approvals, including but not limited to rezoning of lands, special land uses, platted subdivisions, condominiums and site condominiums, planned unit developments, variances and other land use permits or approvals, shall reimburse the Township for its expenses in the consideration of such applications, whether or not such applications are granted or approved. Such expenses include, among others, the Township's costs of publication and mailing of notices; costs for special meetings, if needed; attorney fees; engineering fees; other consultant's fees; and other costs that may arise.
- (b) Such reimbursement, under the terms of the Township Board resolution, is to occur by the applicant depositing an initial sum of money, determined by the Township, into a Township escrow account, at the time of application. Such funds are then used by the Township to reimburse itself as expenses in the matter are incurred. During the consideration of an application, an applicant may be required to make further deposits into the escrow account, as the total of expenses incurred approaches the amount remaining on hand. Any amounts deposited that are not needed for reimbursement are promptly returned to the applicant, at the conclusion of all proceedings and inspections.

- (c) Compliance with the above-stated Township Board policy on reimbursement of land use expenses and deposits of funds into a Township escrow account when required are requirements of this ordinance, and accordingly, the failure of an applicant to do so is a violation of this ordinance. No zoning permits, building permits or other approvals will be issued or given, nor may applicants proceed under the terms of any land use approvals, until all Township expenses in the matter have been reimbursed in full by the applicant to the Township.

**Section 4.39 Marihuana Facilities/Establishments Prohibited.**

- (a) The following uses are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance:
  - (1) Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act.
  - (2) Any and all types of a “marihuana facility,” as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.
- (b) This Section 4.39 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq., or as reflected in Section 4.17 of this Ordinance.





**CHAPTER 5**  
**R-R RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT**

**Section 5.1 Description and Purpose.** The R-R Rural Residential and Agricultural District is intended to preserve agricultural and rural areas in the Township, and to encourage residential development which promotes the established rural character and protects the natural features of the district.

**Section 5.2 Permitted Uses.** Land, buildings and structures in the R-R District shall be used only for the purposes stated in Table 5.2, as follows:

<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
1. Single-family detached dwellings	
2. Farms and farm operations	Including general and specialized farming, to be conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture
3. Orchards, vineyards, apiaries, plant nurseries and greenhouses	
4. Family child care home	No more than six children; in a private home only; must be state-licensed
5. Adult foster care family home	No more than six adults; in a private home only; must be state-licensed
6. Roadside market stand	For the sale of primarily farm products grown on the premises

**Section 5.3 Special Land Uses.** The special land uses stated in Table 5.3 may be permitted if approved by the Planning Commission under Chapter 12.

<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Church and other place of worship	All buildings must be set back at least 50 feet from side and rear property lines
2. Public libraries, public museums and similar facilities	All buildings must be set back at least 50 feet from side and rear property lines
3. Parks, playgrounds, athletic fields, golf courses	Minimum parcel area, five acres; all buildings must be set back at least 50 feet from side and rear property lines
4. Commercial landscaping	Retail sales permitted only as an incidental and secondary use
5. Retirement housing, assisted living and similar facilities	Minimum parcel area, five acres
6. Home occupation	Only those involving two (but not more than two) employees not residing on the premises

7.	Adult foster care small group home	For 7-12 adult residents only; must be State-licensed
8.	Group child care home	For 7-12 children; in a private home only; must be state-licensed
9.	Out-patient medical facilities	
10.	Farm markets	Must be located only on a farm
11.	Animal clinic	
12.	Campgrounds	
13.	Bed and breakfast establishment	
14.	Commercial riding stable	Minimum parcel area, 10 acres
15.	Kennel	
16.	Removal and processing of sand, gravel, and similar mineral resources	
17.	Airplane landing fields	
18.	Essential services buildings	For public utilities only
19.	Wireless communication facilities	Only those with antenna-towers exceeding 50 feet in height
20.	Farm supply business	Including crop seed, fertilizers, pesticides, herbicides, and other farm supplies
21.	Shared access on body of water	

**Section 5.4 Other Land Uses.** Other land uses as stated in the respective section or chapter noted in Table 5.4, may be permitted as follows:

<b>Table 5.4 Other Land Uses.</b>		
	<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
1.	Accessory buildings and uses	Sections 4.6 and 4.7.7
2.	Home occupation	Section 4.16
3.	Outdoor lighting	Section 4.19
4.	Signs	Chapter 14
5.	Private roads	Section 4.20
6.	Off-street parking and loading	Chapter 15
7.	Essential services	Section 4.13
8.	Condominiums; site condominiums	Chapter 13A
9.	Nonconforming structures and uses	Chapter 16
10.	Wireless communication facilities	Section 4.26 (towers not exceeding 50 feet)

11. Temporary building	Section 4.32
12. Natural river district	Section 4.29

**Section 5.5 Height, Yard, Building and Area Requirements.**

<b>Table 5.5.1 Minimum Lot Area, Lot Width; Minimum Building Setbacks</b>	
Minimum lot area	2 acres
Minimum lot width	200 feet measured at the front lot line
Minimum required building setbacks	
Front yard	75 feet
Side yards	Each side yard shall be at least 15 feet
Rear yard	50 feet

<b>Table 5.5.2 Building Height Requirement</b>	
Maximum building height	35 feet

<b>Table 5.5.3 Minimum Floor Area of Dwelling</b>	
Single-family dwelling	850 square feet

**Section 5.6 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 5.6, as follows:

<b>Table 5.6 Other Regulations</b>	
<b>Land Use</b>	<b>Regulatory Provision in Ordinance</b>
Existing parcels of land	Section 4.3
Height exceptions	Section 4.9
Minimum requirements for single-family dwellings	Section 4.14
Inoperable motor vehicles	Section 4.21
Trash and junk	Section 4.22
Flag lots	Section 4.27
Motor vehicle repair	Section 4.23
Corner lots	Section 4.10
Fences and walls	Section 4.25
Lot depth to width ratio	Section 4.15



**CHAPTER 6  
MFR MULTIPLE-FAMILY DISTRICT**

**Section 6.1 Description and Purpose.** The MFR Multiple-Family Residential District is intended for medium density single-family, two-family and multiple-family residential uses.

**Section 6.2 Permitted Uses.** Land, buildings and structures in the MFR District shall be used only for the purposes stated in Table 6.2, as follows:

<b>Table 6.2 Permitted Uses.</b>	
<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
1. Single-family detached dwellings	
2. Two-family dwellings	
3. Multiple-family dwellings	
4. Family child care home	No more than six children; in a private single-family detached home only; must be state-licensed
5. Adult foster care family home	No more than six adults; in a private single-family detached home only; must be state-licensed

**Section 6.3 Special Land Uses.** The special land uses stated in Table 6.3 may be permitted if approved by the Planning Commission under Chapter 12:

<b>Table 6.3 Special Land Uses.</b>	
<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Church and other place of worship	All buildings must be set back at least 50 feet from side and rear property lines
2. Home occupation	Only those involving two (but not more than two) employees not residing on the premises
3. Group child care home	For 7-12 children; in a private single-family detached home only; must be state-licensed
4. Shared access on body of water	

**Section 6.4 Other Land Uses.** The other land uses stated in Table 6.4 may be permitted as follows:

<b>Table 6.4 Other Land Uses.</b>	
<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
1. Accessory buildings and uses	Sections 4.6 and 4.7
2. Home occupation	Section 4.16
3. Outdoor lighting	Section 4.19

4.	Signs	Chapter 14
5.	Private roads	Section 4.20
6.	Off-street parking and loading	Chapter 15
7.	Essential services	Section 4.13
8.	Condominiums; site condominiums	Chapter 13A
9.	Nonconforming structures and uses	Chapter 16
10.	Wireless communication facilities	Section 4.26 (towers not exceeding 35 feet)
11.	Temporary building	Section 4.32
12.	Natural river district	Section 4.29

**Section 6.5 Height, Yard, Building and Area Requirements.**

<b>Table 6.5.1 Parcels Served by Approved Private Water Well and Septic Tank</b>		
Minimum lot area, single-family dwelling		1 acre
Minimum lot area, two-family dwelling		2 acres
Minimum lot area, multiple-family dwelling		2 acres for the first two dwelling units and an additional 15,000 square feet for each additional dwelling unit
Minimum lot width		150 feet measured at the front lot line
Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards of at least 10 feet each; if more than four dwelling units, then each side yard shall be an additional five feet in width for each dwelling unit exceeding four, up to a maximum of 50 feet for each side yard
	Rear yard – single-family dwelling	30 feet
	Rear yard – two-family dwelling and multiple-family dwelling	50 feet

<b>Table 6.5.2 Parcels Served by Public or Community Sewage Disposal System and Approved Private Water Well</b>		
Minimum lot area, single-family dwelling		1/2 acre
Minimum lot area, two-family dwelling		1 acre

Minimum lot area, multiple-family dwelling	2 acres for the first two dwelling units and an additional 15,000 square feet for each additional dwelling unit	
Minimum lot area	1 acre	
Minimum lot width, single-family dwelling	75 feet measured at the front lot line	
Minimum lot width, two-family dwelling	100 feet measured at the front lot line	
Minimum lot width, multiple-family dwelling	200 feet measured at the front lot line for a parcel having up to eight dwelling units; 300 feet at the front lot line for a parcel having more than eight dwelling units	
<b>Minimum required building setbacks</b>		
	Front yard	50 feet
	Side yards	Two side yards of at least 10 feet each; if more than four dwelling units, then each side yard shall be an additional five feet in width for each dwelling unit exceeding four, up to a maximum of 50 feet for each side yard
	Rear yard – single-family dwelling	30 feet
	Rear yard – two-family dwelling and multiple-family dwelling	50 feet

<b>Table 6.5.3 Building Height Requirement</b>	
Maximum building height	35 feet

<b>Table 6.5.4 Minimum Floor Area of Dwelling</b>	
Single-family detached dwelling	850 square feet
Two-family dwelling	850 square feet for each dwelling unit
Multiple-family dwelling	850 square feet for each dwelling unit

**Section 6.6 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 6.6, as follows:

<b>Table 6.6 Other Regulations</b>	
<b>Land Use</b>	<b>Regulatory Provision in Ordinance</b>
1. Existing parcels of land	Section 4.3
2. Height exceptions	Section 4.9
3. Minimum requirements for single-family dwellings	Section 4.14
4. Inoperable motor vehicles	Section 4.21
5. Trash and junk	Section 4.22
6. Flag lots	Section 4.27
7. Motor vehicle repair	Section 4.23
8. Corner lots	Section 4.10
9. Fences and walls	Section 4.25
10. Lot depth to width ratio	Section 4.15



**CHAPTER 6A  
MHC MANUFACTURED HOUSING COMMUNITY DISTRICT**

**Section 6A.1 Description and Purpose.** The MHC Manufactured Housing Community District is intended for manufactured housing communities, and for medium density single-family, two-family and multiple-family residential uses.

**Section 6A.2 Permitted Uses.** Land, buildings and structures in the MHC District shall be used for the purposes stated in Table 6A.2, as follows:

<b>Table 6A.2 Permitted Uses.</b>	
<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
1. Manufactured housing communities	
2. Single-family detached dwellings	As regulated in the MFR District

**Section 6A.3 Reserved. Section 6A.4 Manufactured Housing Community Design Requirements.** All manufactured housing communities shall comply with the following design requirements:

(a) **Access and Roads.**

- (1) The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
- (2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
- (3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
- (4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
- (5) Safe-sight distance shall be provided at intersections.
- (6) An offset at an intersection or an intersection of more than two internal roads is prohibited.
- (7) The following types of internal roads shall have driving surfaces that are not less than the following widths:
  - (i) One-way, no parking 16 feet
  - (ii) Two-way, no parking 21 feet

- |       |                                      |         |
|-------|--------------------------------------|---------|
| (iii) | One-way, parallel parking, one side  | 23 feet |
| (iv)  | One-way, parallel parking, two sides | 33 feet |
| (v)   | Two-way, parallel parking, one side  | 31 feet |
| (vi)  | Two-way, parallel parking, two sides | 41 feet |
- (8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
- (i) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - (ii) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - (iii) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
- (9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
- (10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

**Section 6A.5 Driveways.**

- (a) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- (b) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

(c) **Resident Vehicle Parking.**

- (1) All home sites shall be provided with two parking spaces.
- (2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - (i) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - (ii) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
- (3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of ten feet and a clear length of 20 feet.
- (4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(d) **Visitor Parking Facilities.**

- (1) A minimum of one parking space for every three home sites shall be provided for visitor parking.
- (2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- (3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(e) **Sidewalks.**

- (1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.

- (2) All sidewalks shall be constructed in compliance with all of the following requirements:
  - (i) Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
  - (ii) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- (3) An individual sidewalk with a minimum width of 3 feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(f) **Lighting.**

- (1) Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- (2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
- (3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
- (4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

(g) **Utilities.**

- (1) All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- (2) All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
- (3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.

- (4) All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- (5) All storm sewers shall be constructed in accordance Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

(h) **Site Size, Spacing and Setback Requirements.**

- (1) **Home Site Area.** The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by 20 percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 6A.4(j) of this chapter.
- (2) **Required Distances Between Homes and Other Structures.**
  - (i) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
    - (I) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
    - (II) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
    - (III) Ten feet from either of the following:
      - (aa) The parking space on an adjacent home site.
      - (bb) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.

- (IV) Fifty feet from permanent community-owned structures, such as either of the following:
  - (aa) Club houses.
  - (bb) Maintenance and storage facilities.
- (V) One hundred feet from a baseball or softball field.
- (VI) Twenty five feet from the fence of a swimming pool.
- (ii) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
- (iii) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
  - (I) Ten feet from the edge of an internal road.
  - (II) Seven feet from a parking bay off a home site.
  - (III) Seven feet from a common sidewalk.
  - (IV) Twenty five feet from a natural or man-made lake or waterway.
- (iv) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
  - (I) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
  - (II) Roof overhangs shall be set back two feet or more from the edge of the internal road.
- (v) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.
- (3) **Setbacks from Property Boundary Lines.**
  - (i) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.

- (ii) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.
- (i) **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:
  - (1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
  - (2) If the community abuts a non-residential development, it need not provide screening.
  - (3) In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
  - (4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
  - (5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.
- (j) **Open Space Requirements.**
  - (1) A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
  - (2) Required setbacks may not be used in the calculation of open space area.
- (k) **Site Constructed Buildings and Dwellings.**
  - (1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.

- (2) The maximum height of any community or similar building shall not exceed 25 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- (3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.
- (4) Site-built single-family dwellings may be located in a community as follows:
  - (i) One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
  - (ii) Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
  - (iii) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the MDR Multiple-Family District.
- (l) **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
- (m) **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.
- (n) **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.



**Section 6A.5 Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.**

- (a) **Home Size.** Manufactured homes within a community shall not contain less than 760 square feet of living area nor have an outside width of less than 13 feet.
- (b) **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- (c) Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
  - (1) Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - (2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- (d) No personal property shall be stored outside, under any mobile home or within carports which are open on any side. Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site.
- (e) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community.
- (f) A manufactured home shall be used only as a single family dwelling.
- (g) No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- (h) New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.

- (i) The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- (j) Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- (k) Individual fuel oil, liquid petroleum, or other fuel tanks or personal property shall not be permitted to be stored in or under any home.
- (l) Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
- (m) Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

**Section 6A.6 Review and Approval of Preliminary Manufactured Housing Community Plans.**

- (a) **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- (b) **Application.** All plans submitted to the Planning Commission for review under this section shall contain the following information:
  - (1) The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals one 100 feet for those three acres or more.
  - (2) All site and/or property lines are to be shown in dimension.
  - (3) The location and height of all existing and proposed structures on and within 100 feet of the subject property.
  - (4) The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.

- (5) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- (6) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
- (7) The name and address of the property owner and developer.
- (8) The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- (9) Location of all fire hydrants, if applicable.
- (10) The number of manufactured housing sites proposed.
- (11) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
- (12) Utility and other easements.
- (13) Clusters of trees and existing individual trees over 24 inches in diameter.
- (14) Existing wetlands.
- (15) Proposed sign locations.
- (16) All required setbacks for front, side and rear yards.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

- (c) **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- (d) **Decision.**
  - (1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.
  - (2) The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.



**CHAPTER 7  
L-R LAKES RESIDENTIAL DISTRICT**

**Section 7.1 Description and Purpose.** The L-R Lakes Residential District is intended for residential development around certain lakes in the Township. The regulations are designed to control new development in an orderly manner which avoids the creation of development at densities which could lead to degradation of the surface water quality or overuse of the lake. At the same time, these regulations recognize that substantial development of lakefront property has already taken place, and recognize the value and desirability of existing lakefront lots and the desire of owners of existing lots to maintain and make improvements to existing structures.

**Section 7.2 Permitted Uses.** Land, buildings and structures in the L-R District shall be used only for the purposes stated in Table 7.2, as follows:

<b>Table 7.2 Permitted Uses.</b>	
<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
1. Single-family detached dwellings	

**Section 7.3 Special Land Uses.** The special land uses stated in Table 7.3 may be permitted if approved by the Planning Commission under Chapter 12:

<b>Table 7.3 Special Land Uses.</b>	
<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Personal storage building across street from dwelling	
2. Shared-access property on body of water	
3. Campgrounds	

**Section 7.4 Other Land Uses.** The other land uses stated in Table 7.4 may be permitted as follows:

<b>Table 7.4 Other Land Uses.</b>	
<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
1. Accessory buildings and uses	Sections 4.6 and 4.7
2. Home occupation	Section 4.16
3. Outdoor lighting	Section 4.19
4. Signs	Chapter 14
5. Private roads	Section 4.20

6.	Off-street parking and loading	Chapter 15
7.	Essential services	Section 4.13
8.	Condominiums; site condominiums	Chapter 13
9.	Nonconforming structures and uses	Chapter 16
10.	Wireless communication facilities	Section 4.26 (towers not exceeding 50 feet)
11.	Temporary building	Section 4.32
12.	Natural river district	Section 4.29

**Section 7.5 Height, Yard, Buildings and Area Requirements.**

<b>Table 7.5.1 Minimum Lot Area, Lot Width; Required Building Setbacks</b>		
Minimum lot area, lots of record as of 1/28/1997		5,000 square feet
Minimum lot area, lots of record after 1/28/1997		1 acre
Minimum lot width, lots of record as of 1/28/1997		50 feet measured at the ordinary high water mark of the abutting body of water
Minimum lot width, lots of record after 1/28/1997		150 feet measured at both the ordinary high water mark of the abutting body of water and the nearest right-of-way line of the abutting street
Minimum required building setbacks		
Lots of record as of 1/28/1997		
	Front yard, lakeside	35 feet
	Side yard	Two side yards of eight feet each
	Rear yard, street side	20 feet
Lots of record after 1/28/1997		
	Front yard, lakeside	35 feet
	Side yard	Two side yards of at least 10 feet each
	Rear yard, street side	25 feet

<b>Table 7.5.2 Required Building Height</b>	
Maximum building height	35 feet

<b>Table 7.5.3 Minimum Floor Area of Dwelling</b>	
Single-family detached dwelling	850 square feet

**Section 7.6 Other L-R District Regulations.**

<b>Table 7.6 L-R District Land Uses.</b>	
<b>Land Use</b>	<b>Regulation or Exception</b>
1. Residential decks	Decks shall be set back at least eight feet from the side lot lines. Decks shall not cover more than 40% of the required building setback area on the lake side.

**Section 7.7 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 7.7, as follows:

<b>Table 7.7 Other Regulations</b>	
<b>Land Use</b>	<b>Regulatory Provision in Ordinance</b>
1. Existing parcels of land	Section 4.3
2. Height exceptions	Section 4.19
3. Minimum requirements for single-family dwellings	Section 4.14
4. Inoperable motor vehicles	Section 4.21
5. Trash and junk	Section 4.22
6. Flag lots	Section 4.27
7. Motor vehicle repair	Section 4.23
8. Corner lots	Section 4.10
9. Fences and walls	Section 4.25
10. Lot depth to width ratio	Section 4.15





**CHAPTER 8  
C GENERAL COMMERCIAL DISTRICT**

**Section 8.1 Description and Purpose.** The C General Commercial District is intended for general shopping areas, including retail business or service establishments which supply goods or perform services to meet the needs of the community, the surrounding area and the travelling public.

**Section 8.2 Permitted Uses.** Land, buildings and structures in the C District shall be used only for the purposes stated in Table 8.2, as follows:

<b>Table 8.2 Permitted Uses.</b>	
<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
Any use permitted and as regulated in the C-1 Neighborhood Business District	
Automobile and other motor vehicle repair shop or garage	
Automobile and other motor vehicle sales (including new and used motor vehicles)	
Automobile storage garage	
Dance studio	
Department store and discount store.	
Farm machinery and implement sales and service	
Feed store	
Funeral home	
Health club	
Liquor store	
Mobile home sales	
Offices	
Pet shop, including boarding of animals	
Pool or billiard hall	
Printing and publishing shop	
Rental service businesses	
Restaurants	
Taverns and bars	
Mini-warehouses and self-storage facilities	A portion of the site may be used for outdoor storage of materials, equipment and vehicles, if such items are substantially screened from view from nearby lands and streets.
Retail gun dealer; gun repair and fitting service as a gunsmith	Including the selling of guns at retail and repairing and fitting guns. All such activities must be licensed, if required.
Other similar retail businesses or service establishments supplying goods or products or performing services primarily for residents of the community to meet the daily needs of the area	

**Section 8.3 Special Land Uses.** The special land uses stated in Table 8.3 may be permitted if approved by the Planning Commission under Chapter 12.

<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Church or other place of worship	
2. Hotel and motel	
3. Out-patient medical facility	
4. Essential services building	For public utilities only
5. Motor vehicle wash establishment	
6. Welding and machine shop	
7. Child care center	
8. Sexually oriented business	
9. Wireless communication facilities	Only those with antenna-towers exceeding 50 feet in height

**Section 8.4 Other Land Uses.** Other land uses as stated in the respective section or chapter noted in Table 8.4, may be permitted as follows:

<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
Accessory buildings and uses	Sections 4.6 and 4.7
Outdoor lighting	Section 4.19
Landscaping	Section 4.30
Signs	Chapter 14
Private roads	Section 4.20
Off-street parking and loading	Chapter 15
Essential services	Section 4.13
Nonconforming structures and uses	Chapter 16
Wireless communication facilities	Section 4.26 (towers not exceeding 50 feet)
Temporary building	Section 4.32

**Section 8.5 Height, Yard and Area Requirements.**

<b>Table 8.5.1 Minimum Lot Area, Lot Width; Minimum Building Setbacks</b>		
Minimum lot area		1 acre
Minimum lot width		200 feet measured at the front lot line
Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards of at least 10 feet each, but a side yard next to land zoned in the R-R or MDR Districts shall be at least 20 feet wide
	Rear yard	50 feet

<b>Table 8.5.2 Building Height Requirement; Minimum Building Floor Area</b>	
Maximum building height	35 feet
Minimum building floor area	None required

**Section 8.6 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 8.6, as follows:

<b>Table 8.6 Other Regulations</b>		
<b>Land Use</b>	<b>Regulatory Provision in Ordinance</b>	
1. Existing parcels of land	Section 4.3	
2. Height exceptions	Section 4.9	
3. Inoperable motor vehicles	Section 4.21	
4. Trash and junk	Section 4.22	
5. Corner lots	Section 4.10	
6. Fences and walls	Section 4.25	
7. Lot depth to width ratio	Section 4.15	



**CHAPTER 9  
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**Section 9.1 Description and Purpose.** The C-1 Neighborhood Commercial District is intended for retail businesses or service establishments which provide convenience shopping and which supply goods or perform services to meet the daily needs of the area.

**Section 9.2 Permitted Uses.** Land, buildings and structures in the C-1 District shall be used only for the purposes stated in Table 9.2, as follows:

<b>Table 9.2 Permitted Uses.</b>	
<b>Permitted Land Use</b>	<b>Regulation or Exception</b>
Antique shop	
Bakery	
Bank, savings and loan association and credit union	
Barber shop and beauty shop.	
Candy store, ice cream shop and yogurt shop	
Clothing store	
Delicatessen	
Drug store	
Florist shop	
Furniture store	
Gift shop	
Grocery store and meat market	
Hardware store	
Household appliance store	
Jewelry store	
Laundry and dry cleaners	
Offices	
Photographic studio	
Restaurant, but not including drive-up or drive-through window or drive-in car service	
Shoe repair shop	
Tailor and dressmaker	
Variety store, including video rentals, computer stores and specialty stores	
Retail gun dealer; gun repair and fitting service as a gunsmith	Including the selling of guns at retail and repairing and fitting guns. All such activities must be licensed, if required.
Other similar retail businesses or service establishments supplying goods or products or performing services primarily for residents of the community to meet the daily needs of the area	

**Section 9.3 Special Land Uses.** The special land uses stated in Table 9.3 may be permitted if approved by the Planning Commission under Chapter 12.

<b>Table 9.3 Special Land Uses.</b>	
<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Church or other place of worship	
2. Gasoline service station	
3. Restaurant with drive-in or drive-through facilities	
4. Child care center	
5. Essential service building	For public utilities only
6. Out-patient medical facility	
7. Motor vehicle repair shop	

**Section 9.4 Other Uses.** Other land uses as stated in the respective section or chapter noted in Table 9.4, may be permitted as follows:

<b>Table 9.4 Other Land Uses.</b>	
<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
Accessory buildings and uses	Sections 4.6 and 4.7
Outdoor lighting	Section 4.19
Landscaping	Section 4.30
Signs	Chapter 14
Private roads	Section 4.20
Off-street parking and loading	Chapter 15
Essential services	Section 4.13
Nonconforming structures and uses	Chapter 16
Wireless communication facilities	Section 4.26 (towers not exceeding 50 feet)
Temporary building	Section 4.32

**Section 9.5 Height, Yard and Area Requirements.**

<b>Table 9.5.1 Minimum Lot Area, Lot Width; Minimum Building Setbacks</b>		
Minimum lot area		1 acre
Minimum lot width		200 feet measured at the front lot line
Minimum required building setbacks		
	Front yard	50 feet
	Side yards	Two side yards of at least 10 feet each, but a side yard next to land zoned in the R-R or MDR Districts shall be at least 20 feet wide
	Rear yard	50 feet

<b>Table 9.5.2 Building Height Requirement; Minimum Building Floor Area</b>	
Maximum building height	35 feet
Minimum building floor area	None required

**Section 9.6 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 9.6, as follows:

<b>Table 9.6 Other Regulations</b>	
<b>Land Use</b>	<b>Regulatory Provision in Ordinance</b>
1. Existing parcels of land	Section 4.3
2. Height exceptions	Section 4.9
3. Inoperable motor vehicles	Section 4.21
4. Trash and junk	Section 4.22
5. Corner lots	Section 4.10
6. Fences and walls	Section 4.25
7. Lot depth to width ratio	Section 4.15





**CHAPTER 10  
I-1 LIGHT INDUSTRIAL DISTRICT**

**Section 10.1 Description and Purpose.** The I-1 Light Industrial District is intended to provide for the development of warehousing, light industrial and limited commercial uses that are characterized by minimal land coverage and the absence of objectionable external effects.

- (a) The permitted light industrial uses and the authorized special land uses in this district are in general those characterized by the assembly, packaging, fabrication and compounding of goods and articles from previously prepared materials, rather than the manufacture of products from raw materials.
- (b) Uses that result in serious adverse effects upon other lands by reason of noise, vibration, odor, smoke, dust, dirt, glare, heat or other adverse effects are not permitted.
- (c) The district is intended for light industrial uses, warehousing, wholesaling and other permitted uses or specially authorized uses that are of limited size and scale and that are not incompatible with uses on nearby lands or in the vicinity.
- (d) Permitted light industrial uses and specially approved uses in the district shall be suitably located, screened, appropriately enclosed and otherwise moderated so that such uses shall not seriously interfere with or detract from the Township's generally rural character.

**Section 10.2 Permitted Uses.** Land, buildings and structures in the I-1 District shall be used only for the purposes stated in Table 10.2, as follows:

<b>Table 8.2 Permitted Uses.</b>	
1.	Compounding, packaging, and assembling from previously prepared materials for the production of: <ul style="list-style-type: none"> <li>(a) Food products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage, and kindred foods.</li> <li>(b) Textile mill products, including woven fabric, knit goods, dying and finishing, floor coverings, yarn and thread, and other textile goods.</li> <li>(c) Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.</li> <li>(d) Lumber and wood products, including mill work, prefabricated structural wood products and containers.</li> <li>(e) Furniture and fixtures.</li> <li>(f) Paperboard containers, building paper, building board, and bookbinding.</li> <li>(g) Printing and publishing.</li> </ul>
2.	Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals,

	paper products and furnishings, and lumber and building products.
3.	Trade and industrial schools.
4.	Lumber yards and other building supply establishments.
5.	Mini-warehouses and self-storage facilities. A portion of the site may be used for the outdoor storage of materials, equipment and boats if these items are well screened from the view of nearby properties and roadways.
6.	Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses, provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.
7.	Employee training facilities.
8.	Facilities for the processing of information and data.
9.	Heavy construction equipment sales, supplies and repair.
10.	Offices for or related to permitted light industrial uses.
11.	Laboratories for testing, sampling and research purposes.
12.	Laundry and dry cleaning facilities.
13.	Machining of small engines, equipment or tools.
14.	Printing and publishing business.
15.	Product research and development facilities.
16.	Testing, analysis and repair of high technology goods and devices, including electronic devices, computers, computer components, telecommunications devices and similar devices and equipment.
17.	Other similar light industrial uses that involve the manufacturing, assembly, compounding, processing, packing, treating or distribution of goods, articles or materials, but which do not involve heavy manufacturing, or manufacturing or other industrial processing from raw materials, when approved by the Planning Commission, based upon the following characteristics as to whether a proposed light industrial use is sufficiently similar to the above-listed permitted uses: <ul style="list-style-type: none"> <li>(a) The size, nature and character of the proposed use, as compared to the permitted uses stated in this section.</li> <li>(b) The proximity of the use to adjoining properties.</li> <li>(c) The off-street parking area provided for the use.</li> <li>(d) Any potential traffic congestion or traffic hazard.</li> <li>(e) The extent to which the use is generally consistent with other light industrial uses on adjoining or nearby lands.</li> <li>(f) Whether the use may result in serious adverse effects on adjacent or nearby land uses or the surrounding area.</li> </ul>

**Section 10.3 Special Land Uses.** The special land uses stated in Table 10.3 may be permitted if approved by the Planning Commission under Chapter 12.

<b>Table 10.3 Special Land Uses.</b>	
<b>Special Land Use</b>	<b>Regulation or Exception</b>
1. Light manufacturing that includes a	

	process of grinding, pressing, extruding, bending, or otherwise processing or finishing raw materials for wholesale or assembly.	
2.	Engineering laboratories.	
3.	Contractor yards for construction equipment.	Including but not limited to bulldozers, backhoes and dump trucks, but all such equipment and vehicles shall be stored indoors or otherwise well screened from view from outside the property.
4.	Open air businesses.	Including but not limited to the sale of farm implements, lawn and garden equipment sales and service, motor homes, manufactured homes and similar uses.
5.	Essential services buildings.	For public utilities only.
6.	Trade, vocational and technical school.	
7.	Transportation terminals.	
8.	Warehousing and storage facilities.	
9.	Wireless communication facilities.	Only those with antenna-towers exceeding 50 feet in height.

**Section 10.4 Other Land Uses.** Other land uses as stated in the respective section or chapter noted in Table 10.4, may be permitted as follows:

<b>Table 10.4 Other Land Uses.</b>	
<b>Land Use</b>	<b>Regulatory Section of Ordinance</b>
1. Accessory buildings and uses	Sections 4.6 and 4.7
2. Outdoor lighting	Section 4.19
3. Landscaping	Section 4.30
4. Signs	Chapter 14
5. Private roads	Section 4.20
6. Off-street parking and loading	Chapter 15
7. Essential services	Section 4.13
8. Nonconforming structures and uses	Chapter 16
9. Wireless communication facilities	Section 4.26 (towers not exceeding 50 feet)
10. Temporary building	Section 4.32

**Section 10.5 Height, Yard and Area Requirements.**

<b>Table 10.5.1 Minimum Lot Area, Lot Width; Minimum Building Setbacks</b>	
Minimum lot area	2 acres
Minimum lot width	300 feet measured at the front lot line

Minimum required building setbacks		
	Front yard	50 feet, except 75 feet on Highway M-57
	Side yards	Two side yards of at least 25 feet each, but a side yard next to land zoned in the R-R, MDR, MHC or L-R Districts shall be at least 50 feet wide
	Rear yard	50 feet, except 100 feet if adjacent to residentially zoned or used land

Table 10.5.2 Building Height Requirement; Minimum Building Floor Area; et al.	
Maximum building height	35 feet
Minimum building floor area	None required
Maximum impervious surface coverage of lot	40%

**Section 10.6 Minimum Site Development Standards.** The following minimum development standards stated in Section 10.6 shall apply to all lands and uses in the I-1 District:

Table 10.6 Minimum Site Development Standards	
1.	All storage and waste materials shall be kept in a completely enclosed building or within an area enclosed on all sides by a solid fence, substantial green belt or wall of at least six feet in height.
2.	All land uses shall be conducted such that any noise, smoke, dust, vibration or similar effect shall not adversely affect adjoining or nearby properties or adjacent streets.
3.	Industrial equipment, including trucks, shall not be operated such that they produce noise in excess of 75 decibels as measured at each property line.
4.	The location of driveways shall be determined in site plan review; they shall be located to minimize adverse impacts on adjacent or nearby lands.
5.	Land uses involving the repair or storage of damaged vehicles shall include the immediate removal of all fluids from such vehicles if it appears that leaking of vehicle fluids is occurring or could occur.

**Section 10.7 Other Regulations.** Other regulations as to certain land uses may apply, as stated in the respective section or chapter noted in Table 10.7, as follows:

Table 10.7 Other Regulations	
Land Use	Regulatory Provision in Ordinance
1. Existing parcels of land	Section 4.3
2. Height exceptions	Section 4.9
3. Inoperable motor vehicles	Section 4.21
4. Trash and junk	Section 4.22
5. Corner lots	Section 4.10
6. Fences and walls	Section 4.25
7. Lot depth to width ratio	Section 4.15

## **CHAPTER 11 RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**

**Section 11.1 Description and Purpose.** This chapter provides enabling authority and standards for the submission, review, and approval of applications to rezone property in the Township for planned unit developments. It is the intent of this section to authorize the consideration and use of planned unit development regulations for the following purposes:

- (a) To encourage the use of land in accordance with its character, features and adaptability.
- (b) To promote the conservation of natural features and fragile lands and the preservation of important natural resources.
- (c) To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Township.
- (d) To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, streets, off-street parking areas, land use amenities and other elements of residential land developments.

### **Section 11.2 Nature and Features of a Planned Unit Development.**

- (a) A planned unit development (PUD) consists of an area of the Township to be planned, developed, operated, and maintained as a single entity and containing permitted residential land uses, together with streets, open space, recreational areas and other elements and amenities, designed and constructed as a project or entity, designed, constructed and used only in conformance with an approved PUD plan.
- (b) A PUD is approved only by an amendment to the zoning map, by means of an accompanying ordinance specifying all of the terms and conditions of approval of the PUD. Approval of a PUD under the terms of this chapter and by means of a Township ordinance is a part of the zoning ordinance.
- (c) Violation of any provision of a PUD ordinance is a violation of the Township zoning ordinance.

### **Section 11.3 Qualifying Conditions for PUD Rezoning.**

- (a) Lands proposed for PUD rezoning must be under single ownership or subject to common control. All parties in interest shall join in the application for rezoning.
- (b) Lands proposed for PUD rezoning must consist of at least five contiguous acres.
- (c) Lands proposed for rezoning must be located within the R-R Rural Residential and Agricultural District. If not zoned in the R-R District at the time of application, the applicant shall first apply for the rezoning of the lands to the R-R District; such

rezoning shall be at the discretion of the Planning Commission and the Township Board.

- (d) The residential land uses proposed for a PUD must be in accord with the future land use map of the Township Master Plan with respect to the lands involved.
- (e) A proposed PUD must result in a recognizable and substantial benefit to the ultimate users of the PUD and to the Township in general. Such benefit may include, but is not limited to, the preservation of important natural features and wildlife areas; innovation in design and configuration of the PUD; the providing of open space, undeveloped areas; the providing of housing for residents or potential residents of the Township and other benefits.

#### **Section 11.4 Application and Review Procedures.**

##### **(a) Application.**

- (1) An applicant for a PUD rezoning shall complete and submit a Township-provided application form, shall pay the application fee, and shall deposit such amount in a zoning escrow account to cover Township expenses in the matter, in accordance with the Township's zoning escrow policy.
- (2) An applicant for a PUD rezoning shall submit a site plan of the PUD. The site plan shall fully conform to the information and other submittals required for site plans, as stated in Chapter 13 of this ordinance and, in addition, shall include the following:
  - (i) A narrative describing the PUD, including its various land use features and uses.
  - (ii) A summary of the land use provisions and/or restrictions which the applicant expects to include in any restrictive covenants or, if the PUD will be a condominium or a site condominium, then a summary of the anticipated land use provisions and restrictions to be set forth in the master deed.
  - (iii) Wetlands, ponds, streams or other bodies of water.
  - (iv) Wooded areas; ridges; drainage swales.
  - (v) Areas with existing slopes exceeding 12%
  - (vi) Proposed building envelopes and areas for drain fields.
  - (vii) Methods and systems for disposal of sanitary sewage and providing of water supply.
  - (viii) Areas to be left in a natural state; areas proposed for open space or passive uses.

- (ix) General soil types on the property, based on the U.S. Soil Conservation Survey of the county.
  - (3) The application shall include such other information concerning the property and the proposed PUD as may be requested by the Planning Commission, on preliminary review of the application.
- (b) **Option Pre-Application Conference.** Before submitting an application for a PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed PUD, and to confer with Planning Commission members about the proposed application and the expected elements of the PUD.
- (c) **Preliminary Development Plan.**
  - (1) With the application, the applicant shall submit a preliminary development plan for the PUD.
  - (2) At a public meeting, the Planning Commission shall review the application and the preliminary development plan and make recommendations to the applicant concerning the PUD, together with any recommended changes or modifications thereof. In the discretion of the Planning Commission, such review of the preliminary plan may be accomplished in part by a committee of the Planning Commission members.
  - (3) In its discretion, the Planning Commission may convene an advisory public hearing to receive public comments concerning the preliminary development plan. Notice of the advisory hearing may be given in the manner and to the extent determined by the Commission; such notice need not necessarily be as extensive as is required for the official public hearing on the preliminary plan.
  - (4) After the Planning Commission has received any additional information required on the part of the applicant, and after the Commission has completed its review of the application and the plan, the Commission shall hold a public hearing on the proposed PUD rezoning and the preliminary plan. Notice of the public hearing shall be given by publication and by U.S. Mail in the manner and to the extent required by law and this ordinance for the rezoning of lands.
  - (5) After the public hearing, either at the same meeting or at a subsequent meeting, the Planning Commission shall recommend to the Township Board approval of the PUD, denial of the PUD or approval of the PUD with conditions. In making its recommendation, the Planning Commission shall determine that the proposed PUD complies with the qualifying conditions for PUD approval and the following standards:
    - (i) Approval of the PUD would result in a recognizable and substantial benefit to the users of the PUD and to the Township in general.

- (ii) The PUD, including the density of dwellings and other buildings, would not result in a material increase in the need for public services and facilities, nor place a material burden on the subject land or adjacent or nearby lands.
  - (iii) The uses in the PUD would be compatible with those specified in the future land use map of the Township Master Plan, as to the land involved.
  - (iv) The PUD would not materially change the essential character of the surrounding area.
  - (v) If the PUD is proposed to be developed in phases, the proposed phasing plan would be feasible, and each of the proposed phases would be capable of existing independently with previously constructed phases as to the providing of all required services, facilities, open space and amenities.
- (6) After a recommendation by the Planning Commission on the preliminary plan, as to either approval or approval with conditions, the applicant shall prepare a final development plan of the PUD. The final development plan shall include all of the additional requirements, changes, deletions, and modifications required by the Planning Commission in its approval of the preliminary plan; provided, however, that if the applicant determines not to include all of such requirements and the like made by the Planning Commission in its recommendation, then the applicant shall submit in writing the reasons for such noncompliance.
- (7) The applicant shall then prepare a final development plan for the PUD and submit the same for consideration by the Township Board. The final development plan shall include the applicant's written justification for not including any of the requirements and/or conditions imposed by the Planning Commission, if such is the case.
- (d) Final Development Plan.**
- (1) Upon receiving the final development plan, including, if such is the case, the applicant's written justification for not including any of the requirements and/or conditions imposed by the Planning Commission, the Township Board shall then review the final development plan and the recommendation of the Planning Commission.
  - (2) The Township Board shall convene a public hearing on the PUD plan and the proposed ordinance to rezone the land to the PUD District.
  - (3) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at



least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.

- (4) Following the public hearing, the Township Board shall approve, deny, or approve with conditions the PUD plan and the ordinance rezoning the land to the PUD District.
- (5) In making a decision on the PUD plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD plan:
  - (i) Comply with the requirements for the preliminary development plan as stated in Section 11.4(c)(5) and the minimum standards stated in Section 11.7.
  - (ii) Promote the intent and purposes of this Ordinance.
  - (iii) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the proposed development.
  - (iv) Ensure that the proposed PUD will be consistent with the public health, safety and welfare needs of the Township.
- (6) In approving the PUD plan and the application for PUD rezoning, the Township Board may impose reasonable conditions upon such approval, to conserve natural resources and energy, to ensure reasonable compatibility with adjacent land uses and to promote the use of the land in a socially and economically desirable manner. Conditions imposed shall comply with all of the following requirements:
  - (i) Such conditions shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed project, residence and landowners immediately adjacent to the project, and the community as a whole.
  - (ii) Such conditions shall be related to the valid exercise of the police power, and the purposes of which are affected by the proposed development.
  - (iii) Such conditions shall be necessary to meet the intended purpose of this Ordinance, be related to the standards established in the ordinance for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.

- (iv) Such conditions shall be included in the PUD Ordinance, and shall remain unchanged, unless amended by the Township.

**Section 11.5 Alternative (Clustered Housing) Planned Unit Development**

- (a) Under the terms of this section, an applicant may prepare and submit a PUD application and PUD plan for approval of a clustered housing planned unit development, for the purpose of an approved PUD development having residential lots which do not comply with the minimum requirements of the underlying district.
- (b) The requirements of this chapter with respect to PUD application, PUD plan and the procedures for approval of a PUD shall likewise apply in the case of a proposed clustered housing PUD.
- (c) The required conditions for approval of a clustered housing planned unit development are all of the following:
  - (1) The overall density of the PUD is equal to the density as provided in the underlying district, not including (i) areas lying below the ordinary high water mark of lakes and streams, (ii) areas within the rights-of-way of public and private roads, and (iii) easements, other than easements to provide utility service to individual units.
  - (2) The design of the PUD has benefit in preserving natural features and rural character.
  - (3) PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and the Township, which would not be achieved by compliance with the requirements of the underlying zone by each lot or unit in the development.
  - (4) The PUD promotes the general intent of the design standards of Section 11.7 hereof.

**Section 11.6 Clustered Housing/Bonus Density Planned Unit Development**

- (a) Under the terms of this section, an applicant may submit, and the Township may approve, in accordance with the PUD procedures of this chapter, a PUD that would permit clustered housing as provided in Section 11.5, but which would also permit an increase in the overall building density in the PUD, in excess of that which would be permitted in the underlying district.
- (b) For PUDs which include five or more building sites, the Township may approve the creation of one additional dwelling site for the first five dwellings plus one additional dwelling for each 10 dwellings in excess of five. By way of example, up to one additional dwelling for a qualifying development with 1-15 units, two additional dwellings for developments with 16-25 dwellings, etc.

- (c) To qualify for the density bonus provided in this section, the PUD must comply with all of the following standards:
  - (1) The lands proposed for PUD rezoning must contain significant natural features or must be important in maintaining the rural character of the Township.
  - (2) The PUD must be designed to have the minimal impact possible on the natural features to the site and the surrounding area.
  - (3) Efforts to design the project to be compatible to the site must have resulted in additional development costs.
  - (4) The project must substantially comply with all applicable design standards of Section 11.7 hereof.

**Section 11.7 Minimum Design Standards for Planned Unit Developments.** The following development requirements shall apply to all residential planned unit developments:

- (a) Unless otherwise provided in the ordinance for rezoning lands to PUD, the regulations applicable within the underlying district shall apply. As conditions of rezoning, the Township may provide different regulations, which regulations may vary among different lots in the development.
- (b) All building sites within the PUD shall be provided access by interior public or private streets, unless otherwise permitted within the terms of the PUD ordinance.
- (c) Areas in which natural vegetation and terrain is left undisturbed shall be provided along public roads and adjacent property lines of sufficient width to screen buildings from adjacent roadways and properties.
- (d) Dwellings shall be located toward the interior of the PUD, or shall be located behind existing natural features, insofar as reasonably feasible, so as to screen dwellings from public roads or adjacent properties.
- (e) Building envelopes shall not be located on top of prominent hilltops, ridges or steep slopes, or in proximity to wetlands or other sensitive areas.
- (f) The entrance or entrances to the development shall be no wider than necessary to accommodate any necessary acceleration lanes and provide adequate sight distance. Boulevards, landscaping, planters, fences and other amenities designed to call attention to PUD shall be permitted only if approved in the PUD plan.
- (g) A single, attractively constructed unlighted sign of not more than 20 square feet, identifying the name of the development, may be located near each entrance to the development. An additional sign of up to 20 square feet advertising the availability of lots in the PUD for sale may be located at or near the entrances to the PUD for a period of not to exceed two years.

- (h) The location of roads, drainage structures and building sites, driveway locations, drain fields and drain field locations shall be designed to minimize the clearing of desirable vegetation and the alteration of existing slopes and drainage patterns.
- (i) The PUD shall be designed so as to minimize additional runoff from roads, roofs, driveways and other improvements.
- (j) Streets shall be located away from areas of steep slopes.
- (k) If the streets within the PUD are to be private streets, they shall comply with the requirements of this Ordinance pertaining to private streets; provided, however, that the Township Board may, following consultation with the Township Fire Chief and other public safety officials as appropriate, allow a reduction in the minimum right-of-way and roadbed width requirements for all or a portion of the road to minimize removal of vegetation or alteration of natural slopes. The Township Board may require that portions of streets with reduced widths be one way only.
- (l) Provision shall be made, by restrictive covenant, master deed or other appropriate legal means, so that areas of the PUD designated as open space and considered in determining overall density of the project shall remain as such. Areas counted as open space for one development shall not be counted as open space for a different development.
- (m) Areas proposed for open space may be put to use as agricultural uses (not including animal husbandry), commercial stables, golf courses or other facilities for outdoor recreational activities. In the event a non-agricultural open space use is to be made available for use by persons other than the occupants of the development and their guests, only one-half of the area of the open space used may be included in the calculation of overall density.
- (n) Provisions for shared driveways by individual dwellings shall be made as appropriate to minimize removal of vegetation or alteration of existing slopes.
- (o) Adequate provision shall be made for disposal of sanitary sewage and provision of potable water.
- (p) In addition to no disturbance zones in the perimeter of the development, provision shall be made for preservation of existing desirable vegetation within building sites, except as necessary for construction of buildings, drainfields, and driveways, and restrictions shall be imposed to prevent unnecessarily large manicured lawns and gardens.
- (q) Building sites shall be designed, to the maximum extent possible, to minimize additional runoff from improvements into lakes, streams and wetlands.

## CHAPTER 12 SPECIAL LAND USES

### **Section 12.1 Description and Purpose.**

- (a) A special land use is a use that is permitted within a specified zoning district upon compliance with the applicable requirements of this chapter. Due to unique characteristics of special land uses, special limitations and controls are necessary to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses.
- (b) This chapter also describes special approval conditions and regulations applicable to certain uses which are permitted with special land use approval.
- (c) No special land use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

### **Section 12.2 Applications for Special Land Uses.** A special land use application shall be submitted and processed according to the following procedures:

- (a) An application, on a form provided by the Township, shall be completed by the applicant and submitted to the Zoning Administrator.
- (b) Among other matters, the application shall include the name and address of the applicant; the address of the property involved; the date of the application; and a statement indicating the sections of this Ordinance under which the special land use is sought. The applicant shall also specify the grounds upon which the special land use is requested to be granted.
- (c) A site plan in 10 copies covering the special land use shall be submitted with the application. The site plan shall comply with all of the required contents of a site plan, as stated in Section 13.5 of this Ordinance; provided, however, that the Planning Commission, in its discretion, may waive any element or component otherwise required to be included in a site plan, if such matters are not deemed necessary for review and consideration of the proposed special land use application.
- (d) The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall also deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township's zoning escrow account procedures.

### **Section 12.3 Action on Special Land Use Applications.**

- (a) **Initial Review by Planning Commission.** The Zoning Administrator shall determine whether a special land use application is complete. An application deemed to be incomplete by the Zoning Administrator shall be returned to the applicant, and no further action need be taken until the application is completed and resubmitted. In considering a special land use application, the Planning Commission may require the submission of additional reports, studies or information, including an environmental impact assessment, traffic impact study, utility system plan, storm water drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.
- (b) **Public Hearing.** Once the Planning Commission determines that a complete special land use application has been received, the Planning Commission shall hold a public hearing on the proposed special land use. The Planning Commission shall determine the date, time and place for the public hearing. Notice of the public hearing shall be published and delivered in accordance with Section 18.9.
- (c) **Planning Commission Action.** After the public hearing and upon the review of the merits of the special land use application, the Planning Commission shall approve, deny, or approve with conditions the special land use application. The Planning Commission's decision shall be incorporated within a motion or resolution containing conclusions reached relative to the proposed special land use, which specifies the basis for the decision and any conditions imposed.
- (d) **Terms and Conditions of Approval.** In its approval of a special land use, the Planning Commission may impose reasonable terms and conditions. The terms and conditions shall be for the purpose of achieving the following goals and favorable results:
  - (1) To assure that public services and facilities affected by the special land use will be capable of accommodating increased service requirements resulting from the use.
  - (2) To assure that the special land use is reasonable.
  - (3) To assure that the special land use is compatible with adjacent and nearby land uses.
  - (4) To protect natural resources; the health, safety and welfare of those who will utilize the special land use and also residents in the vicinity of the special land use and the Township as a whole.
  - (5) To assure that the special land use is consistent with the intent and purposes of the zoning ordinance.

- (6) To assure compliance with the general special land use standards and the specific standards applying to the special land use under consideration.
  - (7) If the special land use is of a temporary nature, or if it involves uses or activities which by their nature will terminate at some point in the future, terms and conditions may be imposed which limit the duration of the special land use.
- (e) **Periodic Review of Approved Special Land Use.** The Planning Commission may periodically review a special land use for the purpose of determining whether the terms and conditions of the use are being complied with. All terms and conditions of a special land use shall remain unchanged unless revoked or amended by the Planning Commission.
- (f) **Special Land Use Permit; Commencement of Approved Use.**
- (1) A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The special land use permit shall include all of the conditions of approval stipulated by the Planning Commission. Alternatively, the special land use resolution adopted by the Planning Commission may serve as the permit, if the resolution includes all of the terms and conditions of the special land use as approved. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk.
  - (2) A special land use permit for a special land use shall be valid for a period of one year from the date of issuance. If construction or other commencement of the special land use has not substantially occurred by the end of the one-year period, and if it does not proceed diligently to completion, the Zoning Administrator shall notify the applicant in writing of the expiration of the permit: provided, however, that upon request by the applicant the Planning Commission may extend the period of time in which the permit is to expire, upon finding that an extension of time is reasonable under the circumstances. The conducting of some use other than the special land use, even if a permitted use, shall not extend or otherwise affect the one-year period for commencement of the special land use.
  - (3) A site plan approved in conjunction with a special land use shall be processed according to the procedures of Chapter 13.

**Section 12.4 Minimum Requirements for Special Land Use.** Special land uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements are so specified, including but not limited to requirements on minimum lot area and minimum lot width, minimum building setbacks, street access, street frontage, sewage disposal and water supply, off-street parking and loading, landscaping and buffering, outdoor lighting, building and structure height, accessory buildings and structures, screening, private roads, public utility service, required

open space, signage, fences and walls, storm water management and facilities and other land use aspects, unless such requirements are modified, as provided in this section.

- (a) In approving a special land use the Planning Commission (1) may modify such minimum requirements; or (2) may impose other or different minimum requirements. The above decisions shall be based on the relevant facts and circumstances, and if the standards for consideration of special land uses stated in Section 13.5 would nevertheless be satisfied.
- (b) Further provided, however, that any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met.
- (c) Any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met:
  - (1) The modification of such requirements is justified due to the nature, size, density, location or design proposed special land use.
  - (2) The modification of such requirements will not result in serious adverse effects upon the special land use lands or other lands.
  - (3) The modification will nevertheless achieve the land use purposes of the special land use under consideration.
  - (4) Such modification of requirements would not be inconsistent with the general intent and purposes of the zoning ordinance and the Master Plan.
- (d) All special land uses shall be subject to review and approval by the Township fire chief, or the chief's designee, as to safe, convenient and sufficient access for fire department and rescue vehicles, including safe, convenient and sufficient access by fire department and rescue personnel for entry into, and exit from, buildings and other structures. It is a condition of every approved special land use that the owner, operator, employees, agents and other persons associated with the use shall permit fire department and rescue personnel to enter upon the premises and to inspect them at all reasonable times, to verify that the use, as established and operated, is in compliance with all Township, county and state fire protection requirements, and other Township ordinance provisions as to health and safety. In the event that such inspections disclose deficiencies and/or violations under the terms of the Township fire code or other applicable requirements, the owner, operator and others associated with the special land use shall promptly correct all such deficiencies and/or violations, upon receiving notice to do so. In appropriate circumstances, for the assurance of public health and safety, the Township fire chief may take all necessary actions to prevent or avoid imminent harm to persons or damage to property.



**Section 12.5 Standards for Considering Special Land Uses.** In considering an application for a special land use the Planning Commission shall apply and make findings upon the following general standards, in addition to other standards provided in this chapter for particular special land uses:

- (a) The size, character and nature of buildings and structures comprising the special land use shall not have a substantial adverse effect upon adjoin or nearby lands or the uses thereof.
- (b) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
- (c) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- (d) The special land use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features.
- (e) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
- (f) Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.
- (g) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- (h) The special land use shall not create excessive additional demand, at public cost, for public facilities and services.
- (i) The special land use shall be consistent with the intent and purposes of the zoning ordinance and the Township Master Plan.

**Section 12.6 Reapplication.** No special land use application which has been denied wholly or in part by the Planning Commission shall be resubmitted until at least 12 consecutive months after the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions affecting the proposed special land use, as determined by the Planning Commission. A reapplication shall be processed in the same manner as an original special land use application.

## **Section 12.7 Amendment of Special Land Use.**

- (a) A special land use may be amended if approved by the Planning Commission, following the same procedure as required for an original special land use application, including the giving of notice and holding of a public hearing by the Planning Commission; provided, however, that minor amendments in a special land use may be approved by the Zoning Administrator as stated in subsection (c) of this section and, provided further, that minor site plan amendments as defined in Section 13.4 may be approved by the Zoning Administrator, without public notice or public hearing.
- (b) An amendment of a special land use may pertain to the site plan, additional or revised terms and conditions or other aspects of the use as originally approved. In considering any such amendment that is not a minor amendment, the Planning Commission may review the entire existing special land use, and all operational and other aspects thereof, in order to determine whether the terms and conditions of the special land use have been complied with. In its recommendation concerning a proposed amendment, the Planning Commission may include, and in its approval of a proposed amendment the Planning Commission may impose, additional terms and conditions for the purpose of achieving compliance with the terms and conditions specified for the original special land use.
- (c) As defined by this subsection, minor amendments to a special land use may be approved by the Zoning Administrator, either prior or subsequent to construction. The Zoning Administrator may, in his or her discretion, refer any decision regarding a proposed amendment to the Planning Commission for review and approval whether or not the change would qualify as a minor amendment under this section. In making a determination as to whether a change is a minor amendment, or whether to refer an amendment to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission. Minor amendments to a special land use shall include:
  - (1) Minor site plan amendments as defined in Section 13.12(c).
  - (2) Changes in the nature of the special land use which permanently decrease or mitigate impacts from such use on surrounding properties, the general public or public facilities or service.
  - (3) Minor changes in, and/or minor additions to, the uses included in an approved special land use that (1) do not change the basic type, nature or character of the use; (2) do not alter its basic design; (3) are determined by the Zoning Administrator to be not material or significant in relation to the entire special land use; and (4) would not involve an unrelated use and would not have a significant adverse effect on adjacent or nearby lands or the public interest.

**Section 12.8 Revocation of Special Land Uses.** The Planning Commission shall have the authority to revoke any special land use permit following a public hearing noticed according to the procedures provided in Section 18.9, if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.

**Section 12.9 Violation of Special Land Use Requirements.** A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to remedy and/or moderate the violation, including revocation of the land use permit for the special land use.

**Section 12.10 Appeals.** Any appeal of a special land use decision or condition shall be made only to the Circuit Court. The Zoning Board of Appeals shall have no jurisdiction to hear appeals from a special land use decision, nor authority to grant a variance or other relief with regard to a special land use or any part or aspect thereof.

**Section 12.11 Standards for Particular Special Land Uses.** The following provisions are standards and requirements for specific special land uses, which must be satisfied with respect to a specified special land use, in addition to compliance with the general special land use standards set forth in this chapter.

**Section 12.12 Adult Foster Care Small Group Home.** An adult foster care small group home may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) An adult foster care small group home is an adult foster care facility that is a private dwelling that provides adults with foster care for 24 hours per day, five or more days per week, and for two or more consecutive weeks. It shall have an approved capacity to receive at least seven but not more than 12 adults.
- (b) The special land use shall not be located within 1,500 feet of the property line of any other adult foster care small group home or adult foster care large group home, a substance abuse treatment center which serves seven or more persons, an adult foster care facility licensed for persons received from or assigned to adult correctional institutions, or other state licensed facility for adult or child care.
- (c) The holder of the license for the adult foster care group home shall be a member of the household and an occupant of the dwelling.
- (d) The foster care group home shall have its primary access directly from a paved, all-season street.
- (e) All required state licenses shall be maintained at all times; a failure to maintain proper licensing shall be grounds for revocation of the special land use.

- (f) All parking areas shall have a smooth, dust-free surface.
- (g) There shall be a minimum usable floor area above grade of at least 250 square feet per occupant. No residents of the facility shall be housed in a basement.
- (h) There shall be minimum lot area of 2,000 square feet for each occupant of the foster care group home, but in any event, no such lot shall have less than four acres.
- (i) All signs shall comply with the provisions of Chapter 14.
- (j) All off-street parking shall comply with the provisions of Chapter 15.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30.
- (l) The property shall be maintained in a manner consistent with the general characteristics of the neighborhood.

**Section 12.13 Airplane Landing Fields.** Airplane landing fields and landing strips may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The take-off and landing pattern of aircrafts within 1,000 feet of the ends of a runway shall not pass over an occupied building.
- (b) The landing field or landing strip and other areas on which airplanes may taxi shall be at least 200 feet away from any property line, except that this provision shall not apply to any property line of property that is owned or leased by the owner or lessee of an aircraft, utilizing the landing strip and/or taxiing areas.
- (c) Landing fields, landing strips and taxing areas shall have a dustless surface.
- (d) The landing fields and landing strips, and any associated airport, shall be of such size, and the aircraft runways shall be so located, that operations in accordance with the requirements of the Federal Aviation Administration shall not require limitation of heights of structures on adjacent land to less than the height limit prescribed in this ordinance for the district in which such land is located.
- (e) Aircraft hangers not larger than that necessary to house the number of permitted aircraft may be permitted if approved in the special land use.
- (f) The special land use shall be designed and conducted so as not to adversely affect existing development or future development in the vicinity.
- (g) The use and operations of permitted landing fields and landing strips shall be carried out so as not to adversely affect public safety.

**Section 12.14 Animal Clinic.** An animal clinic may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The special land use for an animal clinic shall be limited to a facility in which animals are given medical care and grooming; the boarding of animals shall be limited to short-term care incidental to clinical use.
- (b) The minimum parcel size shall be two acres.
- (c) All operations and the housing of animals shall be contained in one or more completely enclosed buildings, except that an incidental, fenced area may be included for the temporary keeping of animals out of doors.
- (d) Only small animals, of the type and nature of household pets, shall be treated on the premises.
- (e) Animal remains, wastes, biohazard materials or byproducts shall be disposed of as required by the Medical Waste Law of the State of Michigan and animal clinic operations shall be subject to inspection by the Michigan Department of Public Health as that law requires. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal remains, wastes, biohazard materials or byproducts shall be buried or incinerated on site.
- (f) There shall be sufficient soundproofing to prevent any noise disturbance beyond the property boundaries.
- (g) All signs shall be in accordance with Chapter 14.
- (h) All parking shall be in accordance with Chapter 15.
- (i) Landscaping shall be maintained in all required yards including exercising yards, in accordance with the approved site plan.
- (j) Outdoor lighting shall be in accordance with Section 4.19.
- (k) All required licensing for the facility shall be maintained in force and effect at all times.

**Section 12.15 Bed and Breakfast Establishments.** A bed and breakfast establishment may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The bed and breakfast establishment shall be located on lands with direct access to a public street.
- (b) The use shall be established only in a detached single family dwelling.

- (c) There shall be adequate off-street parking, so located as to minimize negative impacts upon adjacent lands.
- (d) Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.
- (e) The establishment shall be located in the principal dwelling on the property, shall be the residence of the operator of the establishment, and shall be occupied by the operator.
- (f) The room or rooms utilized as bedrooms for guests of the establishment shall be a part of the primary residential use of the dwelling, and shall not be specifically constructed, either as an addition or a separate building, for bed and breakfast purposes.
- (g) No cooking facilities shall be permitted in any of the rooms or suites used by guests of the establishment.
- (h) The serving of breakfast shall be only to overnight guests of the establishment and to the operator's family and employees. The establishment shall not be used for public restaurant purposes.
- (i) One freestanding sign for identification purposes shall be permitted. It shall comply with the applicable sign provisions for the R-R District; and may not be illuminated.
- (j) The use shall be generally compatible with adjacent and nearby residential uses in the vicinity; the impact of the establishment as a result of vehicle traffic, off-street parking and the like shall be generally consistent with similar impacts in the case of a private dwelling with overnight guests.

**Section 12.16 Campground.** A campground may be approved by the Planning Commission as a special land use in the R-R and L-R Districts, upon compliance with the following requirements:

- (a) A campground is a land area under the control of one or more persons or legal entities which offer sites for use by the public or members of an organization, either without charge or for a fee, for the establishment of temporary living quarters for five or more recreational units, including travel trailers, camping trailers, recreational motor homes, tents or other form of temporary shelter (but not including a mobile home or manufactured home used as a permanent dwelling or for living quarters, except as permitted in this section). for outdoor camping and temporary living quarters for recreational, educational, religious or vacation purposes.
- (b) A campground and the owner and/or operator thereof shall be licensed under the terms of the Michigan Public Health Code or other applicable state law, and the applicable state regulations. The owner and/or operator of the campground shall comply with the terms and conditions of the license at all times. Likewise, the owner and/or operator shall comply with the applicable state law and regulations with respect to the campground.

- (c) Not more than one permanent dwelling shall be permitted in a campground, and it shall be occupied only by the owner, manager or an employee of the campground.
- (d) Other than the specific dwelling described in (c), no year-round residency within the campground shall be permitted.
- (e) The minimum land area of a campground shall be three acres.
- (f) There shall be a central water supply, in compliance with County Health Department requirements, which shall provide both hot and cold running water.
- (g) Toilet and bathing facilities shall be provided, to such extent and at such ratio to the number of campsites as is specified in the special land use approval.
- (h) There shall be a fire extinguisher provided at a convenient and reasonable distance from each campsite, or otherwise as may be specified in the special land use approval.
- (i) Sanitary sewage disposal facilities shall be provided in accordance with County Health Department requirements.
- (j) Electrical and other utility connections in use shall be in accordance with plans approved by the local public utility or public agency.
- (k) Motor vehicle access to the campground and to all campsites shall be by means of a roadway suitably maintained to prevent rutting, erosion or other deterioration. All roadways shall be of a minimum width as specified in the special land use. Parking along roadways shall be prohibited, unless permitted in the terms of the special land use.
- (l) At least one adequately sized motor vehicle parking space shall be provided at each campsite; provided, however, that this provision may be modified in the special land use as to those campsites that are designed for a more natural outdoor appearance. In that case, an adequately sized parking space shall be provided for each such campsite at an alternate location within the campground.
- (m) The area of each campsite shall be not less than that specified in the special land use or, if approved in the special land use, the area specified in the applicant's campground plan as approved for the campground license.
- (n) Each building, structure, campsite, and accessory use shall be set back from all property lines of the campground for the distance specified in the special land use.
- (o) There may be a store, structure or other facility for the purpose of selling or providing items customarily incidental to camping, within the campground, but otherwise, the campground shall not be used for the conducting of business unrelated to the campground use.

- (p) In its approval of the special land use, the Planning Commission may include other terms and conditions not inconsistent with those specified in this section.

**Section 12.17 Child Care Center.** A child care center may be approved by the Planning Commission as a special land use in the C and C-1 Districts, upon compliance with the following requirements:

- (a) A child care center is a commercial establishment, other than a private dwelling, in which one or more children are received for care and supervision for periods of less than 24 hours per day, including such care and supervision for not less than two consecutive weeks.
- (b) The child care center shall not be located within 1,500 feet of the property lines of a substance abuse treatment center which serves seven or more persons, an adult foster care facility licensed for care or treatment of persons released from or assigned to adult correctional institutions, a nursing home or home for the aged or other state licensed facility for adult or child care.
- (c) The minimum lot size for the special land use shall be calculated by multiplying the number of persons approved for capacity of the center by 500 square feet, but in any case, the minimum lot size shall be not less than two acres.
- (d) All required state licensing shall be complied with.
- (e) There shall be adequate outdoor recreation space, sufficient for the number of persons being cared for in the facility and in such location as approved by the Planning Commission.
  - (1) The outdoor recreation space shall be at least 1,200 square feet in area, but in any event it shall not be less than an area equal to 75 square feet for each child for whom the child care center is licensed to care for, or as may otherwise be determined by the Planning Commission in the approval of the special land use.
  - (2) The outdoor recreation space shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor recreation space shall be completely enclosed by a chain link or solid fence and shall be screened from any abutting residential use by vegetation.
- (f) Any dumpsters on site shall be enclosed on four sides with an opaque fence equipped with a lockable gate.
- (g) The child care center shall be provided with a paved and smooth pick-up and drop-off area which shall be adequately removed from any street or driveway area.
- (h) Hours of operation shall not exceed a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.



- (i) All parking areas shall comply with the provisions of Chapter 15.
- (j) All signs shall comply with Chapter 14.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30, in addition to the above-stated fencing.

**Section 12.18 Church and Other Place of Worship.** A church or other house of worship may be approved by the Planning Commission as a special land use in the R-R, MFR, C and C-1 Districts, upon compliance with the following requirements:

- (a) All buildings shall be set back at least 50 feet from all side and rear property lines.
- (b) A church or other house of worship shall be located on a parcel of at least two acres.
- (c) Spires and steeples in excess of the height permitted in the zoning district may be constructed only if approved in the special land use.
- (d) A childcare facility may be operated on church property if approved in the special land use.
- (e) All parking areas shall comply with the provisions of Chapter 15.
- (f) All signs shall comply with Chapter 14.
- (g) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.19 Contractor Yards.** A contractor yard may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use generally consists of an area of land, which may include a building, used for the purpose of parking and/or storing heavy equipment or other equipment used for construction, earth moving, lawn maintenance and similar activities, in which such equipment is located either in a completely enclosed building or, if located out of doors, is fully enclosed by fencing or other screening, as may be permitted in the terms of the special land use.
- (b) A principal building shall comply with the minimum required principal building setbacks in the I-1 District, unless greater setbacks are required in the terms of the special land use.
- (c) The contractor yard shall be fenced on all sides with durable fencing at least six feet in height; such fence shall be, in whole or in part, a solid fence, or chain link or similarly durable fencing, in accordance with the terms of the special land use.
- (d) No vehicles, equipment or other items shall be stored out of doors to any height greater than the surrounding fencing or screening.

- (e) Adequate, safe and convenient driveways for the entry and exit of construction equipment and other contractor equipment shall be provided.
- (f) There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effect on other lands by reason of noise, dust, fumes and other adverse effects. Landscaping and screening shall be provided in accordance with Section 4.30.
- (g) A contractor yard shall not be located within 100 feet of a wetland or surface water body.
- (h) Signs shall comply with Chapter 14.
- (i) Off-street parking areas shall comply with the provisions of Chapter 15.

**Section 12.20 Engineering Laboratories.** Engineering laboratories may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use may authorize a laboratory or similar facility for analysis of materials, components, chemicals or other objects or substances associated with engineering, manufacturing and similar or accessory uses. Such laboratories may be separate facilities or may be located within and as a part of an approved manufacturing plant or facility.
- (b) The minimum lot area and minimum lot width shall be as stated in the I-1 District, unless a greater area or greater width is required in the terms of the special land use.
- (c) If such laboratory facilities involve testing or analysis in such a manner that noise, vibration, fumes or other adverse impacts are likely to result, then buildings or other structures or land used for such purposes shall be situated a sufficient distance away from adjacent and nearby lands and nearby streets so as to avoid adverse impacts arising beyond the property boundaries.
- (d) Adequate off-street parking and loading areas shall be provided.
- (e) Off-street parking areas shall comply with the provisions of Chapter 15.
- (f) Signs shall comply with Chapter 14.
- (g) Exterior light fixtures shall comply with Section 4.19.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.21 Essential Services Buildings.** Essential services buildings may be approved by the Planning Commission as a special land use in the R-R, C, C-1 and I-1 Districts, upon compliance with the following requirements:

- (a) This special land use pertains to buildings owned and/or maintained by a municipal corporation, public utility or other entity regulated by franchise or under agreement with a public body. Such buildings are limited to those constructed and used for services in connection with the providing of gas, electricity, communications, water supply, sewage disposal or other utility services for the benefit of the public health, safety or general welfare.
- (b) The setback of any such building shall comply with the minimum building setback requirements of the zone district; provided, however, that in approving the special land use, the Planning Commission may require greater or different building setback distances.
- (c) The design of such buildings and the exterior materials thereof shall be generally compatible with the buildings in the surrounding neighborhood, though it is recognized that by their nature, such essential service buildings have particular requirements which may affect the extent of compatibility with other types of buildings.
- (d) Adequate driveways and off-street parking areas for the vehicles entering and leaving the site shall be provided.
- (e) Fencing of the site and screening and buffering of the buildings may be required.
- (f) If the buildings or the site will involve potentially unsafe utility installations, such as electric generation or transmission equipment, adequate protective measures shall be taken so as to assure a high level of public safety.

**Section 12.22 Farm Markets.** A farm market may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A farm market shall be located only on a bona fide farm.
- (b) The structure or structures comprising the farm market shall be located a sufficient distance back from the street right-of-way line so as to avoid hazardous traffic conditions.
- (c) The maximum size of the open-air or other structure used for the farm market shall be as determined by the Planning Commission in its approval of the special land use.
- (d) Adequate off-street parking shall be provided. The location of off-street parking areas and the length of driveways shall be sufficient to avoid the backing up of vehicles into any street right-of-way. In addition, off-street parking areas shall be in accordance with Chapter 15 and shall also comply with the following:
  - (1) All parking shall be off-street parking and shall not utilize any public right-of-way areas.

- (2) No parking areas shall be located less than 20 feet from any property line.
  - (3) Each area or section in the farm market designed for individual proprietors shall have a minimum of 400 square feet of loading/unloading space.
  - (4) There shall be a minimum of two parking spaces per individual sales area within the market.
- (e) Signs shall comply with Chapter 14.
  - (f) Exterior light fixtures shall comply with Section 4.19.
  - (g) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.23 Farm Related Recreational Use.**

- (a) The purpose of this subsection is to establish minimum requirements and other provisions for the farm-related recreational special land use authorized for consideration and approval by the Planning Commission on lands in the R-R District. The provisions herein would permit certain recreational uses related to farms and farming activities to take place on farms, under various terms and conditions. Such uses could be permitted in addition to farm operations and, in appropriate cases, could serve as permitted enhancements of current farm uses, for the benefit of farm owners and operators and the interested public. This section does not apply to farm markets, to greenhouses or nurseries or to roadside stands, all of which are regulated by other provisions in this Ordinance.
- (b) Farm-related recreational use as described in this section and as referred to as a special land use in the R-R District.
- (c) **Permitted Uses.**
  - (1) Hay rides.
  - (2) Cider mills.
  - (3) Corn mazes.
  - (4) Preservation and tours of historic farm buildings and/or display of historic farm tools and equipment.
  - (5) Horticultural and livestock displays and competitions.
  - (6) Programs and educational classes about farming and farm land.

- (7) Other limited recreational uses (1) associated with farm living, the raising of crops and livestock and the use and preservation of farm land, or other aspects of the use of land for productive agricultural purposes; and (2) determined by the Planning Commission to be substantially similar in character, nature and land use effects to the other permitted uses stated in this subsection (c).
- (8) Accessory uses customarily incidental to the permitted farm-related recreational uses, as follows:
  - (i) The sale and serving of cider and other refreshments to cider-mill customers.
  - (ii) The sale of apples and other produce to cider-mill customers.
  - (iii) Tours of cider mills and apple storage warehouses.
  - (iv) Sale of books, brochures and other printed material about farms and farming, preservation of historic farm buildings and equipment and other written materials about farming and farm life.
  - (v) Sale or distribution of literature about corn mazes and the establishing thereof.
  - (vi) Off-street parking area for customers of permitted recreational uses.
  - (vii) Meetings of farm-related organizations.
  - (viii) Other accessory uses customarily incidental to and dependent on any of the permitted principal uses.
- (d) A site plan in compliance with Section 13.5 shall be submitted. The special land use shall comply with the site plan as approved by the Planning Commission.
- (e) Any building or other improvement shall have such size, height and location as are approved by the Planning Commission. All buildings and other facilities shall be subject to the approval of the Township fire chief with respect to matters of fire protection and public safety, and they shall be designed, constructed and operated only in full compliance with applicable Township fire code, building codes and other fire protection requirements.
- (f) Safe and convenient motor vehicle access to the special land use shall be established and maintained as required by the Planning Commission in its approval of the special land use.

- (g) The special land use shall be subject to such operational and other conditions as may be required by the Planning Commission, including hours and days of operation; extent of off-street parking; convenience of motor vehicle access; distance of recreational activities from adjacent lands; prohibition of adverse effects on other lands; and other regulations pertaining to the operation of the use and the prevention or avoidance of adverse effects on other lands and land uses.
- (h) Off-street parking shall be provided in compliance with Chapter 15 or as otherwise required by the Planning Commission in its approval of the special land use. At all times, Township and other emergency vehicles shall be provided convenient and safe access to all buildings and other portions of the special land use.
- (i) Provisions for sanitary sewage disposal and control and management of storm water drainage shall be as required by the Planning Commission and in compliance with applicable Township ordinances.
- (j) Landscaping, if required, shall comply with applicable provisions of Section 4.30, or shall be as otherwise required by the Planning Commission. Effective landscaped screening, by means of trees and other vegetation, shall be established and maintained on lands as to which there are dwellings on abutting properties that are within 100 feet of any property line of lands used in the special land use. Such tree plantings or other visual screening shall be so located so as to substantially obscure the view of special land use operations from such dwellings on abutting lands.
- (k) Exterior lighting, if permitted by the Planning Commission, shall be designed so that it is deflected away from other lands and adjacent streets; such lighting shall otherwise comply with Planning Commission requirements.
- (l) Signs identifying the special land use shall comply with the non-residential sign requirements in the R-R District or shall comply with such other sign requirements as may be determined by the Planning Commission.
- (m) Motor vehicle traffic on the site, the location and configuration of vehicle entrances and other aspects of motor vehicle traffic volume and circulation shall be as required by the Planning Commission. A traffic impact study may be required.
- (n) If any of the activities comprising the special land use are subject to state or other licensing, all of such licenses shall be complied with and copies thereof shall be submitted to the Township prior to the commencement of the use.
- (o) The providing, serving or consumption of beer, wine, spirits or other alcoholic beverage shall be prohibited unless authorized for the premises under applicable state license.
- (p) The days and hours during which the permitted uses and activities may occur may be determined by the Planning Commission in its approval of the special land use.

- (q) The following land uses are prohibited: Restaurant; retail store; any commercial or business activity not specifically authorized by the terms hereof.
- (r) Standards for approval of the special land use. In considering whether the special land use shall be approved, the Planning Commission shall consider the following standards, in addition to the standards of Section 12.5:
  - (1) The location of the use, in relation to residential, agricultural and other adjacent and nearby land uses.
  - (2) The effects and impact of the special land use on adjacent or nearby lands or land uses.
  - (3) The extent to which potential adverse effects of the special land use will be prevented, avoided or moderated by the conditions imposed in the approval of the use.
  - (4) The extent to which the use would be consistent with the intent and purposes of the R-R District.
  - (5) The extent to which the special land use would be consistent with the goals and objectives of the Township Master Plan.
  - (6) Other considerations relevant to the location and nature of the special land use and effects resulting from its operation.

**Section 12.24 Farm Supply Business.** A farm supply business may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A farm supply business may include a building and other installations, for the purpose of offering for sale supplies and related items that are incidental to farming, including crop seed, fertilizers, pesticides, herbicides and other farm supplies.
- (b) The building and other structures comprising the farm supply business shall comply with the minimum building setbacks in the R-R District, unless lesser building setbacks are permitted in the terms of the special land use.
- (c) Adequate off-street parking shall be provided in accordance with Chapter 15, or as otherwise specified in the special land use.
- (d) Bulk materials to be offered for sale in connection with farm operations may be stored out of doors only if sufficiently screened and otherwise contained in accordance with requirements specified in the special land use.
- (e) Signs shall comply with Chapter 14.
- (f) Exterior light fixtures shall comply with Section 4.19.

**Section 12.25 Gasoline Service Station.** A gasoline service station may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) A gasoline service station special land use may include a building and other premises where operating fuels, lubrication oils and similar items for motor vehicles are offered for sale at retail to the public; a service station may also include the sale of motor vehicle accessories.
- (b) Minimum street frontage of 200 feet shall be required, unless otherwise specified in the special land use.
- (c) Minimum lot area shall be increased 500 square feet for each fuel pump unit in excess of four, and 1,000 square feet for each service bay in excess of two.
- (d) All buildings and accessory structures including gasoline pumps shall be set back 50 feet from any lot line and 75 feet from any street right-of-way line.
- (e) All equipment, including automobile washing, shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
- (f) All activities, except those required to be performed at the fuel pump and except those involving the use of outdoor air-supply equipment, shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.
- (g) There shall be no above-ground tanks on the premises, other than propane tanks.
- (h) All signs shall be in compliance with the provisions of Chapter 14.
- (i) All off-street parking shall be in compliance with Chapter 15.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.26 Group Child Care Home.** A group child care home may be approved by the Planning Commission as a special land use in the R-R and MFR Districts, upon compliance with the following requirements:

- (a) A group child care home is a private dwelling in which more than six but not more than 12 minor children are received for care and supervision for compensation, for periods of less than 24 hours per day, unattended by a parent or guardian.
- (b) All required state licensing shall be maintained at all times.
- (c) All outdoor areas used for the care and supervision of children shall be fully enclosed with a privacy fence at least six feet high along the side or sides of the outdoor areas that adjoin another dwelling. Such outdoor areas shall be fenced with a minimum



four-foot high fence along the sides thereof facing areas that do not include another dwelling.

- (d) The group child care home shall be located at least 1,500 feet away from any one of the following:
  - (1) A licensed or pre-existing operating group child care home.
  - (2) A facility offering substance abuse treatment and rehabilitation service to seven or more people.
  - (3) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
- (e) The group child care home shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (f) Hours of operation shall not exceed a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities.
- (g) All parking areas shall comply with the provisions of Chapter 15.
- (h) All signs shall comply with Chapter 14.
- (i) Landscaping and buffering shall be provided in accordance with Section 4.30, in addition to the above-stated fencing.

**Section 12.27 Home Occupations Involving Two Employees not Residing on the Premises.** A home occupation involving two (but not more than two) employees who do not reside on the premises may be approved by the Planning Commission as a special land use in the R-R and MFR Districts, upon compliance with the following requirements:

- (a) All of the terms and conditions for a permitted home occupation as stated in Section 4.16 shall be fully complied with.
- (b) Not more than two employees who do not reside on the premises shall be included in the home occupation.
- (c) Adequate off-street parking area shall be provided for the permitted employees of the home occupation.

**Section 12.28 Hotel and Motel.** A hotel or motel may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) This special land use covers hotels and motels that offer transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms and the like.

- (b) The use shall be generally compatible with other permitted commercial uses in the vicinity.
- (c) The minimum required principal building setbacks in the C District shall be complied with; provided, however, that in approving the special land use, the Planning Commission may require greater setbacks.
- (d) All off-street parking areas shall comply with the provisions of Chapter 15.
- (e) Signs shall comply with Chapter 14.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.
- (g) Driveways shall be located a sufficient distance away from street intersections to avoid unsafe traffic conditions.
- (h) Trash and refuse receptacles shall be fully enclosed and screened.
- (i) Exterior light fixtures shall comply with Section 4.19.

**Section 12.29 Kennels.** A dog kennel may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) A kennel consists of a commercial or non-commercial establishment in which dogs are housed, groomed, bred, boarded, trained or sold.
- (b) Not more than three adult, household dogs, six months of age or older, shall be kept or housed on any parcel of land unless a kennel special land use is approved for such use, in accordance with the provisions of this section.
- (c) The use shall be located on not less than two acres of land. All operations and the housing of animals shall be in one or more completely enclosed buildings.
- (d) Kennel areas shall be a minimum of one hundred (100) feet from any property line and 50 feet from any wetland or surface water body.
- (e) A county kennel license, if required, shall be in force at all times.
- (f) There shall be sufficient soundproofing to prevent any noise disturbance beyond the property boundaries.
- (g) All outdoor exercise areas for animals shall be adequately fenced to prevent both escape and entry by other animals into the facility.
- (h) Only dogs that are household pets or which kept for hunting or other lawful purposes shall be boarded on the premises.

- (i) Animal wastes, bio-hazard materials or byproducts shall be disposed of as required by Michigan law. Kennel operations shall be subject to inspection by the county health department. All other wastes shall be contained in leak-proof and odor-proof containers that are removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
- (j) All signs shall be in accordance with Chapter 12 of this zoning ordinance.
- (k) All parking shall be in accordance with Chapter 15 of this zoning ordinance.
- (l) Outdoor lighting shall be in accordance with Section 4.19.

**Section 12.30 Landscaping, Commercial.** Commercial landscaping facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) Retail sales shall be permitted only as an incidental and secondary use.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Outdoor storage of landscape supplies and materials shall be adequately screened from view from adjacent and nearby lands. Other screening and buffering shall be provided in accordance with Section 4.30.
- (d) Outdoor storage of mulch, dirt and other gardening commodities shall be suitably contained so as not to become unsightly or be tracked into areas used for motor vehicle traffic or pedestrian routes.
- (e) Adequate and safe locations shall be established for the picking up and loading of plants, shrubs and trees and other landscape supplies and materials in customers' motor vehicles, situated so as not to interfere with vehicle circulation areas on the site or pedestrian routes.
- (f) Signs shall comply with Chapter 14.
- (g) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.

**Section 12.31 Libraries, Museums, and Similar Facilities, all Public.** Libraries, museums and other similar facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) All buildings shall be set back at least 50 feet from all side and rear property lines.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.

- (c) There shall be adequate and convenient water supply and sanitary sewage disposal.
- (d) Off-street parking areas shall be designed and constructed to facilitate the convenient circulation and parking of motor vehicles, without interference with pedestrians or other persons engaged in recreational activities on the site.
- (e) Signs shall comply with Chapter 14.
- (f) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (g) Exterior light fixtures shall comply with Section 4.19.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.32 Light Manufacturing.** Light manufacturing may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use consists of light manufacturing, including processes of grinding, pressing, extruding, bending or otherwise processing or finishing raw materials for wholesale or assembly. Heavy industrial uses, such as those which may cause excessive noise, vibration, odors, visual blight or potentially hazardous processes are not included in the special land use.
- (b) The minimum lot area shall be two acres; the minimum lot width shall be 300 feet.
- (c) Buildings use for light manufacturing shall be a sufficient distance away from adjacent and nearby lands and the nearby streets so as to avoid adverse impacts by reason of noise, vibration, fumes and other adverse effects.
- (d) Adequate off-street parking, delivery and loading areas shall be provided. Driveways shall be of sufficient width for large-size trucks and other motor vehicles. There shall be a sufficient distance between driveways and intersecting streets so as to avoid adverse traffic conditions. Other off-street parking requirements shall comply with Chapter 15.
- (e) Outdoor storage areas shall be screened so as to obscure the view of the materials being stored. Landscaping, screening and buffering shall be provided in accordance with Section 4.30.
- (f) All signs shall be in accordance with Chapter 14.
- (g) All outdoor lighting shall comply with Section 4.19.

**Section 12.33 Medical Facilities, Out-Patient.** Out-patient medical facilities may be approved by the Planning Commission as a special land use in the C, C-1 and R-R Districts, upon compliance with the following requirements:

- (a) The special land use shall provide medical and health services on only an out-patient basis, for medical or surgical care of sick or injured persons. The use may include facilities related to such out-patient care, including laboratories and specialized medical facilities for out-patient services only.
- (b) Locations for the dropping off and picking up of patients and others shall be located a sufficient distance back from the adjacent streets so as to avoid motor vehicle conflicts and unsafe conditions.
- (c) Driveways shall be located a sufficient distance away from street intersections to avoid unsafe traffic conditions.
- (d) Convenient and prominently marked access for ambulances and other emergency vehicles shall be provided.
- (e) Adequate driveways and parking areas for the delivery of goods and supplies and for service vehicles shall be provided and, if required by the Planning Commission, they shall be separated from driveways and parking areas used by the public.
- (f) Trash and refuse receptacles shall be fully enclosed and screened.
- (g) Signs shall comply with Chapter 14.
- (h) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (i) Exterior light fixtures shall comply with Section 4.19.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.34 Motor Vehicle Repair Shop.** A motor vehicle repair shop may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) This special land use may include a garage, building and associated area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment.
- (b) All vehicles, parts, material and equipment shall be stored within enclosed buildings or within an area completely enclosed by an opaque fence eight feet in height, or which is otherwise screened as required in the terms of the special land use.
- (c) All storage tanks or other facilities used to store hazardous, toxic, explosive or flammable substances shall be equipped with appropriate containment structures or equipment to prevent any migration of such substances into the groundwater or surface waters of the Township.

- (d) The use shall comply with the required minimum principal building setbacks for the C-1 District, except that the Planning Commission may require greater building setbacks in the approval of the special land use.
- (e) Adequate, safe and convenient driveways for the entry and exit of motor vehicles shall be provided.
- (f) Outdoor lighting shall be in accordance with Section 4.19.
- (g) All signs shall be in compliance with the provisions of Chapter 14 of this Ordinance.
- (h) All off-street parking shall be in compliance with Chapter 15 of this Ordinance.
- (i) Landscaping and buffering shall be provided in accordance with Section 4.30 of this zoning ordinance.

**Section 12.35 Motor Vehicle Wash Establishment.** A motor vehicle wash establishment may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) This special land use covers a building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities may include self-wash, automated-wash facilities and similar installations.
- (b) All washing activities shall be carried on within a building.
- (c) No vacuum equipment shall be located closer than 100 feet from any property line, which abuts a property zoned or used for residential purposes.
- (d) Noise generated on site from any source shall not exceed 50 decibels measured at any property line.
- (e) All parking areas shall comply with the provisions of Chapter 15.
- (f) All signs shall comply with Chapter 14.
- (g) The use shall comply with the required minimum building setbacks in the C District, unless greater setbacks are required in the special land use.
- (h) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.36 Open Air Business.** An open air business may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use consists of an area of land, and may include a building, with associated driveways and parking areas, used for the display and sale of merchandise

and other goods and commodities out of doors, on a retail basis. The use may include sales at auction.

- (b) The area of the site used for parking, display or storage shall be paved or shall have such other hard surface that is sufficient to avoid excessive accumulation of dust.
- (c) The parking area shall be so graded and drained as to dispose of all surface water in a safe and effective manner, without causing ponding on the property or adverse effects upon adjacent or nearby lands.
- (d) A landscape buffer or greenbelt shall be provided in the case of lands that are adjacent to residential uses.
- (e) Any materials displayed or equipment stored outside of an enclosed building shall not extend into any required yard, nor occupy any required parking area or maneuvering space for motor vehicles.
- (f) Any outdoor storage shall be screened by a solid fence or substantial landscaping so as to obscure the view of the stored materials from other lands or the public streets.
- (g) Adequate stacking area for motor vehicles on the site shall be provided, so as to avoid the backing up of parked vehicles into an adjacent street.
- (h) Off-street parking shall be in compliance with Chapter 15, except as to other off-street parking requirements as may be included in the special land use.
- (i) All signs shall be in compliance with Chapter 14.

**Section 12.37 Parks, Playgrounds, Athletic Fields, Golf Courses.** Parks, playgrounds, athletic fields and golf courses may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be five acres; all building shall be set back at least 50 feet from side and rear property lines.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Those portions of the use involving public assembly, or having other characteristics which may cause noise or other adverse impact shall be located a sufficient distance away from other lands, or shall be adequately buffered, to avoid the transmission of noise or other adverse impacts onto other lands.
- (d) There shall be adequate and convenient water supply and sanitary sewage disposal.
- (e) Off-street parking areas shall be designed and constructed to facilitate the convenient circulation and parking of motor vehicles, without interference with pedestrians or other persons engaged in recreational activities on the site.

- (f) Signs shall comply with Chapter 14.
- (g) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.

**Section 12.38 Personal Storage Building Across Street from Dwelling.** A personal storage building located on a parcel of land across the street from a lawful dwelling may be approved by the Planning Commission as a special land use in the L-R District, upon compliance with the following requirements:

- (a) The personal storage building may not be devoted to a principal use. It may not be accessory to a principal building located on the same parcel of land.
- (b) The personal storage building shall be constructed and used only for the storage of personal vehicles and personal goods and equipment owned by the owner of the dwelling and the parcel of land across the street from the parcel on which the personal storage building is located.
- (c) The personal storage building shall comply with the minimum principal building setbacks in the L-R District, unless otherwise permitted in the terms of the special land use.
- (d) Not more than one personal storage building authorized in the special land use shall be located on a parcel of land.
- (e) The size of the personal storage building and other characteristics thereof may be limited by the terms of the special land use.
- (f) The personal storage building shall not be used for dwelling or similar purposes.
- (g) The personal storage building shall be accessory to the owner's dwelling and parcel of land across the street from the parcel on which the personal storage building is located. A restrictive covenant or similar instrument shall be prepared and recorded against both properties, prohibiting their separate sale, use or transfer unless the personal storage building is removed, or unless the parcel on which the accessory building is located is subsequently improved by a principal dwelling that fully complies with this ordinance. Such restrictive covenant shall include the terms and conditions of the special land use; it shall be subject to Township approval prior to recording. It shall be recorded with the register of deeds prior to issuance of a building permit for the personal storage building.

**Section 12.39 Removal and Processing of Sand, Gravel and Similar Mineral Resources.** The removal and processing of sand, gravel and similar mineral resources may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) **Purpose.** The purpose of the mineral removal special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without serious adverse consequences to other



land uses in the vicinity and elsewhere in the Township. The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from serious adverse consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance.

- (b) **Exempt Activity; Zoning Administrator Approval Required for Certain Excavation and Removals.**
- (1) The provisions of this section shall not apply to the extraction or removal of mineral material of 1,000 cubic yards or less; provided, however, that such mineral removal activity involving 1,000 cubic yards or less shall not result in hazardous or unsafe conditions nor have serious adverse consequences to adjacent or nearby lands.
  - (2) The excavation and removal of sand, gravel, soil and other mineral resources in a quantity from 1,000 cubic yards up to and including 5,000 cubic yards shall be subject to the issuance of a mineral removal permit by the Zoning Administrator under the terms of subsection (k) of this section.
- (c) **Special Land Use Required for Excavation and Removal of More than 5,000 Cubic Yards of Mineral Material.** The excavation and removal of sand, gravel, soil and other mineral resources of more than 5,000 cubic yards shall take place only upon the granting of a special land use by the Planning Commission. An application for a special land use for mineral removal shall include the following:
- (1) A written legal description of all of the lands proposed for the use.
  - (2) Thirteen copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - (i) A north arrow, scale and date.
    - (ii) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
    - (iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.
    - (iv) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
    - (v) Existing elevations of the lands at intervals of not more than five feet.

- (vi) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
  - (vii) Mineral conveying, screening and stockpiling areas.
  - (viii) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use.
  - (ix) Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
  - (x) A map showing access routes between the subject lands and the nearest county primary road.
  - (xi) Areas, if any, to be used for ponding.
- (3) **Narrative to be Submitted.** The applicant shall submit a narrative description and explanation of the proposed mineral removal operations and activities, which shall include the following:
- (i) The date of commencement of operations.
  - (ii) The proposed hours and days of operations.
  - (iii) An estimate of the type and quantity of mineral material to be removed.
  - (iv) A detailed description of the extraction and removal methods, including proposed excavation, crushing, screening and removal equipment and vehicles.
  - (v) A map or drawing of the parcel to be used for mineral removal operations, showing buildings, if any, all adjacent streets, drainage areas and facilities and other significant natural features.
  - (vi) A current aerial photograph, or other accurate drawing or plan, showing the lands covered in the application, and all other lands within 990 feet thereof, and also showing the location of current land uses; types and extent of existing natural features; topography; soils; vegetation; wild life habitat; and other significant land features.
  - (vii) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment.

including both the lands proposed for rezoning and surrounding lands.

- (4) **Site Rehabilitation Plan.** Once rehabilitated, mineral removal lands may be used for purposes permitted under the terms of the Zoning Ordinance. The applicant shall submit a site rehabilitation plan. It shall include the following:
  - (i) A description of the planned site rehabilitation, including methods of accomplishment, phasing and timing.
  - (ii) A plan showing the final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; and also including water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill.
  - (iii) A description of the proposed methods or features which will insure that the end uses are feasible and will comply with the Township Master Plan and the requirements of this Ordinance; provided, however, that this requirement may be deferred until such time as the Planning Commission may require it.
- (5) **Environmental Impact Statement.** The Planning Commission may require an environmental impact statement, engineering data, traffic impact study, economic analysis or other studies or information concerning the need for and consequences of the proposed mineral extraction and removal.
- (d) **Review by Planning Commission.** Upon submission of a complete application and following the public hearing required by the terms of this chapter, the Planning Commission shall review the application and determine whether to approve it, to disapprove it or to approve it with conditions. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section and the Zoning Ordinance.
- (e) **Operating Conditions.** All mineral extraction and removal activities shall comply with all of the following operational and other conditions:
  - (1) Mineral removal operations shall be approved for a total duration determined by the Planning Commission, but such approval may be given in increments of a stated number of years, but not less than one year each. In such cases, Planning Commission approval for each successive increment shall be required, after public notice and hearing, in the same manner as required for original approval, unless the Planning Commission determines that the notice and hearing are not necessary under the circumstances.
  - (2) Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.

- (3) Routes for truck movements to and from the removal site may be restricted by the Planning Commission.
- (4) The entry road or roads to and from a removal area shall be hard surfaced for such distance as may be required by the terms of the special land use.
- (5) No machinery shall be located or used within 50 feet of any property or street line. No cut or excavation shall be made closer than 50 feet to any street right-of-way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation.
- (6) No removal area, storage area, structure, access drive or loading area shall be closer than 150 feet to a principal structure on adjoining or nearby lands, unless a public street is located between the removal operation and the adjoining lands.
- (7) All areas of excavation and removal, including areas in which excavation or earth moving activities are taking place in order to prepare the land for removal of mineral material, shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall completely enclose all excavation, removal and preparation areas. The fencing shall be at least four feet high, and shall be constructed of wire or other substantial material extending throughout the fence, from the top to the bottom thereof. Gates shall be at least four feet in height and they shall be locked when operations are not occurring.
- (8) Mineral removal, crushing, screening and transport operations and activities shall occur during such daily hours and on such days of the week as shall be determined by the Planning Commission in its approval of the special land use.
- (9) Equipment for the excavation, crushing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise louder than that permitted under the terms of the Township's Noise Ordinance provisions.
- (10) All roads, trails or other areas used by vehicles in connection with mineral removal operations or activities 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 a part of the special land use. Required dust control measures may include the application of dust inhibiting solvents or similar surface treatments that produce no potential pollution hazard to surface or ground waters, and other special road surfacing intended to control dust.

- (11) Drainage on the mineral removal site shall be maintained in a manner which most closely approximates the natural drainage patterns. The mineral removal site shall be contoured and graded so as to avoid the unintentional impoundment of water, except where the impoundment of water in one or more locations is included as a part of the approved site rehabilitation plan.
  - (12) The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use and such requirements shall be fully complied with.
  - (13) Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use.
  - (14) The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.
  - (15) The Planning Commission may reasonably limit the total duration of all mineral excavation and removal activities.
- (f) **Review of Site Rehabilitation Plan.** Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- (1) Topsoil shall be replaced on the site to a depth sufficient to establish vegetation, except where the end-use activities or features do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area.
  - (2) Final slopes shall have a ratio of not greater than one foot of elevation to each five feet of horizontal distance.
  - (3) Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to constitute the least possible deviation from the original surface water drainage patterns and surface water retention areas.

- (4) Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen less attractive areas or end-uses and enhance the natural beauty of the site as rehabilitated.
  - (5) The creation or enlargement of a lake, in connection with rehabilitation of the site, shall be permitted only where the applicant demonstrates from engineering and hydrogeological studies that the waters of the lake will not become polluted or stagnant. Any such lake shall be approved by the state and county agencies having jurisdiction.
  - (6) The end-use or end-uses provided for in the site rehabilitation plan shall conform to the uses designated for the lands by the Township Master Plan.
- (g) **No Serious Adverse Consequences.** The Planning Commission shall not approve any special land use for mineral removal unless the application sufficiently demonstrates that the proposed mineral removal operations and activities will not create any serious adverse consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.
- (h) **Letter of Credit or Performance Bond.** An applicant for a mineral removal special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use. If a performance bond, it shall be executed by a surety acceptable to the Township. The letter of credit or performance bond shall have such other terms and shall be in such form as may be required by the Planning Commission, consistent with this section.
- (1) The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Planning Commission has determined that the applicant has fully complied with all of the terms and conditions of the special land use, including all required site rehabilitation.
  - (2) The timely and faithful compliance with all of the provisions of the letter of credit or performance bond shall be a condition of the special land use.
- (i) The special land use authorized by this section may be renewed in the discretion of the Planning Commission for periods of time not exceeding any maximum duration specified in the special land use. Such renewal shall be subject to the terms of this subsection.
- (1) The applicant or operator shall file an application for renewal of the special land use.

- (2) Prior to consideration of an application for renewal, the Zoning Administrator or other designated Township official shall inspect the land, shall review the mineral excavation and removal activities to date and other matters pertaining to the special land use, all payments to the Township of any required mineral removal surveillance or administration fee, and shall submit a report thereon to the Planning Commission. To assist the Zoning Administrator or other designated official in preparing the report, the applicant shall, if requested, furnish load tickets or other proof of the quantity of mineral material removed and the quantity, if any, of natural off-site material brought to the removal site. The report of the Zoning Administrator or other designated official shall be a part of the application for renewal.
  - (3) Upon receiving the completed application for renewal, including the report of the Zoning Administrator, the Planning Commission shall approve, disapprove or approve with conditions the requested renewal.
  - (4) In determining whether to approve a renewal, the Planning Commission may consider whether, as stated in the report of the Zoning Administrator or otherwise, the applicant or other operator has complied with the terms and conditions of the special land use. If there have been violations thereof, the report of the building inspector shall describe the same.
  - (5) In determining whether to approve a renewal of the special land use, the Planning Commission shall apply the standards and conditions for approval that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity.
  - (6) In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.
- (j) **Fee for Administration of Special Land Use.** As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Township's cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Township's costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.

- (k) **Zoning Administrator Permit for Removal of Certain Quantities under 5,000 Cubic Yards.** The excavation for and removal of sand, gravel, soil and other mineral resources may be authorized upon the issuance of a mineral removal permit by the Zoning Administrator, where the total quantity of mineral material to be removed will be from 1,000 cubic yards up to 5,000 cubic yards, in accordance with the provisions of this subsection. Any such mineral removal operation shall comply with all of the following requirements:
- (1) The removal shall not cause serious adverse effects upon adjacent or nearby lands.
  - (2) The removal operation shall be subject to all of the operating terms and conditions stated in the permit issued by the Zoning Administrator.
  - (3) An applicant for such mineral removal operation of from 1,000 cubic yards up to 5,000 cubic yards shall submit an application to the Zoning Administrator, for a permit for such operation. The application shall include the legal description of the lands; a description of the nature and intent of the proposed removal activity; a list of equipment to be used in the operation; a description of the measures to be taken to ensure that there will be no serious adverse effects upon other lands or persons; a description of the proposed route or routes to be used in transporting the removed material; proposed reclamation measures; and a topographic map showing existing and proposed final contour lines, unless such map is waived by the Zoning Administrator.
  - (4) In considering whether to approve a mineral removal permit, the Zoning Administrator shall consider the following matters:
    - (i) The land area involved and the quantity of earth material to be removed.
    - (ii) The effects of the removal activity on adjoining and nearby lands.
    - (iii) The possibility that the removal operation may cause or create safety hazards, erosion of lands or other adverse effects.
    - (iv) Potential traffic congestion and adverse traffic effects which may result from the removal and hauling of mineral material.
    - (v) The proposed nature and extent of reclamation of the land after completion of the removal operations.
  - (5) Any mineral removal permit issued by the Zoning Administrator shall include the following matters:
    - (i) The duration of the permit and its expiration date;



- (ii) A description of the lands covered and the removal routes authorized;
  - (iii) A list of the permitted equipment;
  - (iv) A listing of all required precautionary measures, including any requirements involving driveways, isolation distances, fencing, maximum grades of slopes, hours and days of operation, maximum depth of excavations, final required contours, upon reclamation of the lands, and other requirements.
- (6) The permit issued by the Zoning Administrator shall terminate as of its stated expiration date, but the permit may be renewed, in the discretion of the Zoning Administrator, upon the filing of a subsequent application and if requirements under the previously-issued permit have been complied with.
- (7) An applicant for a mineral removal permit shall, upon filing the application, pay the required fee as established by the Township Board.

**Section 12.40 Restaurant with Drive-In or Drive-Through Facilities.** A restaurant with drive-in or drive-through facilities may be approved by the Planning Commission as a special land use in the C-1 District, upon compliance with the following requirements:

- (a) This special land use covers a restaurant which has an associated vehicle driving aisle, signage, food-ordering mechanism and service window whereby customers may order meals, pay for them and receive the meals ordered while remaining in their motor vehicles.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, so as to avoid adverse traffic conditions.
- (c) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that motor vehicles do not back up into or otherwise occupy the public right-of-way. At least ten stacking spaces for the service-ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicle circulation and egress from the property, nor interfere with the use of parking spaces by vehicles not utilizing the drive-through portion of the use.
- (d) In addition to adequate off-street parking space being provided, at least three parking spaces shall be provided in close proximity to the entrance of the drive-through portion of the use, so as to provide space for vehicles of customers waiting for delivery of orders.
- (e) Any trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.

- (f) The use shall comply with the minimum required principal building setbacks in the C-1 District, except that the Planning Commission may require greater setbacks in its approval of the special land use.
- (g) Signs shall comply with Chapter 14.
- (h) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (i) Exterior light fixtures shall comply with Section 4.19.
- (j) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.41 Retirement Housing, Assisted Living and Similar Facilities.** Retirement housing, assisted living and similar facilities may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be five acres.
- (b) Adequate off-street parking areas shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.
- (c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect, and all of its terms and conditions shall be fully complied with.
- (d) All signs shall comply with the provisions of Chapter 14.
- (e) All off-street parking areas shall comply with the provisions of Chapter 15.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.42 Riding Stable, Commercial.** A commercial riding stable may be approved by the Planning Commission as a special land use in the R-R District, upon compliance with the following requirements:

- (a) The minimum parcel area shall be 10 acres.
- (b) All buildings shall be located at least 100 feet away from a property line adjacent to residentially zoned or residentially used land.
- (c) Adequate off-street parking area shall be provided. Driveways shall be placed a sufficient distance from street intersections to avoid adverse traffic impacts.
- (d) All signs shall comply with the provisions of Chapter 14.

**Section 12.43 Sexually Oriented Business.** A sexually oriented business may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) It is not the intent of this special land use to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

In addition to the provisions of this section, the special land use shall also be subject to review and approval under Chapter 13, Site Plan Review.

- (b) A sexually oriented business includes, but is not limited to, an adult bookstore or adult video store; an adult nightclub or cabaret, bar or restaurant; an adult motel; an adult motion picture theater; and other establishments catering to adult patrons and which may involve the actual or depiction of specified anatomical areas and/or specified sexual activities, as those terms are commonly understood, or by means of video, motion pictures, photographic reproductions or other visual media, or in which a person or persons may appear in a state of nudity or in live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
- (c) A sexually oriented business shall not be located or operated within 800 feet of another sexually oriented business, a church or other place of worship, a park, playground, school or licensed day-care facility, a dwelling or dwelling unit, or an agricultural or residential zoning district. For purposes of determining the above-stated distance, measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other of the above-stated land uses or zone districts.
- (d) Entrances to the sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
- (1) "Persons under the age of 18 are not permitted to enter the premises."

- (2) "No alcoholic beverages of any type are permitted within the premises."
- (e) Alcoholic beverages of any type shall not be sold, consumed, or permitted on the premise of any sexually oriented business.
- (f) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
- (g) Hours of operation shall be limited to 10:00 A.M. to 10:00 P.M., Mondays through Saturdays.
- (h) All signs shall be in accordance with Chapter 14; provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any specified anatomical areas or specified sexual activities.
- (i) All parking shall be in accordance with Chapter 15; provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
- (j) Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
- (1) Be handicap accessible to the extent required by the Americans with Disabilities Act.
  - (2) Be unobstructed by any door, lock or other entrance and exit control device.
  - (3) Have at least one side totally open to a public; lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
  - (4) Be illuminated by a light bulb of wattage not less than 25 watts.
  - (5) Have no holes or openings, other than doorways, in any side or rear walls.
- (k) In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:
- (1) A floor plan of the premises showing the following:
    - (i) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

- (ii) Location of all overhead lighting fixtures.
  - (iii) Identification of any portion of the premises in which patrons will not be permitted.
  - (iv) The location of any stage.
  - (v) Identification of the use of each room or other area of the premises.
- (l) A straight-line drawing depicting the property lines of the site of the sexually oriented business and the property lines of any other sexually oriented business, church or other house of worship, park, playground, school, licensed daycare facility, dwelling or dwelling unit or agricultural or residential zoning district, within 800 feet of the nearest property line of the site on which the business will be located.
- (m) The special land use shall not be approved if the Planning Commission determines that one or more of the following is true:
- (1) An applicant is under 18 years of age.
  - (2) An applicant has failed to provide information required by the zoning ordinance or has knowingly answered a question or request for information falsely.
  - (3) The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
  - (4) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
  - (5) The applicant is not in good standing or authorized to do business in Michigan.
  - (6) The application fee has not been paid.
  - (7) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.
- (n) The applicant or owner shall permit all representatives of the Township, the County and the State of Michigan to inspect the premises for the purpose of insuring compliance with this Ordinance, any County ordinance and applicable state law.

- (o) The following interior structural requirements shall be complied with:
  - (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment.
  - (2) A manager's station shall not exceed 32 square feet of floor area.
  - (3) No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
  
- (p) The following requirements as to registration of managers, entertainers and employees shall be complied with:
  - (1) No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
  - (2) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
  - (3) The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

**Section 12.44 Shared-Access Property on a Body of Water.** A parcel of land fronting on a body of water may be established and used for the purpose of shared-access to that body of water, if approved by the Planning Commission as a special land use in the L-R District, upon compliance with the following requirements:

- (a) A shared-access property is a parcel of land abutting a lake or stream and used or intended to be used for providing access by pedestrian or vehicular traffic to and from other property to a lake or stream, but only in accordance with the terms of this special land use.
- (b) A parcel of land abutting a lake or stream and proposed to be used as a shared-access property from non-waterfront lands to the lake or stream, shall have frontage on the body of water of at least 150 feet, measured along the water's edge at the normal high water mark of the lake or stream.

- (c) A shared-access property, as defined in this section, shall have a lot area of at least 22,500 square feet for each dwelling unit using the parcel as access property.
- (d) Water frontage in areas consisting of wetlands as defined by the Michigan Natural Resources and Environmental Protection Act, or successor statute, shall not be included in the measurement of frontage and land area as described above.
- (e) The special land use shall be required for such shared-access property, regardless of whether access to the body of water is gained by easement, common fee ownership, single fee ownership, lease, invitation or any other form of dedication, conveyance or consent.
- (f) This special land use shall not be construed to limit access to lakes or other bodies of water by the general public through public parks or public access sites provided or maintained by any governmental unit, nor shall this provision be construed as depriving any lawful riparian owner on any natural body of water of any lawfully applicable riparian rights.

**Section 12.45 Trade, Vocational and Technical School.** A trade, vocational and technical school may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use includes trade, technical and vocational schools, for the purpose of training or apprenticeship in a trade, craft or similar vocation. Such schools may include the use of industrial machinery or equipment for the purpose of instruction of students.
- (b) Primary access to the use shall be directly from a paved, all-season street.
- (c) All required state or other licenses, charters or permits shall be maintained in force at all times.
- (d) All parking areas shall comply with the provisions of Chapter 15, except that the Planning Commission may specify greater off-street parking areas, in view of the expected number of students who may attend the facility.
- (e) Signs shall comply with Chapter 14.
- (f) Outdoor lighting shall comply with Section 4.19.

**Section 12.46 Transportation Terminal.** A transportation terminal may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use includes a building or area serving as a transportation terminal, in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Access driveways shall be of sufficient width so as to accommodate the trucks and other transportation vehicles that utilize the site.
- (d) Any trucks and trailers to be parked overnight on the site shall be set back from the front lot line at least 100 feet, or such other distance as may be required by the Planning Commission in its approval of the special land use.
- (e) A principal building and other structures shall be located at least 200 feet away from any residential use or residential district, or such other distance as may be required by the Planning Commission.
- (f) The off-street parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding or adverse impacts on other lands or the public streets.
- (g) No outside storage shall be permitted.
- (h) Signs shall comply with Chapter 14.
- (i) All off-street parking and vehicle circulation aisles shall comply with Chapter 15.
- (j) Exterior light fixtures shall comply with Section 4.19.
- (k) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.47 Warehousing and Storage Facilities.** Warehousing and storage facilities may be approved by the Planning Commission as a special land use in the I-1 District, upon compliance with the following requirements:

- (a) This special land use for warehousing and storage facilities includes a building and the use thereof primarily for the storage of goods, materials, and commodities, and including necessary site improvements. A wholesale warehouse includes the storage of goods, materials, and commodities prior to their distribution for retail sale.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, to avoid adverse traffic conditions.
- (c) Driveways on the site shall be of sufficient length so that there shall be adequate stacking capacity for motor vehicles making deliveries to the site or removing stored goods or materials from the site.
- (d) No toxic, hazardous, flammable or explosive materials shall be stored or otherwise permitted on the site.



- (e) Outdoor storage shall not be permitted.
- (f) All off-street parking areas and vehicle circulation aisles shall comply with Chapter 15, except that the Planning Commission may require other or greater such requirements in its approval of the special land use.
- (g) Signs shall comply with Chapter 14.
- (h) Exterior light fixtures shall comply with Section 4.19.
- (i) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.48 Welding and Machine Shop.** A welding and machine shop may be approved by the Planning Commission as a special land use in the C District, upon compliance with the following requirements:

- (a) All welding, machining of parts and similar uses shall take place only within a fully enclosed building.
- (b) The storage of goods and materials, and vehicles or equipment that are on the premises for future work, shall be located only within a fully enclosed building.
- (c) Any storage tanks or other facilities used for storing hazardous, toxic, or flammable substances shall be equipped with appropriate containment structures or equipment, to prevent any migration of such substances into groundwater or surface waters.
- (d) All parking areas shall comply with Chapter 15.
- (e) All signs shall comply with Chapter 14.
- (f) Landscaping and buffering shall be provided in accordance with Section 4.30.

**Section 12.49 Wireless Communication Facilities.** Wireless communication facilities with antennas/towers exceeding 50 feet in height may be approved by the Planning Commission as a special land use in the C, I-1 and R-R Districts, upon compliance with the following requirements:

- (a) This special land use covers commercial or public antennas and towers for communications, radio or television and noncommercial or non-public antennas and towers that have a height greater than 50 feet.
- (b) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- (c) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.

- (d) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
- (e) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission.
- (f) The antenna or tower shall not be so located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
- (g) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (h) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
  - (1) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.
  - (2) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least two additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
  - (3) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
  - (4) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.

- (5) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
  - (6) If permitted, a propane tank may be located on the site of an approved tower and antenna, for the purpose of operating a generator if necessary during loss of electric power, but any such tank shall be fully buried below ground.
  - (7) Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
- (i) The Planning Commission may impose other terms and conditions in its approval of the special land use, including, though not limited to, the following:
- (1) The screening or buffering of an antenna or tower and any accessory buildings or structures.
  - (2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
  - (3) A prohibition or limitation on the construction or occupancy of dwellings or other buildings on the land where the antenna or tower is located, within a specified isolation distance from the antenna or tower.
  - (4) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower.



## CHAPTER 13 SITE PLAN REVIEW

### **Section 13.1 Description, Scope and Purpose.**

- (a) The purpose of this chapter is to provide standards and procedures under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of the zoning ordinance and implementation of the goals and policies of the Township Master Plan.
- (b) Among other matters, this chapter provides standards under which the Township may consider the approval of site plans, including standards with respect to effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and the like.
- (c) The types of site plan review for various land uses and circumstances are the following:
  - (1) Exemptions from Site Plan Review. Land uses that are exempt from site plan review are stated in Section 13.2.
  - (2) Full Site Plan Review. The land uses for which full site plan review is required are stated in Section 13.3.
  - (3) Administrative Site Plan Review. The land uses that are eligible for administrative site plan review are stated in Section 13.4.

**Section 13.2 Land Uses Exempt From Site Plan Review.** The following land uses, if lawful, are exempt from site plan review:

- (a) Single-family and two-family detached dwellings.
- (b) Farms; farm buildings and farm structures.
- (c) Roadside market stands in the R-R District.
- (d) Home occupations.
- (e) Permitted residential accessory buildings.

**Section 13.3 Land Uses Subject to Full Site Plan Review.** Except as otherwise provided in Sections 13.4 and 13.2, full site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

- (a) Land uses in the R-R, MDR, MHC and L-R Districts, except single-family and two-family detached dwellings, residential accessory buildings and permitted farm buildings and farm structures.
- (b) Land uses in the C, C-1 and I-I Districts.
- (c) Special land uses.
- (d) Site condominiums and condominium subdivisions.
- (e) Planned unit developments.
- (f) Open space preservation developments under Section 4.31.
- (g) Any change in an existing land use if site plan approval was not previously given for the existing land use, in whole or in part, unless the change is an exempt change under Section 13.2, or unless the change is subject to administrative site plan review under Section 13.4.
- (h) Any change in an existing land use that does not qualify as a minor change under Section 13.12(c) in or with respect to any of the following:
  - (1) The principal building(s) or other principal structure(s).
  - (2) The means or location of vehicle access to the land.
  - (3) An increase or decrease in the area of the land.
  - (4) The addition of a building or structure.
  - (5) The addition of one or more land uses, including the addition of an additional business or commercial use.
  - (6) A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
  - (7) An increase or reduction in the size or configuration of off-street parking area.
  - (8) A change in, addition to or reduction in outdoor lighting fixtures, devices or equipment.

- (9) A change in signage on the site, including number of signs, the size or height of any sign and the structure or message of any sign.
- (i) A major change in an approved site plan that has been referred to the Planning Commission by the Zoning Administrator under Section 13.12(e).

**Section 13.4 Land Uses Subject to Administrative Site Plan Review.** The following land uses, in the following circumstances, are subject to administrative site plan review by the Zoning Administrator:

- (a) A change in an existing land use that qualifies as a minor change under Section 13.12(c), if site plan approval was previously given for the existing land use, except minor changes referred by the Zoning Administrator to the Planning Commission under Section 13.12(d).
- (b) A change from an existing, lawful nonconforming land use to a permitted land use if the change involves only minimal site plan changes or would result in only minimal impacts on adjacent or nearby lands or uses.
- (c) A change from an existing permitted land use to a different permitted land use, if the proposed land use complies with all the following:
  - (1) The proposed land use would be conducted entirely within an existing enclosed building.
  - (2) The proposed land use would not increase the area of an existing off-street parking area by more than 20 percent.
  - (3) The proposed land use would not substantially alter the character or appearance of an existing building or the site.
  - (4) The proposed land use would not result in serious adverse impacts on adjacent or nearby lands or uses.
- (d) Expansion of an existing building that is included in an existing permitted use, if the proposed expansion complies with all the following:
  - (1) The proposed expansion would not increase the total gross floor area of the building by more than 20 percent.
  - (2) No variances are required for the proposed building expansion.

**Section 13.5 Applications For Site Plan Review, Whether Full or Administrative Site Plan Review.** An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

- (b) Subject to subsection (c), the application for site plan review and the site plan shall include at a minimum the following information:

- (1) The name and business address of the person responsible for preparation of the site plan.
- (2) The name and address of the property owner and applicant.
- (3) A locational sketch.
- (4) Legal description of the subject property.
- (5) The size (in acres) of the subject property.
- (6) Property lines and required setbacks, including proposed building envelopes.
- (7) Refuse and service areas, including locations of dumpsters or other types of trash receptacles.
- (8) Loading and unloading facilities.
- (9) Exterior lighting and signs.
- (10) The location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundaries.
- (11) The location and dimensions of all existing and proposed buildings and structures on the subject property.
- (12) The location of all existing and proposed streets and drives, including proposed lengths; acceleration/deceleration lanes and sidewalks; the location and area of existing and proposed off-street parking and loading areas.
- (13) The location and right-of-way width of all abutting roads, streets, alleys or easements.
- (14) The current uses of all properties abutting the subject property, showing the boundary lines of the abutting properties, and also showing the current zoning thereof.
- (15) The location and a general description of all existing vegetation, and the location, type, and size of all proposed landscaping.
- (16) The location and nature of existing and proposed water supply and sewage disposal facilities, including any proposed connections to public or community sewer and/or water supply systems.



- (17) The location and size of all existing and proposed surface water drainage facilities.
  - (18) Existing and proposed topographic contours.
  - (19) If site preparation or other site work for the proposed use will involve the excavation and removal from the site of 10,000 or more cubic yards of earth, soil or other mineral resource, the site plan shall include detailed information regarding the amount and location of such excavation and removal, the resulting contours of the land and a description of the proposed excavation and removal operations, proposed routes for the transporting of removed material and other information sufficient to evaluate the nature, scope, impact and results of such excavation and removal activity.
  - (20) Recreation areas, common use areas, and any areas to be established for public use.
  - (21) Existing and proposed lakes, streams and other bodies of water.
  - (22) Floodplain areas and basement and floor elevations of all buildings.
  - (23) Proposed deed restrictions or restrictive covenants.
  - (24) Typical elevation views of the front, side and rear of each building.
  - (25) A thorough narrative description of the development or improvements, including elements and features specific to the improvements or project, the uses and activities proposed for the property, the extent and type of impact of the land use on adjacent and nearby lands and streets and other material aspects of the improvements and site.
  - (26) Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Heights and areas of buildings and structures shall be stated.
  - (27) The period of time within which the project will be completed.
  - (28) Proposed staging, if any, of the land use or project.
  - (29) Delineation of the 100-year floodplain and any proposed uses therein.
  - (30) Additional information which the Township may request and which is reasonably necessary to evaluate the site plan.
- (c) The Planning Commission, or the Zoning Administrator in the case of administrative site plan review, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for review and consideration of the proposed land use. In its approval or other action with respect to the site plan, the Planning

Commission or Zoning Administrator, as appropriate, shall state in writing the required parts of the site plan which it determines can be waived, and shall include the same on the approved site plan or on an attachment thereto.

- (d) An environmental impact study may be required.
- (e) Proof of County Road Commission approval or Michigan Department of Transportation approval for street entrances may be required.
- (f) The application for site plan review shall be accompanied by payment of the application fee established by the Township Board, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan.
- (g) If required by the Planning Commission, the Zoning Administrator, building official or other authorized Township representative, the applicant shall obtain and submit to the Township a professionally prepared, sealed drawing of the site plan, in compliance with the provisions of this section. Such drawing shall be sealed by a registered engineer, registered surveyor or similar licensed professional person.

**Section 13.6 Standards for Review of Site Plans, Whether Full or Administrative Site Plans.**

A site plan may be approved only if the site plan complies with the following standards:

- (a) **Generally.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the land parcel, the character of adjoining property and the type and size of buildings.
- (b) **Buildings and Structures.** Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance. Buildings and groups of buildings shall be located so as to comply with all minimum yard requirements and so as to permit adequate emergency vehicle access to all sides of buildings. Dwellings and other principal buildings shall have access to a public or private street by means of a permitted driveway, sidewalk or other permitted means of access.
- (c) **Traffic Circulation.** The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site.
  - (1) Site plans shall fully conform with the driveway and traffic safety standards of the Township and the County Road Commission. Private streets shall comply with Township private street requirements; public streets shall comply with County Road Commission or Michigan Department of Transportation requirements, as applicable.
  - (2) In its approval of a site plan, the Planning Commission or Zoning Administrator, as appropriate, may require the providing of sidewalks or other measures for pedestrian circulation.

- (d) **Storm Water Drainage.** Storm water detention or retention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems.
- (e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes shall be in keeping with the general appearance of neighboring developed areas. The site plan shall be prepared in compliance with the landscaping requirements of Section 4.30 of this Ordinance.
- (f) **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses common to commercial activities.
- (g) **Lighting.** Outdoor lighting shall be designed to minimize glare on adjacent properties and public streets, and shall otherwise be designed, installed and operated in compliance with Section 4.19 of this Ordinance.
- (h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have only a minimum negative effect on adjacent properties, and shall be screened to ensure compatibility with surrounding properties.
- (i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with Township, county and state requirements.
- (j) **Signs.** Signs shall comply with Chapter 14 and other applicable sign regulations in this Ordinance.
- (k) **Parking and Loading.** All loading and unloading areas and outside storage areas which face or are visible from residential districts or streets shall be screened by a sufficient fence or by means of landscaping. Off-street parking and loading facilities shall comply with Chapter 15 and other parking regulations in this Ordinance.
- (l) **County Requirements.** Site plans shall comply with the requirements of the County Health Department and state and county requirements for soil erosion and sedimentation control.
- (m) **Other Permits and Approvals.** In addition to compliance with all applicable Township ordinance requirements, site plans shall be prepared in compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable Township, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission, or by the Zoning Administrator in the case of administrative site plan review.

**Section 13.7 Conditions on Approval Of Site Plans.** The Planning Commission, or the Zoning Administrator in the case of administrative site plan review, may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity. Such conditions shall be in writing and shall be included on the final site plan or an attachment thereto.

**Section 13.8 Construction In Accordance With Approved Site Plan.** Following the approval of a site plan, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

**Section 13.9 Performance Guarantees.** To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission, or Zoning Administrator in the case of administrative site plan review, may require that a cash deposit, irrevocable bank letter of credit or performance bond, with surety acceptable to the Township, be submitted to the Township, as a condition of approval of the site plan.

- (a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or project.
- (b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all applicable zoning ordinance and other requirements.
- (c) When a performance guarantee is required, the guarantee, whether in the form of a cash deposit or other permitted form of guarantee, shall be deposited with the Township Clerk prior to the issuance of a building permit or other permit necessary for the commencement of work on the land which is the subject of the site plan.
- (d) In the discretion of the Zoning Administrator, as phases or elements of the work or project depicted in the site plan are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Clerk shall return to the applicant the cash deposit or the performance guarantee, as the case may be.

**Section 13.10 Procedures for Full Site Plan Review.**

- (a) One copy of a completed application form and 12 copies of a proposed site plan shall be submitted to the Zoning Administrator. The required application fee shall be paid at the time of submission of the application and the site plan. together with any

required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan.

- (b) The application and the site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with Section 13.5, and whether it is otherwise complete for consideration by the Planning Commission.
- (c) If the applicant has not included any required elements or aspects of the site plan, because the applicant desires to request that the Planning Commission waive those matters, the site plan may nevertheless be deemed sufficiently complete for purposes of Planning Commission consideration, if the submitted materials include a written narrative on the part of the applicant, stating the matters that the applicant desires to be waived and indicating the reasons for such waiver.
- (d) After review of the site plan and the application by the Zoning Administrator, and upon the Administrator's determination that the submitted materials are complete, the site plan shall be forwarded to the Planning Commission for inclusion on the agenda of a Planning Commission meeting.
- (e) The site plan shall be considered by the Planning Commission at a public meeting. The Commission may continue its consideration of the site plan during subsequent meetings.
- (f) The Planning Commission shall approve the site plan, disapprove the plan or approve the plan with conditions. The Commission's decision on a site plan shall be made by majority vote of the members present, a quorum being present.
- (g) The decision by the Planning Commission may be included in a motion or in a separate resolution. In either event, the terms and conditions under which the site plan is approved shall be stated in the minutes of the meeting or in a resolution adopted by the Commission. If the site plan is disapproved, the reasons for the disapproval shall be stated in the minutes of the meeting or in a separate resolution.
- (h) Upon approval of a site plan, all terms and conditions, and required revisions or modifications of the plan, shall be deemed a part of the approved site plan. The site plan shall be promptly redrawn or otherwise revised, to reflect any terms, conditions and modifications required by the Planning Commission, and the revised plan shall then be promptly submitted to the Zoning Administrator, and the Administrator shall then determine whether the Planning Commission requirements have been included in the revised plan.
- (i) All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes therein are approved by the Planning Commission or otherwise as permitted in this chapter. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance.

- (j) Upon approval of the site plan, whether as originally submitted or as it may be revised to reflect conditions or modifications by the Planning Commission, the Zoning Administrator shall mark and date such approval on the Township's original copy of the plan. One copy each of the final site plan shall be forwarded to the building inspector, the Township clerk and the Zoning Administrator. One copy shall be returned to the applicant.
- (k) In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township.

**Section 13.11 Procedures for Administrative Site Plan Review.**

- (a) One copy of a completed application form and three copies of a proposed site plan shall be submitted to the Zoning Administrator. The required application fee shall be paid at the time of submission of the application and the site plan, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the site plan.
- (b) If the application and site plan sufficiently comply with Section 13.5, the Zoning Administrator shall either consider the application and site plan and make a determination in writing, or refer the application and site plan to the Planning Commission for a determination under Section 13.10.
- (c) The applicant may submit with the application a written request for a waiver of certain requirements of Section 13.5. The Zoning Administrator may waive any requirements that he or she considers not necessary to a determination as to the site plan. By way of example and not of limitation, the Zoning Administrator may accept a dimensioned hand-drawn sketch, not to scale, if the administrator determines that a scaled drawing is not necessary to a determination.
- (d) Unless the Zoning Administrator has referred the application and site plan to the Planning Commission, the Zoning Administrator shall either approve the site plan, disapprove the plan, or approve the plan with conditions. Such decision shall be in writing.
- (e) If the site plan is approved, the Zoning Administrator shall mark and date his or her approval on the Township's original copy of the site plan and forward a copy to the Planning Commission, for its information. One copy shall be returned to the applicant.
- (f) Upon approval of the site plan, all terms, conditions and required modifications of the site plan shall be deemed part of the final site plan. The applicant shall promptly revise the site plan to reflect the terms, conditions and modifications, and the revised plan shall be promptly submitted to the Zoning Administrator, for verification of

compliance, before any permits are issued and before any work at the site has commenced.

- (g) All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes are approved by the Zoning Administrator or by the Planning Commission, if it has been referred to the Commission for decision.
- (h) Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance.
- (i) If construction work or other activity does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work not in compliance with the approved site plan shall cease, or such lesser work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township.

### **Section 13.12 Changes in Approved Site Plans.**

- (a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved in accordance with this chapter.
- (b) The holder of an approved site plan shall submit an application for approval of any proposed change in the approved site plan. The application shall be accompanied by the site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted, together with any required zoning escrow deposit for reimbursement of Township expenses in the consideration of the proposed change or changes in the site plan.
- (c) Minor changes in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor changes shall consist only of only the following:
  - (1) Change in building size, up to five percent in total floor area.
  - (2) Change in location of buildings or other structures by no more than ten feet.
  - (3) Replacement of plant material specified in the landscape plan, with comparable material.
  - (4) Changes in building materials to a comparable or higher quality.
  - (5) Changes in floor plans which do not alter the character of the use.
  - (6) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- (7) Changes required or requested by the Township, the county or other governmental body or agency for safety reasons.
  - (8) Changes which will preserve the natural features of the site without changing the basic site layout.
  - (9) Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
- (d) Any requested minor changes that are submitted to the Zoning Administrator for approval may be referred to the Planning Commission for decision, regardless of whether the requested change qualifies as a minor change. In the case of such referral to the Planning Commission, the Commission shall make the decision on the requested change.
  - (e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan, showing the major change, shall be submitted to the Planning Commission for its review and consideration, and the procedures with respect thereto shall be the same as those required for full site plan review.
  - (f) In the approval of any changes in an approved site plan, whether by the Zoning Administrator or the Planning Commission, written terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.
  - (g) Upon approval of minor changes in an approved site plan, the Zoning Administrator shall notify the Planning Commission of the minor changes approved.
  - (h) Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Zoning Administrator five copies of the site plan (or such other number as may be required), accurately showing the changes in the site plan as thus approved, before any permits are issued and before any work at the site has commenced. The Zoning Administrator shall review the revised plan for compliance with required changes.

**Section 13.13 Appeals of Decisions by Planning Commission.** Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Township Board, except that a decision made by the Planning Commission on appeal of a Zoning Administrator decision under Section 13.14 shall not be appealable. The appeal shall be in writing and shall be filed with the Zoning Administrator not later than 14 days after the decision. The appeal shall state specifically the matters being appealed and the factual basis for each appeal. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or other development within the lands included in the approved site plan.



- (b) Upon receiving the appeal, the Township Board shall include the matter on the agenda of its next convenient meeting. Upon consideration of the appeal, the Township Board shall review the record of action taken by the Planning Commission. Such record shall consist of the files, memoranda, correspondence, minutes and other material in the Township files with respect to the site plan. The party appealing may submit written materials bearing on the appeal; written material in support of the decision may also be submitted by or on behalf of the Planning Commission. However, no new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.
- (c) In considering the appeal, the Township Board shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board.
- (d) A decision that a proposed change in an approved site plan is a major change shall not be appealable.

**Section 13.14 Appeals of Decisions by Zoning Administrator.** Any applicant who disagrees with a site plan decision made by the Zoning Administrator may appeal that decision to the Planning Commission. The appeal shall be in writing and shall be filed with the Zoning Administrator not later than 14 days after the decision. The appeal shall state specifically the matters being appealed and the factual basis for each. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or other development within the lands included in the approved site plan.

- (b) Upon receiving the appeal, the Planning Commission shall include the matter on the agenda of its next convenient meeting. Upon consideration of the appeal, the Planning Commission shall review the record of action taken by the Zoning Administrator. Such record shall consist of the files, memoranda, correspondence, and other material in the Township files with respect to the site plan. The party appealing may submit written materials bearing on the appeal. Written material in support of the decision may also be submitted by or on behalf of the Zoning Administrator. However, no new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Zoning Administrator.
- (c) In considering the appeal, the Planning Commission shall determine whether the record supports the action taken with respect to the matter being appealed. The Commission may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Commission shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Commission.

- (d) If the Planning Commission's decision is to reverse or modify the decision of the Zoning Administrator, the applicant shall prepare a revised site plan, accurately including the changes or other matters resulting from the Planning Commission's decision on the appeal. The revised plan shall be subject to the approval of the Zoning Administrator, consistent with the terms of the decision on appeal. No permits shall be issued, nor shall work commence, until the revised plan has been approved.

**Section 13.15 As-Built Site Plan.** If required by the Planning Commission and after completion of all required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning and Planning Department three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator or township engineer to determine whether the plan conforms with the approved site plan and other Township requirements and applicable county and state requirements. Occupancy permits shall not be issued until the building official has determined that the as-built site plan fully conforms with the approved site plan and the above-stated Township and other requirements.

**Section 13.16 Approval Effective for One Year.** Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, such period of time may, but is not required to, be extended by the Planning Commission, or by the Zoning Administrator in the case of administrative site plan review, for up to two additional periods of one year each, if such an extension is applied for during the current period of site plan approval.

**CHAPTER 13A  
CONDOMINIUMS AND SITE CONDOMINIUMS**

**Section 13A.1 Description, Purpose and Scope.** Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.

- (b) This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

**Section 13A.2 Definitions.** For purposes of this chapter, the following words and phrases are defined as follows:

- (a) “Building envelope” means an area of land within which a condominium unit may be constructed and used and which complies with the minimum lot area and the minimum lot width requirement of the zoned district in which the condominium unit is located.
- (b) “Condominium unit” means a condominium established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if for residential use, or shall be deemed to be a building or portion thereof, if for an approved nonresidential use.
  - (1) In the case of an attached condominium, the minimum requirements of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.
  - (2) The building envelope surrounding a two-unit condominium building must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached

condominium units must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for multi-family dwelling units in the zoned district in which the building is located.

- (3) In the case of a detached condominium, the applicable provisions of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.
- (c) "Site condominium" means a condominium development consisting of not less than two site condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.
- (d) "Site condominium plan" means the plans, drawings and information prepared for a site condominium as required by of the Condominium Act and as required by this chapter for review by the Planning Commission and the Township Board.
- (e) "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a site condominium unit shall be considered to be the equivalent of a "lot."
- (f) Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

### **Section 13A.3 Condominium Approval Required.**

- (a) No improvements for a condominium or a site condominium may be commenced until approval has been given in accordance with this chapter.
- (b) Condominiums and site condominiums shall comply with applicable state statutes, in addition to compliance with this chapter and other applicable provisions of this Ordinance.
- (c) If condominium approval or site condominium approval is requested in connection with an application for approval of a planned unit development, then the condominium or site condominium shall be reviewed in accordance with the applicable planned unit development requirements, including the procedures therefore.

**Section 13A.4 Application for Condominium or Site Condominium Approval.** An application for condominium or site condominium approval shall include the following information:

- (a) A condominium plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:
- (b) The information required for site plan review under Chapter 13 of this Ordinance.
- (c) Layout and dimensions of each condominium unit, and the building envelope for such unit.
- (d) Approval or tentative approval of the proposed design and location of the entrance to the site condominium from the County Road Commission or Michigan Department of Transportation.
- (e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements, and the locations thereof, that will be included in the master deed.
- (f) A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
- (g) A utility plan showing the location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities.
- (h) A narrative describing the overall objectives of the proposed site condominium.
- (i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (j) A street construction, paving and maintenance plan for all streets within the proposed site condominium.
- (k) A description and summary of all proposed phases of the condominium development.
- (l) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium.

**Section 13A.5 Procedures for Review of Preliminary Condominium Plans.**

- (a) The application and 12 copies of the preliminary plan for the condominium or the site condominium, together with the required application fee and zoning escrow deposit, shall be submitted to the Township.
- (b) Upon a determination that the preliminary plan is complete, the application and the plan shall be forwarded for consideration by the Planning Commission.

- (c) After reviewing the preliminary condominium or site condominium plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and stating its recommendations thereon.
- (d) The Planning Commission shall recommend to the Township Board whether the condominium or site condominium shall be approved, denied, or approved with conditions.

**Section 13A.6 Procedures for Review of Final Condominium or Site Condominium Plans.**

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township 12 copies of a final site condominium plan which complies with the requirements of this chapter and the recommendations of the Planning Commission.
- (b) The final condominium or site condominium plan shall incorporate all of the recommendations, if any, made by the Planning Commission in its review of the preliminary plan; provided, however, that if any of the Planning Commission's recommendations are not included in the final plan, the applicant shall clearly specify in writing which recommendations have not been included, and the reasons for which the recommendations were not included.
- (c) The final condominium or site condominium plan, together with any written statement by the applicant as to the non-inclusion of Planning Commission recommendations, shall be forwarded by the clerk to the Township Board.
- (d) After receiving the final condominium or site condominium plan, the recommendations of the Planning Commission and any written statements by the applicant, the Township Board shall review, and shall by resolution approve, deny or approve with conditions the final plan in accordance with the standards in Section 13A.7.
- (e) The resolution of the Township Board approving, denying or approving with conditions the final site condominium plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter. The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies.
- (f) All terms and conditions included by the Planning Commission and Township Board in their respective approval of a site condominium shall be incorporated in the recorded Master Deed, or shall otherwise be reflected in the final site condominium plan, when recorded as a part of the Master Deed.

**Section 13A.7 Standards for Approval of Condominiums and Site Condominiums.** A condominium or site condominium shall comply with all of the following requirements:

- (a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 13 of this Ordinance.
- (b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed condominium or site condominium, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
- (c) Each condominium or site condominium unit and each building envelope adjacent to a condominium unit or units shall comply with all applicable provisions of this Ordinance, including minimum lot area; minimum lot width; required front, side and rear yards; maximum building height; and other applicable land use requirements in this Ordinance.
- (d) If a condominium is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the County Road Commission.
- (e) Private streets may be permitted to provide access to and throughout a site condominium:
  - (1) All private streets shall comply with Section 4.20 of this Ordinance.
  - (2) Provisions in the master deed and condominium bylaws shall obligate the developer and/or owner's association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.
- (f) The condominium or site condominium shall be served by approved private water supply wells, septic tanks and drain fields or a private community sanitary sewer system and/or community water supply system, if public water and sanitary sewer facilities are not available; if such public facilities are available, they shall be connected to serve the condominium or site condominium.
- (g) Street lights may be required in any condominium or site condominium and if so, they shall be installed in accordance with the outdoor lighting requirements of this Ordinance.
- (h) Sidewalks may be required to be installed in condominiums and site condominiums, in accordance with standards and specifications specified in the resolution of approval of the condominium or site condominium.

**Section 13A.8 Construction in Compliance with Approved Plan.** No buildings or structures in the condominium or site condominium shall be built nor shall any other site improvements be made except in compliance with the final condominium or site condominium plan as approved by the Township Board, including all conditions of approval.

**Section 13A.9 Completion of Improvements.**

- (a) No building permit or occupancy permit for a condominium or site condominium unit in an approved condominium development shall be issued until construction of all required improvements has been completed and approved by the Township, or unless acceptable security for the completion of such improvements has been provided, to the satisfaction of the Township.
- (b) Upon completion of all required improvements, a complete as-built plan for all required improvements in the development shall be promptly submitted to the Township, to the attention of the Township clerk.

**Section 13A.10 Expandable or Convertible Condominium Developments.** Approval of a final condominium or site condominium plan shall not constitute approval of expandable or convertible portions of a condominium or site condominium unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

**Section 13A.11 Revisions of Approved Final Condominium or Site Condominium Plan.**

- (a) Changes to a condominium or site condominium for which a plan has been approved are subject to this section.
- (b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be submitted to the Township zoning administrator; provided, however, that the zoning administrator shall determine whether the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:
  - (1) A change in the name of the condominium or site condominium, in the name of a street within the site condominium or in the name of the developer.
  - (2) Any other change in the condominium or site condominium which, as determined by the zoning administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the condominium or site condominium.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the zoning administrator, but in the discretion of the administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a



condominium or site condominium (or any portion thereof), including any change that will result in:

- (1) A decrease in the number of site condominium units;
  - (2) A reduction in the area of the building envelope for any site condominium unit, provided that the reduction does not result in the building envelope comprising less than the required minimum lot area or having yard sizes less than the minimum required yards specified for the zoned district in which the site condominium is located.
  - (3) A reduction of less than 10 percent in the total combined area of the general common elements of the condominium or site condominium, provided that such reduction, in the case of a condominium or site condominium in a planned unit development, does not result in less permanently preserved open space than required by the applicable planned unit development district under the terms of this Ordinance.
  - (4) A reduction in the total combined area of the limited common elements of the condominium or site condominium.
  - (5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the condominium or site condominium and which, as determined by the zoning administrator, does not constitute a major change.
- (d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominiums. Major change means a major change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including any change that could result in:
- (1) An increase in the number of condominium or site condominium units.
  - (2) Any other change in the site configuration, design, layout, topography, or other aspect of the condominium or site condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a condominium or site condominium unit, and which is determined by the zoning administrator to constitute a major change in the condominium or site condominium.

**Section 13A.12 Incorporation of Approved Provisions in Master Deed.** All provisions of an approved condominium or site condominium plan shall be incorporated by reference in the master deed for the condominium or site condominium. The Master Deed shall be reviewed by the Township attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the condominium or site condominium. A copy of

the master deed as recorded with the county register of deeds shall be provided to the Township promptly after recording.

**Section 13A.13 Approval Effective for One Year.** Approval of a final condominium or site condominium plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the condominium or site condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the condominium or site condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a current period of approval.

## CHAPTER 14 SIGNS IN ALL DISTRICTS

**Section 14.1 Description and Purpose.** This chapter regulates the size, number, location and manner of display of signs in the Township, to achieve the following purposes, among others:

- (a) To protect and further the health, safety and welfare of the Township residents, property owners and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- (c) To promote reasonable uniformity in size, number or placement of signs within districts.
- (d) To promote economic development by minimizing visual clutter; to permit reasonable identification of business enterprises; to achieve other benefits resulting from reasonable sign usage, including the providing of directions, enabling of advertisement or commercial purposes and the like.
- (e) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and other land uses to communicate by means of signs.

**Section 14.2 Definitions.** The following words and phrases in this chapter are defined as follows:

- (a) **Address Sign.** A sign that identifies the street address of the property on which it is placed.
- (b) **Agricultural Industry Sign.** A sign on a farm which identifies items, products, breeds of animals, or farming methods used, grown, raised or sold on the farm.
- (c) **Balloon Sign.** A sign composed of a non-porous bag filled with gas or air.
- (d) **Banner Sign.** A sign on paper, cloth, fabric or other combustible material of any kind, either with or without frames.
- (e) **Billboard or Off Premises Advertising Sign.** A sign which contains a message or advertises an establishment, product, service, space or activity not available on the parcel of land on which the sign is located.
- (f) **Business Park or Office Park Sign.** A sign identifying a multiple-building business or commercial development or multiple-building office development.
- (g) **Changeable Message Sign.**
  - (1) **Manual.** A sign on which copy is changed manually, such as reader boards with changeable letters or pictorials; or

- (2) **Electronic.** A sign in which the display or message is changed by electric means, with each message or image remaining stationary or illuminated for the period of time required by this chapter.
- (h) **Community Service Group Sign.** A sign which displays the name, logo or location of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycees, Lion's Club or similar organization.
- (i) **Community Special Event Sign.** A portable sign which is erected 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 non-profit and whose purpose is charitable, philanthropic, religious or benevolent.
- (j) **Construction Sign.** A sign identifying a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.
- (k) **Directional Sign.** A sign which gives directions, instructions or facility information for the purpose of expediting the flow of vehicular and/or pedestrian traffic within the property in which the sign is located. Parking, exit and entrance signs are included, but not signs containing a commercial message.
- (l) **Electronic Sign.** A sign that consists of or includes an image, message or sign face that is projected or otherwise produced, in whole or in part by electronic means, which may include the use of light-emitting technologies, liquid crystal displays, computer-generated images or messages or lights or a series of lights produced or operated by electronic means.
- (m) **Essential Services Sign.** A sign installed and maintained by a public utility, municipal corporation, cable television company or telecommunications company, for the purpose of identifying systems, installations, equipment and other components necessary for the furnishing of public utility and similar services for the public health, safety or benefit, but not including a ground sign or a wall sign identifying an office building or administrative building.
- (n) **Flag Sign.** A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.
- (o) **Garage, Estate, Auction or Yard Sale Sign.** A temporary sign erected to advertise the resale or auction of personal property belonging to the resident of the property where the sale is held, including rummage sales or similar casual sales of personal property.
- (p) **Governmental Sign.** A sign erected or required to be erected by a local government, county, or the state or the federal government.

- (q) **Ground Sign.** A freestanding sign supported by a base, column, pole, or any of them, including one or more, which rests directly on the ground or on a foundation installed on or in the ground; the bottom of the sign may be no more than 24 inches above the finished grade below the sign.
- (r) **Historic Landmark Sign.** Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies and other similar memorial signs, tablets, or markers.
- (s) **Incidental Sign.** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign, restroom sign or sign indicating hours of business.
- (t) **Information/Announcement Sign.** A portable sign announcing or providing information about a particular occasion or event, but not advertising any product or service or soliciting an offer to engage a service or to purchase any product; such signs may include signs announcing the opening of a new business, a birthday or other family occasion or the like.
- (u) **Multi-Vision Sign.** A sign that has an image or images on a sign-display face that presents or is capable of presenting sequentially two or more separate images, in whole or in part, by means of components or devices such as rotating cylinders or slats that turn to change a sign image.
- (v) **Nameplate.** A non-illuminated, on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants.
- (w) **Off Premises Directional Sign.** A sign intended to provide directions to a business located within the Township, consisting of the business name and a directional arrow. No graphics, pictures or other text is permitted.
- (x) **Pedestrian Sign.** A portable sign held or worn by a person standing, walking or otherwise located out of doors on either public or private property, for the purpose of displaying the sign to passing motorists, pedestrians or other persons on the property where the person is located or on a nearby public street or sidewalk or other lands, and for the further purpose of directing attention to a business, product, service, event or other item or matter referred to on the pedestrian sign.
- (y) **Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing," "No Hunting" or "Gas Main" signs.
- (z) **Political Sign.** A temporary sign relating to an election of candidates for public office, a vote on a public proposal or other election or vote called by a governmental body.
- (aa) **Portable Sign.** A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer

or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising. A portable sign includes a pedestrian sign.

- (bb) **Pylon Sign.** A freestanding sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.
- (cc) **Reader Board.** A sign or part of a sign on which the message is changed, either electronically or manually, and which is designed and intended to be readable from only a short distance away on the property on which the reader board is installed.
- (dd) **Real Estate Sign.** A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
- (ee) **Residential Development Sign.** A sign identifying or recognizing a platted subdivision, site condominium, multi-family development or other residential development.
- (ff) **Roof Sign.** A sign erected, constructed or maintained on or above the roof of a building or any portion thereof.
- (gg) **Sign.** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located.
- (hh) **Sign Area.** The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.
- (ii) **Snipe Sign.** A sign that is attached to a utility pole, tree, fence, or similar object that is located on public or private property.
- (jj) **Street Signs.** Signs erected by private developers or county, state, or federal governments for street names or traffic control.
- (kk) **Vehicle Sign.** A sign affixed, painted or drawn on a vehicle or trailer, the primary purpose of which is to advertise or identify an establishment, product, service or activity, rather than merely to identify the vehicle or trailer while it is being used for transport, delivery or similar purpose, but excluding a sign on a licensed vehicle or trailer being parked overnight or otherwise being parked for a time of short duration and associated with the use of the vehicle or trailer for travel, transport, delivery or the like.

- (ll) **Wall Sign.** A sign painted or attached directly on or parallel to the exterior wall of a building, and which extends no greater than 12 inches from the exterior face of the wall to which it is attached or which is painted, and does not project beyond either side of the wall to which it attaches or above the roof line of the building to which it is attached.

**Section 14.3 Regulations Applicable to all Signs.** The following provisions are applicable to signs in all zoning districts.

(a) **Sign Structure and Placement.**

- (1) All signs shall be at least ten feet from all property lines and rights-of-way, unless otherwise provided in this chapter; they shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.
- (2) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- (3) Signs shall be constructed to withstand all reasonably expected wind and vibration forces.
- (4) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance.
- (5) A wall sign shall not extend in any direction past the face of the wall to which it is affixed.
- (6) A light pole, power pole or other supporting member shall not be used for the placement of any sign, except as may be permitted by this chapter.
- (7) All signs shall pertain only to the business or activity conducted on the premises on which the sign is located, except for community special event signs, existing billboards and other off-premises signs permitted in this chapter.

(b) **Illumination and Non-Stationary Features.**

- (1) If permitted, signs may be illuminated either internally or externally. If externally illuminated, the following requirements shall apply:
  - (i) External lighting fixtures shall be so located, aimed and shielded so that light is directed only onto the sign face. Such lighting fixtures shall not be directed at other properties or public or private streets.

- (ii) External lighting fixtures shall be of a type such that the bulb or other light source shall not be directly visible from other properties or streets.
    - (iii) To the extent possible, external lighting fixtures shall be mounted and directed downward (that is, below the horizontal plane).
  - (2) Flashing, oscillating, blinking or variable intensity light is prohibited, except for time and temperature signs.
  - (3) A sign shall not contain any moving or animated parts, nor have the appearance of having moving or animated parts, except for time and temperature signs and barber pole signs.
- (c) **Measurement of Sign Area.** No sign shall exceed the maximum sign area permitted for the district in which it is located. The area of a sign shall be expressed in square feet, computed to the nearest tenth of a square foot, and shall be calculated as follows:
- (1) **Area.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
  - (2) **Double-Faced Sign.** The area of a freestanding, ground or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are no more than two feet apart at any point, the area of one face shall be counted toward the maximum size requirement. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
  - (3) **Wall Sign.** For a sign consisting of individual letters and/or a logo affixed directly onto a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - (4) **Height.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less, excluding any artificially constructed earthen berms.
- (d) **Other Regulations.**
- (1) All signs shall be stationary, except as otherwise permitted in this chapter.
  - (2) No sign shall exceed a height of 35 feet.



**Section 14.4 Sign Permits and Applications.****Sign Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate any sign unless a permit shall have been first obtained from the Zoning Administrator; provided, a permit shall not be required with respect to those signs that are specifically excluded from permitting requirements of this chapter. A sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.

(b) **Permit Applications.** Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information:

- (1) Name, address and phone number of applicant.
- (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
- (3) Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
- (4) Position of the sign in relation to buildings, structures, signs, property lines, and rights-of-way, existing or proposed, located within 300 feet of the proposed sign.
- (5) Zoning district in which the sign is to be located.
- (6) Two copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including maximum and minimum sign heights, face outline and total sign area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
- (7) Name and address of the sign installer/erector.
- (8) Such other information as the Township may require to show full compliance with this chapter and other applicable Township ordinances, county ordinances and state laws.

(c) **Sign Maintenance or Change of Message.**

- (1) No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message designed for occasional message change without change of sign structure, including a changeable message board or static-faced billboard.
- (2) The changing of a sign, including the augmenting or altering the type of illumination, the augmenting or altering the structural components of the sign face, the electrification of a sign, or similar augmentation or alteration as

determined by the Township Zoning Administrator, shall not qualify as ordinary sign servicing or maintenance, and accordingly shall be accomplished only in accordance with the requirements of this chapter. The change of a static display face of a sign or billboard to a changeable, electronic or other type of display face, in whole or in part, shall not be considered to be ordinary sign servicing or maintenance, and shall be accomplished only if permitted by this chapter and in compliance with the requirements hereof.

- (d) **Sign Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 180 days of the date of issue. The permit may be extended for an additional 180 days by the Zoning Administrator upon written request demonstrating the delay was caused by reasons beyond the control of the applicant.

**Section 14.5 Exempt Signs.** The signs listed in Table 14.5 shall not require a permit and are otherwise exempt from the provisions of this chapter, except as stated in Section 14.3:

Table 14.5 Exempt Signs (but subject to the regulations in Section 14.3).	
Type of Sign	
1.	Governmental signs
2.	Essential services signs not more than two square feet in area
3.	Community service group signs not more than two square feet in area
4.	Nameplate signs not more than six square feet in area
5.	Political signs
6.	Directional signs (on premises only) if not more than four square feet in area
7.	Construction signs
8.	Signs for residential yard sales and residential garage sales
9.	Real estate sale signs
10.	Address signs not more than two square feet in area
11.	Street signs
13.	Placards
14.	Home occupation signs in compliance with the regulations of this ordinance for such signs

**Section 14.6 Prohibited Signs.** The following types of signs are prohibited in all districts:

<b>Table 14.6 Signs Prohibited in all Districts</b>	
<b>Type of Sign</b>	<b>Regulation or Exception</b>
A sign not expressly permitted by the terms of this Ordinance	
Strings of light bulbs, pennants, streamers, ribbons, flags, sequins, discs, banners or similar type of material used for commercial advertising purposes	Except Christmas decorations installed and maintained between November 15 and the following January 15.
Portable signs	Except information/announcement signs and community special event signs.
Balloon signs	
Any sign located in a public street right-of-way or a private street right-of-way	Also a sign located in a clear-vision corner.
Roof sign	
Snipe sign	
Billboards	Except an existing billboard installed prior to the effective date of Section 14.6 and which fully complied with the sign regulations then in effect may continue as a lawful nonconforming use, subject to Section 14.12 and Chapter 16.
Multi-vision sign	
Electronic changeable message sign	Except as permitted in C District by Table 14.10 of Section 14.10
Vehicle sign	Except registered vehicles or trailers lawfully parked and regularly used for vehicular travel purposes in the normal day-to-day operations of a bona fida business located on the same premises to which the vehicle sign relates.
Pedestrian sign	
Any sign which is structurally or electrically unsafe	
Any sign structure or sign frame that no longer supports or contains a sign	

**Section 14.7 Signs Permitted in all Districts Except the MHC District.** The signs listed in Table 14.7, below, are permitted in all zone districts, except the MHC Manufactured Housing Community District, subject to the requirements stated therein and other applicable provisions.

**Table 14.7 Signs Permitted in all Districts, except the MHC District**

<b>Community Special Event Sign</b>	
Maximum Number	Not more than three for each special event, of which one may be on-premises.
Maximum Size	24 square feet.
Maximum Height	10 feet.
Location	May be on-premises or off-premises; at least 10 feet away from all property lines.
Other	May be displayed up to seven days before event. Must be removed within one day after event.
<b>Directional Sign, On-Premises Only</b>	
Maximum Size	Four square feet.
Maximum Height	Six feet.
Location	At least 10 feet away from all property lines.
Other	Sign is limited to traffic control functions, may have no advertising but may include a business name and/or logo.
<b>Construction Sign</b>	
Maximum Number	One per development or project; if for a building, only one is permitted.
Maximum Size	32 square feet.
Maximum Height	10 feet.
Location	At least 10 feet away from all property lines.
Other	Must be removed within 30 days after completion of development or project; if for a building, must be removed within 30 days after issuance of occupancy permit.
<b>Community Service Group Sign</b>	
Maximum Number	One per premises plus up to two off-premises.
Maximum Size	Nine square feet.
Maximum Height	10 feet.
Location	At least 10 feet away from all property lines.
<b>Information/Announcement Sign</b>	
Maximum Number	One sign per property.
Maximum Size	32 square feet.
Maximum Height	10 feet.
Location	At least 10 feet away from all property lines; on-premises only.
Other	Must be a portable sign; may remain in place not longer than 14 consecutive days, on up to four separate occasions in a calendar year; a permit is required.
<b>Real Estate Sign</b>	
Maximum Number	One per property.
Maximum Size	Nine square feet, except that on a parcel of land of five acres or more, up to 32 square feet.
Maximum Height	10 feet.
Location	At least 10 feet away from all property lines.
Other	May not be illuminated. Must be removed within 14 days after sale or lease of property.

Placard	
Maximum Number	Signs placed along lot lines must be at least 50 feet apart, except for no-trespassing signs.
Maximum Size	Two square feet.
Location	At least 10 feet away from all property lines, except that no-trespassing signs may be placed on the property line.
Other	Provisions do not apply to Miss-Dig signs to mark utility locations, but signs must be removed within three days after the end of the project that required marking of utilities

**Section 14.8 Signs Permitted in the R-R, MDR, L-R and R-PUD Districts.** The signs listed in Table 14.8, below, are permitted in the R-R, MDR, L-R and R-PUD Districts, subject to the requirements stated therein and other applicable provisions.

Table 14.8 Signs Permitted in the R-R, MDR, L-R and R-PUD Districts.	
<b>Ground Sign for Permitted Non-Residential Uses</b>	
Maximum Number	One for each street frontage.
Maximum Size	16 square feet.
Maximum Height	Six feet.
Location	At least 10 feet away from all property lines.
Other	May not be illuminated.
<b>Wall Sign for Permitted Non-Residential Uses</b>	
Maximum Number	One per property.
Maximum Size	Up to 5% of wall area to which it is affixed, but not to exceed 32 square feet.
Location	To be affixed flat against a building wall.
Other	May not be illuminated.
<b>Home Occupation Sign</b>	
Maximum Number	One per property.
Maximum Size	Two square feet.
Maximum Height	If a ground sign, three feet.
Location	May be a wall or ground sign; if a ground sign, it must be set back at least 10 feet from all property lines.
Other	May not be illuminated.
<b>Garage Sale, Estate Sale, Auction and Yard Sale Sign</b>	
Maximum Number	Five.
Maximum Size	Six square feet.
Maximum Height	Three feet.
Location	At least 10 feet away from all property lines. May be either on-premises or off-premises.
Other	May be erected no earlier than seven days before the sale; must be removed within one day after the sale.

Agricultural Industry Sign in R-R District Only	
Maximum Number	Not more than one for each farm.
Maximum Size	32 square feet.
Maximum Height	10 feet.
Location	At least 10 feet away from all property lines.
Nameplate Sign	
Maximum Number	One per property.
Maximum Size	Two square feet.
Location	May be a wall sign only, affixed flat against a building wall.
Other	May not be illuminated.
Residential Development Sign	
Maximum Number	One sign at each main entrance, unless otherwise permitted in Township approval of development.
Maximum Size	32 square feet, or as otherwise permitted in approval of development.
Maximum Height	10 feet, or otherwise provided in approval of development.
Location	At least 10 feet away from all property lines.
Other	May not be illuminated, unless permitted in approval of development.

**Section 14.9 Signs Permitted in the C District.** The signs listed in Table 14.9, below, are permitted in the C General Commercial District, subject to the requirements stated therein and other applicable provisions.

Table 14.9 Signs Permitted in the C District.	
Ground Sign	
Maximum Number	One per property, except if a property has two or more street frontages, there may be one ground sign for each street frontage, but if there is a ground sign on a street frontage, there may not be a pylon sign on the same frontage.
Maximum Size	50 square feet.
Maximum Height	Eight feet.
Location	At least 10 feet away from all property lines.
Wall Sign	
Maximum Number	One for each street frontage
Maximum Size	Not greater than 20% of the wall area to which it is affixed, but in any event, not greater than 100 square feet.
Location	To be affixed flat against a building wall.
Pylon Sign	
Maximum Number	One per property, except if a property has two or more street frontages, there may be one pylon sign for each street frontage, but if there is a pylon sign on a street frontage, there may not be a ground sign on that frontage.
Maximum Size	32 square feet
Maximum Height	20 feet
Location	At least 10 feet away from all property lines.
Office or Business Park Identification Sign	
Maximum Number	One at each primary entrance.

Maximum Size	32 square feet.
Maximum Height	10 feet.
Location	Only at each primary entrance, and set back at least 10 feet from all property lines.
<b>Wall Signs for Multi-Tenants in Commercial Buildings</b>	
Each separate commercial establishment in a building may have one wall sign on its front wall, but the sign area shall not be greater than 10% of the wall area, but in any event, not greater than 32 square feet, of the wall of each separate establishment to which it is affixed.	
<b>Electronic Changeable Message Sign</b>	
Maximum Number	One for each street frontage. May be a ground sign or a wall sign.
Maximum Size	Not larger than 40% of the sign area in which it is included; the entire sign area shall not be larger than that permitted in the district for a ground sign or a wall sign.
Maximum Height	If a ground sign, eight feet.
Location	Shall be included only as a part of a permitted ground or wall sign.
Other	Each message shall be stationary. The transition from one message to the next shall be instantaneous.
<b>Incidental Sign</b>	
Maximum Number	One sign at the main entrance of the business; one sign at each exterior entrance to a restroom in the building.
Maximum Size	Two square feet.
Location	Only wall signs are permitted; they must be affixed flat against a wall, structure or stationary device.

**Section 14.10 Signs Permitted in the C-1 District.** The signs listed in Table 14.10, below, are permitted in the C-1 Neighborhood Commercial District, subject to the requirements stated therein and other applicable provisions.

<b>Table 14.10 Signs Permitted in the C-1 District.</b>	
<b>Ground Sign</b>	
Maximum Number	One per property, except if a property has two or more street frontages, there may be one ground sign for each street frontage.
Maximum Size	32 square feet.
Maximum Height	Six feet.
Location	At least 10 feet away from all property lines.
<b>Wall Sign</b>	
Maximum Number	One for each street frontage.
Maximum Size	32 square feet.
Location	To be affixed flat against a building wall.
<b>Wall Signs for Multi-Tenants in Commercial Buildings</b>	
Each separate commercial establishment in a building may have one wall sign on its front wall, but the sign area shall not be greater than 10% of the wall area, but in any event not greater than 32 square feet, of the wall of the separate establishment to which it is affixed.	
<b>Incidental Sign</b>	
Maximum Number	One sign at the main entrance of the business; one sign at each exterior entrance to a restroom in the building.

Maximum Size	Two square feet.
Location	Only wall signs are permitted; they must be affixed flat against a wall, structure or stationary device.

**Section 14.11 Signs Permitted in the I-1 District.** The signs listed in Table 14.11, below, are permitted in the I-1 Light Industrial District, subject to the requirements stated therein and other applicable provisions.

Table 14.11 Permitted Signs in the I-1 District.	
<b>Ground Sign</b>	
Maximum Number	One sign per parcel, except if a property has two or more street frontages, there may be one ground sign for each street frontage.
Maximum Size	50 square feet.
Maximum Height	Eight feet.
Location	At least 10 feet away from all property lines.
<b>Wall Sign</b>	
Maximum Number	One.
Maximum Size	100 square feet.
Location	To be affixed to the wall of the building facing the street that provides primary access to the building.
<b>Wall Sign for Multi-Tenants in Industrial Buildings</b>	
Each separate industrial establishment in a building may have one wall sign on its front wall, but the sign area shall not be greater than 10% of the wall area, but in any event, not greater than 32 square, of the wall of each separate establishment to which it is affixed.	

**Section 14.12 Nonconforming Signs, Including Nonconforming Billboards.**

- (a) **Intent.** It is the intent of this chapter to encourage the eventual elimination of signs that as a result of the adoption of this chapter become nonconforming; to administer this chapter to realize the eventual removal of nonconforming signs; and to adopt regulations on the limited alteration or provisional relocation of certain nonconforming signs.
- (b) **Lawful Existing Signs.** A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this chapter or other relevant provisions of this Ordinance shall be deemed a lawful nonconforming sign and may be permitted to remain if the sign is properly maintained, except as otherwise stated in this section.
- (c) **Continuance of Nonconforming Signs, Except Nonconforming Billboards.** This subsection (c) regulates nonconforming signs other than nonconforming billboards.
  - (1) **Expansion.** A nonconforming sign shall not be enlarged or expanded in area, increased in height or changed to another nonconforming sign, in whole or in part.



- (2) **Removal or Relocation.** A nonconforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.
  - (3) **Alterations, Reconstruction of Sign Structures.** A nonconforming sign shall not be structurally altered, rebuilt or reconstructed, in whole or in part; nor shall it be altered or revised (nor shall any pole or other sign support be replaced, in whole or in part) so as to change the shape, size, type, placement or design of the structural elements of the sign, or in order to add illumination, either by the addition of additional light sources or by an increase in the intensity of existing illumination.
  - (4) **Ordinary Maintenance.** A nonconforming sign shall not be altered or revised; provided, however, that the following actions with respect to a nonconforming sign shall be permitted: normal and usual maintenance (which shall not include the replacement of any pole or other sign support, in whole or in part); the changing of the sign surface area to a lesser or equal area; the replacement of landscaping below the base of the sign; or the changing of the sign's background, letters, figures, graphics or other characters, but such changes shall not include the changing of a static display face of a sign to an electronic changeable message, digital or tri-vision display face, in whole or in part.
  - (5) **Damage from Casualty.** A nonconforming sign may be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign occurs within one year after the casualty. After such one-year period, the damaged sign shall comply with current sign requirements.
- (d) **Continuance of Nonconforming Billboards.** This subsection (d) regulates only nonconforming billboards. Nonconforming signs that are not billboards are regulated by subsection (c) above.
- (1) **Expansion.** A nonconforming billboard shall not be enlarged or expanded in area or increased in height, in whole or in part.
  - (2) **Replacement.** A nonconforming billboard shall not be changed to another nonconforming billboard or another nonconforming sign, except as permitted under subsection (e).
  - (3) **Removal or Relocation.** A nonconforming billboard shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, on the same parcel of land, except as permitted under subsection (e). A nonconforming billboard may not be relocated, re-erected or re-installed on a different parcel of land.

- (4) **Damage from Casualty.** A nonconforming billboard may be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the billboard occurs within one year after the casualty. After such one-year period, the damaged billboard shall no longer qualify as a lawful nonconforming use.
  - (5) **Ordinary Maintenance.** A nonconforming billboard shall not be altered or revised, except as permitted under subsection (e); provided, however, that the following actions with respect to a nonconforming billboard shall be permitted: normal and usual maintenance; the changing of the billboard surface-area to a lesser or equal area; the replacement of landscaping below the base of the billboard; or the alteration of the billboard's background, letters, figures, graphics or other characters, but such changes shall not include the changing of a static display face of a sign to an electronic changeable message, digital or tri-vision display face, in whole or in part.
- (e) **Special Exception Use to Permit Limited Changes to Nonconforming Billboards.** Notwithstanding the provisions of subsection (d), a nonconforming billboard may be
- (1) changed to another nonconforming billboard or another nonconforming sign, or
  - (2) altered or revised, but only in accordance with this subsection (e).
    - (1) **Planning Commission Approval.** The Planning Commission may approve, as a special exception use, the following actions with respect to a nonconforming billboard (but any such approval shall not include approval of changing a static display face of a billboard to an electronic changeable message, digital or tri-vision display face, in whole or in part):
      - (i) The conversion of a nonconforming billboard to another nonconforming billboard or another nonconforming sign.
      - (ii) The alteration or revision of the nonconforming billboard.
    - (2) **Application Procedure.** An applicant shall apply for the special exception use on a form provided by the Township, shall pay the application fee and shall pay any required zoning escrow deposit. With the application, the applicant shall submit an accurate site plan and other written material describing in detail the proposed action(s) with respect to the nonconforming billboard.
      - (i) The site plan shall comply with the site plan content requirements of Section 13.5 of this Ordinance, except that it need not include items or information deemed by the Zoning Administrator to be not necessary for consideration of the application.
      - (ii) The applicant shall include such other information with respect to the requested use as the Zoning Administrator or the Planning Commission may determine necessary or useful in considering the application.

- (3) **Review of Application Completeness.** The Township Zoning Administrator shall determine whether the application and the other materials are complete. After such determination, the application, the site plan and other materials submitted by the applicant shall be forwarded to the Planning Commission.
- (4) **Planning Commission Consideration.** The Planning Commission shall consider the application for the special exception use at a public meeting. A public hearing shall not be required.
- (5) **Types of Billboard Alteration Planning Commission May Approve.** The special exception use may authorize the following:
  - (i) The change of a nonconforming billboard to another nonconforming billboard if the resulting billboard would have less sign surface area, or would be of lesser height, than the existing nonconforming billboard.
  - (ii) The alteration or revision of a nonconforming billboard if the altered or revised billboard would be less distracting to motor vehicle drivers or would otherwise have fewer adverse effects than those of the existing nonconforming billboard, by reason of reduced sign area, reduced sign height, revised configuration, less illumination or other alteration beneficial to the public interest.
- (6) **Terms and Conditions.** The special exception use may include terms, conditions and limitations.
- (7) **Standards for Review.** In determining whether to approve a requested special exception use, the Planning Commission shall consider the following:
  - (i) Whether the nonconforming billboard as changed, altered or revised would result in a billboard that would be less distracting to motor vehicle drivers, by reason of reduced size, reduced height, different configuration, less illumination, or by reason of other improvements in the public interest.
  - (ii) Whether the changed, relocated, altered or revised nonconforming billboard would eliminate, reduce or mitigate a vehicle traffic hazard resulting from the existing nonconforming billboard or other adverse effect resulting from the existing billboard.
  - (iii) Whether the resulting nonconforming billboard would otherwise advance the goals and purposes of the zoning ordinance.
- (8) **Zoning Board of Appeals Jurisdiction.** The Zoning Board of Appeals shall not have jurisdiction to vary, modify, reverse or otherwise consider the approval or disapproval of the special exception use.

- (9) **Signs Accessory to Nonconforming Use.** A sign that is lawfully accessory to a lawful nonconforming use may be erected in accordance with the sign regulations for the district in which the property is located.
- (10) **Removal of Signs no Longer Used.** Any sign which for a period of one year or more no longer advertises a bona fide business actually conducted or a product actually available for sale shall be removed by the owner of the building, structure or property upon which the sign is located, within 30 days after the mailing or delivery of a written notice by the Township to do so.

**Section 14.13 Modification of Requirements for Signs in PUD District and Special Land Uses.**

- (a) Except as provided below in this Section 14.13, all signs approved in connection with a special land use or a Planned Unit Development (PUD) shall comply with the requirements of this chapter for signs applicable to the zoning district in which the special land use or PUD is located.
- (b) In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this chapter and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided in this section.
- (c) If the sign is part of a PUD, the Planning Commission may recommend to the Township Board, and the Board may modify the size, placement, number and height requirements for signs in the PUD.
- (d) If the sign is part of a special land use, the Planning Commission may modify the size, placement, number and height requirements for any signs proposed.
- (e) In determining whether to approve a proposed modification, the Planning Commission or Township Board, as the case may be, shall find, based upon the facts presented by the applicant, that the following criteria have been met:
  - (1) The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD or special land use, including the design or placement of proposed signs;
  - (2) The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare; and
  - (3) The modification will still achieve the intended purpose of the PUD District or the zoning district, if it is a special land use, in which the sign is to be located.

## CHAPTER 15 OFF-STREET PARKING AND LOADING

**Section 15.1 Purpose.** The purpose of this chapter is to regulate the parking, loading and access of motor vehicles in all zoning districts. Such regulations are intended to assure that adequate motor vehicle off-street parking and access to off-street parking areas are provided at safe and convenient locations, and to assure that off-street parking areas are designed, constructed and used in a manner consistent with safe and convenient motor vehicle access, circulation and parking.

**Section 15.2 Location of Off-Street Parking Areas.** For all residential land uses, the required number of off-street parking spaces shall be located on the same lot or parcel of land as the dwelling or dwelling unit.

- (b) For all other uses, the required number of off-street parking spaces shall be located on the same lot or parcel of land as the use being served by the parking spaces, and within 300 feet of the building or other structure being served by the parking spaces, as measured from the main wall of the building or structure to the nearest parking space of the off-street parking area.

### **Section 15.3 General Requirements**

#### **(a) Construction of Off-Street Parking Areas.**

- (1) All parking area drives, driveways and parking spaces shall be hard-surfaced, with a pavement consisting of asphalt, concrete or other hard-surfaced composition approved by the Planning Commission in its approval of a site plan.
- (2) In order to reduce the amount of impervious parking area surface, and the corresponding storm water runoff, the Planning Commission in its approval of a site plan may approve alternative parking area surfaces for all or portion of general use parking area, overflow parking area or employee parking area, or any of them. Such alternative surfaces may include gravel, crushed stone or structures installed in the ground so as to support a parked vehicle, yet permit grass to grow on the surface.
- (3) Parking area surfaces shall be graded and drained so as to dispose of accumulated surface water within the parking area. No surface water shall be permitted to drain onto adjoining property unless there is a joint or common drainage system shared with an adjoining property or properties, as approved by the Township or the County Drain Commissioner.
- (4) Off-street parking areas shall be fully constructed prior to issuance of a certificate of occupancy, unless a later time for completion of construction is permitted by the Planning Commission in its approval of a site plan.

- (5) Adequate and safe ingress to and egress from an off-street parking area, by means of clearly defined drives and driveways, shall be provided for all vehicles.
- (6) All off-street parking areas shall be designed and located so that vehicles maneuvering in the parking area need not back directly into a street.
- (7) If required by the Planning Commission in its approval of a site plan, wheel stops shall be provided in an off-street parking area, to prevent vehicles from projecting over walkways or lot or setback lines.

**(b) Lighting of Off-Street Parking Areas.**

- (1) Light poles and light fixtures, including the nature, placement and operation thereof, shall comply with Section 4.19 of this Ordinance.
- (2) If required by the Planning Commission in its approval of a site plan, off-street parking areas shall be sufficiently lighted for safety and security purposes.

**(c) Parking Area Setbacks.**

- (1) All off-street parking areas, except those serving residential uses with fewer than five dwelling units and subject to subsections (d)(1) and (d)(2), shall be set back at least five feet from the side and rear lot lines, and at least 15 feet from the front lot line; provided, however, that the Planning Commission, in its approval of a site plan, may permit parking aisles or vehicle maneuvering areas to be located within the parking area setback, if adequate screening or landscaping is provided.
- (2) Driveways serving off-street parking areas shall be located at least 20 feet away from any residentially-zoned or residentially-used land.

**(d) Non-Residential Areas Abutting Residential Zones or Uses.**

- (1) Off-street parking areas for non-residential uses that abut or are across the street from residentially-zone or residentially-used property shall include a greenbelt at least 15 feet wide, adjacent to and on the side of the parking area next to the residential zone or use. The greenbelt shall be sufficiently landscaped to obscure the view of vehicles in the parking area.
- (2) In its approval of a site plan for a non-residential use, the Planning Commission may require other or alternate methods of screening non-residential parking areas from abutting residential zones or uses. Such alternate screening methods may include berms and fencing.

**(e) Parking Area Locations.**

- (1) Applicants are encouraged to place off-street parking areas at the side or rear of buildings, wherever reasonably practicable.
- (2) In the case of off-street parking areas located in front of buildings, the Planning Commission, in its approval of a site plan, may require sufficient landscaping to obscure or moderate the view of vehicles parked in the parking areas, from the adjacent streets and other lands.

**(f) Pedestrian Walkways; Access Aisles and Drives; Snow Storage.**

- (1) Off-street parking areas shall be designed and constructed to limit the number of points where pedestrians must cross in front of vehicles. Accordingly, vehicle access in front of building entrances and exits shall be minimized.
- (2) Access aisles or drives within parking areas shall be clearly identified, and shall be located to provide vehicle drivers with sufficient sight distance at the end of rows of parking spaces. Identification measures may include traffic islands, striped pavement or other methods.
- (3) Snow plowed from parking areas shall not be stored or piled up where it may prevent drivers or pedestrians from having adequate view of traveling or parked vehicles.

**(g) Maintenance of Parking Areas; Landscaping.**

- (1) All parking areas shall be continuously maintained, including striping, labeling, repair of surfacing and snow removal.
- (2) Parking areas shall be landscaped and screened as required by the terms of this chapter.

**Section 15.4 Shared or Joint Parking Areas; Deferred Parking Construction.**

- (a) In those cases where a mix of land uses in the same building or on the same lot or parcel results in differing peak periods of parking area use, shared parking agreements that may have the effect of reducing the total amount of needed parking spaces on the site may be permitted by the Planning Commission in its approval of a site plan. Such agreements shall not include any off-street parking area required for residential uses.
- (b) If in submitting a site plan, an applicant submits a signed agreement between the owners of adjacent or nearby properties, providing for the joint or collective use of off-street parking areas for buildings and uses on two or more adjacent or nearby properties, the Planning Commission in its approval of a site plan may approve fewer parking spaces than would otherwise be required for the buildings or uses.

In the case of such agreements for the joint or collective use of off-street parking areas, such areas shall be connected by driveways at approved locations for the safe and convenient passage of vehicles.

- (c) In order to avoid an excessive amount of impervious parking area surface, the Planning Commission in its approval of a site plan may approve a parking area which provides fewer than the minimum number of parking spaces otherwise required by this chapter if the applicant demonstrates that such reduced number of parking spaces will nevertheless satisfy the current and reasonably foreseeable parking space requirements of the building or use.
  - (1) A sufficient amount of vacant and undeveloped land on the same parcel as the use or development shall remain available for the construction and use of additional off-street parking spaces if such additional spaces are subsequently determined by the Planning Commission to be necessary. Any such vacant land shall not be included in the calculation of any required open space area. If required by the Planning Commission in its approval of a site plan, such vacant land for future parking area shall be permanently reserved for such purpose by means of a recorded restrictive covenant, in form and content satisfactory to the Township.

#### **Section 15.5 Parking Spaces and Maneuvering and Driving Aisles.**

- (a) Off-street perpendicular and angled vehicle parking spaces shall be at least 10 feet wide and at least 18 feet long.
- (b) Maneuvering and driving aisles within off-street vehicle parking areas shall be at least 24 feet wide; provided, however, that a driving aisle that does not provide access to parking spaces shall be at least 12 feet wide, if one-way, and such driving aisle shall be at least 24 feet wide, if two-way.
- (c) In the case of parallel or angled parking spaces, the Planning Commission may approve driving and maneuvering aisles that are less than 24 feet wide, upon a showing that the reduced-width aisles will not adversely affect vehicle turning radii or traffic circulation.
- (d) The site plan for all land uses for which a site plan is required shall include a plan of the off-street parking area.
- (e) All off-street parking spaces shall be located and arranged for safe and convenient use by motor vehicles.

#### **Section 15.6 Schedule of Minimum Required Off-Street Parking Spaces.**

- (a) Each land use shall include that number of off-street parking spaces complying with the following Table 15-6 of the minimum number of required off-street parking spaces for specified land uses, subject, however, to subparagraph (b) of this subsection:



**Table 15-6 Minimum Required Off-Street Parking Spaces.**

<b>Land Use</b>	<b>Number of Motor Vehicle Parking Spaces Required per Unit of Measurement</b>
<b>Residential Land Uses</b>	
Single family dwelling, two family dwelling	Two spaces for each dwelling unit.
Multiple family dwelling	Two spaces for each two-bedroom dwelling unit and 1.5 spaces for each one- bedroom dwelling unit in developments having 25 or more dwelling units. Two spaces for each dwelling unit in developments having fewer than 25 units.
State-licensed residential facilities	One per eight residents or clients plus one for each employee, with a minimum of three spaces.
Bed and breakfast establishment	One space for each guest room plus two spaces for the dwelling.
Elderly and retirement housing for independent living units	One space for each unit; for interim or intermediate care units, one space for each two beds, plus one space for each employee; for other types of such housing, one space for each three beds or for each two rooms, whichever is less, and one space for each employee on duty, based upon the maximum employment shift.

<b>Institutional Land Uses</b>	
Churches and other places of religious assembly	One space for each four seats in the sanctuary or other worship area.
Outpatient-care centers	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
Child care centers	One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
Governmental/municipal offices	One space for each 200 square feet of gross floor area
Libraries, museums and similar facilities	One space for each 200 square feet of gross floor area, less the area devoted to storage, utility rooms and lavatories.

<b>Office and Office-Related Land Uses</b>	
Medical/dental clinics or offices	Five spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
General office buildings	One space per 300 square feet of gross floor area. A minimum of four spaces per building shall be required.

Banks and other financial institutions	Six spaces per 1,000 square feet of loans gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive-through automatic teller.
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<b>Retail and Service Land Uses</b>	
Grocery stores	One space per 200 square feet of usable floor area.
Personal service establishments not otherwise listed	One space per 300 square feet of usable floor area plus one space per employee.
Appliance stores	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
Gasoline service stations	Two spaces for each service bay, plus one space for each employee, plus one space for each 200 square feet of retail area. A service bay and the area on each side of a gas pump may each count as one space.
Automobile wash establishments (automatic)	One space for each employee, plus 15 on-site waiting spaces at each wash-bay entrance, plus two drying spaces at each wash-bay exit.
Automobile wash establishments (self-service)	One space for each employee, plus three on-site waiting spaces at each wash-bay entrance.
Barber shops, beauty salons	Two for each barber or beauty operator chair/station plus one space for each two employees.
Building supply store or home improvement store, containing up to 25,000 square feet of gross floor area	One space per 200 square feet of usable floor area plus one space for each employee.
Building supply store or home improvement store, with more than 25,000 square feet of gross floor area	Three and one-half spaces per 1,000 square feet of usable floor area plus one space for each employee.
Convenience stores	Four spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
Dry cleaners	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
Funeral homes and mortuaries	One space per 50 square feet of assembly and chapel areas.
Furniture, carpet and home furnishing stores	One space per 800 square feet of usable floor area.
Hotel, motel or other commercial lodging establishment	One space for each guest room, plus one space for each two employees, plus spaces required for accessory uses, calculated at one-half of the space requirements for such uses, as if they were principal uses.

Laundromats	One space for each three washing machines.
Mini-storage warehouses	Six spaces on the site.
Motor vehicle sales	One space per 5,000 square feet of outdoor sales area, plus one space for each sales desk/office, plus three spaces for each service bay. A minimum of six spaces shall be required.
Quick oil change establishments	Two spaces for each bay plus one space for each employee.
Recreational vehicle and boat dealerships	One space per 800 square feet of gross floor area, plus two spaces for each vehicle service bay. A minimum of six spaces shall be required.
Restaurants (non-fast food) without drive-through window	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 space per seat, whichever is greater.
Restaurants that serve take out, with six or fewer booths or tables	Six spaces plus one space for each employee
Restaurants that serve fast food and have no drive-through window	Seven spaces per 1,000 square feet of gross floor area.
Restaurants that serve fast food and have a drive-through window and indoor seating	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive-through, short-term waiting spaces plus 10 on-site waiting spaces.
Restaurants that serve fast food and have a drive-through window, but no indoor seating	Fifteen spaces.
Video rental stores	One space for each 100 square feet of gross floor area plus one space for each employee.
Retail shopping centers, containing between 25,000 and 200,000 square feet	Four spaces per 1,000 square feet of usable floor area.
Other retail uses not otherwise specified	One space per 200 square feet of usable floor area plus one space per employee.

<b>Recreational/Entertainment Land Uses</b>	
Golf driving ranges	One and one-half spaces for each tee.
Golf courses, miniature	One and one-half spaces for each hole.
Golf courses	Five spaces for each hole on the golf course.
Health and fitness centers	Five spaces per 1,000 square feet of gross floor area.
Racquetball and tennis centers	One space per 1,000 square feet of gross floor area or six spaces for each court, whichever is greater.
Public recreation centers	Five spaces per 1,000 square feet of gross floor area.
Parks, playgrounds, athletic fields	As determined in approval of the special land use.

Banquet center and banquet hall	One space for each three persons permitted within the maximum occupancy load as determined by the applicable code.
Place of outdoor assembly, not otherwise listed	One space for each three seats or six lineal feet of benches.

<b>Light Industrial Land Uses</b>	
Light manufacturing; compounding, packaging and assembly uses	One and one-half parking spaces per 1,000 square feet of gross floor area.
Wholesale establishments; warehouses; transportation terminals	One parking space per each 1,500 square feet of gross floor area, or one space per employee, whichever is greater.
Engineering laboratories; contractor yards; open air businesses; trade, vocational and technical schools	As determined in special land use approval.

**(b) Units of Measurement.**

- (1) Where gross floor area is the unit for determining the required number of off-street parking spaces, or for determining the category of use, it shall include usable floor area and areas devoted to storage, processing, packaging and utilities.
- (2) Where usable floor area is the unit for determining the required number of off-street parking spaces, such unit of measurement shall mean the total floor area used for service to the public; it shall not include floor area used for storage, processing or packaging, where such activities are carried on in areas or rooms in which direct service to the public does not occur.
- (3) Where the number of required off-street parking spaces is based on the number of employees of the land use, such number shall be based on the maximum number of employees likely to be on the premises during the shift during which the greatest number of employees is present.
- (4) When the calculation of the required number of off-street parking spaces results in a fractional space, a fraction up to and including one-half may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
- (5) Where the unit of measurement for determining the number of required off-street parking spaces is a seat, but the seating facilities in a building or other land use consist of benches, pews or similar arrangements, every 24 inches of such seating facilities shall be counted as one seat.

- (6) For land uses not specifically stated in the schedule of required parking spaces included in this section, the required number of off-street parking spaces shall be determined by the Planning Commission in its approval of a site plan (1) with reference to the listed parking space requirement for the use which the Planning Commission determines to be most similar in type and nature to the use in question, or (2) in the absence of a similar listed use, then with reference to a standard manual of recommended parking space requirements.
- (c) In its approval of a site plan, the Planning Commission may require additional off-street parking area, for parking spaces in addition to the number required by the schedule stated in Section 15.6(a). Such additional off-street parking area may be required so that sufficient off-street parking area will be available in the future, either because of a greater demand for parking for the proposed use, or the likely demand for parking for other permitted uses in the future.

In considering whether to require additional area, for the construction and use of future additional parking spaces, the Planning Commission shall consider the following factors:

- (1) The nature of the currently proposed use, and the likelihood that such use may subsequently require a greater number of off-street parking spaces than specified in the above-stated schedule in Section 15.6(a).
- (2) The other uses that are specified in the Zoning Ordinance as permitted uses in the zone district in which the land is located.
- (3) The nature, type and impacts of the likely other permitted uses for the subject land, and in particular the likely off-street parking demand with respect to such other uses.
- (4) The availability of vacant land on the subject site, to be set aside for the implementing of future parking space demand.
- (5) The nature and type of the adjacent streets and the current and expected future capacity thereof.

**Section 15.7 Barrier-Free Parking Spaces.** The size, design, placement and other aspects of barrier-free parking spaces, curbs, ramps, signs and other associated features shall be as required by the terms of the applicable State of Michigan requirements for barrier-free parking spaces and related facilities.

**Section 15.8 Existing Off-Street Parking Areas.**

- (a) Off-street parking areas existing at the effective date of this chapter, and serving a land use existing at the effective date of this chapter, shall not be reduced in area or in number of parking spaces to less than the parking area and number of spaces required by this chapter.

- (b) In the case of an increase in floor area or building use capacity, in buildings and land uses in existence at the effective date of this chapter, additional off-street parking area and spaces shall be provided and maintained in accordance with the minimum requirements of this chapter.

**Section 15.9 Other Off-Street Parking Area Regulations.**

- (a) In order to avoid excessive areas of impervious surface, the minimum parking space requirements of this chapter shall not be exceeded by more than 10 percent, except as permitted by the Planning Commission in its approval of a site plan.
- (b) The storage or repair of motor vehicles is prohibited in parking spaces. The storage or display of merchandise and the placement and use of refuse receptacles in parking spaces, and similar activities, is permitted only if authorized on a temporary basis under Section 15.10, in connection with a special event.
- (c) No display of motor vehicles, boats, motor homes, tractors, recreational equipment, farm implements or other motorized vehicles, equipment or structures, for purposes of sale, shall be permitted within any required non-residential off-street parking areas.

**Section 15.10 Temporary Parking Areas.**

- (a) Occasionally, there may be lawful special events or activities which may result in a temporary reduction in the availability of required off-street parking spaces and maneuvering aisles, or the need for temporary off-site parking. Such events may include lawful church or school events, yard or garage sales, festivals, carnivals and the like.
- (b) In such cases, where the special event or activity has been approved or is otherwise lawful under the terms of this Ordinance, the zoning administrator may authorize the temporary use of required off-street parking area for the activities of the special event or activity, or may authorize temporary off-site parking, upon a demonstration by the applicant of the following:
  - (1) That the loss of the required off-street parking spaces may be offset by requiring employees or customers to park elsewhere, or that because of the time of year or nature of the business or use of the site, the spaces to be used for the special event or activity would not be needed for off-street parking.
  - (2) That if parking is to be provided off site, permission for the same has been granted by the affected property owner.
  - (3) That the special event or activity is of such short duration or is of such a nature as not to cause any off-street parking problem for the operation of the other, existing uses on the premises.

- (4) That any temporary off-site parking would be located so as to assure the safe and convenient circulation of vehicles.

#### **Section 15.11 Off-Street Loading Areas.**

- (a) Off-street loading spaces shall be provided on the same premises as any building or part thereof used for commercial, industrial or other uses involving the recurring arrival, parking, loading and departure of trucks and other vehicles which deliver to or carry away from the premises any merchandise, material, commodities or other goods, objects, equipment or the like.
- (b) Off-street loading spaces shall be designed, constructed and located so that the use thereof does not unduly interfere with the use of streets, driveways or parking areas.
- (c) Off-street loading spaces may not be counted toward the required number of off-street parking spaces.
- (d) Off-street loading spaces shall not be located in any public or private street right-of-way. Loading spaces shall not be located within the front yard, unless such location is permitted by the Planning Commission in its approval of a site plan.
- (e) Off-street loading spaces shall not be located closer than 50 feet from any residential zone or residential use, unless such a location is permitted by the Planning Commission in its approval of a site plan. In that event, the Planning Commission may require adequate screening by means of fencing or other measures.
- (f) An off-street loading space shall be at least 10 feet wide by at least 25 feet long, unless a lesser size is permitted by the Planning Commission in its approval of a site plan. The total off-street loading spaces required on a property shall be as determined by the Planning Commission in its approval of a site plan for the land use.
- (g) Loading and unloading spaces shall be subject to the same surfacing, lighting and drainage requirements as specified in this chapter for off-street parking spaces.
- (h) Deferral of construction of loading spaces.
  - (1) The Planning Commission, in its approval of a site plan, may determine that the off-street loading space requirements of this chapter would be excessive for the building or use under consideration, and in such a case the Planning Commission may permit the deferral of construction of all or some portion of required loading space. Such action on the part of the Planning Commission shall include conditions under which all or some portion of the required loading area shall be reserved for future construction and use as loading space if later determined to be necessary by the Planning Commission.

- (2) Additional loading space area within an area reserved for future loading space may be required by the Planning Commission to be constructed and placed in use, if a change of use occurs for the building or premises for which the deferred loading space was approved.



**CHAPTER 16**  
**NONCONFORMING STRUCTURES AND USES**

**Section 16.1 Intent and Purpose.**

- (a) This chapter regulates nonconforming structures and nonconforming uses as defined by this Ordinance.
- (b) Alterations to nonconforming structures, and changes to nonconforming uses are permitted only as specifically provided in this chapter. Unless permitted by this chapter or permitted elsewhere in this Ordinance, structures and uses which do not comply with the current provisions of this Ordinance shall be brought into immediate compliance.

**Section 16.2 Nonconforming Structures.** A nonconforming structure may be continued even though the structure does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

- (a) **Changes to Nonconforming Structures.**
  - (1) A nonconforming structure shall not be enlarged, expanded or increased in a manner that will increase or enlarge the nature or extent of the nonconformity.
  - (2) A structure which is a nonconforming structure because it does not comply with minimum required setback distances on one or more sides of the structure may be expanded on the other sides of the structure which are conforming, subject to applicable setback requirements for those other sides.
  - (3) An increase in the length or height of a side of a structure which does not comply with current setback requirements is an increase or enlargement of the nature or extent of the nonconformity, and is not permitted.
  - (4) A nonconforming structure which is moved, in whole or in part, to another location on the lot shall comply with all current regulations of the zoning district in which the lot is located.
  - (5) A nonconforming structure may be altered, modernized, restored or otherwise improved if such change will have no effect upon, or will reduce, the nonconforming characteristics of the structure. Once a nonconforming structure has been altered or modified in a manner that eliminates, removes, or lessens any of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently re-established or increased.
- (b) **Maintenance of Nonconforming Structures.** A nonconforming structure may be maintained, repaired or restored to a safe condition, but any such action shall not increase the extent of the nonconformity.

- (c) **Casualty or Damage to Nonconforming Structures.** If a nonconforming structure is damaged by wind, fire, or other casualty then such structure may be restored or reconstructed, but only to the extent of the size and location of the structure as it existed prior to such damage or destruction, plus only such expansion that would be permitted under subsection (a) of this section, and its use may then be resumed or continued, provided that such restoration or reconstruction shall be commenced by physical improvement on the site not later than one year after the occurrence of the casualty and shall be diligently pursued thereafter to completion of the structure.

**Section 16.3 Nonconforming Uses.** A nonconforming use of any lot or parcel, or the use of any structure located thereon, may be continued even though the use of such lot or parcel, or such structure located thereon does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

- (a) **Expansion within a Structure.** A nonconforming use may be expanded or extended throughout any parts of a structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment thereto, but only if any additional parking required by this Ordinance for such expansion can be accommodated within existing parking areas.
- (b) **Casualty Damage to a Structure Containing a Nonconforming Use.** If a structure which conforms with the provisions of this Ordinance, but which is used for or occupied by a nonconforming use, is damaged by fire, wind, or other casualty, then notwithstanding the other provisions of this section, the structure may be restored or reconstructed to the extent of the size and location existing prior to such damage or destruction, and the nonconforming use may then be resumed or continued.
- (c) **Maintenance of a Structure Containing a Nonconforming Use.** This chapter shall not prevent the maintenance, repair, strengthening or restoring to a safe condition of any structure or any part thereof in which a nonconforming use is being conducted.
- (d) **Re-establishing a Nonconforming Use.** If a nonconforming use of any lot, parcel or structure is terminated and is replaced by a permitted use, the nonconforming use shall not later be re-established.
- (e) **Discontinuance of a Nonconforming Use.**
  - (1) If a nonconforming use of a lot, parcel or structure is discontinued or abandoned for at least one year, the structure, or the structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the structure, or structure and land in combination, are located. This subsection 6 shall not apply in cases of damage by casualty under the terms of subsection (b).
  - (2) A nonconforming use shall be determined by the Zoning Administrator to be abandoned if, after a period of at least one year from the time the use is discontinued, there is evidence of intent to abandon, including disconnection of utilities, removal of signs or other advertising, absence of efforts to sell a

business, disrepair of buildings and grounds, removal of inventory, equipment or other items necessary for the use, failure to occupy the premises or other actions or conditions which demonstrate an intent to abandon the nonconforming use.

- (f) **Removal of Structure Containing Nonconforming Use.** Except as provided in subsection (c), the removal or destruction of the structure in which a nonconforming use is conducted shall terminate the nonconforming use.
- (g) **Changing to Another Nonconforming Use.** A nonconforming use shall not be changed to another nonconforming use.



**CHAPTER 17**  
**ZONING BOARD OF APPEALS**

**Section 17.1 Creation of Zoning Board of Appeals.** The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

**Section 17.2 Membership.** The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

- (a) One member of the Board of Appeals shall be a member of the Township Planning Commission.
- (b) One member of the Board of Appeals may be a member of the Township Board.
- (c) The members of the Board of Appeals other than those stated in (a) and (b) shall be electors of the Township residing within its zoning jurisdiction.
- (d) There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 17.12.
- (e) An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

**Section 17.3 Terms of Office.** A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

- (a) The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.
- (b) A member of the Board of Appeals may be reappointed.
- (c) A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

**Section 17.4 Jurisdiction.**

- (a) The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.

- (b) The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.
- (c) The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.
- (d) The Board of Appeals shall have no jurisdiction or authority over or with regard to the following:
  - (1) Any aspect or part of an application for approval of a special land use or planned unit development.
  - (2) An appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
  - (3) The consideration, approval or granting of a land use variance.
- (e) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

**Section 17.5 Types of Available Relief.** The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

- (a) Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the Zoning Administrator or any other person authorized to enforce the provisions of this Ordinance.
- (b) Cases in which it is alleged that there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.

**Section 17.6 Dimensional Variances.** If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or structures, the applicant shall demonstrate through competent, material and substantial evidence on the record that all of the following exist:

- (a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.

- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- (d) That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a dimensional variance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

The Board of Appeals may approve nonuse variances relating to the construction of, structural changes in or alteration of buildings or structures if such nonuse variances relate or pertain to the dimensional requirements of this Ordinance.

#### **Section 17.7 Time Limitations on Variances.**

- (a) Within 90 days after the granting of a variance, the applicant shall obtain all required permits and commence the construction or other work authorized by the variance, and shall proceed diligently toward the completion thereof; except that in granting the variance, the Board of Appeals may authorize a greater period of time in which the applicant shall obtain all required permits and commence construction.
- (b) The construction or other work authorized by a variance shall be completed not later than one year after the granting of the variance; provided, however, that the Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Board finds that extenuating circumstances have prevented the completion of the authorized work or if the Board determines that an extension is otherwise justified. Any request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

#### **Section 17.8 Appeals and Other Applications for Relief.**

- (a) An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.

- (b) An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.
- (c) An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.
- (d) An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.
- (e) The application shall include an accurate drawing, drawn to scale or otherwise showing all relevant dimensions, depicting the proposed construction or other undertaking as to which relief or other action by the Board of Appeals is requested. Prior to the matter being scheduled for hearing by the Board of Appeals, the application and the drawing shall be submitted to the zoning administrator, for the administrator's review of the drawing, the dimensions and other factual matters indicated in the application and the drawing. If the administrator determines any inaccuracies, the application and/or the drawing shall be returned to the applicant for correction. When the application and drawing are deemed complete and accurate, the matter shall be scheduled for public hearing by the Board of Appeals.
- (f) After an application for an appeal, a variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the zoning administrator shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. The application or appeal shall be scheduled for a public hearing by the Board of Appeals, within a reasonable time. The required notices of hearing shall be given in accordance with Section 17.11.

**Section 17.9 Decisions of the Board of Appeals.**

- (a) The Board of Appeals shall decide all applications and appeals within a reasonable time.
- (b) The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
- (c) In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the



Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.

- (d) A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.
- (e) The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

#### **Section 17.10 Officers.**

- (a) The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
- (b) The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.
- (c) An officer of the Board of Appeals shall have a term of one year and until the officer's successor is elected and qualifies. An officer may be reelected.
- (d) An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

#### **Section 17.11 Meetings and Procedures.**

- (a) The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
- (b) The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 17.12. Three members shall constitute a quorum.
- (c) At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
- (d) The Board of Appeals may convene special meetings at such times as it shall determine.

- (e) The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.
  - (1) Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.
  - (2) Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph (1).

**Section 17.12 Alternate Members.**

- (a) The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.
- (b) An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.
- (c) An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.
- (d) An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
- (e) An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

**Section 17.13 Removal of Members; Conflicts of Interest.**

- (a) A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.
- (b) A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

**Section 17.14 Appeals from Decisions of the Board of Appeals.**

- (a) Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
  - (1) That it complies with the Constitution and laws of the state.
  - (2) That it is based upon proper procedures.
  - (3) That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
  - (4) That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.
- (b) If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of Appeals may modify its findings and decision as a result of the additional proceedings, or the Board may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.
- (c) An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.



**CHAPTER 18**  
**ADMINISTRATION AND ENFORCEMENT**

**Section 18.1 Zoning Administration.** The provisions of this Ordinance shall be administered by the Zoning Administrator and shall be enforced by the Township Board or its designee.

**Section 18.2 Building and Zoning Permits.** A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued by the building official under the terms of the Township Building Code and the Township Zoning Ordinance.

- (b) A zoning permit shall be required for those buildings, structures and other land uses that are exempt from a building permit under the Township Building Code and the Township Zoning Ordinance. A zoning permit issued by the Zoning Administrator shall be required for the erecting, moving, placement, reconstruction, extension, enlargement or alteration of any such exempt building or structure including a bona fide farm building or structure.
- (c) An application for a building permit and an application for a zoning permit shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. The application shall include a drawing and such plans and specifications as are required by the terms of the building code and the Zoning Ordinance. A building permit application and a zoning permit application shall also include such other drawings, plans and specifications as the building official and the Zoning Administrator, respectively, consider necessary to provide for the enforcement of this Ordinance. However, a zoning permit or building permit shall not be required for small or easily movable structures, such as storage sheds without a foundation, dog kennels or other similar structures, as determined by the Zoning Administrator.
- (d) The exemption of construction or other work from the permit requirements of the Michigan Building Code and the Michigan Residential Code, or either of them, shall not constitute approval for any construction or other work to be carried out in any manner or to any extent that is in violation of the provisions of either such code or other applicable Township ordinances or state laws.

**Section 18.3 Certificate of Occupancy.** No building erected or altered shall be occupied or used for any purpose until it is completed and until final inspection and final approval has been given. At such time, a certificate of occupancy can be issued by the building official, indicating that the premises or building complies with the provisions of the approved plans and the Township Building Code and other applicable ordinances of the Township.

- (b) A record of all certificates of occupancy shall be kept on file in the office of the building official.

**Section 18.4 Expiration of Building and Zoning Permits.** A building permit or zoning permit (for those buildings, structures and other land uses requiring a building permit or zoning permit)

shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. A building or zoning permit expiring pursuant to this section may be renewed, upon re-application and upon payment of the applicable fee. The Building Official or the Zoning Administrator is authorized to grant, in writing, one or more renewals for such permits for periods of not more than six months each. The renewals shall be requested in writing and justifiable cause demonstrated.

**Section 18.5 Cancellation of Permits.**

- (a) The Building Official may revoke and cancel any building permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance, the Township Building Code or any terms or provisions of the building permit, or in the event of any false statement or material misrepresentation in the application for the building permit.
- (b) The Zoning Administrator may revoke and cancel any zoning permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any terms or provisions of the zoning permit, or in the event of any false statement or material misrepresentation in the application for the permit.
- (c) Written notice of any such cancellation and revocation shall be hand-delivered or sent by U.S. mail to the permit holder or securely posted at the construction site. Such delivered or mailed notice or such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.
- (d) The written notice of cancellation and revocation of a building permit under the terms of this section shall terminate all rights of the building-permit-holder arising under the terms of the permit, and shall not constitute nor be construed as only a stop work order under Section 18.8.

**Section 18.6 Application Fees and other Charges; Zoning Escrow Deposits and Payments.**

- (a) All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, special exception approvals, and all other land use review, consideration or approval provided for by the terms of this Ordinance, shall pay to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit sums into a zoning escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning approvals or other relief being applied for, in accordance with any such Township Board resolution and the terms of this Ordinance.
- (b) An application for any of the above-stated land use reviews, considerations and approvals, and other applications authorized hereunder, shall not be complete, and need not be considered, until the required application fee and other charges have been paid in full and until the deposit of the required sum in any required zoning

escrow account has taken place, and such deposit maintained or reestablished at the required amount.

### **Section 18.7 Violations and Penalties.**

- (a) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the building official, Zoning Administrator, zoning board of appeals, or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (b) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- (c) In addition to the foregoing penalties, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.
- (d) A violation of this Ordinance includes any act which is prohibited or declared to be unlawful or an offense by the terms of this Ordinance, or which is contrary to any condition upon any permit or approval granted under this Ordinance; a violation also includes any omission or failure to act if the act is required by any provision of this Ordinance, or condition of any permit or approval given under this Ordinance.
- (e) The owner and lessee of lands upon which a violation of this Ordinance has or is occurring shall be jointly and severally responsible for such violation along with the person, partnership, limited liability company, corporation or association which commits or has committed such violation.
- (f) **Form and Service of Civil Infraction Citations.**
  - (1) Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's Office.
  - (2) The authorized Township official or other authorized official shall personally serve the citation upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building

or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation on the land or attaching a copy of the citation to the building or structure. In addition, in such a case, a copy of the citation shall be sent by first class U.S. mail to the owner and occupant of the land, building or structure at the owner's and occupant's last known address.

**(g) Officials Authorized to Issue Municipal Civil Infraction Citations.**

(1) The following Township officials and law enforcement personnel are authorized to issue citations for violation of any provision of this Ordinance if such person has reasonable cause to believe that an infraction has occurred based upon personal observation or the report of a person who allegedly witnessed the violation:

- (i) The Township Supervisor.
- (ii) The Township Zoning Administrator.
- (iii) The Township Enforcement Officer.
- (iv) A deputy of the County Sheriff's Department.

(2) If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township Attorney approves in writing the issuance of the citation, if such approval by the Township Attorney is required by law.

**(h) Procedures Following Issuance of Municipal Civil Infraction Citations.**

(1) A municipal civil infraction citation shall require that the alleged violator appear at the district court within a reasonable time after the citation has been issued, or within such period of time as is stated in the citation.

(2) The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for municipal civil infractions shall be as provided by law.

(i) Nothing in this section shall excuse the offender from compliance with the provisions of this Ordinance.

(j) The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating a Township ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time



permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

#### **Section 18.8 Stop Work Orders.**

- (a) Upon notice from the Zoning Administrator or building official that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner's last known address or as that address is shown in the current Township property tax assessment roll.
- (b) Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be in violation of this Ordinance, except such work as such person may be directed to perform in order to moderate or remove a violation or to avoid an unsafe condition.

#### **Section 18.9 Publication and Delivery of Notice of Public Hearing.** Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- (a) The notice shall be published once, at least 15 days before to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:
  - (1) The applicant; the owner of the subject property, if different from the applicant.
  - (2) All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application;
  - (3) One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and

- (4) The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.

- (c) The notice of public hearing shall include the following information:

- (1) A description of the application or request.
- (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
- (3) The date and time when the application or request will be considered; the location of the public hearing.
- (4) The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.

## CHAPTER 19 AMENDMENTS

**Section 19.1 Amendments.** Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission or by any interested person.

**Section 19.2 Applications for Amendment.** Applications by an interested person for an amendment in this Ordinance shall be in writing, signed by the applicant, and submitted to the Zoning and Planning Department. The application shall include the following:

- (a) The applicant's name, address, and interest in the amendment being applied for and, if applicable, the name, address, and interest of other persons having a legal or other interest in the land involved or in the subject matter of the proposed amendment.
- (b) The reasons and grounds for the proposed amendment; if adopted, the nature and effect of the proposed amendment.
- (c) If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of the land, the current zoning district of the land, and the zoning district of the abutting lands.
- (d) Other facts and information offered in support of the proposed amendment.

**Section 19.3 Consideration of Proposed Amendment.** The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing on a proposed amendment in the text of this Ordinance, and thereby not consider further a proposed text amendment.

- (b) With respect to an amendment as to which the Planning Commission determines to convene a public hearing, the Township Zoning and Planning Department shall arrange for notice of the public hearing to be given in accordance with Section 18.9 of this Ordinance.
- (c) The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances.

If the Commission desires to make changes in the text of the proposed amendment that are so material and significant as to be beyond the reasonable scope of the notice of the public hearing on the amendment, then the Commission shall first hold a public hearing, with notice, on the amendment as it is proposed to be materially and significantly changed.

- (d) After its decision, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial.
- (e) Upon receipt of a zoning ordinance amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amending ordinance at a public meeting. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but such a hearing is not required, except in the case of planned unit development rezoning. If such a public hearing is held by the Township Board, notice thereof shall be given in the same manner as is required by the terms of this Ordinance for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the Zoning Map.
- (f) If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment for the rezoning of a parcel of land, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.
- (g) The Township Board may adopt the amending ordinance at any regular or special meeting, by affirmative majority vote of the members of the Township Board.
- (h) Except as otherwise provided by law, or as may be provided by the relevant ordinance, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

- (1) A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the Zoning Map, the notice shall indicate the lands affected.
- (2) The effective date of the amending ordinance.
- (3) The location where and the time when a copy of the amending ordinance may be inspected or purchased.

**CHAPTER 20  
MISCELLANEOUS PROVISIONS**

**Section 20.1 Administrative Liability.** No officer, member, agent or employee of the Township Board, Planning Commission, or Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause arising out of the discharge of such person's duties and responsibilities pursuant to this Ordinance.

**Section 20.2 Severability.** This Ordinance and the parts thereof are hereby declared to be severable. If any part or provision is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 20.3 Repeal of Prior Zoning Ordinance.** The prior zoning ordinance of the Township, adopted by the Township Board and made effective as of May 17, 1991, and as it was amended from time to time, shall remain in full force and effect until the effective date of this Ordinance. As of such effective date, such prior zoning ordinance of the Township shall be and it hereby is repealed.

THIS ORDINANCE was adopted by the Township Board on October 11, 2016 and it became effective on November 15, 2016.

/s/ Linda L. VanHouten  
Linda L. VanHouten, Clerk

Amended January 8, 2019  
Ordinance No. 2019-1Z Complete Prohibition of Marihuana Facilities/Establishments

