



# Attica Township Zoning Ordinance

Effective September 2, 2009  
Including Amendments Updated Through  
April 2022

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

**Link to How to Use This Ordinance.**

**Link to Zoning Map.**

**Notes** provide relevant district information recommended for review.

**Link to Table of Contents.**

**Selected References** list other sections or Ordinances that may pertain to a development in the district.

**Pages** are numbered sequentially within each Article.













# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.
-  identifies sections that have been amended. The ordinance number and adoption year is listed at the end of the section. More information can be found in Appendix A - Amendments.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, Township Board or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

## Digital User Note:

### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

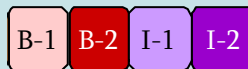
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



**Article tabs** located on the side of each page are linked to the Contents page of each Article.



**Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



**Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

### How do I calculate height?

**‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.



**Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	R-2	R-3	RM-1	RM-2	MH	B-1	B-2	I-1	I-2
Agribusiness uses	S										
Airports	S									S	S
Animals, fur bearing	S										
Animals, keeping of	P	P	P	P	P	P	P	P	P	P	P
Apartments, accessory	P	P	P	P							
Assembly halls									P		
Auto laundries									P		
Automobile sales, new									P		
Automobile sales, used									S		
Automotive repair garages										P	P
Automotive service centers								S			
Banks and financial institutions								P	P		
Bed and breakfast inns	P	P	P	P							
Billboards (non-accessory signs)										P	P
Billiard clubs									P		
Bottling and food packaging										P	P
Bowling alleys									P		
Camping facilities									S		
Cemeteries	S	S	S	S							
Child care centers	S	S	S	S							
Clinics, medical and dental								P	P		
Clubs, private								P	P		
Colleges	S	S	S	S							
Dry cleaning plants										P	P
Egg factories	S										
Farms	P										
Feedlots	S										
Freight terminals										P	P
Garage and yard sales	P	P	P	P							
Gasoline service stations									S		
Golf courses	S	S	S	S							
Governmental uses									P		
Hobby farms	P	P	P	P							

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	R-2	R-3	RM-1	RM-2	MH	B-1	B-2	I-1	I-2
Hog farms	S										
Home occupations	S	S	S	S							
Hospitals	S										
Hotels									P		
Incinerator plants, enclosed											S
Junk yards											S
Kennels, commercial	S									P	P
Kennels, private	P	P	P	P							
Laboratories, experimental and testing										P	P
Landfills	S									S	
Libraries, public	S	S	S	S							
Limited business uses, agricultural	S										
Limited business uses, residential		S	S	S							
Lodge halls								P	P		
Lumber and planing mills										S	P
Manufacturing and processing										P	P
Metal plating, buffing, polishing										S	P
Micro-brewery	S										
Micro spirits distiller	S										
Mining	S									S	P
Mobile home parks							P				
Motels									P		
Multiple-family dwellings					P	P					
Mushroom farms	S										
Mushroom processing plants	S										
Nursery schools	S	S	S	S							
Nursing and convalescent homes	S										
Offices								P	P		
Offices, medical and dental								P	P		
Offices, plumbers, electricians, etc.									P		
One-family dwellings	P	P	P	P							
Orphanages	S										
Outdoor sales space									S		

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	R-2	R-3	RM-1	RM-2	MH	B-1	B-2	I-1	I-2
Parks, public		P	P	P							
Personal service establishments								P	P		
Places of worship	S	S	S	S				P	P		
Ponds, agricultural	P										
Ponds, residential	P	P	P	P							
Power plants											P
Printing and newspaper offices									P		
Propane and water tank holders										P	P
Public buildings	S	S	S	S							
Public utility and service uses	S	S	S	S				P	P	P	P
Public utility service yards									P	P	P
Pump stations									P	P	P
Race tracks, auto										S	S
Race tracks, dog and horse										S	S
Railroad transfer and storage tracks										P	P
Recreation areas, commercial	S										
Recreation areas, outdoor, commercial									S		
Recreation areas, private	S	S	S	S							
Recreation facilities, public		P	P	P							
Research and design uses										P	P
Restaurants								S	P		
Restaurants, drive-in									S		
Retail businesses								P	P	S	
Riding stables, commercial	S										
Riding stables, private	P										
Roadside markets	P										
Schools, business and for-profit									P		
Schools, public and private, non-profit	S	S	S	S							
Sewage disposal plants										P	P
Shooting preserves	S									S	S
Short term rental	P	P	P	P							
Small wine maker (micro-winery)	S										

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	AG	R-1	R-2	R-3	RM-1	RM-2	MH	B-1	B-2	I-1	I-2
Solar Energy Systems, Large for Utility use										P	P
Solar Energy Systems, Medium for on-site use								P	P		
Solar Energy Systems, Medium for utility use								S	S		
Solar Energy Systems, Small for on-site use	P	P	P	P	P	P	P	P	P	P	P
Storage, materials, equipment										P	P
Taverns									P		
Theaters, indoor									P		
Theaters, outdoor										S	S
Transformer stations									P	P	P
Trap and skeet shooting clubs	S									S	S
Trucking facilities										P	P
Two-family dwellings					P	P					
Universities	S	S	S	S							
Utility exchanges									P	P	P
Veterinary offices	S								P		
Warehousing										P	P
Waste lagoon ponds											S
Water supply plants										P	P
Wholesale establishments										P	P
Wind energy conversion system, commercial	S									S	S
Wind energy conversion system, private	P	P	P	P	P	P		P	P	P	P
Wireless communication facilities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Yard waste composting facilities	S									S	S



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
AG Agricultural	2.5 ac (without animals) 5.0 ac (with animals)	165 (without animals) 300 (with animals)	50	20	60
R-1 One-Family Residential	2.5 ac	165	30	15	40
R-2 One-Family Residential	1 ac	120	30	10	40
R-3 One-Family Residential	0.5 ac	100	25	10	35
RM-1 Multiple-Family Residential	9,600 sq ft	80	25	20	35
RM-2 Multiple-Family Residential	9,600 sq ft	80	25	20	35
MH Mobile Home Park	10 ac (without water/sewer) 5 ac (with water/sewer)	Not specified	25	10	10
B-1 Local Business	Not specified	Not specified	25	0	20
B-2 General Business	Not specified	Not specified	25	0	20
I-1 Light Industrial	Not specified	Not specified	30	15 (least) 40 (total)	30
I-2 Heavy Industrial	Not specified	Not specified	50	20	50



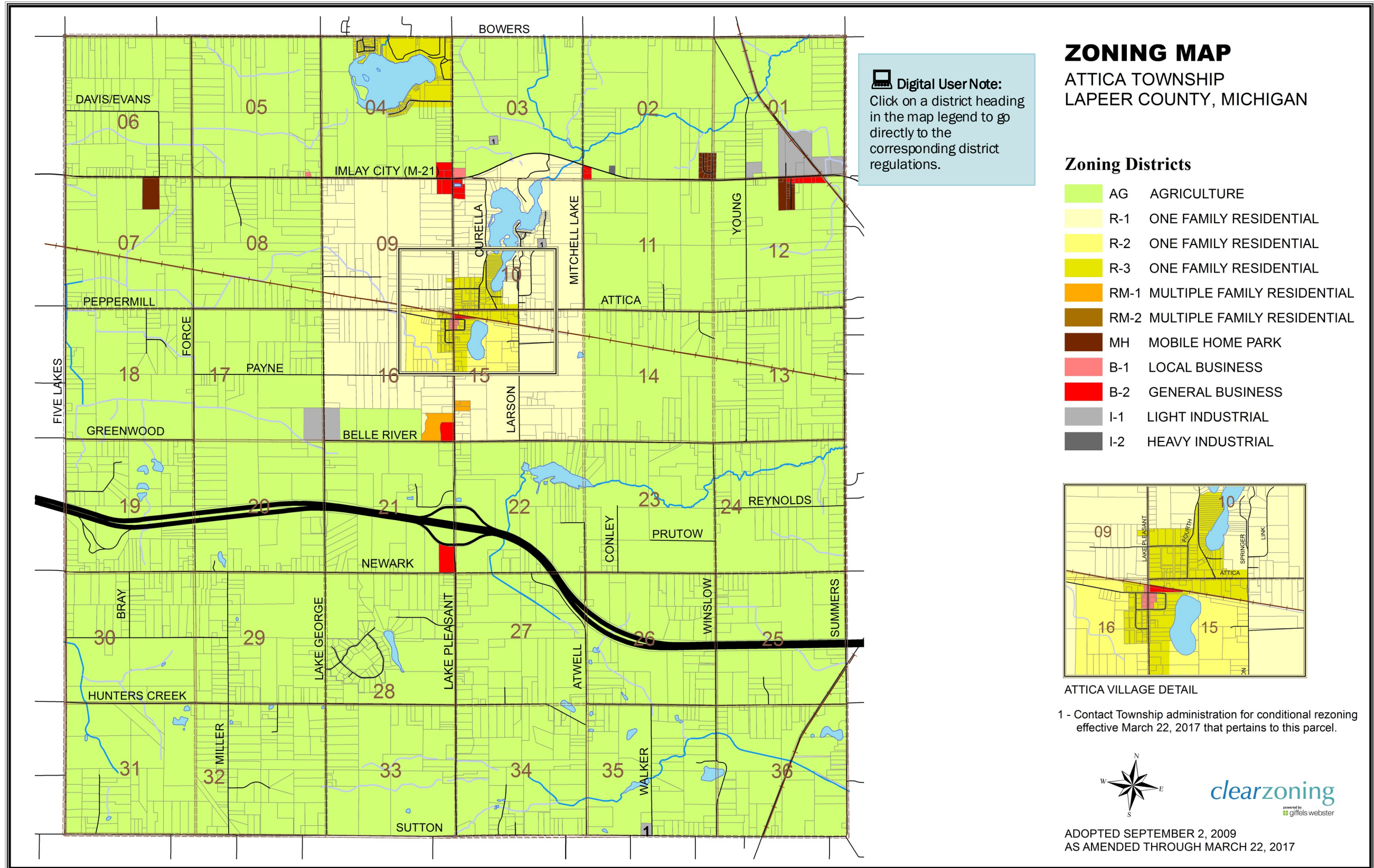
# How to Use This Ordinance

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# Zoning Map



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# Article 1.0

## *Purpose and Introduction*



<b>Article 1.0</b>	<b>Purpose and Introduction</b>
1.1	Short Title
1.2	Vested Right
1.3	Severance Clause
1.4	Scope
1.5	Conflicting Regulations



# 1.0 Purpose and Introduction

## 1.1 SHORT TITLE

This ordinance shall be known and may be cited as the Township of Attica Zoning Ordinance.

## 1.2 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

## 1.3 SEVERANCE CLAUSE

No section of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

## 1.4 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure of land, or part thereof, except in conformity with the provisions of this Ordinance.

## 1.5 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

1  
Purpose and  
Introduction

2  
Definitions

3  
Zoning  
Districts

4  
Use  
Standards

5  
Site  
Standards

6  
Development  
Procedures

7  
Admin and  
Enforcement



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

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**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# *Article 2.0*

## *Definitions*



1 Purpose and Introduction
2 Definitions
3 Zoning Districts
4 Use Standards
5 Site Standards
6 Development Procedures
7 Admin and Enforcement

<b>Article 2.0</b>	<b>Definitions</b>
2.1	Construction of Language
2.2	Definitions

**A—D**

- Accessory Apartment
- Agriculture
- Alley
- Alterations
- Apartment
- Attached Accessory Building
- Automobile Service Center
- Automobile Repair Garage
- Background Sound
- Basement
- Bed and Breakfast Inn
- Billboard (Non-Accessory Sign)
- Blade Glint
- Breezeway
- Building
- Building, Accessory
- Building Eave
- Building Envelope
- Building, Main
- Building Height
- Building Inspector
- Building Line
- Club
- Columbarium or Columbarium
- Commercial Wind Energy
- Conversion System (C-WECS)
- Condominium Subdivision
- District
- Domestic Pet
- Drive-In Restaurant
- Dwelling, One-Family
- Dwelling, Two-Family
- Dwelling, Multiple-Family
- Dwelling Unit

**E—L**

- Energy System
- Erected
- Essential Services
- Exotic or Wild Animal
- Family
- Farm
- Farm Animal
- Fast Food Restaurant
- Fence
- Floor Area
- Floor Area, Usable
- Gasoline Service Station
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# 2.0 Definitions

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## 2.1 CONSTRUCTION OF LANGUAGE

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. All word used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
2. The word "building" includes the word "structure".
3. The word "dwelling" includes "residence".
4. The word "person" includes "corporation", "copartnership", "association", as well as an "individual".
5. The word "shall" is mandatory and the word "may" is permissive.
6. The word "lot" includes the words "plot" or "parcel".
7. The words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".
8. Terms not herein defined shall have the meaning customarily assigned to them.

## 2.2 DEFINITIONS

**Accessory Apartment.** A separate housekeeping unit that is substantially contained within the structure of a single family unit, but can be isolated from it.

**Agriculture.** Soil dependent cultivation of crops or the raising of farm animals, for primarily commercial purposes, in accordance with generally accepted farming practices.

**Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Alterations.** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**Apartment.** A residential structure containing three (3) or more attached one (1) family dwellings.

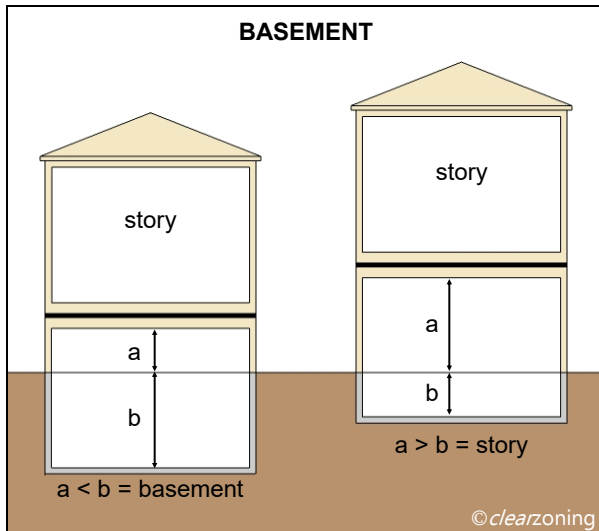
**Attached Accessory Building.** An accessory building that is connected to the main building either by a wall shared by both buildings or a breezeway.

**Automobile Service Center.** A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.

**Automobile Repair Garage.** A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

**Background Sound.** The sound level that exists in the absence of and unrelated to wind energy conversion systems sound being evaluated for compliance with this ordinance and includes sounds that would normally be present at least 90 percent of the time. Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment but would not be considered part of the background sound unless they were present for at least 90 percent of the time. In terms of sound measurements, background sound is defined as being the sound level exceeded 90 percent of the time, and it is statistically referred to as L90. Background sound must not be measured during sporadic noise events such as seasonal farming activities, traffic or weather events that would distort the establishment of a baseline level representative of the L90 rural environment.





**Basement.** That portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story. ✍

**Bed and Breakfast Inn.** A single family dwelling with not more than eight (8) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

**Billboard (or Non-Accessory Sign).** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

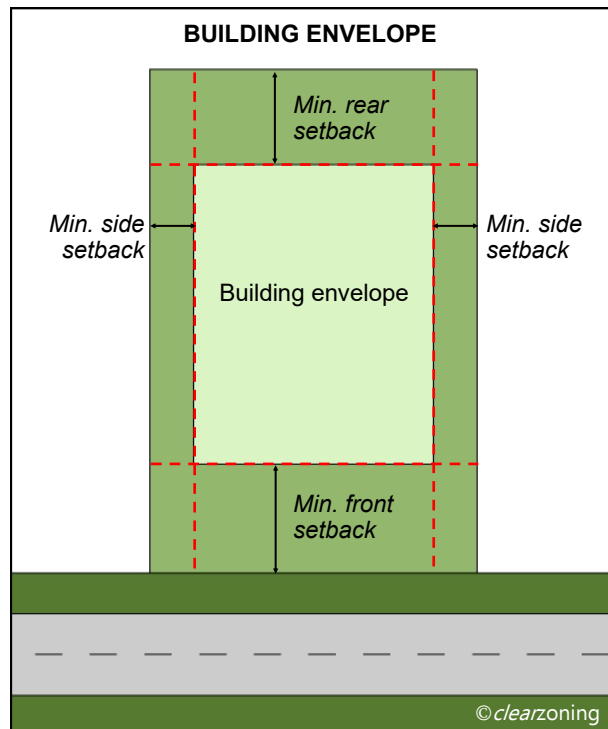
**Blade Glint.** The intermittent reflection of the sun off the surface of the blades of a single or multiple wind energy conversion system.

**Breezeway.** A permanent building, sharing common walls with the main and accessory buildings, principally used as sheltered, direct access to and from the main and accessory buildings. Structures such as pergolas or wooden beams do not constitute breezeways.

**Building.** Any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for said purposes).

**Building, Accessory.** A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

**Building Eave.** The point at which the rafters meet the building wall, for purposes of calculating building height. For purposes of this ordinance, the building eave shall be equivalent to the building wall height.



**Building Envelope.** The ground area of a lot which is defined by the minimum setback requirements within which construction of a principal building and any attached accessory structures is permitted by this ordinance. ✍

**Building, Main.** A building in which is conducted the principal use of the lot on which it is situated.

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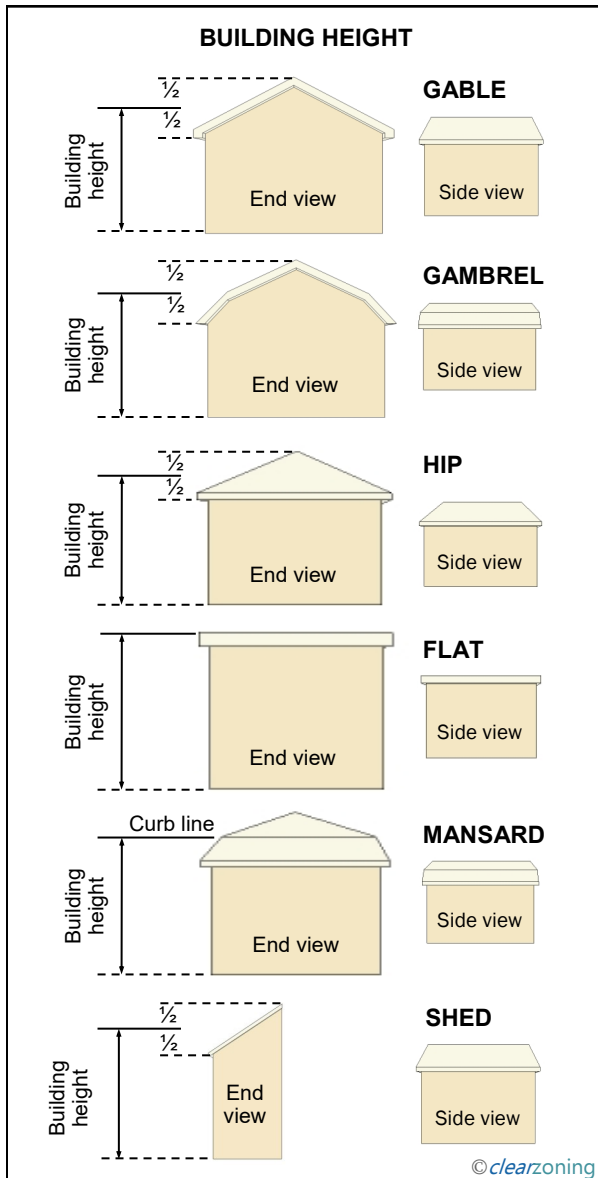
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**Building Height.** The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. The Planning Commission shall determine roof height for all roof styles not defined herein and for significant variations from standard roof types defined herein

**Building Inspector.** The Building Inspector, Official or Zoning Administrator designated by the Township Board.

**Building Line.** A line formed by the face of the building, and for the purpose of this ordinance, a building line is the same as a front setback line.

**Club.** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

**Columbarium or Columbarium** (includes columbaria, columbaries, auxiliary and or garden columbarium walls). A structure or vault with niches or recesses for the respectful storage of urns containing the ashes of the dead.

**Commercial Wind energy conversion system.** A wind energy conversion system that exceeds the maximum thirty (30) kilowatt generator size limit allowed for net metering by the public utility.

**Condominium Subdivision.** The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Attica Township Subdivision Ordinance with the Condominium Act:

1. **Condominium Act** means Act 59 of 1978, as amended.
2. **Condominium subdivision** shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Ordinance.
3. **Condominium subdivision plan** means the site, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.
4. **Condominium unit** means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.



5. **Consolidating master deed** means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
6. **Contractible condominium** means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. **Conversion condominium** means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Convertible area** means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. **Expandable condominium** means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
10. **Front yard** shall be equal to the distance between the edge of the street right-of-way or easement and the condominium dwelling.
11. **Lot** shall mean the same as "Homesite" and "Condominium Unit".
12. **Mobile home condominium project** means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.
13. **Master deed** means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
14. **Rear yard** shall be equal to the distance between the rear line of the condominium unit and the condominium dwelling.
15. **Side yard** shall be equal to the distance between the side line of the condominium unit and the condominium dwelling.

**District.** A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

**Domestic Pet.** Animals which are ordinary household pets such as dogs or cats and which are kept for pleasure.

**Drive-In Restaurant.** A business establishment, for the serving of food and /or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.

**Dwelling, One Family.** A building designed exclusively for and occupied exclusively by one (1) family.

**Dwelling, Two-Family.** A building designed exclusively for occupancy by two (2) families, living independently of each other.

**Dwelling, Multiple-Family.** A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

1. **Efficiency Unit.** A multiple-family dwelling unit containing not over three hundred sixty (360) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.

2. **One Bedroom Unit.** A multiple-family dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.

3. **Two Bedroom Unit.** A multiple-family dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.

**Dwelling Unit.** A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

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**Energy System.** Wind energy conversion system that is used to generate electricity or produce mechanical energy for use on the property where located. A wind energy conversion system that does not exceed the maximum thirty (30) kilowatt generator size, and sale of excess electric power is allowed only via net metering.

**Erected.** Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services to the Township by such utilities or Municipal departments for general health, safety, or welfare.

**Exotic or Wild Animal.** Any animal not defined as a farm animal or domestic pet which is not native to southeast Michigan nor commonly found in the wild in southeast Michigan.

**Family.** One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

**Farm.** The carrying on of agriculture as a primary source of income.

**Farm Animal.** Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, including but not limited to mink.

**Fast Food Restaurant.** An establishment whose primary purpose is to offer food prepared for and/or packaged as carry-out items (mostly in disposable containers) whether consumed on the premises, in the building or in the patron's automobile, or elsewhere. Fast-food restaurants may include a drive-up window and associated off-street waiting space.

**Fence.** A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.

**Floor Area.** The floor area of a residential dwelling unit is the sum of horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**Floor Area, Usable.** For the purposes of computing parking, is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area". For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

**Gasoline Service Station.** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of a minor repair of automobiles.

**Grade.** The highest elevation of ground contacting any portion of the basement or foundation of a dwelling.

**Greenbelt.** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.



**Height.** The distance between the ground at the base of the wind energy conversion system and the highest point of the wind energy conversion system with the blade in the uppermost vertical position.

**Hobby Farm.** A farm which is limited in scale, operated on a part time basis primarily for pleasure, and which is permitted in the AG - Agricultural and R -1 One Family Residential District subject to the use restrictions outlined in said districts.

**Home Occupation.** An occupation or profession customarily carried on by an occupant of a dwelling unit that is conducted as an accessory use inside the dwelling unit and that is clearly incidental and secondary to the use of the dwelling for residential purposes.

**Impulsive Noise.** Short acoustical impulses or thumping sounds, which vary in amplitude. Impulsive noise may be a single noise event or an intermittent repetitive noise event with an impulse rate of one or more per second.

**Infrasound.** Sound frequency less than twenty (20) Hz.

**Junk Yard.** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Type of animal	Number of animals per large animal unit
Horse	1
Cattle	1
Ponies	2
Pigs	2
Sheep	2
Goats	2

**kennel, Commercial.** Any lot or premises on which three (3) or more dogs or domesticated animals, not owned by the proprietor, are either permanently or temporarily boarded.

**kennel, Private.** Any lot or premises on which four (4) or more dogs or domesticated animals over the age of one (1) year, owned by the proprietor, are housed.

**Large Animals.** Farm animals and other similar animals which are customarily raised on a farm. A large animal unit, as regulated by Section 4.8, shall be equivalent to the following numbers of such animals:

**Limited Business Use, Agricultural.** A business use carried on by an occupant of a dwelling unit that is clearly incidental and secondary to the use of the property and dwelling for residential purposes, that cannot be conducted within the dwelling itself, and that is primarily engaged in producing a product or providing a service, where the external physical effects will not adversely affect the residential character or quality of the surrounding area.

**Limited Business Use, Residential.** An occupation or profession customarily carried on by an occupant of a dwelling unit that cannot be conducted within the dwelling itself, but that is conducted as an accessory use inside a permitted accessory building and that is clearly incidental and secondary to the use of the property and dwelling for residential purposes, where the external physical effects will not adversely impact the residential character or quality of the surrounding neighborhood.

**Loading Space.** An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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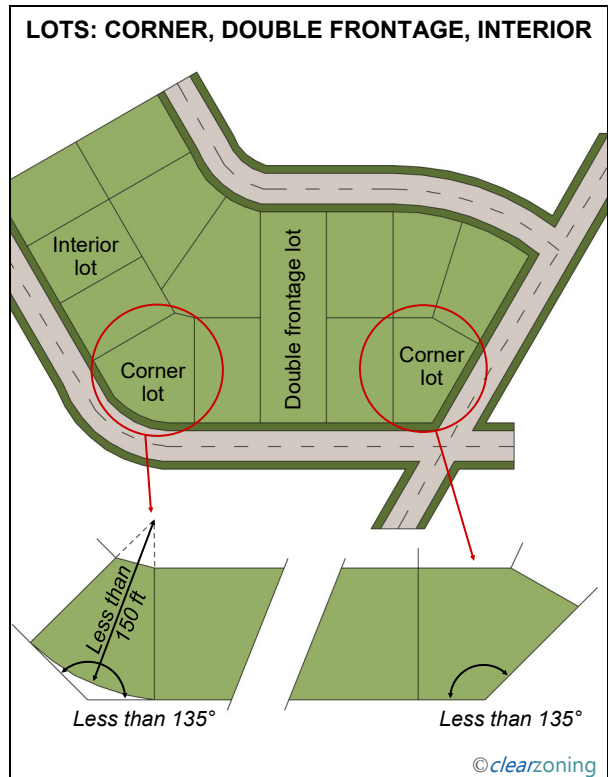
**Local Agent.** An individual designed to oversee the short-term rental of a dwelling unit in accordance with Section 4.64 Short-Term Rentals and to respond to calls from renters, concerned citizens, and representatives of the Township. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

**Lot.** A parcel of land occupied, or which could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are specifically designated as such on public records.

**Lot of Record.** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown or any part of such parcel held in record ownership separate from that of the remainder thereof.

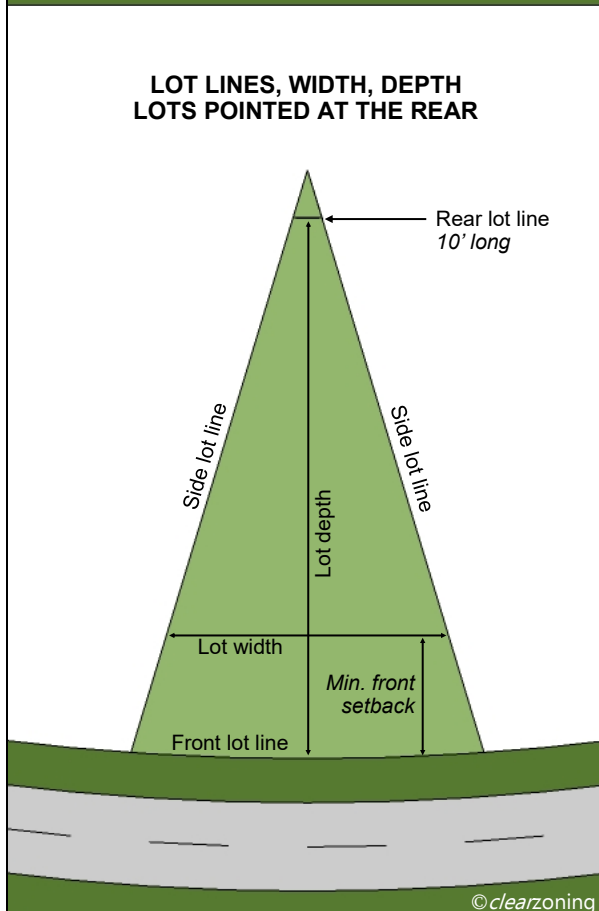
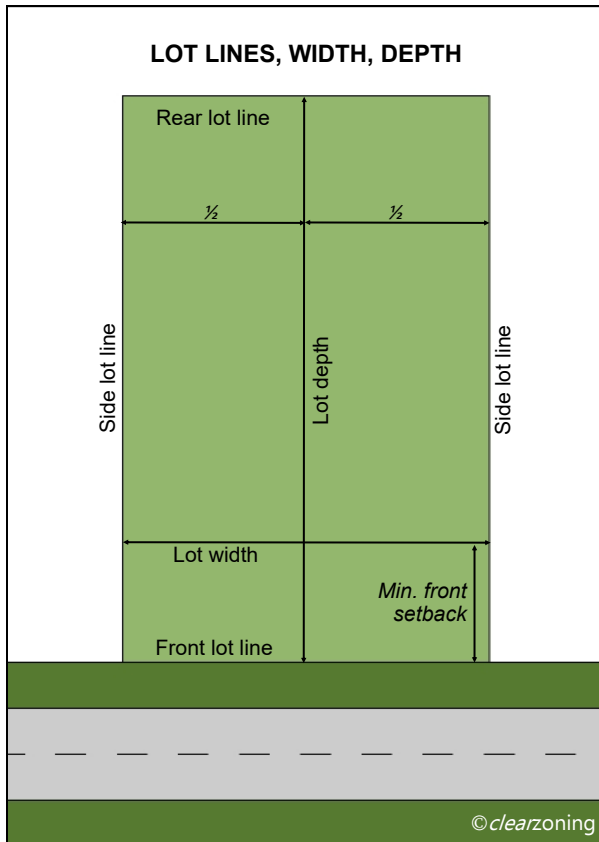
**Lot Area.** The total horizontal area within the lines of the lot.

**Lot, Corner.** A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees. ✎



**Lot, Interior.** Any lot other than a corner lot. ✎





**Lot Lines.** The lines bounding a lot as defined herein:

1. **Front Lot Line.** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. ✍
2. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. ✍
3. **Side Lot Line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. ✍

**Lot Coverage.** The part or percent of the lot occupied by buildings, including accessory buildings.

**Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines. ✍

**Lot, Double Frontage.** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required. ✍

**Lot, Waterfront.** Any lot or parcel having one or more lot lines abutting or extending into a lake or stream.

**Lot Width.** The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines. ✍

**Low Frequency (sound).** Sound frequency range from twenty (20) Hz to two hundred (200) Hz.

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1 Purpose and Introduction

**Marijuana.** Shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Act.

2 Definitions

**Master Plan.** A comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

3 Zoning Districts

**Medical Marijuana Uses.** The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with a debilitating medical condition, as defined by the Act, being MCL 333.26423(h).

4 Use Standards

**Medical Marijuana Home Occupation.** The medical use of marijuana conducted at a dwelling unit by a single primary caregiver who is also an owner of the dwelling unit as an accessory use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

5 Site Standards

**Microbrewery.** A brewery that produces not more than 60,000 barrels of beer for distribution annually, and which may or may not have a tasting room and/or food service.

6 Development Procedures

**Micro Spirits Distiller (Micro-distillery).** A distillery that produces not more than 60,000 gallons of all brands combined annually, and which may or may not have a tasting room and/or food service.

7 Admin and Enforcement

**Mining (Extraction).** Mining shall include the removal of any soil, sand, gravel, aggregates, rock, peat, clay, or other naturally occurring material from the premises on which it is found or located, and its transportation to any other premises.

**Motel.** A series of attached, semi-detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

**Noise.** Any sound that would be unwanted by a reasonable person.

**Nonconforming Building.** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance, nor to the use regulations of the district in which it is located.

**Nonconforming Use.** A use which lawfully occupies a building or land at the time this ordinance, or amendments thereto, become effective, that does not conform to the use regulations of the district in which it is located.

**Occupied.** Includes the meaning of intent, design or arranged for occupancy.

**Off-Street Parking Lot.** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

**Ordinary High-Water Mark.** "Ordinary high-water mark" means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

**Parking Space.** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Previously Prepared Materials.** Include materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.



**Privacy Fence.** A structure of rails, planks, stakes, or similar material erected as an enclosure, barrier, or boundary. Privacy fences are those with 30% or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences include but are not limited to stockade, board-on-board, and board and batten.

**Public Service.** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

**Public Utility.** Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**Pure Tone.** A pure tone consists of a single frequency or a combination of a single frequency and its harmonics. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dB(A) for center frequencies of five hundred (500) Hz and above, by eight (8) dB(A) for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB(A) for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

**Registered Primary Caregiver and Registered Qualifying Patient.** Shall have the meanings ascribed to them by the Act.

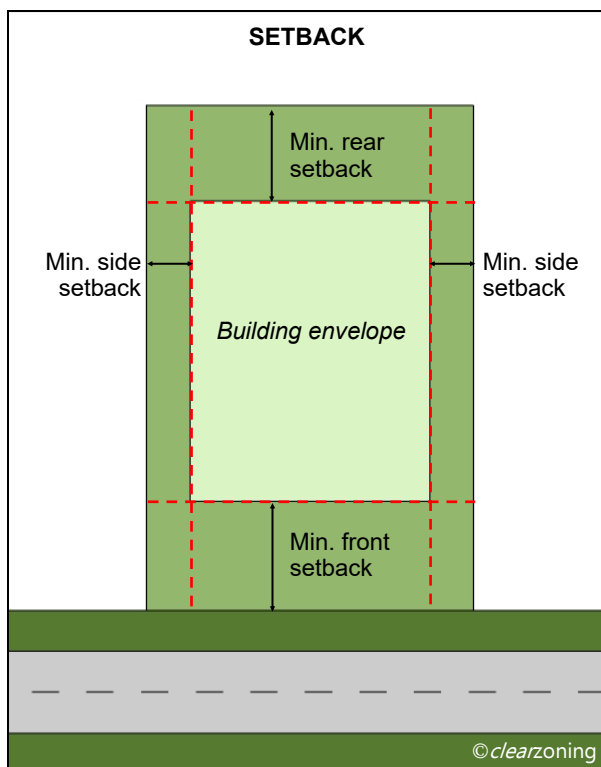
**Roof Types.** The following roof type definitions are companioned to the illustration that accompanies the definition of Building Height.

1. **Flat.** A roof without a ridge and a slope of less than 2.5 inches vertical to 12 inches horizontal. See “Building Height” illustration.
2. **Gable.** A type of roof with two sides that slope downward to the walls from the ridge, while the other two sides have a gable end. See “Building Height” illustration.
3. **Gambrel.** A type of curb roof with two sides, each face of which has a steep lower part and a shallow upper part sloping downward to the walls, while the other two sides have a gable end. See “Building Height” illustration.
4. **Hip.** A type of roof where all sides slope downwards to the wall, usually at a fairly flat or shallow slope. See “Building Height” illustration.
5. **Mansard.** A type of curb roof, each face of which has a steep lower part and a shallow upper part. Instead of forming a triangle, a mansard roof’s rafters are broken on each side into an elbow at the curb line. A mansard roof is a hipped, curb roof. See “Building Height” illustration.
6. **Shed.** A roof with a ridge and a pitch in excess of 2.5 inches vertical to 12 inches horizontal that slopes downward in a single direction from its ridge. See “Building Height” illustration.

**School Property.** A building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

**Sensitive Areas.** Areas with important natural resources, as identified by Attica Township, Lapeer County, state, or federal authorities such as: Floodplains, Designated environmental areas, such as wetlands and migration routes; High risk erosion areas; Priority habitat areas (if any, from Michigan Natural Features Inventory); State/federal/county/ township owned lands; Known water well locations from District Health Department Historic and other cultural resources.





**Sensitive Receiver(s).** Places that are likely to be more sensitive to the exposure of the noise or vibration generated by wind energy conversion system(s), including but not limited to schools, day-care centers, parks, residences, residential neighborhoods, churches, and elderly care facilities.

**Setback.** The distance required to obtain front, side or rear yard open space provisions of this Ordinance. ✍

**Short Term Rental.** Any single-family dwelling and accessory buildings leased or occupied for non-agricultural rental purposes for periods of 14 days or less.

**Sign.** Is the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

**Small Wine Maker (Micro-winery).** A producer of wine or hard cider that manufactures or bottles not more than 50,000 gallons of wine or hard cider annually, and which may or may not have a tasting room and/or food service.

**Solar Energy System, Large.** A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 5 acres of land, and that will be used to produce utility power for off-site customers.

**Solar Energy System, Medium.** A private on-site or utility-scale solar energy conversion system consisting of many roof panels, ground-mounted solar arrays, and associated control or conversion electronics, occupying more than one acre and no more than 5 acres of land, and that will be used to produce utility power for on-site uses and/or off-site customers.

**Solar Energy System, Small.** A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, occupying no more than 1 acre of land, and that will be used only to produce utility power primarily for on-site users.

**Story.** Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**Street.** Is a public thoroughfare which affords the principal means of access to abutting property.

**Structure.** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

**Temporary Building or Use.** Is a structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**The Act.** The Michigan Medical Marijuana Act, MCL 333.26421, et seq.

**Thoroughfares, Major.** Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent terms.

**Thoroughfares, Secondary.** Is an arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Tourist Home.** Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**Trailer Court (or Mobile Home Park).** Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes, are or may be located.

**Trailer Coach (Mobile Home).** A factory-built structure constructed in such a way that it may be transported to its site over the public roads and designed or intended for permanent occupancy as a dwelling unit. In order to qualify as a dwelling unit, for purposes of the Ordinance, a mobile home must contain the minimum floor area required for all single family dwellings, must be anchored to a permanent foundation, and must be able to be connected to an approved public or private water supply and sewage disposal system.

**Travel Trailer Park (Overnight Camping Facility).** A place utilized for temporary storage of travel trailers for camping purposes, where there is no permanent storage of mobile homes for year-around occupancy and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

**Travel Trailer.** A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

**Use.** Is a purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

**Use, Accessory.** Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh (from Michigan Natural Resources and Environmental Protection Act 451 of 1994: Section 30301(p) of the Act, 1994 PA 451, MCL 324.30301(p).) Wetlands not protected by the Michigan Natural Resources Environmental Protection Act must be regulated by Attica Township and will include isolated wetlands smaller than 5 acres that are not contiguous to the Great Lakes or Lake Leelanaw, an inland lake or pond, or a river or stream.

**Wetlands and Watercourses.** The term "Wetlands and Watercourses" shall mean a regulated wetland or regulated inland lake or stream in accordance with Part 303, Wetlands Protection and Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended.

**Wind Energy Conversion System.** All necessary devices that together capture and convert wind energy into electricity or other useable form of energy, including, but not limited to, the turbine, blades, and tower or support structure, as well as related electrical equipment.

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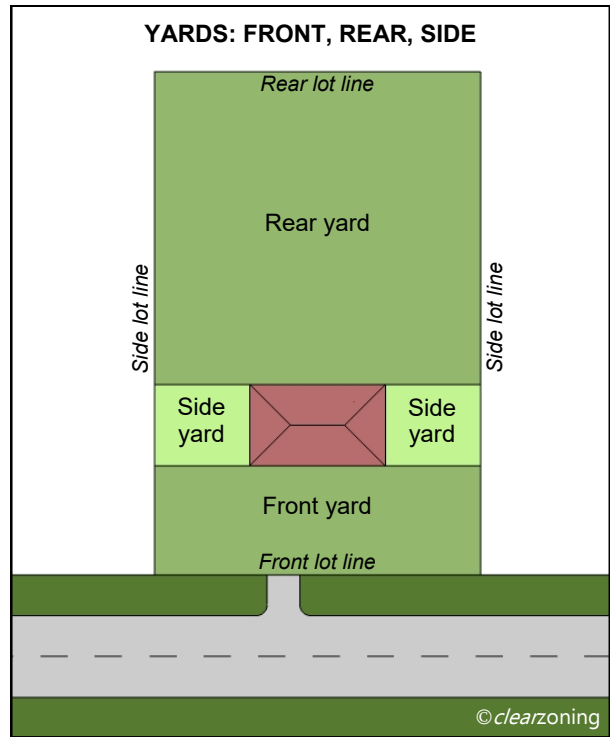
**Wind Energy Conversion System, Commercial.** A commercial wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy conversion system to the grid to relay power to a source to distribute it for profit.

**Wind Energy Conversion System, Private.** A wind energy conversion system designed and operated as an accessory use that primarily serves the needs of the consumer at the site on which it is located.

**Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission devices and mobile radio service facilities, monopoles and lattice towers. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority.

**Yards.** The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- A. **Front Yard.** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and nearest line of the main building. ↗
- B. **Rear Yard.** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. ↗
- C. **Side Yard.** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. ↗



**1** Purpose and Introduction

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# Article 3.0 Zoning Districts





## Article 3.0 Zoning Districts

- 3.1 Districts Established
- 3.2 Boundaries
- 3.3 Zoning of Vacated Areas
- 3.4 Notes to District Standards
- 3.5 Subdivision Open Space Option
- 3.6 Open Space Preservation Option
- 3.7 Erection of More Than One Principal Structure on a Lot
- 3.8 General Exceptions




# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Township of Attica is hereby divided into the following districts:

- 1. AG Agricultural District
- 2. R-1 One-Family Residential District
- 3. R-2 One-Family Residential District
- 4. R-3 One-Family Residential District
- 5. RM-1 Multiple-Family Residential District
- 6. RM-2 Multiple-Family Residential District
- 7. MH Mobile Home Park District
- 8. B-1 Local Business District
- 9. B-2 General Business District
- 10. I-1 Light Industrial District
- 11. I-2 Heavy Industrial District

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

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**2**  
Definitions

**3**  
Zoning Districts

**4**  
Use Standards

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Site Standards

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Development Procedures

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Admin and Enforcement



### 3.1.1

# AG Agricultural

## A. INTENT

The AG Agricultural Districts are designed to provide single family home sites in areas more rural in character.

**? User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Farms** § 4.2
- ii. **One-family dwellings** § 4.3
- iii. **Garage sales, yard sales, and similar types of sales at a private residence** § 4.6
- iv. **Hobby farms** § 4.8
- v. **Agricultural or farm ponds** § 4.7
- vi. **Accessory private residential ponds** § 4.7
- vii. **Roadside markets** § 4.57
- viii. **Private riding stables** § 4.26
- ix. **Keeping of animals** § 4.21
- x. **Other uses similar to the above uses** § 4.58
- xi. Accessory buildings and uses customarily incident to any of the above permitted uses
- xii. **Private wind energy conversion systems** § 4.59
- xiii. **Private kennels** § 4.24
- xiv. **Accessory apartments** § 4.32
- xv. **Bed and breakfast inns** § 4.37
- xvi. **Small Solar Energy Systems for On-Site Use** § 4.61

## C. SPECIAL LAND USES

- i. **Commercial recreation areas** (including overnight camping facilities) § 4.9
- ii. Private recreational areas and facilities when not operated for profit and primarily intended to serve Township residents
- iii. **Home occupations** § 4.11
- iv. **Public utility and public service facilities and uses** (excluding storage yards) § 4.12
- v. **Colleges, universities and other such institutions of higher learning** § 4.13
- vi. Elementary, intermediate and/or high schools, public, parochial or private (offering courses in general education and not operated for profit)
- vii. **Cemeteries** § 4.14

## C. SPECIAL LAND USES (Continued)

- viii. **Golf courses** (excluding driving ranges and miniature golf courses) § 4.15
- ix. **Child care centers and nursery schools** § 4.16
- x. **General hospitals** § 4.19
- xi. **Orphanages** § 4.17
- xii. **Nursing and convalescent homes** § 4.17
- xiii. **Mining** of topsoil, clay, sand, gravel, rock or aggregates § 4.20
- xiv. **Raising or keeping of fur bearing animals** § 4.22
- xv. **Commercial kennels** § 4.23
- xvi. Reserved for future use
- xvii. **Veterinary offices** § 4.25
- xviii. **Commercial riding academies and stables** § 4.27
- xix. **Airports and related uses** § 4.28
- xx. **Agribusiness uses** § 4.29
- xxi. **Agricultural limited business uses** § 4.30
- xxii. Reserved for future use
- xxiii. **Places of worship** § 4.33
- xxiv. **Public libraries and public buildings** (excluding public works garages and storage yards) § 4.34
- xxv. **Shooting preserves, skeet and trap shooting clubs** (excluding rifle and pistol ranges) § 4.35
- xxvi. **Yard waste composting facilities** § 4.36
- xxvii. Reserved for future use
- xxviii. **Hog farms, feedlots, egg factories, mushroom processing plants, and mushroom farms** § 4.38
- xxix. **Landfills** § 4.39
- xxx. **Small Wine Maker (micro-winery) Micro-brewery and Micro Spirits Distiller** § 4.60
- xxxi. **Commercial WECS** § 4.64
- xxxii. **Short Term Rentals** § 4.65
- xxxiii. Accessory buildings and uses customarily incident to any of the above permitted uses
- xxxiv. **Medical Marijuana Home Occupations** § 4.66



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>:

- Without animals or agriculture: 2.5 acres
- With animals or agriculture: 5.0 acres

Minimum lot width<sup>☐</sup>:

- Without animals or agriculture: 165 ft
- With animals or agriculture: 300 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 35%

### Setbacks<sup>☐</sup>

- Minimum front yard setback: 50 ft
- Minimum rear yard setback: 60 ft
- Minimum side yard setback: 20 ft

### Building Height<sup>☐</sup>

Maximum building height: 25 ft or 2 stories, whichever is less

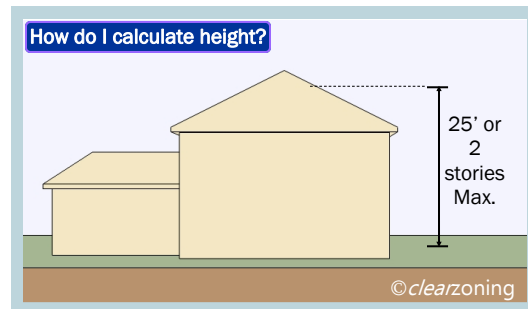
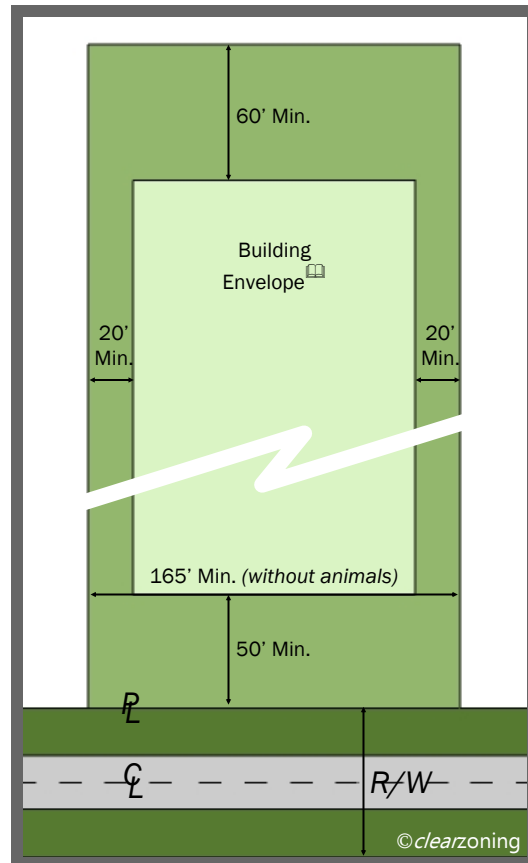
### Floor Area<sup>☐</sup>

Minimum floor area per one-family dwelling<sup>☐</sup>:

- 1 story 900 sq ft
- 1+ stories 800 sq ft (first floor)  
900 sq ft (total)

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, G](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Option
- Open Space Preservation Option
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>
- Electrical Service Capacity

### 5. Site Standards

- Accessory Buildings
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards
- Signs
- Screen Walls and Fences
- Frontage
- Private Drive Standards

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Condominium Subdivision Approval

### Other Ordinances

- Private Road Ordinance
- Property Division Ordinance
- Building Grades Ordinance

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## 3.1.2

## R-1 One-Family Residential

## A. INTENT

The R-1 One-Family Residential Districts are designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and on special condition are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family dwellings** <sup>□</sup> § 4.3
- ii. Publicly owned and operated parks, parkways and recreational facilities
- iii. **Garage sales, yard sales, and similar types of sales at a private residence** § 4.6
- iv. **Hobby farms** <sup>□</sup> § 4.8
- v. **Accessory private residential ponds** § 4.7
- vi. **Keeping of animals** § 4.21
- vii. **Other uses similar to the above uses** § 4.58
- viii. Accessory buildings <sup>□</sup> and uses <sup>□</sup> customarily incident to any of the above permitted uses
- ix. **Private wind energy conversion systems** <sup>□</sup> § 4.59
- x. **Private kennels** <sup>□</sup> § 4.24
- xi. **Accessory apartments** <sup>□</sup> § 4.32
- xii. **Bed and breakfast inns** <sup>□</sup> § 4.37
- xiii. **Small Solar Energy Systems** <sup>□</sup> for On-Site Use § 4.61

## C. SPECIAL LAND USES

- i. **Public utility** <sup>□</sup> and **public service** <sup>□</sup> **facilities and uses** (excluding storage yards) § 4.12
- ii. **Places of worship** § 4.33
- iii. **Public libraries and public buildings** (excluding public works garages and storage yards) § 4.34
- iv. **Colleges, universities and other such institutions of higher learning** § 4.13
- v. Elementary, intermediate and/or high schools, public, parochial or private (offering courses in general education and not operated for profit)
- vi. **Cemeteries** § 4.14
- vii. Private recreational areas and facilities when not operated for profit and primarily intended to serve Township residents
- viii. **Golf courses** (excluding driving ranges and miniature golf courses) § 4.15
- ix. **Child care centers and nursery schools** § 4.16
- x. Reserved for future use
- xi. **Home occupations** <sup>□</sup> § 4.11
- xii. Reserved for future use
- xiii. Reserved for future use
- xiv. **Residential limited business uses** <sup>□</sup> § 4.31
- xv. Accessory buildings <sup>□</sup> and uses <sup>□</sup> customarily incident to any of the above permitted uses
- xvi. **Short Term Rentals** § 4.65
- xvii. **Medical Marijuana Home Occupations** <sup>□</sup> § 4.66



# R-1 One-Family Residential

3.1.2

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 2.5 acres  
 Minimum lot width<sup>Ⓜ</sup>: 165 ft

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: 35%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 40 ft  
 Minimum side yard setback: 15 ft

### Building Height<sup>Ⓜ</sup>

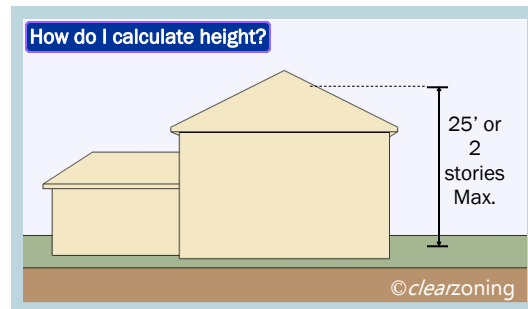
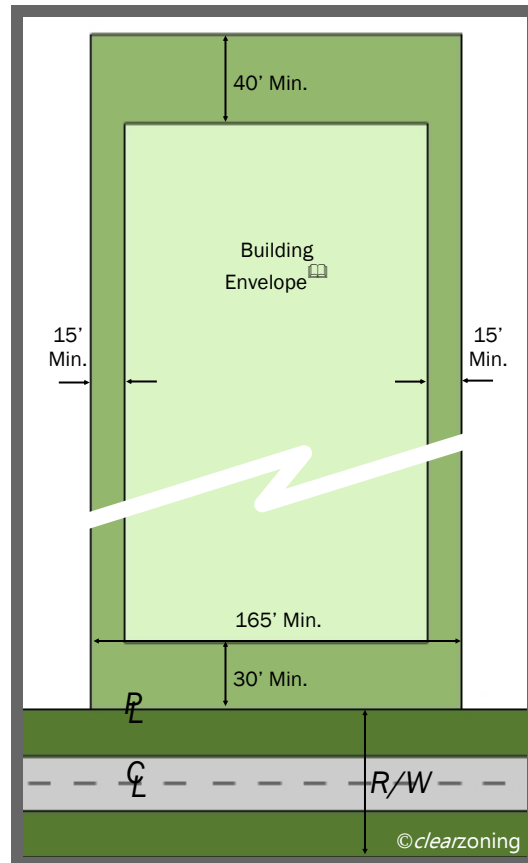
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per one-family dwelling<sup>Ⓜ</sup>:  
 1 story 900 sq ft  
 1+ stories 800 sq ft (first floor)  
 900 sq ft (total)

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, G](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Option
- Open Space Preservation Option
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>Ⓜ</sup>
- Electrical Service Capacity

### 5. Site Standards

- Accessory Buildings
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards
- Signs
- Screen Walls and Fences
- Residential Entranceways
- Frontage
- Private Drive Standards

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Condominium Subdivision Approval

### Other Ordinances

- Private Road Ordinance
- Property Division Ordinance
- Building Grades Ordinance

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## 3.1.3

## R-2 One-Family Residential

## A. INTENT

The R-2 One-Family Residential Districts are designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and on special condition are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family dwellings** <sup>☐</sup> § 4.3
- ii. Publicly owned and operated parks, parkways and recreational facilities
- iii. **Garage sales, yard sales, and similar types of sales at a private residence** § 4.6
- iv. **Hobby farms** <sup>☐</sup> § 4.8
- v. **Accessory private residential ponds** § 4.7
- vi. **Keeping of animals** § 4.21
- vii. **Other uses similar to the above uses** § 4.58
- viii. Accessory buildings <sup>☐</sup> and uses <sup>☐</sup> customarily incident to any of the above permitted uses
- ix. **Private wind energy conversion systems** <sup>☐</sup> § 4.59
- x. **Private kennels** <sup>☐</sup> § 4.24
- xi. **Accessory apartments** <sup>☐</sup> § 4.32
- xii. **Bed and breakfast inns** <sup>☐</sup> § 4.37
- xiii. **Small Solar Energy Systems** <sup>☐</sup> for On-Site Use § 4.61

## C. SPECIAL LAND USES

- i. **Public utility** <sup>☐</sup> and **public service** <sup>☐</sup> **facilities and uses** (excluding storage yards) § 4.12
- ii. **Places of worship** § 4.33
- iii. **Public libraries and public buildings** (excluding public works garages and storage yards) § 4.34
- iv. **Colleges, universities and other such institutions of higher learning** § 4.13
- v. Elementary, intermediate and/or high schools, public, parochial or private (offering courses in general education and not operated for profit)
- vi. **Cemeteries** § 4.14
- vii. Private recreational areas and facilities when not operated for profit and primarily intended to serve Township residents
- viii. **Golf courses** (excluding driving ranges and miniature golf courses) § 4.15
- ix. **Child care centers and nursery schools** § 4.16
- x. Reserved for future use
- xi. **Home occupations** <sup>☐</sup> § 4.11
- xii. Reserved for future use
- xiii. Reserved for future use
- xiv. **Residential limited business uses** <sup>☐</sup> § 4.31
- xv. Accessory buildings <sup>☐</sup> and uses <sup>☐</sup> customarily incident to any of the above permitted uses
- xvi. **Short Term Rentals** § 4.65



# R-2 One-Family Residential

3.1.3

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 1 acre  
 Minimum lot width<sup>☐</sup>: 120 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 40 ft  
 Minimum side yard setback: 10 ft

### Building Height<sup>☐</sup>

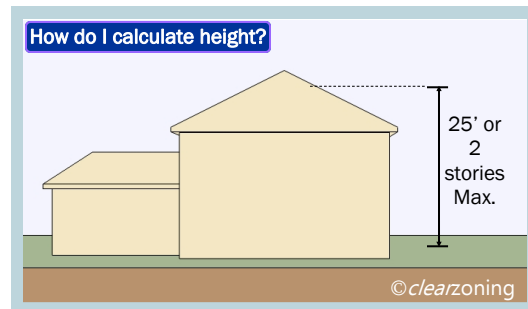
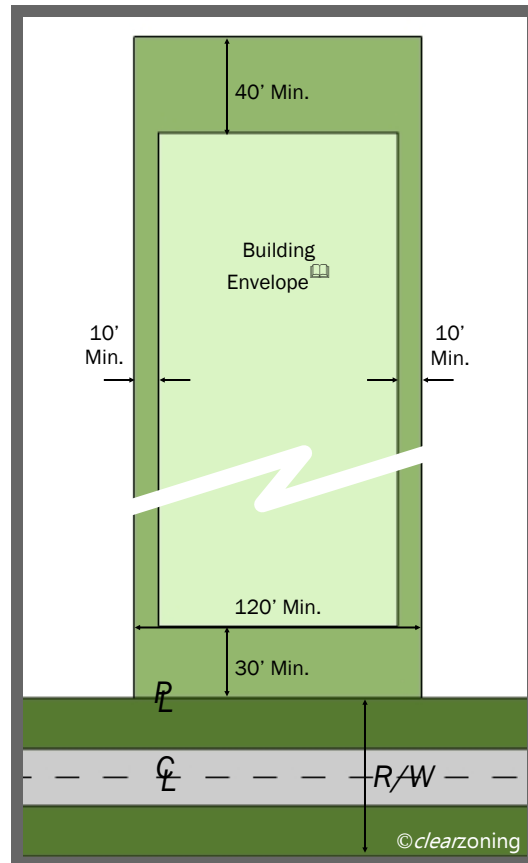
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>☐</sup>

Minimum floor area per one-family dwelling<sup>☐</sup>:  
 1 story 900 sq ft  
 1+ stories 800 sq ft (first floor)  
 900 sq ft (total)

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, G](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Option
- Open Space Preservation Option
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>
- Electrical Service Capacity

### 5. Site Standards

- Accessory Buildings
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards
- Signs
- Screen Walls and Fences
- Residential Entranceways
- Frontage
- Private Drive Standards

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Condominium Subdivision Approval

### Other Ordinances

- Private Road Ordinance
- Property Division Ordinance
- Building Grades Ordinance

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# 3.1.4 R-3 One-Family Residential

## A. INTENT

The R-3 One-Family Residential Districts are designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and on special condition are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **One-family dwellings** § 4.3
- ii. Publicly owned and operated parks, parkways and recreational facilities
- iii. **Garage sales, yard sales, and similar types of sales at a private residence** § 4.6
- iv. **Hobby farms** § 4.8
- v. **Accessory private residential ponds** § 4.7
- vi. **Keeping of animals** § 4.21
- vii. **Other uses similar to the above uses** § 4.58
- viii. Accessory buildings and uses customarily incident to any of the above permitted uses
- ix. **Private wind energy conversion systems** § 4.59
- x. **Private kennels** § 4.24
- xi. **Accessory apartments** § 4.32
- xii. **Bed and breakfast inns** § 4.37
- xiii. **Small Solar Energy Systems for On-Site Use** § 4.61

## C. SPECIAL LAND USES

- i. **Public utility and public service facilities and uses** (excluding storage yards) § 4.12
- ii. **Places of worship** § 4.33
- iii. **Public libraries and public buildings** (excluding public works garages and storage yards) § 4.34
- iv. **Colleges, universities and other such institutions of higher learning** § 4.13
- v. Elementary, intermediate and/or high schools, public, parochial or private (offering courses in general education and not operated for profit)
- vi. **Cemeteries** § 4.14
- vii. Private recreational areas and facilities when not operated for profit and primarily intended to serve Township residents
- viii. **Golf courses** (excluding driving ranges and miniature golf courses) § 4.15
- ix. **Child care centers and nursery schools** § 4.16
- x. Reserved for future use
- xi. **Home occupations** § 4.11
- xii. Reserved for future use
- xiii. Reserved for future use
- xiv. **Residential limited business uses** § 4.31
- xv. Accessory buildings and uses customarily incident to any of the above permitted uses
- xvi. **Short Term Rentals** § 4.65





# R-3 One-Family Residential

3.1.4

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 0.5 acre  
 Minimum lot width<sup>☐</sup>: 100 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 35%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 10 ft

### Building Height<sup>☐</sup>

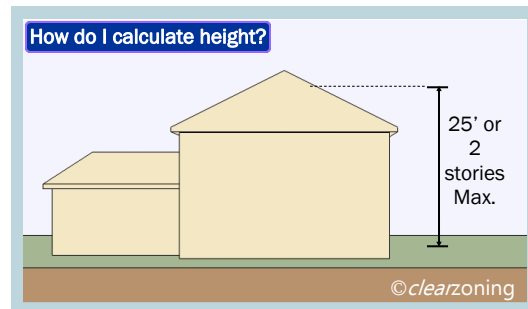
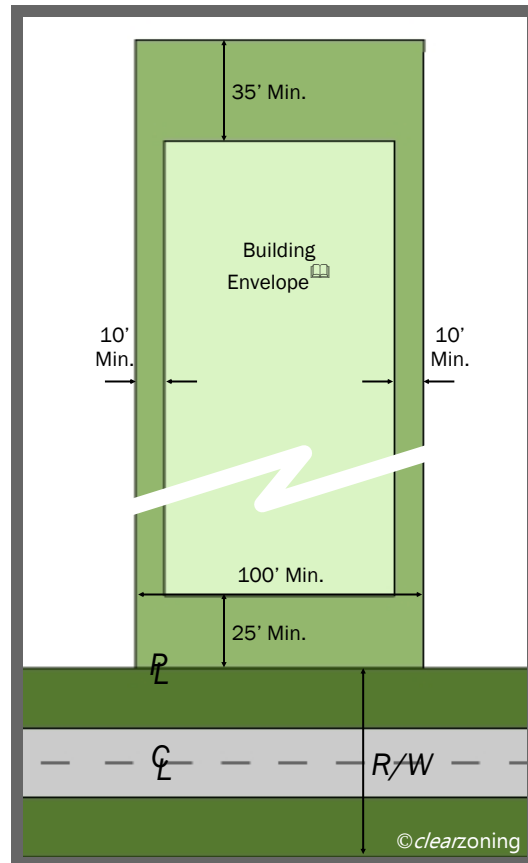
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>☐</sup>

Minimum floor area per one-family dwelling<sup>☐</sup>:  
 1 story 900 sq ft  
 1+ stories 800 sq ft (first floor)  
 900 sq ft (total)

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, G](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Option
- Open Space Preservation Option
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>
- Electrical Service Capacity

### 5. Site Standards

- Accessory Buildings
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards
- Signs
- Screen Walls and Fences
- Residential Entranceways
- Frontage
- Private Drive Standards

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Condominium Subdivision Approval

### Other Ordinances

- Private Road Ordinance
- Property Division Ordinance
- Building Grades Ordinance

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# 3.1.5 RM-1 Multiple-Family Residential

## A. INTENT

The Multiple-Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transitions. The RM-1 District is intended generally for the development of a planned complex of buildings on acreage parcels.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

## C. SPECIAL LAND USES

- i. **Two-family dwellings** § 4.4
- ii. **Multiple-family dwellings** § 4.5
- iii. **Keeping of animals** § 4.21
- iv. **Other uses similar to the above uses** § 4.58
- v. Accessory buildings and uses customarily incident to any of the above permitted uses
- vi. **Private wind energy conversion systems** § 4.59
- vii. **Small Solar Energy Systems for On-Site Use** § 4.61

(None)



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: 9,600 sq ft  
 Minimum lot width<sup>☒</sup>: 80 ft  
 Maximum units per acre: Varies (refer to [Section 3.4.2. J](#))

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: 30%

### Setbacks<sup>☒</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 20 ft  
 Minimum distance between buildings: Varies (refer to [Section 3.4.2.M](#))

### Building Height<sup>☒</sup>

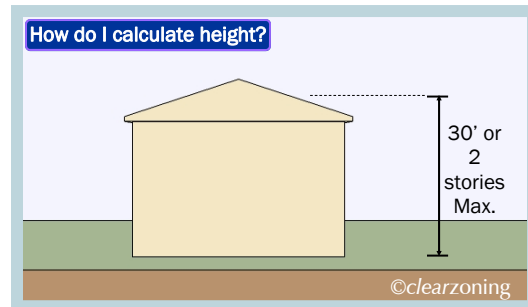
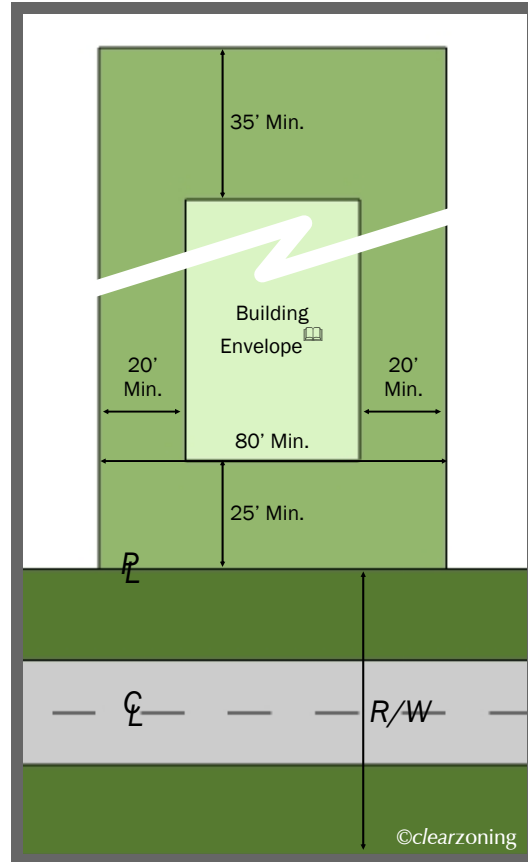
Maximum building height: 30 feet or 2 stories, whichever is less

### Floor Area<sup>☒</sup>

Minimum floor area per multiple-family dwelling<sup>☒</sup>:  
 Efficiency unit<sup>☒</sup>: 360 sq ft (maximum)  
 1 bedroom unit<sup>☒</sup>: 500 sq ft  
 2 bedroom unit<sup>☒</sup>: 650 sq ft  
 3+ bedroom unit<sup>☒</sup>: 650 sq ft + 150 sq ft per each additional room over a 2 bedroom unit

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: G, J, L, M, N](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☒</sup>

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
- [Signs](#)
- [Screen Walls and Fences](#)
- [Residential Entranceways](#)
- [Frontage](#)
- [Private Drive Standards](#)

### 6. Development Procedures

- [Site Plan Review](#)
- [Special Land Uses](#)
- [Condominium Subdivision Approval](#)

### Other Ordinances

- [Private Road Ordinance](#)
- [Property Division Ordinance](#)
- [Building Grades Ordinance](#)

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# 3.1.6 RM-2 Multiple-Family Residential

## A. INTENT

The Multiple-Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with single-family residential districts to serve the limited needs for the apartment type of unit in an otherwise single-family residential community, and to provide zones of transitions. The RM-2 District is intended for limited usage in areas where land use transition is desired, but where the existing pattern of platting is in small lots.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

## C. SPECIAL LAND USES

- i. **Two-family dwellings** § 4.4
- ii. **Multiple-family dwellings** § 4.5
- iii. **Keeping of animals** § 4.21
- iv. **Other uses similar to the above uses** § 4.58
- v. Accessory buildings and uses customarily incident to any of the above permitted uses
- vi. **Private wind energy conversion systems** § 4.59
- vii. **Small Solar Energy Systems for On-Site Use** § 4.61

(None)



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	9,600 sq ft
Minimum lot width <sup>☐</sup> :	80 ft
Maximum units per acre:	Varies (refer to <a href="#">Section 3.4.2. J</a> )

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	30%
-----------------------	-----

### Setbacks<sup>☐</sup>

Minimum front yard setback:	25 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	20 ft
Minimum distance between buildings:	Varies (refer to <a href="#">Section 3.4.2.M</a> )

### Building Height<sup>☐</sup>

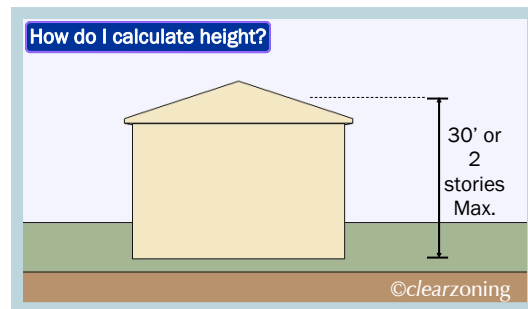
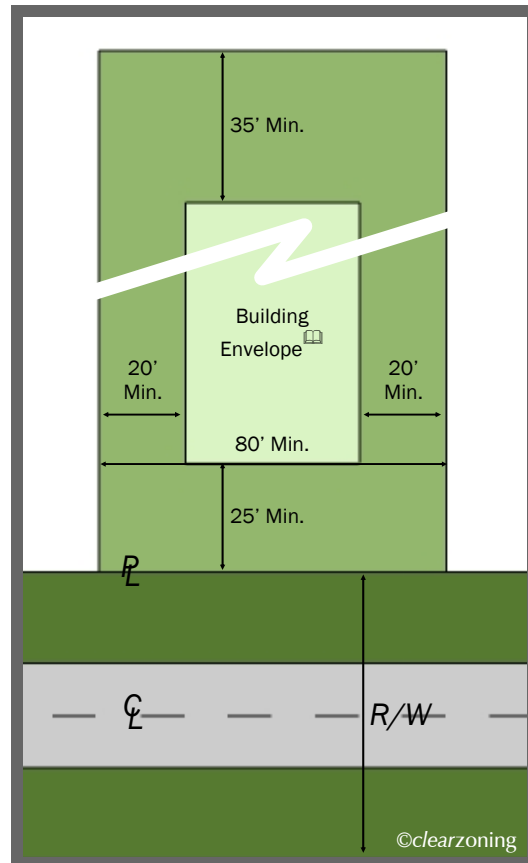
Maximum building height:	30 feet or 2 stories, whichever is less
--------------------------	---

### Floor Area<sup>☐</sup>

Minimum floor area per multiple-family dwelling <sup>☐</sup> :	
Efficiency unit <sup>☐</sup> :	360 sq ft (maximum)
1 bedroom unit <sup>☐</sup> :	500 sq ft
2 bedroom unit <sup>☐</sup> :	650 sq ft
3+ bedroom unit:	650 sq ft + 150 sq ft per each additional room over a 2 bedroom unit

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: G, J, L, M, N](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☐</sup>

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
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### 6. Development Procedures

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- [Condominium Subdivision Approval](#)

### Other Ordinances

- [Private Road Ordinance](#)
- [Property Division Ordinance](#)
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3.1.7

# MH Mobile Home Park

A. INTENT

Not specified

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

C. SPECIAL LAND USES

- i. Mobile home parks<sup>ⓘ</sup>
- ii. **Keeping of animals** § 4.21
- iii. **Small Solar Energy Systems**<sup>ⓘ</sup> for On-Site Use § 4.61
- iv. Accessory buildings<sup>ⓘ</sup> and uses<sup>ⓘ</sup> customarily incident to any of the above permitted uses

(None)



## D. DEVELOPMENT STANDARDS

### Lot Size (Mobile Home Park)

Minimum lot area<sup>☐</sup>:  
 Without water and sewer: 10 acres  
 With water and sewer: 5 acres  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Size (Mobile Home Lots)

Minimum lot area<sup>☐</sup>: Varies (refer to [Section 3.4.2.K](#))  
 Minimum lot width<sup>☐</sup>: Not specified

### Setbacks<sup>☐</sup> (Mobile Home Park)

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 10 ft  
 Minimum side yard setback: 10 ft

### Setbacks<sup>☐</sup> (Mobile Home Lots)

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 10 ft

### Building Height<sup>☐</sup>

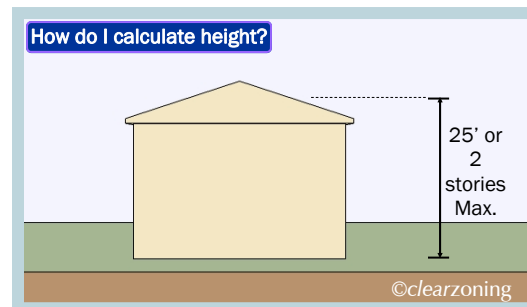
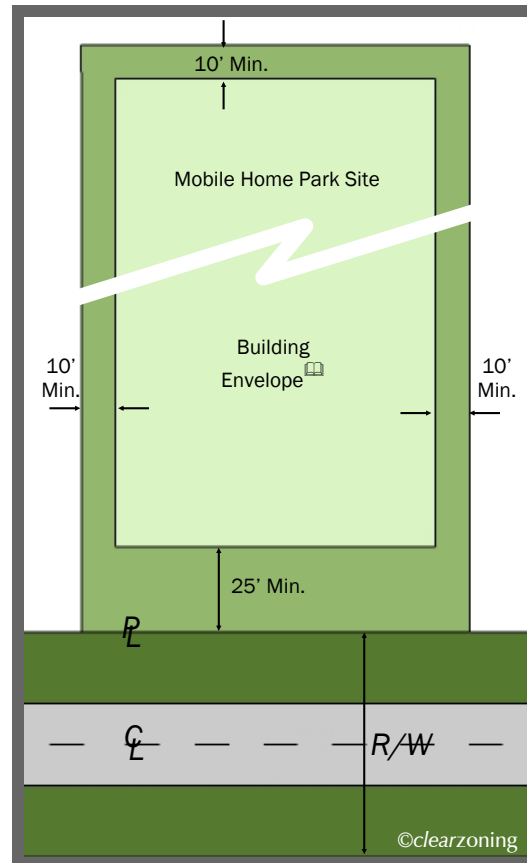
Maximum building height: 25 feet or 2 stories, whichever is less

### Floor Area<sup>☐</sup>

Minimum floor area per dwelling:  
 0-2 bedroom unit<sup>☐</sup>: 600 sq ft  
 3+ bedroom unit<sup>☐</sup>: 600 sq ft + 150 sq ft per each additional bedroom over 2

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: G, K](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☐</sup>

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
- [Signs](#)
- [Screen Walls and Fences](#)
- [Residential Entranceways](#)

### 6. Development Procedures

- [Site Plan Review](#)
- [Special Land Uses](#)
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### Other Ordinances

- [Private Road Ordinance](#)
- [Property Division Ordinance](#)
- [Building Grades Ordinance](#)

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# B-1 Local Business

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

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## A. INTENT

The B-1 Local Business Districts are designed to give the Township a business district that is somewhat more selective than a General Business District and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, Township residential uses.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Offices, such as executive, administrative, professional, governmental and sales
- ii. Medical and dental offices and clinics
- iii. Banks and financial institutions
- iv. Generally recognized retail businesses which supply such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware
- v. Personal service establishments such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners, and self serve laundries
- vi. Private clubs and lodge halls
- vii. Places of worship
- viii. **Keeping of animals** § 4.21
- ix. **Public utility** and **public service** facilities and uses § 4.12
- x. **Other uses similar to the above uses** § 4.58
- xi. Accessory buildings and uses customarily incident to any of the above permitted uses
- xii. **Private wind energy conversion systems** § 4.59
- xiii. **Small Solar Energy Systems** for On-Site Use § 4.61
- xiv. **Medium Solar Energy Systems** for On-Site Use § 4.62

## C. SPECIAL LAND USES

- i. **Automotive service centers** for sale of gasoline, oil and minor accessories § 4.41
- ii. **Restaurants** § 4.44
- iii. **Other uses similar to the above uses** § 4.58
- iv. **Medium Solar Energy Systems for Utility Use** § 4.62
- v. **Large Solar Systems for Utility Use** § 4.63
- vi. Accessory buildings and uses customarily incident to any of the above permitted uses





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: Governed by setbacks

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☐</sup>

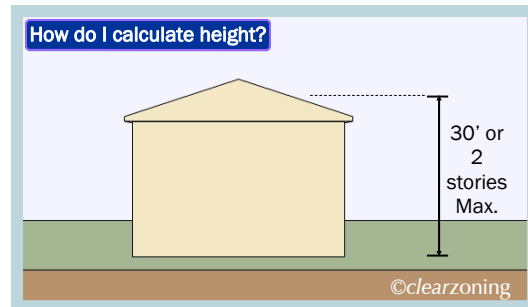
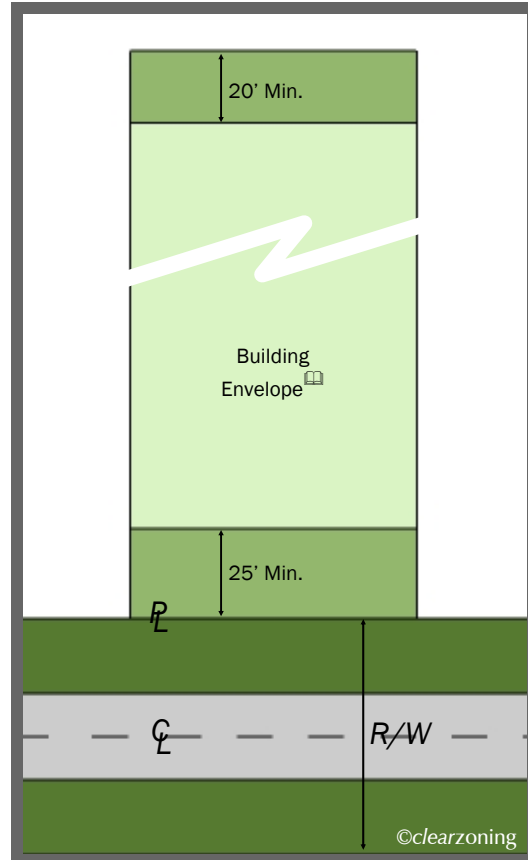
Maximum building height: 30 feet or 2 stories, whichever is less

### Parking Setbacks

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 0 ft

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: B, C, F, G, H, I](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☐</sup>

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
- [Signs](#)
- [Screen Walls and Fences](#)
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### 6. Development Procedures

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### Other Ordinances

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## A. INTENT

The B-2 General Business Districts are designed to provide sites for more diversified business types and are often located so as to serve passer-by, highway-oriented traffic.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Any use permitted in the B-1 District as a principal permitted use** subject to the applicable use-specific standards of the B-1 District and the development standards of the B-2 District § 4.1
- ii. Tourist facilities, including, but not limited to: rooming houses, motels, hotels, cabin courts, and gift shops
- iii. Theaters, assembly halls and similar places of assembly (when conducted completely within enclosed buildings)
- iv. Auto laundries (when completely enclosed in a building)
- v. New automobile sales or showroom
- vi. Restaurants, supper clubs, and taverns (excluding drive-in establishments)
- vii. Bowling alleys, pool or billiard parlor club
- viii. Commercial printing and newspaper offices
- ix. Business schools or private schools operated for profit
- x. **Offices and showrooms of plumbers, electricians, decorators or similar trades** § 4.45
- xi. Governmental offices or other governmental uses
- xii. Public utility<sup>□</sup> offices and uses, utility exchanges, transformer stations, pump stations, service yards; and other public service<sup>□</sup> facilities
- xiii. Offices of a veterinarian without overnight boarding accommodations (except for those required for animals held for medical observation)
- xiv. **Keeping of animals** § 4.21
- xv. **Other uses similar to the above uses** § 4.58
- xvi. Accessory buildings<sup>□</sup> and uses<sup>□</sup> customarily incident to any of the above permitted uses
- xvii. **Private wind energy conversion systems**<sup>□</sup> § 4.59

## B. PRINCIPAL PERMITTED USES (continued)

- xviii. **Small Solar Energy Systems**<sup>□</sup> for On-Site Use § 4.61
- xix. **Medium Solar Energy Systems**<sup>□</sup> for On-Site Use § 4.62

## C. SPECIAL LAND USES

- i. **Gasoline Service Stations**<sup>□</sup> for sale of gasoline, oil, minor accessories and which may include major automobile servicing and repairs § 4.42
- ii. **Outdoor sales space** for the exclusive sale of second-hand automobiles, house trailers, travel trailer rental § 4.46
- iii. **Commercially used outdoor recreational space** § 4.47
- iv. **Overnight camping facilities** § 4.9
- v. **Drive-in restaurants and establishments** § 4.56
- vi. **Other uses similar to the above uses** § 4.58
- vii. **Medium Solar Energy Systems for Utility Use** § 4.62
- viii. **Large Solar Systems for Utility Use** § 4.63
- ix. Accessory buildings<sup>□</sup> and uses<sup>□</sup> customarily incident to any of the above permitted uses



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: Governed by setbacks

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☐</sup>

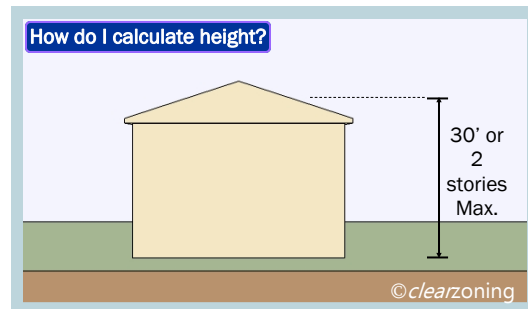
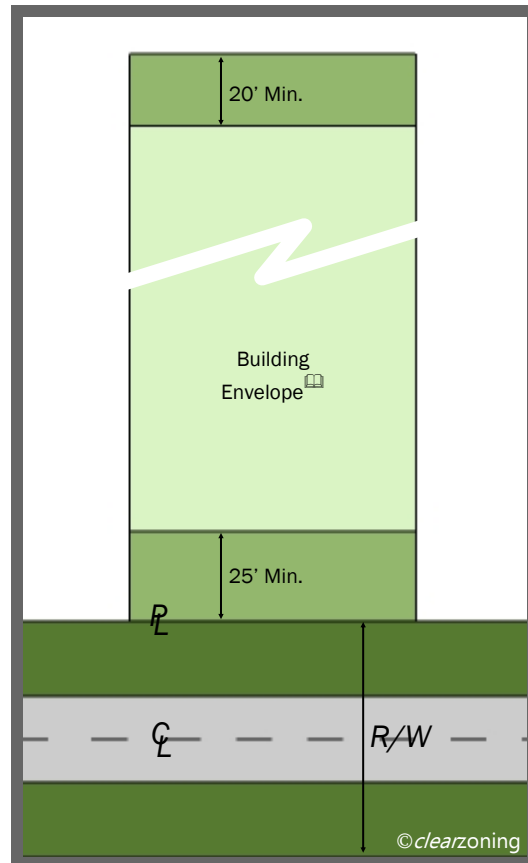
Maximum building height: 30 feet or 2 stories, whichever is less

### Parking Setbacks

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 0 ft

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: B, C, F, G, H, I](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☐</sup>

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
- [Signs](#)
- [Screen Walls and Fences](#)
- [Frontage](#)

### 6. Development Procedures

- [Site Plan Review](#)
- [Special Land Uses](#)
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### Other Ordinances

- [Private Road Ordinance](#)
- [Property Division Ordinance](#)
- [Building Grades Ordinance](#)

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# I-1 Light Industrial

1 Purpose and Introduction

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6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Basic research, design and pilot or experimental product development** § 4.48
- ii. Warehousing and wholesale establishments, and trucking facilities
- iii. Laboratories, experimental, film or testing
- iv. Any of the following manufacturing, compounding, or processing uses:
  - a. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, gauge, and machining shops
  - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials
  - c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas
  - d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products
  - e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs
  - f. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilation equipment, cornices, eaves and the like
- v. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies
- vi. Central dry cleaning plants or laundries
- vii. Billboards (or non-accessory signs)
- viii. **Automotive repair garages, auto engine and body repair, and undercoating shops** § 4.43
- ix. **Small Solar Energy Systems** for On-Site Use § 4.61

## B. PRINCIPAL PERMITTED USES (Continued)

- x. **Medium Solar Energy Systems for Utility Use** § 4.62
- xi. **Large Solar Systems for Utility Use** § 4.63
- xii. Electric and gas service, storage, and transfer buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water supply and sewage disposal plants, water and propane tank holders, railroad transfer and storage tracks and rights-of-way, and freight terminals
- xiii. **Keeping of animals** § 4.21
- xiv. **Commercial kennels** § 4.23
- xv. Bottling works and food packaging
- xvi. **Other uses similar to the above uses** § 4.58
- xvii. Accessory buildings and uses customarily incident to any of the above permitted uses
- xviii. **Private wind energy conversion systems** § 4.59

## C. SPECIAL LAND USES

- i. Retail uses which have an industrial character due to their outdoor storage or which serve convenience needs of the industrial district
- ii. **Lumber and planing mills** § 4.49
- iii. **Metal plating, buffing, and polishing** § 4.50
- iv. **Mining** of topsoil, clay, sand, gravel, rock, or aggregates § 4.20
- v. **Shooting preserves, skeet and trap shooting clubs** (excluding rifle and pistol ranges) § 4.35
- vi. **Yard waste composting facilities** § 4.36
- vii. **Outdoor theaters** § 4.51
- viii. **Auto race tracks** (including karting tracks) § 4.53
- ix. **Horse and dog race tracks** § 4.54
- x. **Airports and related uses** § 4.28
- xi. **Landfills, transfer stations, and similar uses** § 4.39
- xii. **Commercial WECS** § 4.64
- xiii. Accessory buildings and uses customarily incident to any of the above permitted uses



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: Governed by setbacks

### Setbacks<sup>☐</sup>

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 30 ft  
 Minimum side yard setback: 15 ft  
 Minimum total of two side yard setbacks: 40 ft

### Building Height<sup>☐</sup>

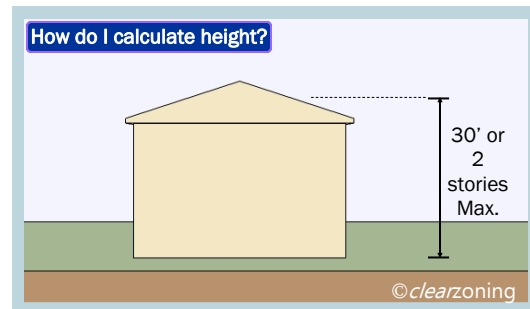
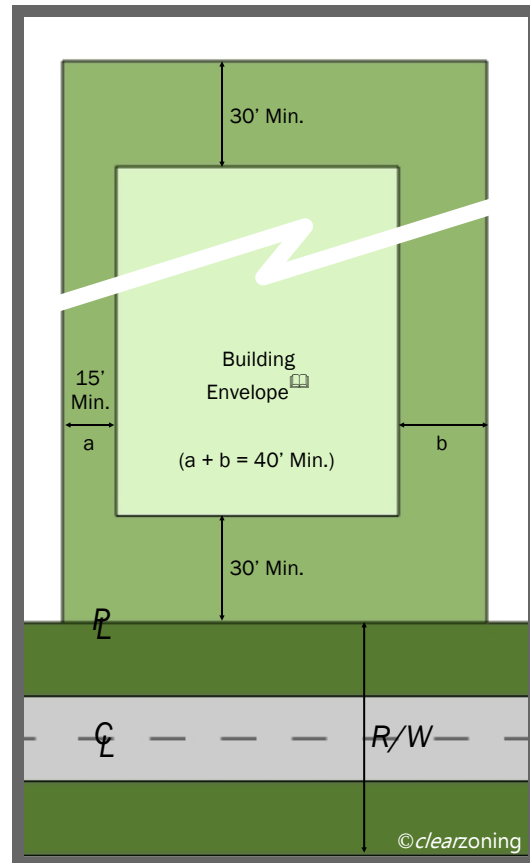
Maximum building height: 30 feet or 2 stories, whichever is less

### Parking Setbacks

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 15 ft  
 Minimum total of two side yard setbacks: 40 ft

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: D, E, F, G, H](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities<sup>☐</sup>](#)

### 5. Site Standards

- [Accessory Buildings](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards](#)
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- [Screen Walls and Fences](#)
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## A. INTENT

The I-2 Heavy Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities, including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Any use permitted in the I-1 District as a principal permitted use subject to the applicable use-specific standards of the I-1 District and the development standards of the I-2 District
- ii. **Lumber and planing mills** § 4.49
- iii. **Metal plating, buffing, and polishing** § 4.50
- iv. **Mining**<sup>□</sup> of topsoil, clay, sand, gravel, rock, or aggregates § 4.20
- v. Tractor and trucking facilities, including storage and repair
- vi. Heating and electric power generating plants, and all necessary accessory uses
- vii. Production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products
- viii. **Keeping of animals** § 4.21
- ix. **Other uses similar to the above uses** § 4.58
- x. Accessory buildings<sup>□</sup> and uses<sup>□</sup> customarily incident to any of the above permitted uses
- xi. **Private wind energy conversion systems**<sup>□</sup> § 4.59
- xii. **Small Solar Energy Systems**<sup>□</sup> for On-Site Use § 4.61
- xiii. **Medium Solar Energy Systems for Utility Use** § 4.62
- xiv. **Large Solar Systems for Utility Use** § 4.63

## C. SPECIAL LAND USES

- i. **Junk yards**<sup>□</sup> § 4.40
- ii. Enclosed incinerator plants (for garbage and refuse)
- iii. **Shooting preserves and skeet and trap shooting clubs** (excluding rifle and pistol ranges) § 4.35
- iv. **Yard waste composting facilities** § 4.36
- v. **Outdoor theaters** § 4.51
- vi. **Auto race tracks** (including midget auto and karting tracks) § 4.53
- vii. **Horse and dog race tracks** § 4.54
- viii. **Airports and related uses** § 4.28
- ix. **Waste lagoon ponds** § 4.55
- x. **Commercial WECS** § 4.64
- xi. Accessory buildings<sup>□</sup> and uses<sup>□</sup> customarily incident to any of the above permitted uses



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: Governed by setbacks

### Setbacks<sup>☐</sup>

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 50 ft  
 Minimum side yard setback: 20 ft

### Building Height<sup>☐</sup>

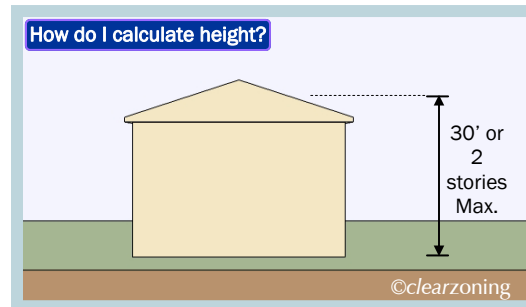
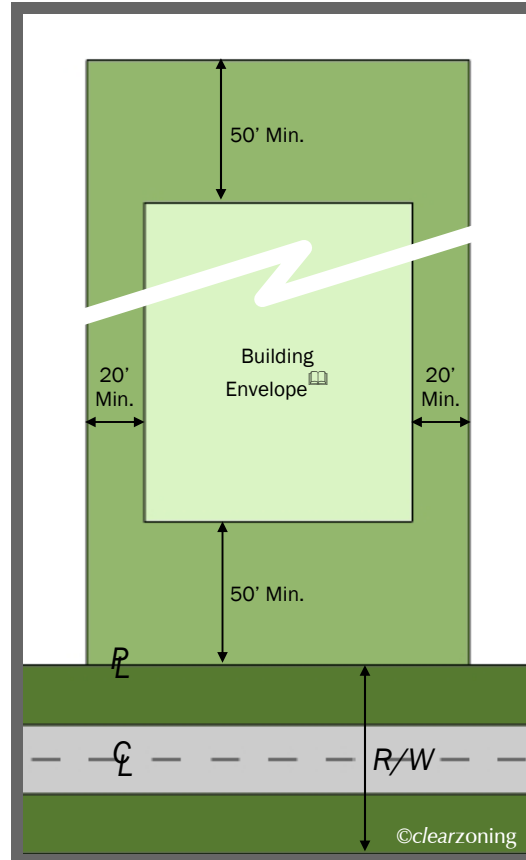
Maximum building height: 30 feet or 2 stories, whichever is less

### Parking Setbacks

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 20 ft

### NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: D, E, F, G, H](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☐</sup>

### 5. Site Standards

- [Accessory Buildings](#)
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**3.2 BOUNDARIES**

1. Zoning district boundaries are hereby established as shown on the Zoning Map of Attica Township which accompanies this Ordinance, and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.
2. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the unincorporated limits of the Township.
3. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

**3.3 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way, within the Township of Attica shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

**3.4 NOTES TO DISTRICT STANDARDS**

1. Applicability. The notes contained in Section 3.4.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of the individual notes to each district is provided in the table below.

Applicability of Notes to District Standards											
Notes to District Standards	Districts										
	AG	R-1	R-2	R-3	RM-1	RM-2	MH	B-1	B-2	I-1	I-2
A	✓	✓	✓	✓							
B								✓	✓		
C								✓	✓		
D										✓	✓
E										✓	✓
F								✓	✓	✓	✓
G	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
H								✓	✓	✓	✓
I								✓	✓		
J					✓	✓					
K							✓				
L					✓	✓					
M					✓	✓					
N					✓	✓					

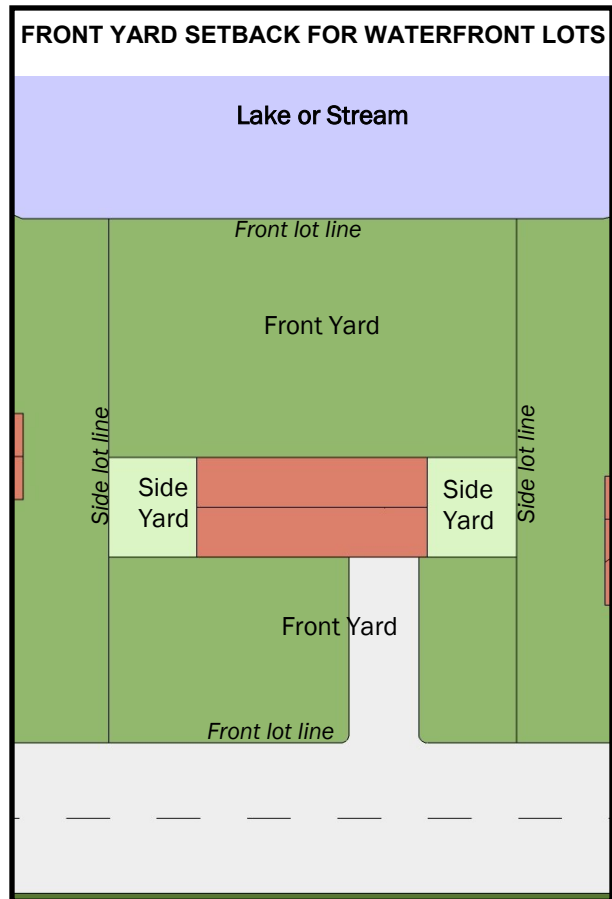




2. Notes to district standards.

- A. The side yard abutting upon a street shall not be less than twenty (20) feet in AG, R-1 and R-2 Districts, and ten (10) feet in R-3 Districts when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard of that district.
- B. No side yards are required along the interior side lot lines, except as otherwise specified in an applicable Building Code. On a side yard which borders on a residential district or street, there shall be provided a setback of not less than ten (10) feet on the side abutting the residential district or street.
- C. Where an alley exists or is provided at the rear of buildings, the rear building setback may be computed from the center of said alley.
- D. No building shall be closer than forty (40) feet to the outer perimeter (property line) of an I-1 or I-2 District when said property line abuts any residential district.
- E. The Zoning Board of Appeals may, upon review of the proposed site plan, and after public hearing, modify side and rear yard requirements upon a finding that:
  - i. Adequate ingress and egress for parking, loading, and fire and police protection needs are met, and
  - ii. Any Building Code requirements relative to the relationship between buildings are met.
- F. The maximum percentage of lot coverage shall be determined by the meeting of yard requirements by the actual use, and by the provision of required off-street parking and loading facilities.

- G. The front yard setback in all districts shall be measured from the edge of the public road right-of-way line, from the edge of the easement line for private roads, , and the ordinary high-water mark (OHWM) for lot lines abutting or extending into a lake or stream. In the case of a waterfront lot, all lot lines adjacent to or extending into a water body shall be considered frontage, and minimum front yard setbacks shall be met. In addition, the yard shall be treated as an additional front yard.



- H. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The parking setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.
- I. Planned developments involving three (3) acres or more under one ownership shall be subject to the approval of the Planning Commission after public hearing, regarding modifications with respect to height regulations in B-1 and B-2 Districts.

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J. The following minimum lot area per dwelling unit type shall be met in RM-1 and RM-2 Multiple-Family Residential Districts:

Unit Type*	Minimum Lot Area Per Unit	
	RM-1	RM-2
Efficiency	3,200 sq ft	2,800 sq ft
1 Bedroom	3,800 sq ft	3,400 sq ft
2 Bedroom	4,200 sq ft	3,800 sq ft
3 Bedroom	4,600 sq ft	4,200 sq ft
4 Bedroom	5,000 sq ft	4,600 sq ft

\* Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

K. Individual lots shall not be less than five thousand five hundred (5,500) square feet in area, exclusive of drives, open areas, or other space not specifically provided for mobile home occupancy. Individual mobile home lots may be reduced by one thousand one hundred (1,100) square feet, to a minimum of four thousand four hundred (4,400) square feet, where the equivalent of 1,100 square feet per lot is developed as recreation space for park residents. The minimum size of any such recreation area shall be one half (1/2) acre with a minimum width of one hundred (100) feet. (This requirement takes into consideration that all other single family residential districts in Attica Township require at least nine thousand six hundred (9,600) square feet of lot area in order to insure adequate open space for the residents of each dwelling).

L. Parking may be permitted in 50% of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple-family building. Service drives shall have a width of a least twenty-two (22) feet and shall not be located in any required front yard.

M. Yards abutting major thoroughfares in RM-1 and RM-2 Districts shall have a minimum depth of fifty (50) feet. For the purpose of yard regulations, multiple-family dwellings shall be considered as one (1) building occupying one (1) lot. Front, side and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions:

Building Relationships*	Overall Distance Between Buildings (Exclusive of Parking Area)
Front to Side	45 ft
Front to Front	50 ft
Front to Rear	60 ft
Rear to Rear	60 ft
Rear to Side	45 ft
Side to Side	20 ft
Corner to Corner	15 ft

\* The front and rear of the multiple-family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple-family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple-family building shall be considered to be the direction faced by the service entrance of the dwelling units in said building; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building.

N. Every lot on which a multiple structure is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple structure exceeds forty (40) feet in overall dimension along the adjoining plot line provided that no multiple-family structure shall exceed one hundred eighty (180) feet in length along any one face of the building. Any court shall have a width equal to not less than fifty (50) feet for the front yard and sixty (60) feet for the rear yard. The depth of any court shall not be greater than three (3) times the width.



### 3.5 SUBDIVISION OPEN SPACE OPTION

1. Requirement Established. All subdivisions, condominium subdivisions, and land divisions which are proposed under this Section must conform to the Single-Family Cluster Design Standards of this Section. Where an existing private road is proposed to be extended, these cluster option standards apply only to the road extension and new parcels which are accessed by the new extension.
2. Intent. The intent of these Cluster Design Standards is to encourage the long-term preservation of open space, agricultural land, unique rural character, natural features and the provision of recreation and open space areas.
3. Cluster Design Standards
  - A. Lot dimensions in the AG, R-1, R-2 and R-3 Districts may be reduced in accord with the following schedule, provided the net number of residential lots shall be no greater than if the parcel were developed in accordance with the minimum lot area as required for each district in Section 3.1.
    - i. Lot widths and lot area shall not be less than the following:

District	Minimum Lot Width	Minimum Lot Area
AG without animals	130 ft	1.5 acres
AG with animals	300 ft	5 acres
R-1	120 ft	1 acre
R-2	100 ft	20,000 sq ft
R-3	80 ft	10,000 sq ft

- ii. Minimum yard setbacks as indicated in Section 3.1 of this Ordinance shall be provided.
  - B. All lots shall be served by an internal public or private road network. No lots shall front upon the existing County road.
  - C. The total land area gained under the provisions of this Section through the permitted reduction of lot size and width below the minimum requirements of Section 3.1 shall be dedicated and maintained as permanent open space in a manner approved by the Township.
  - D. The permanent open space shall include the site's most significant natural, agricultural and/or cultural environmental features, such as:
    - i. Steep slopes,
    - ii. Wetlands, floodplains, natural watercourses,
    - iii. Woodlands,
    - iv. Scenic views,
    - v. Agricultural or equestrian components,
    - vi. Historical structures,
    - vii. Recreational pathways and facilities,
    - viii. Similar features approved by the Planning Commission.

- E. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
      - F. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
4. Open Space Maintenance
  - A. All open space shall be permanent and set aside in perpetuity.
  - B. Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:
    - i. Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
    - ii. Dedication of open space to a public body or private land conservancy or trust.
    - iii. Conservation easement granted to a public body or private land conservancy or trust.



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- C. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
- D. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.
- E. The developer shall dedicate the total open space area at the time of filing of a final plat on all or any portion of the development, or prior to final approval of any site condominium, land division or private road.
- 5. Review Process
  - A. Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of a plat, site condominium, land division or private road, where applicable.
  - B. All proposed single-family cluster developments shall be reviewed in compliance with the appropriate procedure for the type of development (land division, subdivision, site condominium etc.) in accordance with the design criteria in this Section. The Township Board shall approve any private road prior to final approval by the Planning Commission in accordance with the Attica Township Private Road Ordinance.
  - C. The Planning Commission shall review the cluster site plan for conformance with this Section, Section 6.1 Site Plan Review, the Attica Township Private Road Ordinance, and the Attica Township Land Division Ordinance, as applicable. In addition, the Planning Commission shall determine that the proposed cluster development conforms with the following:
    - i. Preservation of streams, watercourses, wetlands, floodplains, areas of unique topography, prime agricultural or equestrian lands, woodlands or open fields.
    - ii. Minimizes impact of road, utility and lot construction on the existing topography and land cover.
      - iii. Minimizes necessary extensions of roads, utilities and other infrastructure.
      - iv. Provides adequate access to the open space areas
- 6. Private Roads. Where a proposed single-family cluster development includes private roads, the Planning Commission and Township Board shall approve the private road(s) in conformance with the Attica Township Property Division Ordinance and the Attica Township Private Road Ordinance.
- 7. Single-Family Cluster Density Bonus Option. **In the AG District**, the Single-Family Cluster Density Bonus Option may be permitted. The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and equestrian or agricultural areas by providing for a density bonus and other design incentives. On sites without important natural features, this option may be used to protect rural vistas and equestrian or agricultural areas, create permanent open spaces, and/or recreation facilities. All proposals under this option must comply with the following:
  - A. The land must be platted and subdivided under the Land Division Act and the Attica Township Land Division Ordinance, or the State Condominium Act and the Attica Township Site Condominium approval requirements (Section 6.3), or proposed as a parcel split with a private road under the Attica Township Property Division Ordinance and the Attica Township Private Road Ordinance.
  - B. The parcel of land possesses one or more of the following physical or locational characteristics:
    - i. Topography of the site exceeds fifteen (15) percent slope.
    - ii. Street slopes would exceed six (6) percent without mass grading of the site.
    - iii. The parcel contains a readily identifiable physical or cultural resource which is to be conserved by the developer. These may include:



- a. Streams, lakes, ponds or other watercourses, and associated upland areas;
  - b. Designated wetlands which are regulated by the Michigan Department of Environmental Quality (MDEQ);
  - c. Designated floodplains associated with a lake, stream or river;
  - d. Agricultural lands which are actively being farmed or are considered prime agricultural lands based on parcel size, configuration and soils;
  - e. Land areas which are actively utilized for equestrian purposes and which, by their size, configuration and proximity to agricultural or other equestrian uses, result in an area ideally suited for such uses;
  - f. Tree stands, woodlands, and other natural vegetation areas which are of a size, configuration and general character as to provide open space, environmental habitat, and passive or active recreational opportunities;
  - g. Other areas as determined appropriate for open space preservation by the Planning Commission.
- C. The development plan shall encourage a more efficient, aesthetic, and desirable use of the land by a demonstrated preservation of physical and / or cultural resources or unique characteristics of the site, through a consolidation of the developed areas.
- D. Density Bonus Cluster Design Standard Modifications. The following table outlines the design standard modifications which may be permitted by the Planning Commission under this Section:

Density Bonus Design Standard Modifications		
Maximum Density Bonus*		25%
Minimum Required Open Space**		40%
Lot Width	Minimum	110 ft
	Maximum	130 ft
Lot Size	Minimum	1 acre
	Maximum	2 acres
* Density bonus is calculated based upon the maximum net density permitted under the zoning district for the parent parcel. The Planning Commission may include up to 25% of wetland, floodplain, or sub-aqueous areas in calculating maximum density and the maximum number of lots permitted.		
** Minimum required open space shall be based on the gross parent parcel size.		

- E. Density Bonus Cluster Design and Plan Requirements. All applications shall comply with the following requirements for information, plan content and design:
- i. A community impact statement shall be submitted, either as a separate written document or incorporated onto the site plan, which describes the project's anticipated impact on:
    - a. Public services and facilities such as, police and fire protection, emergency medical service, public schools, and the like.
    - b. The local public road system.
    - c. Neighboring uses.
    - d. Visual character of the site.
  - ii. A resource inventory shall be submitted, either as a separate written document or incorporated onto the site plan, which clearly identifies the following:
    - a. All floodplains, wetlands and water bodies, including size.
    - b. A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
    - c. A survey and analysis of on-site soils and slopes, based on Soil Conservation and USGS maps and data.

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- d. An analysis of the cultural features of the site, such as views, historic structures, patterns of original farm fields, active agricultural or equestrian uses, fences or stone walls, recreational uses and the like.
  - iii. All lots shall be served by an internal road network. No lots shall front upon the existing major road.
  - iv. The permanent open space shall include the site's most significant natural and/or cultural environmental features, such as:
    - a. Steep slopes,
    - b. Wetlands, floodplains, natural watercourses,
    - c. Woodlands,
    - d. Scenic views,
    - e. Agricultural or equestrian components,
    - f. Historical structures,
    - g. Recreational pathways and facilities,
    - h. Similar features approved by the Planning Commission.
  - v. In addition to the above criteria, a portion of the permanent open space shall be located between any adjoining public road and the beginning of any portion of any structure, lot or parcel (Frontal Open Space). At a minimum, this Frontal Open Space area shall equal 25% of the required 40% of open space. The Planning Commission and Township Board may require allocation of an additional portion of the required open space area to the Frontal Open Space area where necessary to preserve the rural character and views from the road.
  - vi. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.
  - vii. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
- F. Open Space Maintenance
- i. All open space shall be permanent and set aside in perpetuity.
  - ii. Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:
    - a. Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
    - b. Dedication of open space to a public body or private land conservancy or trust.
    - c. Conservation easement granted to a public body or private land conservancy or trust.
  - iii. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
  - iv. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to approval of the development proposal by the Planning Commission.
- G. Compliance With Other Criteria. All proposals for approval under this Section shall comply with all provisions of Sections 3.1 and 3.5 which are not specifically modified under this Section 3.5.7.



H. Review process for Density Bonus Option. All proposals for the Cluster Housing Density Bonus Option shall be reviewed in accordance with the provisions of Section 6.2 Special Land Use Approval.

8. Development Agreement

- A. A Development Agreement shall be required for all single-family cluster option and density bonus option developments. The Development Agreement shall be prepared by the applicant for submittal and consideration along with the initial application for cluster option approval. The Development Agreement shall detail all on-site and off-site improvements, scheduling, phases, design conditions, open space maintenance, architectural controls, operational characteristics, transportation design elements, and actions necessary on the part of the applicant and the Township with regards to the proposed development.
- B. The Development Agreement shall be reviewed and approved as to form and content by the Township Planning Commission and Township Board, with the advice and recommendation of the Township's legal counsel, planning consultant and engineering consultant.
- C. The Township Board shall consider the Development Agreement concurrently with the proposed single-family cluster option plans. Final approval of both the development agreement and associated plans is required prior to issuance of any building permits or other authorizations for construction.

3.6 OPEN SPACE PRESERVATION OPTION

- 1. Intent. The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Section 506 of P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.).
- 2. Eligibility Requirements. In areas that are served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (AG, R-1, R-2, and R-3). In areas which are not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (AG, R-1, R-2, and R-3).

3. Density

- A. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.
- B. A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.

4. Design Requirements

- A. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
- B. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:
  - i. Steep slopes,
  - ii. Wetlands, floodplains, natural watercourses,
  - iii. Woodlands and wildlife habitat,
  - iv. Scenic views,
  - v. Agricultural or equestrian components,
  - vi. Historical structures, and historical or archeological sites,
  - vii. Recreational pathways and facilities,
  - viii. Buffers from major thoroughfares and more intensive land uses, and



- ix. Similar features acceptable to the approving body.
- C. Under the Open Space Preservation Option, minimum lot size and width shall be according to the following table, unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of Section 506 of P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

District	Minimum Lot Area*	Minimum Lot Width
AG	2.5 acres	165 ft
R-1	1 acre	120 ft
R-2	0.5 acre	100 ft
R-3	0.25 acre	80 ft

\* Minimum lot area is subject to approval of on-site sewage disposal by the Lapeer County Health Department.

- D. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.
- E. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.

- F. Homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire frontage of the development. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped in a manner that generally follows Section 5.6, or maintained in its natural vegetative state if it provides an equivalent level of screening, and will count as part of the required minimum open space.
- 5. Open Space Maintenance
  - A. All open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
  - B. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body.
  - C. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.
- 6. Review Process
  - A. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
  - B. All open space preservation option plans shall include a resource inventory that contains the following:
    - i. All floodplains, wetlands, and water bodies;
    - ii. A woodlands analysis identifying all significant woodlands;
    - iii. All wildlife habitat areas.
    - iv. An analysis of on-site soils and topography to identify limitations to development; and





- v. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.
- C. The approving body shall determine that the open space preservation option plan satisfies the intent of Section 3.6.4.B.

### 3.7 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In an Agricultural or a One-Family Residential District there shall not be more than one (1) main building, except for permitted agricultural buildings, on an individual lot or parcel of land. Every parcel which is created for the purpose of erecting another dwelling or other principal building shall meet the lot area and width requirements of the applicable zoning district.

### 3.8 GENERAL EXCEPTIONS

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
2. Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
3. Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers, provided, however, that the approving body may specify a height limit for any such structure when such structure requires authorization as a special land use.
4. Lot Area. Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot complies with the lot area requirements of this Ordinance, except as provided in Section 7.15.2.B of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are

complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

5. Lots Adjoining Alleys. In calculating the area of a lot or land that adjoins an alley, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
6. Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.
7. Multiple Dwelling Side Yard. For the purpose of side yard regulations, a row house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
8. Porches. An open, unenclosed, and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
9. Projections Into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard not more than three (3) feet.
10. Residential Yard Fences. Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty (30) inches in height within a required front yard, e.g., along the property line.
11. Access Through Yard. For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yard and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

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# *Article 4.0*

## *Use Standards*



## Article 4.0 Use Standards

- 4.1 Principal Permitted Uses in the B-1 District
- 4.2 Farms
- 4.3 One-Family Dwellings
- 4.4 Two-Family Dwellings
- 4.5 Multiple-Family Dwellings
- 4.6 Garage and Yard Sales
- 4.7 Accessory Private Residential Ponds and Agricultural Ponds
- 4.8 Hobby Farms
- 4.9 Commercial Recreation Areas (Including Overnight Camping Facilities)
- 4.10 Overnight Camping Facilities
- 4.11 Home Occupations
- 4.12 Utility and Public Service Facilities and Uses
- 4.13 Colleges, Universities and Other Such Institutions of Higher Learning
- 4.14 Cemeteries
- 4.15 Golf Courses (Excluding Driving Ranges and Miniature Golf Courses)
- 4.16 Child Care Centers and Nursery Schools
- 4.17 Orphanages, Nursing and Convalescent Homes
- 4.18 Reserved for Future Use
- 4.19 General Hospitals
- 4.20 Mining of Topsoil, Clay, Sand, Gravel, Rock or Aggregates
- 4.21 Keeping of Animals
- 4.22 Raising or Keeping of Fur Bearing Animals
- 4.23 Commercial Kennels
- 4.24 Private Kennels
- 4.25 Veterinary Offices
- 4.26 Private Riding Stables
- 4.27 Commercial Riding Academies and Stables
- 4.28 Airports and Related Uses
- 4.29 Agribusiness Uses
- 4.30 Agricultural Limited Business Uses
- 4.31 Residential Limited Business Uses
- 4.32 Accessory Apartments
- 4.33 Places of Worship
- 4.34 Public Libraries and Public Buildings (Excluding Public Works Garages and Storage Yards)
- 4.35 Shooting Preserves, Skeet and Trap Shooting Clubs (Excluding Rifle and Pistol Ranges)
- 4.36 Yard Waste Composting Facilities
- 4.37 Bed and Breakfast Inns
- 4.38 Hog Farms, Feedlots, Egg Factories, Mushroom Processing Plants, and Mushroom Farms
- 4.39 Landfills, Transfer Stations, and Similar Uses
- 4.40 Junk Yards
- 4.41 Automotive Service Centers
- 4.42 Gasoline Service Stations
- 4.43 Automotive Repair Garages, Auto Engine and Body Repair, and Rustproofing Shops
- 4.44 Restaurants
- 4.45 Offices and Showrooms of Plumbers, Electricians, Decorators or Similar Trades
- 4.46 Outdoor Sales Space for the Exclusive Sale of Second-Hand Automobiles, House Trailers, Travel Trailer Rental
- 4.47 Commercially Used Outdoor Recreational Space
- 4.48 Basic Research, Design and Pilot or Experimental Product Development
- 4.49 Lumber and Planing Mills
- 4.50 Metal Plating, Buffing and Polishing
- 4.51 Outdoor Theaters
- 4.52 Wireless Communication Facilities
- 4.53 Auto Race Track (Including Midget Auto and Karting Tracks)
- 4.54 Horse and Dog Race Tracks
- 4.55 Waste Lagoon Ponds
- 4.56 Drive-In Restaurants and Establishments
- 4.57 Roadside Markets
- 4.58 Uses Similar to Permitted Uses
- 4.59 Wind Energy Conversion System, Private
- 4.60 Small Wine Maker (Micro-winery), Micro-brewery, and Micro Spirits Distiller
- 4.61 Small Solar Energy Systems For On-Site Use
- 4.62 Medium Solar Energy Systems For On-Site and/or Utility Use
- 4.63 Large Solar Systems For Utility Use
- 4.64 Commercial Wind Energy Conversion Systems
- 4.65 Short-term Rentals
- 4.66 Medical Marijuana Uses
- 4.67 Electrical Service Capacity



# 4.0 Use Standards

## 4.1 PRINCIPAL PERMITTED USES IN THE B-1 DISTRICT

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

## 4.2 FARMS

Farms shall be a minimum of ten (10) acres.

## 4.3 ONE-FAMILY DWELLINGS

1. All such dwelling units must meet the current construction standards of the State of Michigan and Attica Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for mobile homes shall be the department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.
2. All such dwelling units must meet the minimum floor area requirements of this ordinance. Any addition to a mobile home unit must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Building Inspector for approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation. Any addition to a mobile home or any structural changes necessary to meet the standards of this section shall require the applicant to deposit a cash performance guarantee, in an amount established by resolution of the Township Board, to insure completion of the necessary improvements. Failure to complete the necessary addition, alterations, or improvements to a mobile home during the term of the building permit issued for that purpose shall cause immediate forfeiture of the performance guarantee.

3. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the Township and shall have a wall of the same perimeter dimensions as the dwellings, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. All wheels, axles and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
5. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.
6. All such dwellings shall be compatible in appearance with other site-built homes in the Township. To this end, a roof with a minimum pitch of 4/12 shall be required with overhangs or eaves of at least six (6) inches. There shall be not less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-four (24) feet for at least 75% of the length of the dwelling unit.
7. All such dwelling units shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or Federal Law or otherwise specifically required by Section 3.1.7 of this Ordinance.

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**4.4 TWO-FAMILY DWELLINGS<sup>1</sup>**

Approval by the Township shall be contingent upon a finding that:

1. The site plan shows that a proper relationship between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
2. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare.

**4.5 MULTIPLE-FAMILY DWELLINGS<sup>1</sup>**

Approval by the Township shall be contingent upon a finding that:

1. The site plan shows that a proper relationship between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
2. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required upon a finding that it is essential to promoting and protecting public health, safety and general welfare.

**4.6 GARAGE AND YARD SALES**

Garage sales, yard sales, and similar types of sales at a private residence shall not take place for a

period exceeding seven (7) days, and no residence shall be permitted more than two (2) such sales per calendar year.

**4.7 ACCESSORY PRIVATE RESIDENTIAL PONDS AND AGRICULTURAL PONDS**

Private residential ponds accessory to a single family home and agricultural or farm ponds may be permitted on a minimum of five (5) acres subject to the following:

1. A zoning compliance permit shall be required for the construction of all new ponds, all enlargements of existing ponds, or the cleaning of an existing pond that will result in the removal of over one hundred (100) yards of material. The property owner and/or contractor shall submit an application to the Zoning Administrator, on forms provided by the Township, accompanied by a sketch plan that demonstrates compliance with this Section. The sketch plan shall be drawn to scale and shall include the following information:
  - A. Property lines and dimensions.
  - B. All existing and proposed structures on the site and on adjacent parcels within 500' of the site .
  - C. Location of the proposed pond.
  - D. Location of all wells, septic tanks, drainage fields, and tile drains (including agricultural drains) on the site and within 500' of the site.
  - E. Setbacks (distance) in feet from the proposed pond to all property lines, rights of way, existing and proposed structures, wells, septic tanks, drainage fields and tile drains on the site.
  - F. Location of all existing and proposed fencing, berming and land balancing, including the location, height and slope of all areas where excavated materials (spoils) will be placed on site.
  - G. Spot elevations sufficient to determine the location, grading and drainage patterns created by the pond and all associated land balancing, berming and excavation.
  - H. Location of all wetlands, streams, rivers, lakes, drains or other water bodies.
2. The Zoning Administrator may require a detailed drainage plan, prepared by a registered civil engineer, where the Zoning Administrator determines such a plan is necessary to insure that the proposed pond



- and associated placement of spoils on-site will not negatively impact drainage patterns both on and off the site.
3. The Zoning Administrator shall review the application and plans and either approve or disapprove the issuance of a zoning compliance permit within seven (7) days of filing.
  4. There shall be a setback of at least one hundred (100) feet from the water's edge or point of beginning of any pond excavation to all:
    - A. property lines and rights of way;
    - B. septic tanks and tile disposal fields,
    - C. wells.
  5. There shall be a minimum setback from any single family home or primary structure of at least twenty five (25) feet.
  6. There shall be no slope in excess of 4:1 (four feet horizontal to one foot vertical) on the pond floor until the water reaches a depth of five (5) feet, at the low water mark, on all sides of the pond. All spoils which are placed on site shall be contoured and bermed to blend with the surrounding topography. All berms or other areas where excavated materials are placed shall not exceed a maximum height of six (6) feet with a maximum slope of 3:1. The intent of this berming standard is to insure that there will be no adverse impact to the site or adjacent parcels or rights of way due to drainage, in compliance with Sections 4.7.1 and 4.7.2.
  7. Excavated materials, in excess of one thousand (1,000) cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 4.2 of this ordinance.
  8. Pond construction, maintenance and operation, including berming or placement of spoils on site, shall not create or increase stormwater or other surface water run-off onto adjacent parcels or rights of way, or result in secondary ponding of stormwater due to land balancing.
  9. Agricultural tile drains which are encountered during pond construction shall not be cut, plugged or altered in any way which would diminish the function for which they were originally installed. Where agricultural drain tiles are encountered they shall be maintained to insure their continued performance.
  10. The applicant is responsible for all required reviews and permits from State and County agencies for any proposed pond construction

which necessitates such review or permit including, but not limited to, the following:

- A. impacts to a wetland regulated by the State under Act 203 of 1979, as amended, or,
  - B. land balancing which necessitates a County Soil Erosion and Sedimentation Control Permit, or,
  - C. damming or alteration of any river or stream.
11. All approved ponds shall be completed within six (6) months of issuance of a permit. The Zoning Administrator may grant a six (6) month extension of the permit for just cause.
  12. Commercial use of any residential, agricultural, or farm pond by the public for swimming, fishing, or the like, shall be prohibited.
  13. All applications for pond approval shall be accompanied by a permit fee, in an amount established by resolution of the Township Board.
  14. A performance bond, in an amount established by resolution of the Township board, shall be posted by the applicant prior to issuance of a building permit to insure completion of all required improvements.

#### 4.8 HOBBY FARMS<sup>□</sup>

1. **In the AG District**, no Hobby Farm shall be permitted on a parcel of less than five (5) acres with less than three hundred (300) feet of lot width.
2. **In the R-1, R-2, and R-3 Districts**, no Hobby Farm shall be permitted on a parcel of less than ten (10) acres with less than three hundred thirty (330) feet of lot width.
3. Large animals<sup>□</sup> may be kept only on a unit basis (see definition of Large Animals) and shall be restricted to one (1) unit per acre of land available for the exclusive use of the animals.
4. Manure or similar animal wastes shall not become a nuisance to neighboring properties. No such wastes shall be stockpiled for periods in excess of one hundred twenty (120) days, and no stockpile shall be located closer than one hundred twenty-five (125) feet to any property line in the AG District and one hundred fifty (150) feet to any property line in the R-1, R-2, and R-3 Districts.
5. All accessory buildings used to house any farm animals shall be setback at least 50 feet from

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all side and rear property lines and shall not be located in front of the principal residence. All accessory buildings shall conform with the provisions of Section 5.1 Accessory Buildings.

- All farm animals raised on a Hobby Farm shall be adequately fenced or corralled to prevent them from roaming off the property.
- The raising of animals for a school project, 4H project, or similar educational program, shall be exempt from the minimum parcel size and minimum lot width requirements only for animals that will be sold at the agricultural fair. If a horse is being raised for a 4H or similar equestrian project, they shall be limited to one (1) horse per parcel less than five (5) acres. Such uses shall otherwise conform to all other requirements of this Ordinance.

#### 4.9 COMMERCIAL RECREATION AREAS (INCLUDING OVERNIGHT CAMPING FACILITIES)

In the **AG District**, commercial recreation areas, such as but not limited to, travel trailer and tent camping parks, boy scout and girl scout camps, and private clubs, camps and parks of a non-profit organization, religious group or charitable organization, may be permitted subject to the following:

- All such uses shall be located on a site of at least twenty (20) acres with direct access to a major or secondary thoroughfare, as designated on the Township's adopted Thoroughfare Plan.
- No structure shall be placed closer than one hundred (100) feet to any property line.
- No activities of any kind shall take place closer than thirty (30) feet from the perimeter of the site.
- Accessory commercial uses, for the exclusive use of the park customers or members, shall be housed in a single building.
- All such camps and parks shall provide adequate water and sanitary waste disposal facilities.

#### 4.10 OVERNIGHT CAMPING FACILITIES

In the **B-2 District**, overnight camping facilities for tents, campers, and travel trailers may be permitted subject to the following:

- There will be no permanent storage of tents, campers, or travel trailers, and mobile home units will not be allowed in the development.
- Any commercial use developed as a part of an overnight camping facility, in a B-2 district, shall provide off-street parking based on the type of use as specified in Section 5.2 and developed in conformance with the standards contained in Section 5.3.
- No activity shall take place within thirty (30) feet of any property line abutting land zoned residential. In addition, the thirty (30) foot setback areas shall be developed as a greenbelt in conformance with Section 5.6.

#### 4.11 HOME OCCUPATIONS<sup>Δ</sup>

- There shall be no employees other than residents of the household.
- There shall be no exterior display other than one (1) non-illuminated sign indicating name and occupation, not to exceed four (4) square feet in area.
- No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
- Off-street parking as required in Section 5.2 shall be provided for all visitors and shall be screened from view from neighboring properties.
- The home occupation shall be conducted only within the dwelling and not in an accessory building, shall not be visible or noticeable in any form or manner from outside the walls of the dwelling, and shall not change the residential character of the dwelling.
- Approval of one home occupation shall not be grounds to establish any other home occupation on the same site. All changes to home occupations shall obtain prior approval by the Planning Commission and Township Board.
- Medical marijuana uses in accordance with Section 4.66 of Article 4 of this Ordinance.

Δ Ord. No. 2021-02 (April 19, 2021)





#### 4.12 UTILITY AND PUBLIC SERVICE FACILITIES AND USES

In the AG, R-1, R-2, R-3, and B-1 Districts, utility and public service facilities and uses may be permitted when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.

#### 4.13 COLLEGES, UNIVERSITIES AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and other such institutions of higher learning public and private, offering courses in general, technical, or religious education and not operated for profit, may be permitted subject to the following conditions:

1. Any use permitted herein shall be developed only on sites of at least 20 (twenty) acres in area.
2. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
3. No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line and/or existing or proposed public right-of-way.

#### 4.14 CEMETERIES

1. Cemeteries may be permitted on sites of ten (10) acres or more.
2. Mausoleums, columbaria, service buildings, and similar structures shall be set back the minimum distance required in the applicable zoning district, but not less than twenty-five feet for each story of building height, from all lot lines adjoining a zoning district that permits residential use.
3. All service areas and service buildings shall be screened from an adjoining residential zoning district by a twenty-five foot wide landscaped greenbelt. If service areas will include outdoor storage of vehicles and/or materials, the Planning Commission may also require a decorative screen fence up to six (6) feet tall, in addition to the greenbelt, in order to protect adjoining residential property.
4. Special buildings and features, such as auxiliary columbaria or garden columbaria walls, chapels and the like shall be shown on the site plan submitted for Planning Commission approval.

5. The site plan shall demonstrate that there is adequate space on-site and management procedures in place to accommodate anticipated funeral processions, in a manner that avoids traffic hazards that may be created if processions are allowed to overflow onto or otherwise block the public streets.
6. There shall be no graves sites permitted within the first twenty (20) feet of the entire perimeter of the cemetery site.

#### 4.15 GOLF COURSES (EXCLUDING DRIVING RANGES AND MINIATURE GOLF COURSES)

1. Major Accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land and away from any existing or proposed public right-of-way.
2. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
3. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
4. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
5. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

#### 4.16 CHILD CARE CENTERS AND NURSERY SCHOOLS

1. For each child so cared for there shall be provided and maintained a minimum of one hundred (100) square feet of outdoor play area.
2. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.

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4.17 ORPHANAGES, NURSING AND CONVALESCENT HOMES

1. All vehicular ingress and egress from the site shall be directly onto a major or secondary thoroughfare, as shown in the Township's adopted Master Plan.
2. The maximum extent of development shall be determined by the Planning Commission, based upon the site plan demonstrating a proper relationship between buildings, parking and drives, outdoor recreation space for residents, and adequate setback and screening for adjoining residential uses and zones.
3. Plans for all uses shall demonstrate adequate parking, loading, and unloading space will be available for staff, visitors and vendors.
4. Contiguous outdoor recreation space shall be available in the ratio of not less than one hundred (100) square feet for each resident, provided that the minimum size of the primary outdoor recreation area for an orphanage shall be not less than ten thousand (10,000) square feet.
5. Plans submitted shall demonstrate adequate security for residents, both indoors and out of doors. In particular, children shall be under adult supervision when outdoors and play areas shall include adequate fencing to protect children from wandering off-site. Memory care facilities shall include special indoor and outdoor security features, such as door alarms and secure garden or courtyard features that prevent unauthorized exit, to protect elderly residents from wandering off-site.

4.18 RESERVED FOR FUTURE USE

4.19 GENERAL HOSPITALS

1. Approval shall be contingent upon a finding that:
  - A. The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
  - B. All the development features including the principal building and any accessory buildings, open spaces and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.
2. All such hospitals shall be developed on sites consisting of a least five (5) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.
3. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular ingress and egress to the site shall be directly onto said thoroughfare.

4.20 MINING<sup>□</sup> OF TOPSOIL, CLAY, SAND, GRAVEL, ROCK OR AGGREGATES

1. **In the AG district**, mining may be permitted on sites of at least forty (40) acres.
2. All plans, drawings, and supporting information required by Section 301 of the Attica Township Soil Removal Ordinance shall be submitted to the Planning Commission for their review and recommendation to the Township Board.
3. The Zoning classification necessary for the intended reuse shall be indicated.
4. A complete legal description of the premises shall be provided as well as the names and addresses of the operator and all owners of the property in question.
5. Presentation of an Impact Assessment which includes and evaluation of the social and ecological environment in and around the site. The required information is to be provided in sufficient detail to allow the Township to systematically and thoroughly evaluate the potential impact of the proposed operations on the surrounding area and the community as a whole. The following items must be addressed as well as any other characteristics unique to the site or area.



- A. Impact on the natural environment
  - i. Inventory and describe the existing vegetation and wildlife found on the site. To what extent will they be permanently impaired or eliminated as a result of the proposed operations?
  - ii. Will the proposed operations alter the existing drainage patterns of the area surrounding the site?
  - iii. What effect will the operation have on the quantity and quality of groundwater in the area? What steps will be taken to protect wells on adjacent or surrounding property?
  - iv. How will the proposed operations affect air quality in the surrounding area, particularly regarding dust, blowing sand, vehicle emissions and the like?
  - v. What noise levels will result from the proposed operations, and what steps will be taken to limit noise to an acceptable level?
  - vi. What natural features, such as unique topography, mature trees, natural streams, marshlands, swamps, and the like, will be destroyed by the proposed operations?
  - vii. How will the proposed operations affect soil stability in the area?
  - viii. Are there potential historic or archaeological characteristics that may be destroyed?
  - ix. Identify floodplains and the 100-year flood elevation.
- B. Impact on the social environment
  - i. How will the proposed operation affect the physical and cultural attractiveness of the surrounding area?
  - ii. What impact will the proposal have on landmarks and aesthetic views in the area?
  - iii. How will the applicant prevent the proposed operations from creating a nuisance for residents in the area?
  - iv. What impact will the proposal have on neighborhood character and privacy in the area.
  - v. How will the operation affect property values and the quality of housing in the adjoining areas?

- C. Economic impact
  - i. Will the proposal increase employment in the Township or the County?
  - ii. How does the petitioner's past performance indicate financial stability and ensure completion of the proposed project?
  - iii. Will the proposed operations impair the economic growth of any existing land uses?
  - iv. Describe whether or not the proposed operations will impair the usefulness or marketability of adjoining properties and what the applicant intends to do that will maintain the area's values.
- D. Public service impact
  - i. What additional public services, such as police, fire protection, will be required as a result of this proposal?
  - ii. What impact will the proposal have on local tax revenues?
  - iii. Will the proposal significantly increase traffic congestion in the area?
  - iv. What effect will the truck traffic have on road conditions over the proposal haul route?
  - v. Will the proposal haul route impact any other municipalities other than Attica Township?
- 6. An application fee, as established by resolution of the Township Board, shall accompany the operator's request for special land use approval of all removal operations in order to defray the cost of engineering services, investigation, publication charges, and other administrative expenses incurred by processing such application.
- 7. As a condition for issuance of a permit under this ordinance, the operator shall agree to annual inspection(s) by the Township Engineer. Such inspections are for the purpose of determining compliance with all requirements of this ordinance and any specific conditions applied to the individual permits. The annual inspection(s) shall be funded by the permit fees established by the Attica Township Soil Removal Ordinance. If additional inspections are required because of noncompliance, the cost of same shall be borne by the operator and paid prior to permit renewal.



8. The approving body may condition approval of a permit under this ordinance on a specific timetable for the completion of mining activities, reclamation, and re-use of the subject property either in total or in phases. The applicant shall submit a timetable for completion of mining activities, reclamation and re-use, in phases and for the entire mining operation, as a part of the application for special approval. Compliance with the specified timetable(s) shall be reported in the engineer's annual inspection. The approving body may, on a yearly basis following the annual engineering inspection, reconsider any permit granted under this ordinance where timetables established as a condition of approval have not been met.
9. The approving body shall review the plans, illustrations and supporting information in relation to their Master Plan for Attica Township, the general requirements of Section 6.2 of this Ordinance, and the specific standards of this Section 4.20, and the Attica Township Soil Removal Ordinance, and the reports of the Township Engineer, Township Planner, and/or Township Attorney. Upon the completion of their review, the approving body shall Approve, Approve with Conditions, or Disapprove the special land use. Following approval of the use, the Planning Commission shall recommend to the Township Board Approval or Approval with Conditions of an initial annual operating permit under the provisions of the Attica Township Soil Removal Ordinance.

4.21 KEEPING OF ANIMALS

The keeping animals shall be allowed in every district, subject to the following provisions:

1. Nothing in this ordinance shall be construed to prevent the keeping of domestic pets in any district. A commercial kennel, however, shall not constitute keeping of domestic pets.
2. The keeping of farm animals shall only be allowed on a minimum site of five (5) acres in Agricultural districts and on a Hobby Farm in R-1 districts. The raising of animals for a school project, 4H project, or similar educational program, shall be exempt from the five (5) acre requirement only for animals that will be sold at the agricultural fair. If a horse is being raised for a 4H or similar equestrian project, they shall be limited to one (1) horse per parcel less than five (5) acres.

3. It shall be unlawful to keep an exotic or wild animal as defined in this Ordinance, unless it can be shown to meet the definition of a customary domestic pet or unless the owner possesses a valid permit from the Michigan Department of Natural Resources.

4.22 RAISING OR KEEPING OF FUR BEARING ANIMALS

1. The raising or keeping of fur bearing animals may be permitted on sites of at least five (5) acres.
2. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.
3. All runs and breeding areas shall be enclosed.
4. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
5. All objectionable noise shall be controlled as required by Section 5.5.6.
6. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.

4.23 COMMERCIAL KENNELS

1. General Standards
  - A. **In the AG district**, commercial kennels may be permitted on sites of at least five (5) acres.
  - B. The site shall abut either a public road shown as a major or secondary thoroughfare on the Township's adopted Master Plan or an internal industrial park street.
  - C. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.



- D. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
  - E. Between the hours of 10:00 p.m. and 6:00 a.m. all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in Section 4.23.1.H.
  - F. All objectionable noise shall be controlled as required by Section 5.5.6.
  - G. Any use permitted by the Township shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this Section and Ordinance violated.
  - H. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property, and limited to:
    - i. Leashed animals under the direct supervision of their owners or commercial kennel staff;
    - ii. Small “play groups” of animals pre-selected for compatibility, supervised by kennel staff.
2. Exterior Standards
- A. **In the AG district**, dog kennel buildings shall be considered accessory buildings to a single family residence and shall be subject to all regulations of Section 5.1.3, including maximum allowable floor area.
  - B. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.
  - C. A dog kennel shall have at least the following two levels of outdoor exercise:
    - i. Individual outdoor pens separated by privacy panels to prevent the dogs from seeing one another;
    - ii. A yard completely enclosed by an obscuring fence.
  - D. A second yard enclosed by a 5-foot high chain link fence is optional.
  - E. Unsupervised outdoor dog runs and pens are not permitted.

3. Interior Standards
- A. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.
  - B. All kennel buildings shall be fitted with sound-proofing on walls, windows, and doors.
  - C. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available and floor drains shall be connected to the septic system.
  - D. All kennels shall have an isolation pen for dogs that bark uncontrollably, in order to reduce their influence on other dogs.
  - E. Privacy panels are required between pens.
  - F. A variety of pen sizes shall be provided to accommodate both individuals and “families” of dogs.

#### 4.24 PRIVATE KENNELS<sup>1</sup>

Private kennels for housing only those animals owned by the proprietor may be permitted as a use requiring administrative approval, subject to the following:

1. A private kennel must be accessory to a permitted single family residence.
2. No animal shall be allowed to run free. Outdoor exercise areas shall be properly fenced and located no closer than 100 feet to any abutting residential property line.
3. The minimum site size shall be five (5) acres with a minimum width of 300 feet.
4. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.
5. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.



4.25 VETERINARY OFFICES

1. In the AG district, veterinary offices, including clinics, may be permitted on sites of at least five (5) acres, provided there is also a permanent residence on-site.
2. The residence on-site shall be occupied by the owner or an employee of the veterinary office/clinic.
3. The site plan shall demonstrate that adequate parking is provided for all employees, customers, vendors and residents. Parking areas shall be screened from all adjoining residences and residential homesites by a landscaped greenbelt not less than twenty (20) feet wide.
4. There shall be no outdoor runs or pens for animals being cared for. An outdoor exercise area may be permitted, provided it is properly fenced and animals are attended at all times by their owner or a clinic employee.
5. Outdoor exercise areas shall be screened from view of an adjoining residence or residential property by a landscaped greenbelt not less than twenty (20) feet wide.

4.26 PRIVATE RIDING STABLES

1. Only horses and ponies belonging to the property owner and/or occupant may be boarded.
2. All stable buildings shall be set back at least one hundred (100) feet from any property line abutting a residential use or a residential district and at least fifty (50) feet from the residence on the same site.
3. Manure shall not be stockpiled closer than one hundred twenty-five (125) feet to any property line abutting a residential district or use and shall not be allowed to become a nuisance.
4. All horses and ponies boarded shall be fenced or corralled to prevent them from roaming off the owner's property.

4.27 COMMERCIAL RIDING ACADEMIES AND STABLES

1. All buildings, corrals, or other enclosures for animals shall be set back at least two hundred fifty (250) feet from any residence or property line abutting a residential use or residential district.
2. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
3. Adequate off-street parking shall be provided for customers and shall be screened from view of an abutting residential use or residential district by either a greenbelt, fence, or screen wall.
4. Manure shall not be stockpiled closer than two hundred fifty (250) feet to any property line abutting a residential district or use and shall not be allowed to become a nuisance.

4.28 AIRPORTS AND RELATED USES

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted subject to the following requirements:

1. The applicant shall design the proposed facility in accordance with the rules and regulations of the Michigan Aeronautics Commission (MAC). MAC approval shall be obtained prior to a request for special land use approval from Attica Township.
2. The approach to all runways, landing strips, landing fields, and the like shall not be located over properties zoned R-1, R-2, R-3, RM or MH for at least one quarter mile (1,320 feet) beyond the airport boundary.
3. All buildings and all areas for the storage of aircraft shall be set back at least one hundred (100) feet from all property lines.
4. Off-street parking requirements for public use airports shall be determined by the approving body based on a general standard of one (1) space for each private aircraft stored at the facility plus one (1) space for each employee. Additional parking may be required for a facility which provides regular air passenger service.
5. Storage of damaged or wrecked aircraft shall be limited to thirty (30) days unless such aircraft is part of any State or Federal investigation into the cause of an aircraft crash.



#### 4.29 AGRIBUSINESS USES

Agribusiness uses, such as but not limited to farm implement sales, cider mills, farmers markets, farm dairies, and pick-your-own farms, may be permitted subject to the following:

1. All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100) feet from all property lines.
2. One (1) display area is permitted within the required setback area for merchandise for sale, not to exceed four hundred (400) square feet in area.
3. One (1) non-illuminated sign, not exceeding a total of thirty-two (32) square feet and eight (8) feet in height is permitted for all such agribusiness uses.
4. Adequate off-street parking shall be provided to serve the expected number of patrons and shall have at least a gravel surface properly graded and dust-free at all times. In determining the adequacy of the number of spaces being proposed, the approving body shall compare the proposed use to similar uses listed in Section 5.2.12.
5. Whenever the proposed use is adjacent to a residential zoning district, a ten (10) foot landscaped greenbelt shall be provided along the entire property line adjoining the residential zoning district.

#### 4.30 AGRICULTURAL LIMITED BUSINESS USES<sup>1</sup>

These standards are intended to permit long-term operation of small-scale, home-based businesses and incubation of such businesses while they grow, such that they will relocate to an approved commercial or industrial zone when they reach a size or scale that exceeds the limits of their Limited Business Use permit, as determined by an annual registration and periodic inspection or review by the township. Existing businesses in Agricultural districts that have commenced operation prior to obtaining an Agricultural Limited Business special land use permit are not guaranteed approval under this section. Unapproved business uses may be subject to enforcement action.

1. Only owner/operator types of businesses shall be allowed.

2. All Limited Business Use activities, except parking of customer, employee, and business vehicles, shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to his or her permitted residential use.
3. Materials used by the Agricultural Limited Business that cannot be enclosed may be permitted to be stored outdoors for temporary periods by the approving body upon a finding that they comply with all other standards of this Section and they are screened from view from all streets and neighboring properties by means of plantings, obscuring fence, landscaped berm, or combination of these as approved by the Planning Commission and Township Board, and based upon a finding that they are essential to the day-to-day operation of the Agricultural Limited Business.
4. All products manufactured on-site shall not be sold primarily at retail on-site, rather, the product should be distributed elsewhere by the owner/operator.
5. The building used to house the Agricultural Limited Business Use shall not exceed 3,000 square feet in gross floor area and shall be no more than one (1) story or 20 feet in height.
6. All areas for employees and customer parking shall be screened from view from all streets and neighboring properties by means of plantings, obscuring fence, landscaped berm, or combination of these as approved by the approving body. All parking areas and driveways shall be maintained in a dust-free condition at all times.
7. One non-illuminated sign, no larger than 12 square feet and stating only the name of the business or profession of the owner/operator shall be displayed flat against the wall of the building.
8. The minimum size parcel required for all Agricultural Limited Business Uses shall be ten (10) acres with a minimum width of three hundred (300) feet. The approving body may reduce the minimum parcel size and width upon a finding that use will have only resident employees and the physical layout, screening, and normal operations of the use will not be detrimental to existing and/or other permitted land uses in the district.
9. The owner/operator shall have restroom facilities available for all employees on-site.

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- 10. The maximum number of persons employed, other than those who reside in the dwelling on the site of the Agricultural Limited Business Use, shall be determined by the approving body based upon site size, the characteristics of the proposed use, the characteristics of the surrounding neighborhood, and a finding that the number of employees is consistent with the number typically employed by a farm of similar scale.
- 11. No Agricultural Limited Business Use shall be approved that produces noise, wastes, odors, or similar side effects which, in the opinion of the approving body, are not customary to an agricultural operation employing generally recognized modern agricultural management practices.
- 12. Traffic shall be no more intensive than for a residential use of similar size, based on an assumed trip generation of five (5) trips per acre.
- 13. All Agricultural Limited Business Uses shall comply with the performance standards contained in Section 5.5.
- 14. Approval of one Agricultural Limited Business Use shall not be grounds to establish any other limited business use on the same site. All changes in Agricultural Limited Business Uses shall obtain prior approval by the Planning Commission and Township Board.
- 15. All Agricultural Limited Business Uses shall require annual registration with the Zoning Administrator to verify ownership and continued operation. The Township may require physical inspection annually, upon twenty-four hours written notice, to verify continued compliance with this ordinance and Special Land Use Permit.
- 16. Upon notice by the Township that the Agricultural Limited Business has exceeded the limits of its special land use permit, the owner/operator shall have 120 days to relocate the business to an appropriate commercial or industrial zoning district.

4.31 RESIDENTIAL LIMITED BUSINESS USES

The following standards are intended to permit long-term operation of small-scale, home-based businesses and incubation of such businesses while they grow, such that they will relocate to an approved commercial or industrial zone when they reach a size or scale that exceeds the limits of their Limited Business Use permit, as determined by an annual registration and periodic inspection or review by the township. Existing businesses in R-1, R-2 and R-3 districts that have commenced operation prior to obtaining a Residential Limited Business special land use permit are not guaranteed approval under this section. Unapproved business uses may be subject to enforcement action.

- 1. The use shall be carried on only by the occupant of the dwelling located on the same property, and the maximum number of persons employed, other than those who reside in the dwelling, shall be determined by the approving body based upon the site and building size, characteristics of the proposed use, and the surrounding neighborhood.
- 2. The use shall not be visible or noticeable in any form or manner from outside the walls of the accessory building and shall not change the residential character of the property or the neighborhood.
- 3. The floor area devoted to the Residential Limited Business Use shall be contained within a single accessory building, and shall not exceed 2,200 square feet in the R-1 district, 1,600 square feet in the R-2 district and 1,200 square feet in the R-3 district.
- 4. The minimum site size for a Residential Limited Business Use shall not be less than the minimum area and width required for a residence in the same zoning district.
- 5. Off-street parking as required by Section 5.2 shall be provided for all visitors and shall be screened from view from all streets and neighboring properties by means of plantings, obscuring fence, landscaped berm, or combination of these as approved by the approving body. All parking areas and driveways shall be maintained in a dust-free condition at all times.
- 6. No Residential Limited Business Use shall be approved that produces noise, wastes, odors, or similar side effects which, in the opinion of the approving body, are not customary in a residential district.





7. Traffic shall be no more intensive than for a residential use of similar size, based on an assumed trip generation of five (5) trips per acre.
8. All Residential Limited Business Uses shall comply with the performance standards contained in Section 5.5.
9. Approval of one Residential Limited Business Use shall not be grounds to establish any other accessory occupation on the same site. All changes in Residential Limited Business Uses shall obtain prior approval by the Planning Commission and Township Board.
10. All Residential Limited Business Uses shall require annual registration with the Zoning Administrator to verify ownership and continued operation. The Township may require physical inspection annually, upon twenty-four hours written notice, to verify continued compliance with this ordinance and Special Land Use Permit.
11. Upon notice by the Township that the Residential Limited Business has exceeded the limits of its special land use permit, the owner/operator shall have 120 days to relocate the business to an appropriate commercial or industrial zoning district.

#### 4.32 ACCESSORY APARTMENTS<sup>1</sup>

Accessory apartments may be permitted as a use requiring administrative approval, subject to the following:

1. The dwelling unit must be situated on a lot or parcel in conformance with the minimum lot area and setback requirements of Section 1200.
2. Either the principal unit or the accessory apartment must be owner-occupied. The Zoning Board of Appeals may modify this requirement only when it is clearly demonstrated that the single family character of the neighborhood will not be affected.
3. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.
4. Exterior changes to the dwelling shall be kept to a minimum and shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.
5. Only one accessory apartment shall be permitted per lot and per single family dwelling.

6. One (1) additional off-street parking space shall be provided, exclusive of the driveway.
7. Only one entrance to the building shall face the street on which the dwelling is located.
8. An accessory apartment shall contain at least 420 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed to prohibit the creation of an accessory apartment in a single family dwelling unit with a total floor area of less than 1,200 square feet.
9. No accessory apartment shall include more than 2 bedrooms or exceed 650 square feet.

#### 4.33 PLACES OF WORSHIP

1. The site shall have direct access to a major or secondary thoroughfare as designated on the Township's adopted Master Plan.
2. All parking areas shall be screened from adjoining properties by a four foot six inch high masonry wall of face brick or decorative precast panels. The approving body may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.
3. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
4. The principal building shall comply with all setback requirements of the district in which it is located providing, however, that in no case shall the principal building be located closer than twice its height to any property line.
5. The applicant shall provide evidence of Health Department approval of all on-site water supply and sewage disposal facilities to be used by the public.
6. Accessory structures and uses, such as a columbarium, columbarium walls, and similar features may be permitted subject to site plan approval, upon a finding that they comply with all setback and screening requirements applicable to the principal use.

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**4.34 PUBLIC LIBRARIES AND PUBLIC BUILDINGS (EXCLUDING PUBLIC WORKS GARAGES AND STORAGE YARDS)**

1. The site shall have direct access to a major or secondary thoroughfare as designated on the Township's adopted Master Plan.
2. All parking areas shall be screened from adjoining properties by a four foot six inch high masonry wall of face brick or decorative precast panels. The approving body may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.
3. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
4. The principal building shall comply with all setback requirements of the district in which it is located providing, however, that in no case shall the principal building be located closer than twice its height to any property line.
5. The applicant shall provide evidence of Health Department approval of all on-site water supply and sewage disposal facilities to be used by the public.

**4.35 SHOOTING PRESERVES, SKEET AND TRAP SHOOTING CLUBS (EXCLUDING RIFLE AND PISTOL RANGES)**

Shooting preserves, skeet and trap shooting clubs, and similar uses, such as survival and other air-gun games, may be permitted subject to the following:

1. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1320) feet.
2. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.
3. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the approving body to be the most appropriate and effective.

4. The hours when shooting is permitted at a shooting preserve shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The approving body may require more restrictive hours where protection for adjoining residents is necessary.
5. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features of the National Rifle Association or similar safety features.
6. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line, nor closer than 500 feet from any existing residential structure other than those on the premises. The site plan shall clearly demonstrate how this "no shoot" area will be physically marked off on the site itself.
7. Properties used for shooting preserves, hunting clubs, survival games or other air-gun games shall be completely fenced to prevent participants from trespassing on adjoining properties. A four (4) foot high, woven wire "farm fence" with openings no larger than 4 inches by 6 inches shall be the minimum acceptable fence. "Keep-out Danger" signs and signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.
8. A plan shall be submitted showing the location of all residential structures within 2,000 feet and the relationship of the shooting preserve to all residential properties within 2,000 feet.
9. The applicant shall prepare an Impact Statement that describes the potential effects of the proposed shooting facility on the following:
  - A. Safety of persons on adjoining residential or agricultural properties.
  - B. Noise from the shooting activities and how it may affect the peace and tranquility of the neighborhood.
  - C. Anticipated traffic levels associated with the facility and their impact on traffic volumes in the neighborhood.



- D. Impact of the proposed facility on property values and the marketability of adjoining and nearby properties (those within 2,000 feet).
- E. The approving body shall make findings of fact indicating whether or not the shooting facility is anticipated to be compatible with the safe and orderly development of the neighborhood. The findings shall be based on review of the applicant's Impact Statement and the Planning Commission's and Township Board's own studies.

**4.36 YARD WASTE COMPOSTING FACILITIES**

Yard Waste Composting Facilities that manage the biological decomposition of organic matter under controlled, aerobic conditions may be permitted subject to the following conditions and standards:

1. Site Location and Design
  - A. Because of the level of truck traffic associated with this use, direct access to a paved public roadway designated as a secondary or major thoroughfare in the Attica Township Master Plan is required.
  - B. All internal roads and operation areas shall be kept dust-free at all times.
  - C. The site shall be level and well-drained.
  - D. If the site abuts property shown as residential on the Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
  - E. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
  - F. The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method acceptable to the approving body.
  - G. Adequate parking shall be provided for all employees and visitors. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.

2. Operation
  - A. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
  - B. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable bags with a cornstarch or similar base designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within 5 days of delivery to the site. In no instance shall yard wastes be accepted in nondegradable plastic bags.
  - C. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120° F.
  - D. Pooled water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Natural Resources permit.
  - E. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.

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- F. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
- G. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to Attica Township.
- H. Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.
- I. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container.
- J. The applicant shall provide a plan for the removal of unmarketable compost.
- K. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Attica Township Board.
- L. Copies of all Michigan Department Natural Resources applications/permits, if required, shall be provided to the approving body as part of the application package.
- M. The use must conform with the Performance Standards in Section 5.5 of this ordinance.
- N. The operator shall provide surety in the form of cash, irrevocable letter of credit or other surety acceptable to the Township Board to guarantee performance as required by this Ordinance and Section and provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Township Board on a per acre basis.

- O. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Attica Township Board.

#### 4.37 BED AND BREAKFAST INNS

Bed and Breakfast Inns may be permitted as a use requiring administrative approval, subject to the following:

1. The Bed and Breakfast Inn shall be clearly subordinate to the use of the building as the owner/operator's principal residence to the extent that not more than forty-five percent (45%) of the gross floor area of the dwelling may be devoted to guest rooms.
2. All guest rooms shall be a minimum of one hundred (100) square feet for double occupancy, equipped with a smoke detector-alarm, and shall have lavatory and bathing facilities available to the overnight guests.
3. The Bed and Breakfast Inn shall have a minimum of two (2) means of exit directly to the outdoors. A collapsible fire ladder in each guest room with posted instructions for use may satisfy the requirement for a second exit. A floor plan and elevation drawings (or photographs) shall accompany the application.
4. There shall be no exterior alterations to the dwelling that are not customary for other principal single family residences in the Township. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the approving body for review which demonstrate the following:
  - A. The addition is compatible in style and design with the original structure.
  - B. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future, if the owner chooses to terminate the use of the dwelling as a Bed and Breakfast Inn.



5. Two (2) off-street parking spaces for the dwelling and one (1) for each double-occupancy room shall be provided. All off-street parking shall be designed and arranged to maintain the residential character of the principal use. To that end, parking "lots" are to be avoided and the use of grass pavers or similar materials is encouraged.
6. One (1) non-illuminated sign, not to exceed six (6) square feet and stating only the name of the Bed and Breakfast Inn, may be displayed flat against the wall of the building or within the non-required front yard only.
7. The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.
8. The maximum length of stay of any guest(s) shall be fourteen days.
9. All requirements of this Ordinance and any conditions imposed by the Township Board shall apply equally to the original applicant and all subsequent owners. The owner of a Bed and Breakfast Inn shall notify the Township Board and Planning Commission, in writing, 30 days in advance of the proposed sale of the Bed and Breakfast Inn. The name, address, and phone number of the new owner(s) shall be provided with the notice of proposed sale.
10. All units proposed as Bed and Breakfast Inns shall be inspected by the Township Building Inspector and Fire Chief and a report shall be submitted to the Zoning Administrator identifying all building, fire, and safety code issues.
11. The applicant shall provide evidence of a commitment for general liability insurance in the amount of at least one million dollars (\$1,000,000.00).

#### 4.38 HOG FARMS, FEEDLOTS, EGG FACTORIES, MUSHROOM PROCESSING PLANTS, AND MUSHROOM FARMS

1. All of the above operations shall strictly adhere to the performance standards of Section 5.5.
2. All pens, cages, fenced areas, and buildings used to house any animal shall be set back one hundred fifty (150) feet from all property lines adjoining property zoned AG and two hundred (200) feet from all property lines adjoining property zoned residential.
3. Buildings and/or processing plants, other than those housing animals, shall be set back at least one hundred (100) feet from all property lines.
4. Areas used for the dispensing of compost shall be set back at least one hundred (100) feet from all property lines and obscured from view by a solid, obscuring fence at least six (6) feet in height.
5. Areas used for the stockpiling or storage or animal manure shall be set back as least two hundred (200) feet from all property lines, three hundred (300) feet from any adjacent residential dwelling, shall be completely screened from view, and shall be properly managed so that flies and similar nuisances do not affect adjoining properties. The approving body may modify the setback requirements for specialized manure handling systems that have been proven to contain all odors within the property lines.
6. The minimum parcel size required for all of the above uses shall be twenty (20) acres. The approving body may modify the acreage requirement only for specialized operations which clearly demonstrate their ability to control odors, noise, traffic, and other objectionable features associated with commercial animal and crop raising establishments. In no case, however, shall the site size be reduced to less than five (5) acres.

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4.39 LANDFILLS, TRANSFER STATIONS, AND SIMILAR USES

The Attica Township Board recognizes the authority of the Michigan Department of Natural Resources with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Township considers the requirements of Act 641 of 1978, as amended, and all rules and regulations promulgated pursuant to authority of said Act as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills and similar uses to obtain special land use approval subject to the following specific requirements.

1. All such uses shall be located on a paved public road capable of carrying Class A loadings, as defined by the Lapeer County Weighmaster, on a year-round basis.
2. All such uses shall keep internal roads and operations areas dust free at all times. No dust or other particulate emissions shall be permitted beyond the property lines.
3. All such uses shall conform to the Performance Standards of Section 5.5.
4. All landfill uses shall demonstrate, by the submission of a Re-Use Plan drawing (minimum scale of 1"=100'), that rehabilitation of the subject parcel, after operations are complete, will leave the property suitable for future development with one of the permitted uses in that particular zoning classification. No landfill use shall be permitted to remove all value from an individual parcel of property nor render it useless after operations are complete.

4.40 JUNK YARDS

1. Junk yards shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body.
2. There shall be no burning on the site.
3. All industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

4. The operator shall not permit automotive fluids or similar hazardous materials to contaminate soil or groundwater. Plans shall demonstrate that all areas for dismantling are conducted within an enclosed building with floor drains connected to an approved holding tank.
5. A report shall be submitted to the Fire Chief detailing all hazardous or flammable materials used, stored, collected for recycling or disposal, or associated in any other way with the operations on-site. The applicant shall obtain the appropriate hazardous substances reporting forms from the Zoning Administrator.
6. A spill prevention plan shall be submitted for review by the Fire Chief that details the procedures to be followed in the event of a spill of any hazardous material, whether or not said material was included in the report submitted subject to number 5 above.

4.41 AUTOMOTIVE SERVICE CENTERS

1. Entrance and exits shall be no less than twenty-five (25) feet from a street intersection or residential district, and provided further that the traffic pattern shall conform to the overall layout of the shopping center.
2. All lighting shall be shielded so as not to glare or reflect upon any residential district.
3. There shall be provided, on those sides abutting or adjacent to a residential district or use, a four foot six inch (4'6") completely obscuring wall or fence, measured from the surface of the ground of the abutting residential district.
4. The minimum lot area shall be ten thousand (10,000) square feet with a minimum lot frontage of one hundred (100) feet and so arranged that ample space is available for motor vehicles which are required to wait.
5. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.



#### 4.42 GASOLINE SERVICE STATIONS<sup>2</sup>

1. Entrance and exits shall be no less than twenty-five (25) feet from any street intersection or residential district.
2. All lighting shall be shielded so as not to glare or reflect upon any residential district.
3. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Lot frontage on the principal street shall not be less than one hundred (100) feet.
4. There shall be provided on those sides abutting or adjacent to a residential district or use, a four foot six inch (4'6") completely obscuring wall or fence measured from the surface of the ground of the abutting residential district or use.
5. Major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
6. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all existing or proposed street right-of-way lines.

#### 4.43 AUTOMOTIVE REPAIR GARAGES, AUTO ENGINE AND BODY REPAIR, AND RUSTPROOFING SHOPS

1. Repair activities shall be conducted within a completely enclosed building.
2. Storage of damaged or wrecked automobiles on the site shall be obscured from public view.
3. There shall be no repairs conducted outdoors unless specifically authorized by the approval body, subject to such reasonable conditions as may be applied to ensure compatibility with the surrounding neighborhood
4. A report shall be submitted to the Fire Chief detailing all hazardous or flammable materials used, stored, collected for recycling or disposal, or associated in any other way with the operations on-site. The applicant shall obtain the appropriate hazardous substances reporting forms from the Zoning Administrator.

5. A spill prevention plan shall be submitted for review by the Fire Chief that details the procedures to be followed in the event of a spill of any hazardous material, whether or not said material was included in the report submitted subject to number 4 above.

#### 4.44 RESTAURANTS

1. All lighting shall be shielded so as not to glare or reflect upon any residential district.
2. All patrons are served while seated within the building occupied by such establishment, and where said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store.

#### 4.45 OFFICES AND SHOWROOMS OF PLUMBERS, ELECTRICIANS, DECORATORS OR SIMILAR TRADES

1. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display.
2. All storage of material or any incidental repair shall be within the confines of enclosed buildings.

#### 4.46 OUTDOOR SALES SPACE FOR THE EXCLUSIVE SALE OF SECOND-HAND AUTOMOBILES, HOUSE TRAILERS, TRAVEL TRAILER RENTAL

1. All lighting shall be shielded from adjacent residential districts.
2. Ingress and egress to the outdoor sales area shall be at least twenty-five (25) feet from a street intersection or residential district.
3. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall or fence four feet six inches (4'6") in height, measured from the surface of the ground of the abutting residential district.

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4.47 COMMERCIALLY USED OUTDOOR RECREATIONAL SPACE

Commercially used outdoor recreational space such as children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses and golf driving ranges may be permitted subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot six inch (4'6") wall or fence where adjacent to the use.
3. Child or adult amusement parks must be fenced on all sides with a four foot six inch (4'6") wall or fence.
4. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturer's specifications for spacing, safety and construction shall be complied with.
5. No loud speaker or public address system shall be used except by the written consent of the approving body wherein it is deemed that no public nuisance or disturbance will be established.

4.48 BASIC RESEARCH, DESIGN AND PILOT OR EXPERIMENTAL PRODUCT DEVELOPMENT

Uses charged with the principal function of basic research, design and pilot or experimental product development shall be conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

4.49 LUMBER AND PLANING MILLS

In the I-1 District, lumber and planing mills may be permitted when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District, subject to the following:

1. All cutting, shaping, planing, and similar activities shall occur within an enclosed building.
2. Sawdust shall be properly collected and shall not be stockpiled longer than thirty (30) days before being removed.
3. All sawdust and similar waste or by-products shall be properly handled so as not to be or become a nuisance and in a manner that prevents danger of fire or combustion of any kind.

4.50 METAL PLATING, BUFFING AND POLISHING

Metal plating, buffing and polishing shall be subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances and the following:

1. A report shall be submitted to the Fire Chief detailing all hazardous or flammable materials used, stored, collected for recycling or disposal, or associated in any other way with the operations on-site. The applicant shall obtain the appropriate hazardous substances reporting forms from the Zoning Administrator.
2. A spill prevention plan shall be submitted for review by the Fire Chief that details the procedures to be followed in the event of a spill of any hazardous material, whether or not said material was included in the report submitted subject to number 1 above.
3. All waste or by-products shall be properly handled so as not to be or become a nuisance, properly collected and stored for recycling or disposal, and at all times handled in in a manner that protects the public health, safety and welfare.





#### 4.51 OUTDOOR THEATERS

1. The proposed internal design shall receive approval from the Building Inspector or Official as to adequacy of drainage, lighting and other technical aspects.
2. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of one hundred twenty (120) foot right-of-way or greater, and shall not be available from any residential street.
3. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
4. The entire site shall be completely screened with an obscuring wall or fence with a minimum height of ten (10) feet. Such wall or fence may be modified in height to not less than seven (7) feet, depending upon terrain features of the site, and adjacent uses.

#### 4.52 WIRELESS COMMUNICATION FACILITIES<sup>□</sup>

1. Classification of wireless communication facilities:
  - A. Tier 1. Wireless communication facilities shall be principal uses permitted in the following circumstances and following administrative review and approval by the Township Planning Coordinator:
    - i. An existing structure will serve as a support structure for a Wireless Communication Facility within an AG, B -1, B-2, I-1, or I-2 district, or upon any publicly-owned land within the boundaries of the Township, where the existing structure is not, in the discretion of the Planning Coordinator, proposed to be either materially altered or materially changed in appearance.
    - ii. A proposed colocation upon an existing Wireless Communication Facility which had been previously-approved by the Township.

- iii. An existing utility pole located within a right-of-way or utility easement which will serve as a support structure for a Wireless Communication Facility, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Coordinator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - B. Tier 2. Wireless Communication Facilities may be authorized as special land uses within the AG, B-1, B-2, I-1 or I-2 district, or upon any publicly-owned land within in the boundaries of the Township.
  - C. Tier 3. Wireless communication facilities not meeting the definition of Tier I or Tier 2 may be authorized as special land uses.
2. Tier 1, Tier 2, and Tier 3 wireless communication facilities shall be subject to the following standards and conditions:
  - A. Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
  - B. Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
  - C. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  - D. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.

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- E. The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower. The approving body may modify the above setback and separation requirements if the Applicant provides data that demonstrates the facility is designed to keep any falling tower, pole or other infrastructure within a designated fall zone. Notwithstanding the above, when a site is adjacent to residentially zoned property, the minimum setback shall be not less than the height of the tower. This provision is not applicable to Wireless Communication Facilities which meet the criteria of Section 4.52.1.A.
- F. There shall be unobstructed access to the facility for operation, maintenance, repair, and inspection (may be provided by an easement).
- G. The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- H. Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
- I. The approving body may regulate the color of the support structure and the building materials of all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
- J. Support structures shall be constructed in accordance with applicable building codes. A soils report from a geotechnical engineer, licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted, including applicable standards and design requirements related to aerial crop dusting and the like.
- K. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
- L. The approving body, after considering the type, size, and height of all equipment being proposed, may require landscaping or screening where the approving body determines it is necessary to minimize the impact on adjacent properties. Said landscaping or screening shall be in conformance with Section 5.6.
- M. Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface in conformance with Section 5.3.
- N. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety and emergency repairs at that particular site.
- O. The application shall include a certification by a State of Michigan licensed Professional Engineer specifying how the proposed structure will fall.
- P. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance. The applicant and owner shall be responsible for the payment of any cost and attorneys fees incurred by the Township in securing removal.



- Q. The application shall include a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the Township. If the information is on file with the Township, the applicant shall update as needed. Any such information which is trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.
- R. The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.
- S. For Township assessing purposes, the application shall include an estimate of true cost of improvements for colocating antennae on existing buildings, structures and towers.
3. Tier 2 and Tier 3 wireless communication facilities shall be subject to the following standards and conditions:
- A. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
- i. Proximity to major thoroughfares.
  - ii. Population concentrations.
  - iii. Business centers.
  - iv. Signal interference.
  - v. Topography.
  - vi. Other specifically identified reason(s) creating facility need.
- B. The proposal shall be demonstrate conformance with the colocation requirements of Section 4.52.5.
4. Tier 3 wireless communication facilities shall be subject to the following standards and conditions:
- A. The applicant shall demonstrate that a Tier 1 or Tier 2 facility cannot reasonably meet the coverage and/or capacity needs of the applicant.
- B. Wireless communication facilities shall be of a design such as (without limitation ) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
- C. The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this section:
- i. Religious or other institutional site.
  - ii. Public park and other large permanent open space areas when compatible.
  - iii. Other locations if none of the above is available.
5. Requirements for Colocation
- A. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that colocation is not feasible.
- B. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
- C. The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use.
- D. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the colocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five year prohibition would unreasonably discriminate among



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providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

6. Removal

- A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all of the facility, including antennae, accessory equipment, and the foundation, six (6) feet below the ground elevation, by users and owners upon the occurrence of one or more of the following events:
  - i. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - ii. Six months after new technology is available at reasonable cost, as determined by the approving body, which permits the operation of the communication system without the requirement of the support structure.
- B. The situations in which removal of a facility is required, as set forth in Section 4.52.6.A, may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

- E. Administrative Review of New Antenna Colocation. Colocation of new wireless communications antennas and equipment is eligible for approval by the Zoning Administrator within fourteen (14) days of receipt of a complete application package and applicable fees, if all of the following standards are satisfied:
  - i. The wireless communications equipment will be collocated on an existing wireless communications tower or facility, or in an existing equipment compound.
  - ii. The existing wireless communications tower, facility or existing equipment compound is in compliance with the Attica Township Zoning Ordinance or was approved by the Attica Township Board.
  - iii. The proposed collocation will not do any of the following:
    - a. Increase the overall height of the wireless communications tower by more than 20 feet or 10% of its original approved height, whichever is greater.
    - b. Increase the width of the wireless communications tower by more than the minimum necessary to permit collocation.
    - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
    - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications tower, facility or equipment compound by the Township Board.



#### 4.53 AUTO RACE TRACK (INCLUDING MIDGET AUTO AND KARTING TRACKS)

1. Auto race tracks shall be located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of Sections 5.2 and 5.3.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt planting, and fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 5.6.

#### 4.54 HORSE AND DOG RACE TRACKS

1. Horse and dog race tracks shall be located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (200) foot wide greenbelt planting, and a fence or wall, so as to obscure from view all activities within the development. Said planting shall be in accord with Section 5.6.

#### 4.55 WASTE LAGOON PONDS

1. In no instance shall a waste lagoon pond be closer than one hundred and fifty (150) feet to an existing or proposed street right-of-way or abutting residential district.
2. An eight (8) foot high, completely obscuring wall or fence shall be erected around the entire site, and control gates for ingress and egress shall be installed. In lieu of a wall or fence a landscaped earth embankment in the form of a berm with a minimum height of eight (8) feet may be utilized at the discretion of the approving body, upon a finding that it will provide the required level of screening.

#### 4.56 DRIVE-IN RESTAURANTS AND ESTABLISHMENTS

1. A setback of at least sixty (60) feet from existing or proposed street right-of-way lines shall be maintained.
2. Ingress and egress points shall be located at least twenty-five (25) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.
3. Lighting shall be shielded so as to glare or reflect away from abutting residential districts.
4. The side and rear of the parcel abutting any residential district shall contain a six (6) foot high, completely obscuring masonry wall. The approving body may substitute a wooden fence or greenbelt planting instead of a masonry wall where no good purpose would be served by the masonry wall.

#### 4.57 ROADSIDE MARKETS

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be allowed in AG Districts for periods not to exceed six (6) months provided a temporary permit is obtained from the Zoning Administrator, and provided the following provisions are met:

1. The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that ample off-street parking has been provided, and adequate ingress and egress provided to the market.
2. No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

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#### 4.58 USES SIMILAR TO PERMITTED USES

In certain zoning districts, the approving body may permit uses which are similar to the principal permitted uses and special land uses in the district, subject to findings of fact based upon the general special land use standards of Section 6.2 when applicable, and subject to the following specific standards:

1. The use shall be consistent with the intent of the district and shall not change the basic uses allowed in the district.
2. The uses shall be found to be compatible with the permitted uses allowed in the district.
3. The use shall cause no more traffic than other uses in the district.
4. The use shall not require buildings, structures, or equipment that would be incompatible with the permitted uses allowed in the district.
5. The approving body may place reasonable conditions on uses approved as special land uses to ensure compatibility with other permitted uses allowed in the district subject to Section 6.2.6.

#### 4.59 WIND ENERGY CONVERSION SYSTEM, PRIVATE<sup>□</sup>

In all zoning districts, private wind energy conversion systems for the purpose of providing electricity to a residence, farm, business, institution, and/or industrial facility on the same site may be permitted as an accessory use to a principal permitted use subject to the standards of this Section. Upon review of the application for a building permit, the Building Inspector shall grant approval if it is found that the plans comply in all respects with this Section and the Township Building Code. Attica Township recognizes that wind energy conversion is an evolving technology, and that some of the standards contained herein may not necessarily remain applicable as new technologies are developed. It is the purpose of this Section to provide reasonable regulations for the safe installation of private wind energy conversions systems, and in instances where new technologies render any of the following regulations non-applicable, the spirit and intent of this Section shall be applied.

All private wind energy conversion systems shall be subject to the following conditions:

1. Private wind energy conversion systems shall be permissible as an accessory use to the primary building and/or permitted use in all zoning districts.

2. Each individual system shall have a rated capacity of less than 100 kW and be designed to primarily serve the needs of an individual home, farm, business, or industrial use. For parcels of five (5) acres or less, there shall be no more than one (1) individual system. For parcels greater than five (5) acres, there shall be no limit to the number of systems permitted on any individual property, so long as all other requirements contained within this Section have been met.
3. Minimum lot size for a private wind energy conversion system in any zoning district shall be one (1) acre. Building-mounted systems may be permitted on any size lot, provided the setbacks in Section 4.59.D are met.
4. The setback of the system including ancillary components from all property lines shall be at least equal to 110% of the height of the entire system at its highest point, or the minimum building setback for the respective zoning district, whichever is greater.
5. Individual systems may be freestanding and mounted on a monopole or building-mounted. Lattice-mounted systems, as well as guy wires or similar forms of secondary support, shall be prohibited.
6. Maximum height (from the ground to the tip of the system at its highest point) shall not exceed 100 feet for both freestanding and building-mounted systems.
7. All exposed moving components of a system must maintain a minimum ground clearance of twenty (20) feet.
8. The setback of any system from any existing or planned overhead public utility lines shall be at least equal to 110% of the height of the entire system at its highest point. It shall be the applicant's responsibility to note the location of utility poles and/or overhead lines on a dimensioned drawing as required in this Section.
9. Systems shall not generate more than 5 dB above the ambient noise level as measured at all property lines.
10. Systems shall be constructed of a material, painted, or otherwise treated so as to be non-reflective and in a non-obtrusive color (typically matte white or gray).
11. Systems shall not be illuminated. No exterior light shall be mounted to or atop any portion of the structure unless required per Section 4.59.O.



12. Wind energy conversion systems must be approved/certified by the American Wind Energy Association (AWEA) and/or the U.S. Department of Energy.
13. Wind energy conversion systems must comply with applicable Federal Aviation Administration regulations, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.).
14. A wind energy conversion system connected to the electric utility grid must obtain an Interconnection and Operation Agreement or its equivalent from the utility company, demonstrating the utility company's approval of an interconnected, customer-owned generator. Interconnected systems shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems shall be exempt from this requirement.
15. Systems shall comply with all applicable State construction and electrical codes and Township building permit requirements. Building and electrical permit applications for wind energy conversion systems shall be accompanied by the following:
  - A. Standard drawings of the wind turbine structure, including the support structure, base and footings. An engineering analysis of the support structure showing compliance with the Michigan Building Code and certified by a licensed professional engineer shall be submitted. This analysis is typically supplied by the manufacturer.
  - B. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
  - C. A performance guarantee in an amount and payment method established by resolution of the Township Board to dismantle any system which has been abandoned for more than six (6) months or is otherwise deemed unsafe by the Township Building Official.

**4.60 SMALL WINE MAKER (MICRO-WINERY) MICRO-BREWERY AND MICRO SPIRITS DISTILLER**

Small wine makers, micro-wineries, micro-breweries and micro spirits distillers, as defined herein, may be permitted in the AG, Agricultural districts, subject to the following standards:

1. The minimum site size shall be five (5) acres and the minimum lot width shall be three hundred (300) feet.
2. The site for a micro-winery, micro-brewery and/or micro spirits distiller shall be located on a paved Lapeer County primary road, designated as a Major Arterial on the adopted Attica Township Master Plan.
3. There shall be a minimum side setback of forty (40) feet for all structures and a minimum separation between all production and storage buildings/yards and any neighboring residence of not less than one hundred (100) feet.
4. The storage of any equipment, wastes, supplies, recyclables, pallets, product and the like shall occur within a completely enclosed building or screened from view by a minimum six (6) foot high and maximum eight (8) foot high, decorative obscuring fence. Nothing shall be stacked or stored higher than the obscuring fence.
5. There shall be adequate parking on site for all employees, visitors and vendors, as determined by the Planning Commission. All such parking shall have, as a minimum, appropriate gravel or limestone surface that shall be maintained dust-free at all times. All parking areas shall be screened from view of neighboring properties and public streets by a minimum five (5) foot wide greenbelt planted with appropriate evergreen shrubs or deciduous hedge-type shrubs at least three (3) feet high.

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4.61 SMALL SOLAR ENERGY SYSTEMS FOR ON-SITE USE:

Intent. An on-site use solar energy system (see Section 2.2 for definition) is intended to first serve the needs of the private owner. Systems occupying less than 1 acre are considered small solar energy systems. Systems may be roof-top mounted or ground mounted. Small systems may be approved through the issuance of a building permit, provided that the application meets the requirements and standards of this Section. If the Zoning Administrator has a good faith belief that the solar energy systems may have an adverse impact upon the health and safety of the public, the Administrator may require the applicant to apply for Site Plan Approval to the Planning Commission. Small solar energy systems may be permitted in all zoning districts.

1. General Requirements.
  - A. Only one (1) solar energy system is permitted per lot or premises.
  - B. Setbacks. All systems shall be set back at least 20 feet from all property lines.
  - C. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer’s specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties
  - D. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
  - E. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this ordinance
  - F. Complete, professionally-prepared site plans signed and sealed by the responsible parties shall not apply to applications proposing:
    - i. Roof mounted solar panels
    - ii. Ground mounted solar panels that do not exceed 8,000 square feet.
2. Roof Mounted Solar Panels.
  - A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet for all other roof types

- B. Panels shall not hang over the edge of the building or project below the eaves.
3. Ground Mount Solar Panels.
  - A. Shall not be installed on a parcels less than one (1) acre.
  - B. Shall only be located in the rear or side yard.
  - C. The maximum ground area occupied by solar panels and associated paved surfaces is one (1) acre.
  - D. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.
  - E. The maximum ground-mounted panel height is eight (8) feet, measured from the grade to the top of the panel.
  - F. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) foot high privacy fence.
4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve months or is deemed by the Zoning Administrator or Building Official to be unsafe or not consistent with code, the current land owner shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.





#### 4.62 MEDIUM SOLAR ENERGY SYSTEMS FOR ON-SITE AND/OR UTILITY USE

Intent. An on-site use solar energy system (see Section 2.2 for definition) is intended to first serve the needs of the on-site owner. A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. Systems occupying more than 1 acre but less than 5 acres are considered medium solar energy systems. Medium systems shall require Site Plan Approval by the Planning Commission. Medium systems for on-site use are permitted in all non-residential districts. Medium systems intended for utility purposes are subject to Special Land Use Approval in all non-residential districts except for I-1 and I-2.

1. General Requirements.
  - A. Setbacks. All systems shall be set back at least 50 feet from all property lines.
  - B. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties
  - C. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
  - D. A site plan, drawn to scale and conforming to Section 6.1, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
2. Roof Mounted Solar Panels.
  - A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet for all other roof types.
  - B. Panels shall not hang over the edge of the building or project below the eaves.
3. Ground Mounted Solar Panels.
  - A. Shall not be installed on a parcels less than ten (10) acres.
  - B. The maximum ground area occupied by solar panels and associated paved surfaces shall not exceed five (5) acres.
  - C. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.

- D. The maximum ground-mounted panel height is ten (10) feet, measured from the grade to the top of the panel.
  - E. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) foot high privacy fence. Screening requirements may be waived or reduced by the Planning Commission when existing natural vegetation accomplishes the same.
4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve months or is deemed by the Zoning Administrator or Building Official to be unsafe or not consistent with code, the current land owner shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

#### 4.63 LARGE SOLAR SYSTEMS FOR UTILITY USE

Intent. A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. These solar farms are intended to be so constructed and located to be compatible with other land uses such as farms and heavy industrial uses, while being distanced enough from residential uses to avoid becoming a nuisance. Large scale systems shall only be considered for utility purposes, and are permitted in the I-1 and I-2 district. Utility grid solar energy systems may be permitted as a special land use in all non-residential districts. All large solar systems shall be subject to the following:

1. General Requirements.
  - A. Shall not be installed on a parcels less than twenty (20) acres.
  - B. Setbacks. All systems shall be set back at least 50 feet from all property lines; all systems shall be set back at least 100 feet from any residential dwelling.

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- C. Glare. The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacture’s specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties
- D. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- E. A site plan, drawn to scale and conforming to Section 6.1, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
- F. The maximum ground area occupied by solar panels and associated paved surfaces shall be determined by the Planning Commission based on the circumstances of each particular large solar system application.
- G. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
- H. The maximum ground-mounted panel height is ten (10) feet, measured from the grade to the top of the panel.
- I. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or a six (6) foot high privacy fence, and/or by a landscaped greenbelt and berm, as determined by the Planning Commission. Screening requirements may be waived or reduced by the Planning Commission when existing natural vegetation accomplishes the same. The minimum berm required shall be 4 feet 8 inches high, with a 2 foot wide crown and 1 on 3 side slopes. The minimum landscaping requirement shall be two staggered rows of evergreen trees, chosen from the list in Section 17.16.3.a, not less than 5 feet tall at time of planting, placed on each of the side slopes of the berm, with a 15 foot spacing between trees in each row. The Planning Commission may require supplemental planting of small evergreen and/or deciduous shrubs along the crown of the berm. Planting requirements may be reduced up to 50% by the Planning Commission, but not eliminated, only when existing natural

vegetation accomplishes a substantial portion of the screening requirement. Berms shall include diagonal channels at grade or cross berm culverts, where necessary to maintain drainage patterns in the area.

- 2. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve months or is deemed by the Zoning Administrator or Building Official to be unsafe or not consistent with code, the current land owner shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

**4.64 COMMERCIAL OPERATIONS OF WECS (CWECS)**

- 1. An owner/applicant wishing to construct a commercial “wind energy conversion system” in any zoning district must apply for and receive a Special Land Use Permit.
- 2. Application for Special Land Use Permit. An owner/applicant wishing to construct a commercial “wind energy conversion system” in any zoning district must apply for and receive a Special Land Use Permit.
- 3. Application Requirements. An application for a Special Land Use permit for a commercial wind energy conversion system or an anemometer tower must include all of the following information:
  - A. Name, address, telephone number and resident agent of the owner/applicant;
  - B. Information showing adequate wind resources and summarizing site wind characteristics, including minimum, maximum and average wind speeds, directions, seasonal variations and dominant wind direction in the direction from which 50 percent or more of the energy contained in the wind flows;



- C. Information pertaining to the wind energy conversion system: type, manufacturer and model, total installed height, rotor material, rated power output, performance history, safety history, electrical system, and rotor over-speed control system(s). The Township may require, at its discretion, complete wind energy conversion system specifications, drawings, and professional certification of these data.
- D. The name, address and resume or other written summary of the education, experience, and other qualifications of each expert providing information concerning the wind energy conversion system or anemometer tower project.
- E. Certification that the applicant has complied or will comply with all applicable county, state and federal laws and regulations including but not limited to:
  - i. Copies of all permits and approvals obtained or applied for at time of the application.
  - ii. Written documentation that the applicant has notified the Federal Aviation Administration and any other applicable state and federal regulatory agencies of the proposed wind energy conversion system or anemometer tower.
- F. Copies of leases and all recorded agreements and easements, such as non-development agreements within a specified setback and/or easements for rights-of-way, from all affected landowners and governmental units.
- G. Vicinity maps and site plans showing the physical features and land uses of the project area. The vicinity maps and site plans must also include maps, plans, section and elevation drawings and written specifications in sufficient detail to describe the following:

With vicinity map(s)

- i. Existing zoning districts, land uses, including all dwellings, public and private airstrips within two (2) miles of the boundary of the property upon which the commercial wind energy conversion facility is to be located.

- ii. Planned land uses (based on the current Lapeer County General Plan and the Attica Township Master Plan) within two (2) miles of the boundary of the property upon which the commercial wind energy conversion facility is to be located.

With vicinity map(s), site plan(s) and written specifications as required:

- i. Location of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.
- ii. Location of existing and proposed electrical lines, facilities, and proposed setbacks.
- iii. Location of all known active or abandoned wells within 1300 feet of any proposed construction.
- iv. Identification and location of sensitive areas and sensitive environmental resources that are in the vicinity of the proposed wind turbine, including but not limited to endangered or threatened flora or fauna or their critical habitats, and other significant habitats identified by government and other authoritative sources. The vicinity map and site plan must cover a radius that is large enough to address all setbacks required by the Zoning Ordinance.
- v. Ingress and egress information including:
  - a. Location, grades, dimensions and surfacing materials of all temporary and permanent onsite and access roads.
  - b. Distances from the nearest county or state maintained road and evidence of compliance with standards required for year-round emergency access.
  - c. With the site plan, plan, section and elevation drawings, and with written specifications and reports as required.
  - d. Project area boundaries and physical dimensions of the proposed project area.

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- e. Soils on site delineated and described in a soil survey map accompanied by a report of the soil conditions based on soil borings prepared by a firm that specializes in soil borings and is approved to perform such work for the Michigan Department of Transportation. The report must include soil and geologic characteristics of the site based upon on-site sampling and testing. The soil boring reports and the proposed plans for the foundation must be certified by a registered Professional Engineer licensed in the State of Michigan, who is practicing in his or her area of competency.
  - f. Location, height, and dimensions of all existing and proposed structures and fencing.
  - g. Drawings and specifications, bearing the seal of a professional engineer licensed in Michigan, of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.
  - h. Lighting on site described with a lighting plan and specifications that show location, color, type, intensity, direction, shielding and control of all on-site lighting.
- H. A plan for electrical interconnection showing methods and standards for interconnection and copies of contracts or letters of intent with the electric utility and the electric transmission service provider.
- I. A noise report prepared by an acoustic engineer approved by the Attica Township Planning Commission that includes, at a minimum, the following:
- i. Measurements of the existing sound environment around the wind energy conversion system.
  - ii. Modeling and analysis in order to confirm the wind energy conversion system will not exceed the maximum permitted sound pressure levels.
  - iii. A sound and vibration assessment as specified in the Appendix of this Ordinance.
- iv. A description of the wind energy conversion system's noise characteristics, including manufacturer's noise data, and the project's proposed noise control features, including specific measures proposed to mitigate noise impacts for sensitive receivers.
  - v. Evidence of compliance with Noise Measurement, Analysis and Applicable Noise Control Engineering Standards referenced herein. During the review and approval process, the Attica Township Planning Commission may seek independent professional verification of information presented by the applicant.
- J. A decommissioning removal and restoration plan describing the intended disposition of the wind energy conversion system and all equipment associated with the system upon termination of the lease, revocation of the permit, or at the end of the system's useful life. The plan must include:
- i. The anticipated life of the project, and any agreement with the landowner regarding equipment;
  - ii. The estimated decommissioning costs in current dollars; and
  - iii. The anticipated manner in which the project will be decommissioned and the site restored.
- K. Procedures it will use to receive and respond to complaints about its wind energy conversion system(s) and facilities. Procedures will include provisions for immediate response to complaints regarding unsafe wind energy conversion system(s) and violations of this Ordinance.



4. Issuance of Special Land Use Permit for Construction and Operation. If the Attica Township Planning Commission finds that the applicant/owner satisfies the requirements of Attica Township's Ordinances, the Township may issue a Special Land Use Permit for construction of a wind energy conversion system that is valid for two years from the date issued.
  - A. Upon completion of construction, the applicant/owner must submit proofs of compliance with all ordinance and zoning requirements to the Attica Township Building Inspector. If not provided within two years from the developments start date, the Special Land Use Permit for construction will be invalid and require renewal by the Attica Township Board.
  - B. The Attica Township Planning Commission will determine compliance with all provisions, requirements, standards, and discretionary criteria before issuing a final Special Land Use Permit for operation of the wind energy conversion system. The Special Land Use Permit will be valid for five years and expire if not renewed by the Attica Township Board.
  - C. Six months before the expiration of the Special Land Use Permit for the operation of the wind energy conversion system, the applicant/owner/operator must submit to the Attica Township Building Inspector proofs of continued compliance, including safety and maintenance records, records of environmental impacts and records on the useful life of similar equipment. The Attica Township Board may reissue the Special Land Use Permit for the operation of the wind energy conversion system for another five-year period if it finds sufficient evidence of continued compliance.
  - D. If the Attica Township Planning Commission denies reissuance of an operations permit, the wind energy conversion system is in violation of this Ordinance and any other applicable ordinance. The Township reserves the right to review compliance with the conditions and limitations imposed upon such use, and any failure to comply may result in termination of an operations permit by the Attica Township Board.
  
5. Revocations. The Township Board may revoke any special use permit if:
  - A. it was granted in part because of a material misrepresentation by the applicant or an agent of the applicant; or
  - B. the applicant violates any term of the special use permit, including any condition, or any applicable requirement of the ordinance.
  - C. If the subject of the notice was a material misrepresentation by the applicant or its agent, the Township Board may revoke the special use permit with cause after a hearing. The applicant must reimburse the Township for its costs, including expert consultant and attorney fees, associated with revocation.
  
6. Enforcement and Penalties.
  - A. Enforcement of the Ordinance is the responsibility of the Attica Township Building Inspector or his or her designee.
  - B. An owner/operator, landowner, firm, association, corporation or representative agent of any wind energy conversion system found by Attica Township, or its designee, to be in violation of the special use permit, or to be abandoned, inoperable, or unsafe as defined in this Ordinance, or to have a serious adverse impact as defined in this Ordinance:
    - C. Must provide abatement by shut down, repair, or removal of the wind energy conversion system upon written notification from the Building Inspector (or other Township designee).
    - D. Is responsible for a Municipal Civil infraction.
    - E. May be subject to revocation of the special use permit for excessive and continued violations, and required to reimburse Attica Township for cost(s) and expenses of obtaining other relief including a temporary or permanent injunction; such reimbursement may include costs and reasonable attorney fees.
  
7. Certification of Insurance
  - A. The applicant shall indemnify and hold harmless Attica Township against all claims arising out of the existence and operation of the wind energy conversion system.

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- B. The applicant shall procure comprehensive general liability, casualty, wrongful acts insurance policies, and any other policies customary to the wind energy conversion system industry. This insurance must be in the amount of \$5 million per wind energy conversion system, but not to exceed \$100 million in the aggregate if the applicant/owner/operator/ own(s) more than one wind energy conversion system in Attica Township.
  - C. The applicant must maintain these insurance policies for the duration of the construction, operation, decommissioning, removal and site restoration of the wind energy conversion system.
  - D. Failure of the applicant to maintain these insurances at all times will result in termination of the permit and result in a violation of this Ordinance.
  - E. Cancellation Notice - all insurances described must include an endorsement stating the following: "It is understood and agreed that thirty (30) days advanced written notice of cancellation, non-renewal, reduction and/or material change must be sent to the Attica Township Building Inspector and Township Clerk."
- 8. Guarantee for Removal Costs
  - A. The cost of removal and site restoration is the full responsibility of the applicant. In order to provide the best financial assurance that there will be sufficient funds to remove the wind energy conversion system and restore the site, the following steps must be followed:
    - i. For each wind energy conversion system, the applicant/owner/operator must determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission will require independent verification of the adequacy of this amount.
    - ii. This money must be deposited in an escrow account specified by Attica Township, which may be an interest-bearing account, with interest paid back to the applicant. There will be no alternative to such an account. A surety bond, letter of credit, or other financial promise is not acceptable.
  - iii. Attica Township or its designees will withdrawal from the account exclusively to pay for removal and site restoration of the wind energy conversion system as provided for in this Ordinance.
  - iv. Attica Township will return any money left in the account for each wind energy conversion system after removal and site restoration of the site to the present owner or operator.
- 9. Administration Costs—Initial Application and Ongoing. For each wind energy conversion system, the applicant/owner/operator will deposit into an escrow account the amount of \$10,000. The purpose of this joint escrow account is:
  - A. To reimburse Attica Township for its costs incurred to hire consultants and experts as the Township, at its sole discretion, deems desirable to examine, evaluate and verify the data and statements presented by the applicant/owner/operator.
  - B. For the life of each wind energy conversion system, to cover the administrative and legal costs incurred by Attica Township in monitoring and enforcing the owner/operator’s ongoing compliance with the Ordinance.
 

After the wind energy conversion system is removed and site restoration is completed in accordance with this Ordinance, any balance remaining in this account will be returned to the applicant.
- 10. Road Repair Costs. The applicant/owner/operator is responsible for any damage to a public road within Attica Township resulting from the construction, maintenance or operation of a wind energy conversion system. For each wind energy conversion system:
  - A. The applicant, Attica Township and the Lapeer County Road Commission will agree upon and document construction routes and public road conditions before construction begins.
  - B. The applicant must provide security bond in an amount agreed upon by the applicant and Attica Township with guidance from appropriate experts, including the Lapeer County Road Commission. The Township or the Lapeer County Road Commission can use the bond to pay for the repair of damage to public roads.



- C. Failure of the applicant/owner/operator to provide these funds will result in termination of the permit held by the applicant/owner/operator.
11. Performance and Regulatory Standards. All commercial wind energy conversion systems and testing structures will comply with the performance and regulatory standards set forth in this section.
- A. Height Limit. The maximum permitted height of an anemometer tower or a horizontal axis wind energy conversion system will be three hundred (300) feet. The Planning Commission may set a lower height limit for other types of wind turbines.
  - B. Setbacks. Property line and road setback: The setback of an anemometer tower or a wind energy conversion system from any adjoining property line and any adjoining private or public road must be no less than ten (10) times the diameter of the rotor. If necessary, the owner/operator will secure recorded lease agreements or easements with adjoining property owners to achieve the setback requirements. Inhabited structure setback: The setback of an anemometer tower or a wind energy conversion system from any inhabited structure must be no less than five (5) times the total height of the wind energy conversion system.  
  
Setbacks to Other Sensitive Areas: The setback of an anemometer tower or a wind energy conversion system from other sensitive areas, except as specified herein must be no less than ten (10) times the diameter of the rotor.
  - C. Spacing. Adjacent wind energy conversion systems must be spaced at least one-quarter (1/4) mile apart.
  - D. Tower and Turbine Design. The wind energy conversion system tower must be a monopole or monotube style construction (as distinguished from a lattice-style tower) with no guy wires, exterior ladders or platforms.

- E. Color and Finish. Wind energy conversion systems must have a non-reflective finish and must be a non-obtrusive, neutral color that is compatible with the natural environment, such as white, gray, or beige. Wind energy conversion systems must not display logos, advertising or promotional materials.
- F. Construction Codes, Towers and Interconnection Standards. Wind energy conversion systems, together with all related components, including but not limited to transmission lines and transformers, must comply with all federal, state and county requirements, including applicable construction and electrical codes, local permit requirements, and applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards and IEC61400. Wind energy conversion systems including towers must comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
- G. Applicants will follow the U.S. Fish and Wildlife Service Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines (2003) for selecting appropriate wind energy conversion system site(s) including completing a potential impact checklist and calculating the potential impact index.

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H. Noise Regulatory Standards. Audible Noise Standard: From 6:00 A.M. until 10:00 P.M., for wind speeds from cut-in to rated-power of the wind energy conversion system, the equivalent noise level due to the wind energy conversion system at the property line closest and at locations within one (1) mile of the wind energy conversion system must not exceed the greater of: Forty-five (45) dB(A); or the established outdoor background sound level by more than five (5) dB(A). From 10:00 P.M. until 6:00 A.M., the noise level due to the wind energy conversion system at the property line closest and at locations within one (1) mile of the wind turbine generator must not exceed the established outdoor background sound level by more than three (3) dB(A). Background sound level must be established separately for daytime (6:00 A.M.-10:00 P.M.) and for nighttime (10:00 P.M.-6:00 A.M.) values.

Low Frequency Noise or Infrasound Noise: No low frequency noise or infrasound noise from wind energy conversion system operations must be created which causes the noise level both within the project boundary and a one-mile radius beyond the project boundary to exceed the following limits:

Octave Band Center Frequency (Hz)	Sound Pressure Level (dB)
1-2	70
16	60
31.5	65
63	57
125	50
250	47

I. Ice Throw. The ice throw or ice shedding for the wind energy conversion system must not cross the property lines of the site on which the facility is located and must not impinge on any public right-of-way or overhead utility line.

12. Maintenance and Compliance. In order to ensure safety and compliance with the Ordinance, the owner/operator must conduct regular monitoring, physical inspections and maintenance of the wind energy conversion system. The Attica Township Clerk’s Office will maintain copies of monitoring and inspection reports and maintenance logs. Attica Township reserves the right to inspect the premises that the wind energy conversion system operates on, and to hire a consultant to assist with the inspection at the applicant/owner/operator’s expense.
13. Abandoned, Inoperable and Unsafe Wind energy conversion systems and Adverse Impacts.
  - A. Abandoned: Any wind energy conversion system or anemometer tower not in operation for a continuous period of nine (9) months will be considered abandoned and subject for removal or penalties for violating this Ordinance.
  - B. Unsafe: Any wind energy conversion system or anemometer tower that is found to present an imminent physical threat of danger to life or a significant threat of damage to property must be shut down immediately and removed or repaired or otherwise made safe. A licensed Michigan engineer must certify its safety prior to resumption of operation. The owner/operator must notify the Attica Township Building Inspector or the Township’s designee within twenty-four (24) hours of an occurrence of tower collapse, turbine failure, fire, thrown blade or hub, collector or feeder line failure, or injury.
14. Removal and Site Restoration. Within ninety (90) days of receipt of written notification from the Township, the owner/operator must begin to remove any wind energy conversion system or anemometer tower:
  - A. If the owner/operator determines the system is at the end of its useful life; or
  - B. If the Township determines the system is subject for removal because it is unsafe or abandoned; or
  - C. If the Township determines the special use permit is expired or revoked.





Failure to begin to remove a wind energy conversion system or anemometer tower within the 90-day period provided in this subsection will be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

15. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, that judgment will not affect the remainder of this ordinance. The invalid part of the ordinance is considered separate from the rest, which will remain in effect.

#### 4.65 SHORT TERM RENTAL

Short-term rentals may be a Special Land Use permit as a use requiring Planning Commission approval, and subject to the following:

1. No establishment shall exceed an occupancy number to provide less than 225 square feet of air space per occupant. The guest rooms shall be equipped with operating smoke detector alarms, lavatory, and bathing facilities available.
2. The short-term rental shall have a minimum of two (2) means of exit directly to the outdoors. A collapsible fire ladder in each guest room with posted instructions for use may satisfy the requirement for a second exit. A floor plan and elevation drawings (or photographs) shall accompany the application.
3. There shall be no exterior alterations to the dwelling that are not customary for other principal single-family residences in the Township. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the approving body for review which demonstrate the following:
  - A. The addition is compatible in style and design with the original structure.
  - B. The rooms proposed to be added could be incorporated into the structure for single-family residential use in the future, if the owner chooses to terminate the use of the dwelling as a short-term rental.
4. The number of off-street parking spaces for single-family residential used as short-term rental shall provide 1.5 spaces per bedroom.

5. One (1) non-illuminated sign, not to exceed 6 square feet and stating only the name of the short-term rental, may be displayed flat against the wall of the building or within the non-required front yard only.
6. The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.
7. The maximum length of stay of any guest(s) shall be 14 days.
8. All requirements of this Ordinance and any conditions imposed by the Township Board shall apply equally to the original applicant and all subsequent owners. The owner of a short-term rental shall notify the Township Board and Planning Commission, in writing, 30 days in advance of the proposed sale of the short-term rental. The name, address, and phone number of the new owner(s) shall be provided with the notice of proposed sale.
9. All units proposed as short-term rentals shall be annually inspected by the County Health Department, Township Building Inspector, and Fire Chief.
10. The applicant shall provide evidence of a commitment for general liability insurance in the amount of at least one million dollars (\$1,000,000.00).
11. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, it shall not be suitable for short term rental use.
12. All short-term rentals shall have a designated local agent.

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4.66 MEDICAL MARIJUANA USES

1. Not more than one registered primary caregiver, who shall also be the owner of the dwelling, shall be permitted to maintain medical marijuana uses as a home occupation at any one parcel in the Township.
2. Medical marijuana uses shall be conducted entirely within a dwelling unit, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as the Act defines that phrase), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the Act.
3. Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
5. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
6. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Township Supervisor or his or her designee.
7. The property, accessory building, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Township Supervisor or his or her designee.
8. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

9. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius (as measured from the closest property lines) from any School Property, including child care or day care facility, or playgrounds regularly utilized by children to ensure compliance with federal "Drug-Free School Zone" restrictions.
10. Once approved, the Special Land Use is subject to renewal with the Township on an annual basis.
11. For each chemical used in the operation, a Material Safety Data Sheet shall be submitted and approved the Township that identifies:
  - A. each hazardous chemical, including its potential hazardous effects;
  - B. its physical and chemical characteristics; and
  - C. proposed recommendations for appropriate protective measures. The storage of any chemicals such as herbicides, pesticides and fertilizers, shall be subject to inspection and approval by Construction Code Authority.
12. The separation of plant resin from a marijuana plant by butane extracting or any other method is prohibited.
13. No equipment or process shall be used in growing, processing, or handling of marijuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses at or beyond the property line. In case of electrical interference, no equipment or process shall be used which creates visual or audible with any radio, television or similar receive off the premises or causes fluctuation of line voltage off the premises.
14. There shall be submitted a plan consistent with the requirements of the Michigan Department of Environment, Great Lakes and Energy ("EGLE") for the discharge of water containing pollutants (i.e., marijuana plant material such as pieces of leaves, stems, nutrients, pesticides, solvents and soil containing these materials) from the operation.



15. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.

A. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance and the Act. A permit shall be granted if the application demonstrates compliance with this Ordinance and the Act.

B. The use shall be maintained in compliance with the requirements of this Ordinance and the Act. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.

C. Information treated as confidential under the Act, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

16. The above provisions apply only to those uses permitted under the Michigan Medical Marijuana Act, PA 2008 Initiated Law, MCL 333.26421 et seq. Nothing herein shall be read or construed as to permit uses or activities provided for by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq., or the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.

Δ Ord. No. 2021-02 (April 19, 2021; April 15, 2022)

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4.67 ELECTRICAL SERVICE CAPACITY.

1. Findings of Fact. The Township Board hereby finds that:
  - A. no more than 200 amperes electrical service is necessary for nearly all residential applications;
  - B. except in circumstances deemed necessary by the Planning Commission, based upon specific findings of facts, electrical service of 320 amperes may be permitted;
  - C. Zoning Board of Appeals approval for over 320 amperes electrical service in the AG, R-1, R-2 and R-3 zoning districts is necessary to protect the health, safety and welfare of Township residents.
2. Electrical Compliance Permit.
  - A. Persons wishing to install electrical service in excess of 320 amperes in the AG, R-1, R-2 and R-3 zoning districts must seek a variance from the Zoning Board of Appeals pursuant to Section 7.16 of Article 7.0 of the Township Zoning Board of Appeals.
  - B. In addition to the standards enumerated in Section 7.16 of Article 7.0 of the Township Zoning Ordinance, an applicant for a variance under this section must:
    - i. demonstrate that the requested service is necessary for all residential applications on the property;
    - ii. demonstrate that the requested service is necessary for applications on property that has qualified for an agricultural-products exemption under MCL 205.94(1)(f); and
    - iii. supply an electrical load sheet detailing single phase connected loads for lighting, receptacles, water heater, heat pump, cooking, air conditioning and any other applications at the property.
  - C. Only one electrical service panel per parcel is allowable.

Δ Ord. No. 2021-03 (September 17, 2021)



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# *Article 5.0*

## *Site Standards*



## Article 5.0 Site Standards

- 5.1 Accessory Buildings
- 5.2 Off-Street Parking Requirements
- 5.3 Off-Street Parking Layout, Standards, Construction and Maintenance
- 5.4 Off-Street Loading and Unloading
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- 5.17 Riparian Waterfront Lot Use Regulations for Keyhole or Funnel Waterfront Access
- 5.18 Wetlands and Watercourses Setback
- 5.19 Occupancy of Buildings



# 5.0 Site Standards

## 5.1 ACCESSORY BUILDINGS<sup>□</sup>

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, either directly or by a breezeway<sup>□</sup>, it shall be constructed of materials similar to or aesthetically compatible with the main building, and it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building. In addition, breezeways shall be subject to all regulations of this Ordinance applicable to the main building and the attached accessory building, and shall not exceed a maximum length of fifteen (15) feet.
2. Buildings which are accessory to an agriculture or farm operation in the appropriate zone classification shall comply with the following:
  - A. AG - Agricultural District
    - i. No size or height restrictions apply where the accessory building is being utilized solely for activities directly related to agriculture or a farm operation on the same parcel.
    - ii. Where the building is partially or wholly accessory to a single family residential use on the same parcel, its size, height and location shall be governed by Section 5.1.3 below.
  - B. R-1 One Family Residential District
    - i. Accessory buildings on Hobby Farms, as defined in Article 2 and as permitted in Section 4.8, shall be regulated by Section 5.1.3.D.
    - ii. Where the building is partially or wholly accessory to a single family residential use on the same parcel, its size, height and location shall be governed by Section 5.1.3.
3. Buildings accessory to one-family residences in all districts shall comply with the following:

No residential accessory building shall exceed a roof pitch of 10 by 12, a wall height in excess of fourteen (14) feet nor an overall height to its highest point of greater than twenty-two (22) feet. The Planning Commission may approve a maximum overall height of twenty-five (25) feet, provided the application demonstrates the following characteristics to the satisfaction of the Commission:

  - i. Plans submitted to the Planning Commission shall demonstrate that the additional building height results from the architectural design, not an increase in the allowable wall height or the appropriate habitable area of the second floor.
  - ii. The accessory building shall be clearly subordinate to the principal residence in terms of its floor area, height, and bulk.
  - iii. The accessory building demonstrates a minimum building to building separation from all residences on abutting properties of fifty (50) feet.
- B. Accessory buildings shall not occupy more than thirty (30) percent of the total rear yard of the lot, parcel or site.
- C. The total of all residential accessory buildings on a given lot, parcel or site shall not exceed two thousand four hundred (2,400) square feet.
- D. On parcels of five (5) acres or more in the AG Agricultural districts, or ten (10) acres or more in the R-1 One-Family Residential districts, the total of all residential accessory buildings may be increased to three thousand (3000) square feet where there will be keeping of animals or a Hobby Farm.
- E. Nothing in this section shall be construed to limit the size of an accessory building or buildings used in the operation of a farm in the AG Agricultural districts.
- F. Residential accessory buildings shall only be erected in a side or rear yard. The Planning Commission shall have the discretion to permit accessory buildings to be erected in a front yard provided that the applicant submit a complete application package and meet the following requirements:
  - i. The accessory building will not block the view toward the road for neighboring residences.
  - ii. The accessory building is not placed directly in front of the primary residence.
  - iii. There is a minimum building separation of 50 feet from neighboring residences.
  - iv. The residential accessory building shall have a finished, residential character. It shall not have exposed or uncovered

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- 4. cement block walls, tarpaper, plywood sheathing, or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the building inspector and compatible with the principal residence.
  - v. Overhead doors on a residential accessory building located in the front yard shall not face the street.
  - vi. The application for an accessory building erected in a front yard shall include the following items:
    - a. A mortgage survey showing the location of the proposed residential accessory building.
    - b. A description of the type of façade to be constructed, must be in accordance with Section 5.1.3.F.iv.
    - c. The application fee, established by the Township Board.
4. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building.
  5. Non-residential accessory building height limits:
    - A. Accessory buildings in B-1, B-2, I-1 and I-2 districts may be constructed to equal the permitted maximum height of principal structures in said districts.
  6. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.
  7. No accessory building shall be constructed prior to its principal structure except in accordance with one of the following:
    - A. For principal uses that do not require structures, an accessory building may be constructed following Township approval of the principal use.
    - B. For single family residences, an accessory building may be erected in order to secure tools or materials for the residence under construction only after issuance of the building permit for the residence and after installation, inspection, and approval of the foundation for the residence.

8. All accessory buildings, including but not limited to, tool sheds, garden shed and the like shall be suitably anchored to a foundation, piers or by some other means so as to prevent the building from being moved by high winds.
9. Plastic-covered framed tents shall, in addition, be screened from view along existing roadway corridors or adjoining properties. Appropriate screening can include landscaping/vegetation or Section 5.10 Screen Walls and Fences.
10. Shipping containers, which are pre-fabricated primarily metal buildings, may be permitted to be used as accessory buildings in the Ag Agricultural District, B-1 Local Business District, B-2 General Business District, I-1 Light Industrial District, and I-2 Heavy Industrial District. The below requirements shall be for all shipping containers:
  - A. Shall be suitably anchored to a foundation, piers, or by some other means so as to prevent the building from being moved by high winds.
  - B. Shipping container units shall not be stacked on top of one another in a vertical fashion.
  - C. Shall be similar-colored to match the facades of buildings located on the property or earth tone.
  - D. Shipping container units will not be required to put in a trellis to have a specific roof pitch.
  - E. Shall have a minimum lot size of 5 acres for shipping containers in the AG zoning district.

5.2 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

1. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of





4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the approving body considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
11. For the purpose of computing the number of parking spaces required, the definition of Useable Floor Area shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Minimum Number of Parking Spaces per Unit of Measure
<b>A. Residential</b>		
i.	Residential, one-family, two-family	Two (2) for each dwelling and unit
ii.	Residential, multiple-family	Two (2) for each dwelling unit
a.	Efficiency unit	Two (2) for each dwelling unit
b.	1 and 2 Bedroom units	Two and one-half (2½) for each dwelling unit
c.	3+ Bedroom units	Three (3) for each dwelling unit
iii.	Housing for the elderly	One (1) for each two (2) units plus one (1) for each employee (Should units revert to general occupancy, then one and one-half (1½) per unit and shall be provided)
iv.	Mobile home park	Two (2) for each mobile home plus one (1) for each employee of the mobile home park
<b>B. Institutional</b>		
i.	Places of worship	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
ii.	Hospitals	One (1) for each one (1) bed
iii.	Homes for the aged and convalescent homes	One (1) for each two (2) beds

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Use	Minimum Number of Parking Spaces per Unit of Measure
<b>B. Institutional (continued)</b>	
iv. Elementary and junior high schools	One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of the auditorium
v. Senior high schools	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium
vi. Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load
vii. Private golf clubs, tennis courts, or other similar uses	One (1) for each two (2) member families or individuals
xvi. Golf courses open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole plus one (1) for each one (1) employee
ix. Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
x. Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches
xi. Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees
<b>C. Business and Commercial</b>	
i. Planned commercial or shopping center in a B-1 or B-2 districts	One (1) for each two hundred (200) square feet of usable floor area
ii. Auto wash	One (1) for each one (1) employee plus stacking spaces equal in number to five (5) times the maximum capacity of the auto wash (Maximum capacity of the auto wash for the purpose of determining the required number of stacking spaces shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20))
iii. Beauty parlor or barber shop	Three (3) for each of the first two (2) beauty or barber chairs plus one and one-half (1½) for each additional chair
iv. Bowling alley	Five (5) for each one (1) bowling lane
v. Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy load



Use	Minimum Number of Parking Spaces per Unit of Measure
C. Business and Commercial (continued)	
vi.	Establishments for sale and consumption on the premises of food, beverage, or refreshments
vii.	Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair or other similar uses
xiii.	Automobile service stations
ix.	Laundromats and coin operated dry cleaners
x.	Miniature or "par 3" golf courses
xi.	Mortuary establishments
xii.	Motel, hotel, or other commercial lodging establishments
xiii.	Motor vehicle sales and service establishments
xiv.	Retail stores, except as otherwise specified herein
xv.	Fast food restaurants, drive-in restaurants and the like, with indoor seating
xvi.	Fast food restaurants, drive-in restaurants and the like, without indoor seating

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Use		Minimum Number of Parking Spaces per Unit of Measure
D. Offices		
i.	Banks	One (1) for each one hundred (100) square feet of usable floor space
ii.	Business and professional offices, except as otherwise specified herein	One (1) for each two hundred (200) square feet of usable floor area in waiting rooms plus one (1) for each examining room, dental chair, or similar use area
E. Industrial		
i.	Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred fifty (550) square feet of usable floor space, whichever is greater (Spaces shall also be provided on site for all construction workers during periods of plant construction)
ii.	Wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater

**5.3 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Wherever the off-street parking requirements in Section 5.2 above requires the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Application for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces Plus Maneuvering Lane	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane
0° Parallel parking	12 ft	8 ft	23 ft	20 ft	28 ft
30° to 53°	12 ft	8.5 ft	20 ft	32 ft	52 ft
54° to 74°	12 ft	8.5 ft	20 ft	36.5 ft	58 ft
75° to 90°	20 ft	9 ft	20 ft	40 ft	60 ft



3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
6. Each entrance and exist to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single-family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of Section 5.10.
8. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.
9. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the approving body.
10. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
11. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
12. The Board of Appeals, after recommendation of the Planning Commission, upon application by

the property owner of the off-street parking area may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

#### 5.4 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. **In the B-1 and B-2 Districts**, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the loading requirements may be computed from the center of said alley.
2. **In the I-1 and I-2 Districts**, loading spaces shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (in square feet)	Minimum Loading and Unloading Spaces per Square Feet of Usable Floor Area
0-1,400	None
1,401-20,000	1 space
20,001-100,000	1 space plus 1 space for each 20,000 sq ft in excess of 20,001 sq ft
100,001 +	5 spaces

3. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.



5.5 PERFORMANCE STANDARDS

Except for agricultural operations using generally recognized, good farming techniques, no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

- 1. Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods aggregating four minutes in any thirty minutes.
- 2. Dust, Dirt and Fly Ash.
  - A. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
  - B. Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector or Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
- 3. Open Storage. The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be

screened from public view, from a public street and from adjoining properties by an obscuring wall or fence not less than the height of the equipment, vehicles, or materials to be stored. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height. In no instance shall any open storage of equipment, vehicles, and/or materials be permitted within a required front yard in any zoning district.

- 4. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- 5. Fire and Explosive Hazards. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act. No. 207 of 1941, as amended.
- 6. Noise. No operation or activity shall cause or create noise that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed in the Attica Township Noise Control Ordinance 2018-05.
- 7. Odors. Odorous matter released from any commercial or industrial use or district shall not exceed the odor threshold concentration beyond the property lines when measured either at ground level or habitable elevation.



8. Wastes. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply to the point wastes are discharged into the public sewer.
  - A. Acidity of alkalinity shall be neutralized within an average PH range of between 52 to 72 as a daily average on the volumetric basis, with a temporary variation of PH 4.50 to 10.0.
  - B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain not more than 10 of sulphur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.
  - C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have dimensions greater than 1/2 inch.
  - D. Wastes shall not have chlorine demand greater than p.p.m.
  - E. Wastes shall not contain phenols in excess of .05 p.p.m.
  - F. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
9. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the Township until the operator has obtained a landfill permit from the Michigan Department of Natural Resources and special land use approval pursuant to Section 4.39 of this Ordinance. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once every fifteen (15) days in accordance with State Law and Township Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.

## 5.6 PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing.
  - A. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
  - B. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
  - C. Evergreen trees shall be planted not more than thirty (30) feet on centers.
  - D. Narrow evergreens shall be planted not more than six (6) feet on centers.
  - E. Deciduous trees shall be planted not more than thirty (30) feet on centers.
  - F. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
  - G. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
2. Suggested Plant Materials.
  - A. Evergreen trees: Minimum five (5) feet in height.
    - i. Juniper
    - ii. Hemlock
    - iii. Fir
    - iv. Pine
    - v. Spruce
    - vi. Douglas-Fir
  - B. Narrow evergreens: Minimum three (3) feet in height.
    - i. Column Hinoki Cypress
    - ii. Blue Columnar Chinese Juniper
    - iii. Pyramidal Red-Cedar
    - iv. Swiss Stone Pine
    - v. Pyramidal White Pine
    - vi. Irish Yew
    - vii. Douglas Arbor-Vitae
    - viii. Columnar Giant Arbor-Vitae

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- C. Tree-like shrubs: Minimum four (4) feet in height.
  - i. Flowering Crabs
  - ii. Russian Olives
  - iii. Mountain Ash
  - iv. Dogwood
  - v. Redbud
  - vi. Rose of Sharon
  - vii. Hornbeam
  - viii. Hawthorn
  - ix. Magnolia
- D. Large deciduous shrubs: Minimum six (6) feet in height.
  - i. Honeysuckle
  - ii. Viburnum
  - iii. Mock-Orange
  - iv. Forsythia
  - v. Lilac
  - vi. Ninebark
  - vii. Cotoneaster
  - viii. Hazelnuts
  - ix. Euonymus
  - x. Privet
  - xi. Buckthorn
  - xii. Sumac
- E. Large deciduous trees: Minimum eight (8) feet in height.
  - i. Oaks
  - ii. Hard Maple
  - iii. Hackberry
  - iv. Planetree (sycamore)
  - v. Birch
  - vi. Beech
  - vii. Ginkgo
  - viii. Honeylocust
  - ix. Sweet-Gum
  - x. Hop Hornbeam
  - xi. Linden
- 3. Trees Not Permitted
  - A. Box Elder
  - B. Soft Maple (Red Silver)

- C. Elms
- D. Poplars
- E. Willows
- F. Horse Chestnut
- G. Tree of Heaven
- H. Catalpa

5.7 SIGNS

- 1. General Requirements That Apply To All Signs.
  - A. A permit shall be required for the erection, construction, or alteration of any sign and all new signs shall require approval by the Building Inspector, except as provided herein.
  - B. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by specific action of the Township Board.
  - C. Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement, except as provided in Sections 5.7.9 and 5.7.10. A portable sign is a freestanding sign not permanently anchored to either a building or the ground. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the premises for advertising purposes.
  - D. No sign except those established and maintained by the Township, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - E. All directional traffic signs required for the purpose of orientation, when established by Attica Township, the Lapeer County Road Commission, the Michigan Department of Transportation, or the Federal government, shall be permitted in all use districts.





- F. No sign, unless otherwise permitted, shall project above twenty-five (25) feet in height or be greater in sign area than one hundred (100) square feet shall be measured on one side of the face of the sign. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension.
  - G. Signs shall adhere to standards set in Section 5.9 Corner Clearance.
  - H. Non-accessory and/or off-site signs (such as billboards) shall be prohibited except in I-1 Light Industrial and I-2 Heavy Industrial districts.
  - I. Except for freestanding signs, all signs shall be displayed flat against the wall of the building or parallel to the wall of the building and shall not project out from or be perpendicular to the wall, except in the case of a sign that is part of an approved awning.
  - J. All illuminated signs shall be internally lit unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will in no way interfere with driver visibility or project onto adjoining property.
  - K. Wall signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
  - L. Freestanding signs shall not be located closer than one hundred (100) feet to any property line of an adjacent residential district. In no instance shall a freestanding sign be located closer than ten (10) feet to any property line. In addition, no freestanding sign shall be constructed in a manner as to impair the vision of pedestrians and/or vehicles.
  - M. Directional signs such as in parking lots that are not illuminated and do not exceed two (2) square feet area exempt from the calculation of total allowable sign area.
- 2. Signs Permitted In AG Districts.**
- A. One (1) accessory sign is permitted on premises which advertises the name of the establishment or the produce, animals, or products for sale, or the services available.
- B. All signs shall be non-illuminated and shall not exceed thirty-two (32) square feet, except for temporary signs which shall not exceed ten (10) square feet. No sign shall exceed six (6) feet in height above the ground.
- 3. Signs Permitted In R-1, R-2, R-3, RM-1 and RM-2 Districts.**
- A. Temporary signs may be posted only if the owner of the premises consents, there is at least one occupied building on the premise and signs are not more than six (6) square feet in area. There shall be not more than two (2) signs on any premises.
  - B. Permanent signs located near the entrance within subdivisions, not to exceed sixteen (16) square feet, may be permitted at the time of Final Plat Approval.
  - C. Approved Special Land Uses may have a single, non-illuminated sign that does not exceed sixteen (16) square feet in area, nor six (6) feet in height above the ground, nor shall it be located closer than twenty (20) feet to the future right-of-way line.
- 4. Signs Permitted In RM-1, RM-2, and MH Districts.**
- A. One (1) non-illuminated, accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground may be permitted for each residential development project, permitted recreational use, or approved Special Land Use.
  - B. Temporary signs, may be posted only if the owner of the premises consents, there is at least one occupied building on the premise and signs are not more than six (6) square feet in area. There shall be not more than two (2) signs on any premises.
  - C. No sign shall be located closer than twenty (20) feet to the future right-of-way line and shall not exceed six (6) feet in height above the ground.



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5. **Signs Permitted In B-1, B-2, I-1, and I-2 Districts.**

- A. Individual freestanding buildings with one or two establishments located on the same parcel of property, may have one (1) freestanding sign not to exceed one hundred (100) square feet, as measured on one side of the sign. In addition, each separate establishment may have one wall sign. The total sign area of all wall signs shall not exceed twenty percent (20%) of each tenant space or establishment frontage up to a maximum of two hundred (200) square feet.
- B. Planned developments of more than two office, business, or industrial tenants may have one freestanding sign not to exceed two hundred (200) square feet, as measured on one side of the sign, for each complex and tenant with 10,000 or more square feet of gross leasable area. In addition, each separate tenant may have one wall sign, not to exceed twenty percent (20%) of its front wall area facing the lot line considered as the front on the approved site plan, up to a maximum of two hundred (200) square feet per establishment.
- C. Non-accessory or off-site signs (such as billboards) are permitted in the I-1 and I-2 districts only, subject to the following:
  - i. Non-accessory signs shall not exceed two hundred (200) square feet.
  - ii. Non-accessory signs shall not be spaced closer than one thousand (1,000) feet to one another or to a residential district.
  - iii. All lighting equipment for non-accessory signs shall be designed to illuminate the sign only and shall not interfere with driver visibility or cause glare on adjoining residential properties. An electrical permit shall be required for all illuminated non-accessory signs.
  - iv. All non-accessory signs shall be required to obtain an annual maintenance permit designed to show continued compliance with all requirements of this Zoning Ordinance.

6. **Obsolete Signs.** All signs that are obsolete, due to discontinuance of the use or activity, shall be removed within thirty (30) days of the close of said use or activity.

7. **Window Signs.** Window signs located inside the building that are visible from the front lot line shall be included in the calculation of total allowable sign area if they are displayed longer than fourteen (14) days.

8. **Message Board Signs In B-1, B-2, I-1, and I-2 Districts.** One (1) message board sign may be approved for each individual, freestanding business building located on its own lot, and one (1) message board sign may be approved for each complex of two or more individual offices, stores, businesses, or industries. All message board signs shall comply with the following:

- A. No portable message board signs shall be permitted. All such signs shall be incorporated as a part of the business' permanent, freestanding sign.
- B. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means.
- C. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign.
- D. Message board signs for individual businesses shall not exceed thirty-two (32) square feet, as measured on one side of a two-sided sign.
- E. Message board signs for a complex of individual offices, stores, or businesses, shall be incorporated as a part of the complex's permanent, freestanding sign and shall not exceed fifty (50) square feet, as measured on one side of a two-sided sign.

9. **Temporary Message Board Signs In All Districts.** One (1) temporary message board sign may be permitted subject to the following:

- A. A permit shall be required and a cash performance guarantee shall be posted, in an amount established by resolution of the Township Board, to insure timely removal of the sign at the end of the permit period. The entire amount shall be returned to the applicant upon compliance.
- B. Temporary message board signs shall not exceed thirty-two (32) square feet.
- C. The total display period shall not exceed fourteen (14) days.



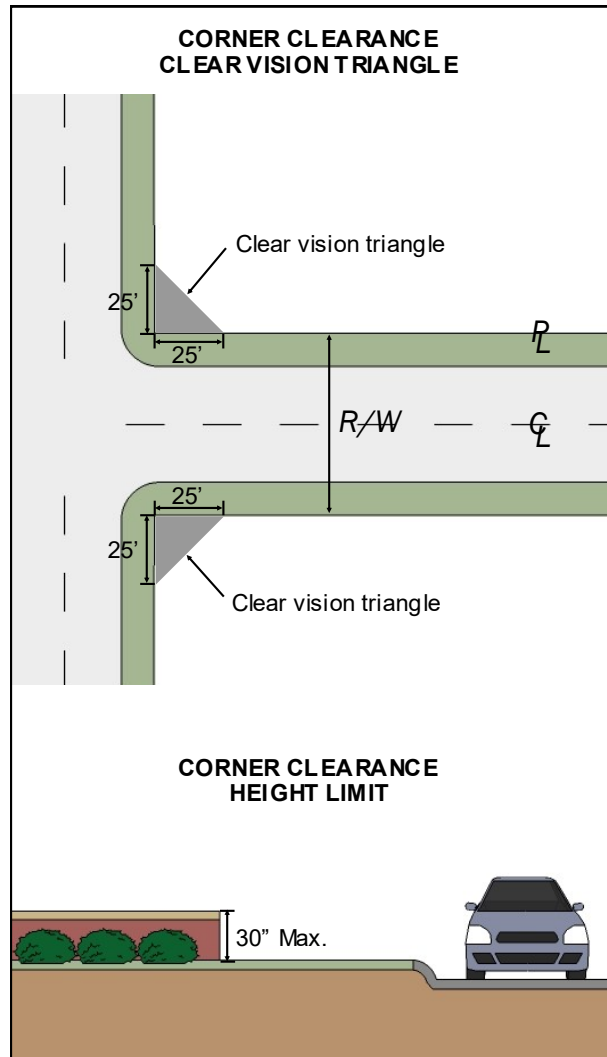
- D. Temporary message board signs shall not be illuminated unless the electrical service and connection has been inspected and approved by the Township.
10. **Certain Signs Exempt From Permit Requirement.** The following signs shall be exempt from the permit requirement of this section and shall conform to the following regulations:
- A. Temporary window signs in business and industrial districts which are displayed no longer than fourteen (14) days shall not occupy more than thirty percent (30%) of the total window area.
  - B. One wall sign located on a dwelling provided that the wall sign shall not be illuminated and shall not exceed four (4) square feet.
  - C. Memorial signs or tablets, historical markers, or names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or similar materials.
  - D. Permanent bulletin boards not over sixteen (16) square feet in area for public, charitable, educational, religious or similar institutions when the bulletin board is located on the premises of the institution at least twenty (20) feet from all property lines and is not illuminated.
11. **Maintenance of Property and Responsible Parties Identified.**
- A. Property surrounding any sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish and flammable materials.
  - B. The owner of any property on which any sign is placed, and the person maintaining said sign are declared to be equally responsible for the condition of the sign and area in the vicinity thereof. Both parties shall be clearly identified on the sign by name, address, and telephone number.
12. **Substitution clause.** The owner of any sign allowed by this chapter may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech, or vice versa. This substitution may be made without any additional approval or permitting.

**5.8 EXTERIOR LIGHTING**

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

**5.9 CORNER CLEARANCE**

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above the height of thirty (30) inches from the established street grades shall be permitted within a clear vision triangular area at the intersection of any street drawn at said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



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**5.10 SCREEN WALLS AND FENCES**

1. All fences of any nature, type or description located in the Township shall conform to the following regulations:
  - A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to the requirements of the zoning district wherein they are located and to the requirements of this Section.
  - B. Fences in Residential Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
    - i. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
    - ii. No solid or other completely obscuring fence more than three (3) feet in height shall hereafter be located in the required front yard of the lots or parcels in question.
    - iii. All fences hereafter erected shall be for purposes of enclosure or of an ornamental nature only. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interests of public safety.
    - iv. For purposes of enclosure, fences in AG Districts and fences for agricultural uses in other districts, may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them. No solid or other completely obscuring fence more than three (3) feet in height shall be located in the required front yard.

- v. No fence or wall, shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended.
    - vi. Whenever a fence is proposed in other than a residential or agricultural district, it shall require the issuance of a building permit and is shall comply with the following:
      - a. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
      - b. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.
      - c. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.
2. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below:

Use	Requirement
Off-street parking area	4' 6" high wall
B-1 and B-2 Districts	4' 6" high wall
I-1 and I-2 Districts (open storage areas, loading and unloading areas, service areas)	5' - 8' high wall



3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
4. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in the Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be constructed of material approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings higher than thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirements.

5. The approving body may substitute an obscuring fence and/or a greenbelt for the required masonry wall where they determine that a wall would serve no good purpose and the obscuring fence and/or a greenbelt would uphold the intent of this Ordinance. An obscuring fence shall meet all requirements of this section and all greenbelts shall comply with Section 5.6.

### 5.11 RESIDENTIAL ENTRANCEWAYS

In "R" Districts, so called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard, except as provided by Section 5.9, and provided that such entranceway structure shall comply to all codes and ordinances of the Township and be approved by the Building Inspector or Official and a permit issued.

### 5.12 USE RESTRICTION

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple family district, or percentage of lot occupancy, may be used in connection with any other building or structure existing or intended to exist at the same time.

### 5.13 FRONTAGE

Every dwelling or principal building shall be located on a lot or parcel which fronts for the full width of the lot upon a public road or an approved private road which meets all requirements of the Attica Township Private Road Ordinance.

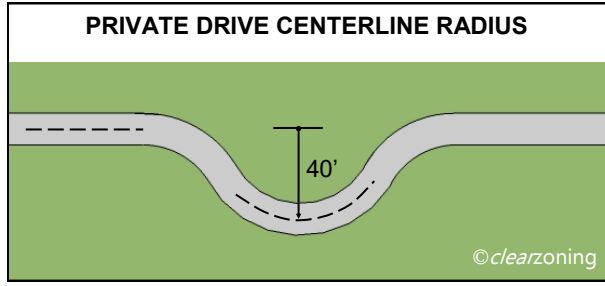
1. A permit application (for private drive designated for a lot which does not front on a public road) shall be submitted, accompanied by an application fee established by the Township Board. Two inspections will be conducted, the first when the topsoil is stripped and the final when the gravel is placed. These inspections must be completed before a building permit can be obtained.
2. All parcels served by private drives shall be a minimum of five (5) acres.
3. The private drive shall not exceed 700 feet in length.
4. A copy of the property deed shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.
5. Only one residence may have access to and from such a private drive.
6. The driveway shall be located within a strip of land, owned in fee, whose width shall be a minimum of 40 feet. The driveway shall be located within a strip of land, owned in fee, whose width shall be a minimum of 40 feet. The driveway and associated strip of land shall be properly landscaped and maintained and dust shall be controlled at all times by hard surfacing or chemical treatment.
7. Not more than 3 driveways within 200 feet shall be located on the same side of the road.
8. A Township-approved property address post and driveway must be installed to Township specifications before a building permit can be issued.
9. The private drive shall be constructed in accordance with the standards set in Section 5.14 Private Drive Standards For Emergency Access of this ordinance.



**5.14 PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS**

In order to improve response time and insure adequate access by emergency services vehicles, all principal uses shall install a driveway meeting the standards of this Section prior to issuance of any certificate of occupancy. The following standards shall apply to all private driveways for all principal uses, in all zoning districts in Attica Township:

1. All trees and brush shall be kept cleared for a minimum width of fourteen (14) feet for the full length of all private drives.
2. All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet for the full length of the driveway.
3. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
4. The above standards shall not apply if the rear of the principal building is one hundred fifty (150) feet or less from the public road right-of-way or easement.
5. Driveways shall provide a minimum clearance from trees and brush of eighteen (18) feet through all curved sections and a minimum centerline radius of forty (40) feet for all curves to insure access by fire fighting equipment. ✍



6. No bridges shall be permitted as part of driveway construction unless they are certified by a registered Civil Engineer as capable of supporting a 30 ton fire truck.
7. No structures shall be over or across any driveway unless they maintain not less than fourteen (14) vertical and horizontal clearance.

**5.15 SWIMMING POOLS**

All swimming pools erected in the Township shall comply with the following requirements:

1. A building permit shall be required to erect a swimming pool greater than four (4) feet deep and shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
2. The pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four(4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between pool wall and any building on the lot.

Building Separation	AG	R-1	R-2	R-3
Front to front	100'	60'	60'	50'
Front to side	70'	45'	40'	35'
Front to rear	100'	70'	70'	60'
Side to side	40'	30'	20'	20'
Side to rear	80'	55'	50'	45'
Rear to rear	120'	80'	80'	70'

3. For the protection of the general public, all swimming pools shall be completely enclosed by a fence or other means of access control. Above ground pools may have gates, removable or swing steps or other means to limit entry in lieu of a fence.



### 5.16 RESIDENTIAL DEVELOPMENTS WITHOUT INDIVIDUAL LOTS

The Township recognizes the existence within the community of certain existing residential developments where individual homes do not occupy their own identifiable lot or parcel as well as the potential for new, condominium subdivisions. These developments generally have the characteristics of including two or more individual residences on the same parcel of land in single ownership. For purposes of determining yard setback requirements to be applied when additions to these existing units are proposed, and for new condominium subdivisions, the following standards shall be met:

1. No new residences shall be constructed on any parcels of land that already accommodate one or more individual residences, except those on sites in an approved condominium subdivision.
2. New construction and additions to existing residences shall comply with the following building separation requirements, by zoning district:
3. The minimum building separation from the edge of any public right-of-way or private roadway shall be 25 feet.
4. A proposed addition to any existing residence that can comply with 75% of the requirements in Sections 5.16.2 and/or 5.16.3, may be approved without requiring a variance from the Zoning Board of Appeals. All other variations shall only be approved by the Zoning Board of Appeals, as provided in Section 7.18 of this Ordinance.

### 5.17 RIPARIAN WATERFRONT LOT USE REGULATIONS FOR KEYHOLE OR FUNNEL WATERFRONT ACCESS

1. It is the intent of this section to promote the integrity of the lakes within Attica Township while preserving the quality of recreation of the inland waters; to protect the quality of lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

2. In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property<sup>4</sup> or as common open space only if the following conditions are met.
  - A. Said property contains a minimum of eighty (80) lineal feet of water frontage for each dwelling unit to which such privileges are extended and dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than one hundred sixty (160) feet of waterfront footage nor less than eighty (80) feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
  - B. In no event shall water frontage of such parcel of land consist of a swamp, marsh, earthen dam, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Environmental Quality (MDEQ) MIRIS map, or have otherwise been determined to be wetland by the MDEQ; and that in no event shall a swamp, marsh, earthen dam, or bog be altered by dredging, the addition of earth or fill material, or by the drainage of water for the purpose of increasing the water frontage required by this regulation, unless approved and permitted by the MDEQ.
  - C. In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
  - D. Access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling, or for any commercial or business use.
3. In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such access shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

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## 5.18 WETLANDS AND WATERCOURSES SETBACK

1. Intent. It is the intent of this Section to require a minimum setback from wetlands and watercourses, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a wetlands and watercourses. It has been determined that, in the absence of such a minimum setback, intrusions in or onto wetlands and watercourses would occur, resulting in harm, impairment and/or destruction of wetlands and watercourses contrary to the public health, safety and general welfare. The purpose of the wetlands and watercourses setback is to recognize and make provision for the special relationship, interrelationship and interdependency that exists between the wetlands and watercourses and: plant and animal species and the encouragement of their diversity and richness; overland and subsurface hydrology; water table; water quality; soil erosion and deposition of sediment. If a greater setback is required or the development feature is prohibited by another ordinance or another provision of this ordinance, such greater setback or prohibition shall apply.
2. Regulation. A wetlands and watercourses setback shall be maintained in relation to all areas defined in Article 2. Definitions as being a "wetlands or watercourse," unless, and to the extent, it is determined to be in the public interest not to maintain such setback.
3. Setback standards. The following setbacks shall apply to all development features except permitted trails, boardwalks, observation platforms or other similar structures that enhance the passive enjoyment of a site's natural amenities located within the setback, as determined by the Planning Commission:
  - A. Twenty-five (25) feet from the boundary or edge of a wetland.
  - B. Twenty-five (25) feet from the ordinary high-water mark of an inland lake or stream.
4. Appeals. An interested person who is aggrieved by a determination of the Planning Commission under this Section may request relief from the Zoning Board of Appeals.

## 5.19 OCCUPANCY OF BUILDINGS

1. Any basement dwellings, garage dwellings, and/or other temporary residential structures are hereby declared to be unlawful for residential purposes. Further, in no case shall a travel trailer, motor home, automobile chassis, tent, or portable building be considered a dwelling unless approved by the Township as a temporary dwelling under [Section 7.18](#).
2. Garages, barns, and other accessory buildings shall not be occupied permanently as dwellings. No industrial buildings shall be occupied for dwelling purposes.
3. Camping on vacant property shall be permitted in all residential zoning districts not to exceed sixty (60) continuous days shall obtain a temporary zoning permit.





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# Article 6.0 Development Procedures



**Article 6.0 Development Procedures**

- 6.1 Site Plan Review
- 6.2 Special Land Use Approval
- 6.3 Condominium Subdivision Approval
- 6.4 Performance Guarantees
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# 6.0 Development Procedures

## 6.1 SITE PLAN REVIEW

A site plan shall be submitted for review by the Planning Commission and approval by the Township Board for any new construction, structural alteration, addition to, or substantial change in use of any structure, land, or combination of structure and land in RM-1, RM-2, B-1, B-2, I-1, I-2, and MH Districts. Whenever any such development requires site plan approval prior to the issuance of a building or occupancy permit, the procedures outlined below will be followed and the use shall comply with the following requirements and standards:

1. Requirements. The required number of copies of the Site Plan Review and/or Special Land Use application (obtainable from the Township Clerk) together with the same number of copies of all required drawings and illustrations shall be presented to the Township Clerk 20 days prior to the next regular meeting of the Planning Commission, to be forwarded to the Planning Commission, Township Board, Township Planner, Township Engineer and/or Township Attorney where necessary. The application shall include the fee for site plan review, as established by resolution of the Township Board.

### A. Application Form.

- i. Applicant's name and address.
- ii. Name of proposed development.
- iii. Common description of the property and complete legal description.
- iv. Dimensions of land, width, length, acreage and frontage.
- v. Existing zoning and zoning of adjacent properties.
- vi. Proposed use of land.
- vii. Name, address, city and phone number of:
  - a. Firm or individual who prepared site plan.
  - b. Legal owner of property.
  - c. Applicant (including basis of representation).
- viii. Signature of legal owner of not the applicant.

### B. Site Plan Drawings and Illustrations (fully dimensioned).

- i. Location map drawn at scale of 4"=1 mile (showing site in relation to nearest major intersection).

- ii. A scale of not less than 1"=50' if the subject property is five (5) acres or less, and 1"=100' if over five (5) acres.
- iii. Date and north arrow.
- iv. Location of all existing and proposed structures and uses.
- v. All aisles, drives and parking areas (include the number of spaces in each).
- vi. Screening and/or protective walls.
- vii. Principal and accessory buildings.
- viii. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
- ix. Types of facing materials to be used on structures.
- x. Elevations (front, sides and rear views) of all sides of the building(s).
- xi. Typical floor plan(s).
- xii. Seal of Registered Architect, Landscape Architect, Professional Community Planner, Engineer or Land Surveyor who prepared the site plan is required as follows:
  - a. All business, industrial, multiple family and mobile home park uses must submit sealed plans.
  - b. All limited business uses with non-family employees that require special land use approval and all other special land uses must submit sealed plans, except as provided in Section 6.1.1.B.xii.c.
  - c. Home occupations, accessory apartments, private riding stables, and private kennels may be submitted without sealed plans.
  - d. Minor structural alterations where professional services are not required and changes in use that do not result in increased parking requirements may be submitted without sealed plans.

If the approving body determines, after review of the plans submitted, that professionally prepared plans are required in order to formulate a decision of approval, it shall require preparation of sealed plans for any of the uses listed in Sections 6.1.1.B.xii.c and 6.1.1.B.xii.d.

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- xiii. Density calculations (for multiple family and mobile home park developments).
  - xiv. Existing buildings or improvements on the site and on all land adjacent to the site within 100 feet.
  - xv. Designation of units by type of buildings.
  - xvi. Interior sidewalks and sidewalks within right-of-way.
  - xvii. Exterior lighting locations and method of shielding.
  - xviii. Trash receptacle location and method of screening.
  - xix. Landscape plan.
  - xx. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
  - xxi. All utilities located on or serving the site.
  - xxii. Loading and unloading area.
  - xxiii. Total floor area.
  - xxiv. Designation of fire lanes.
  - xxv. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of all such equipment or machinery.
  - xxvi. Location and extent of development of recreation areas, where necessary.
- C. Sign Information. Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later:
- i. Height of the sign above the ground.
  - ii. Surface of the sign (material and dimensions).
  - iii. Area of sign surface.
  - iv. Lettering of sign drawn as it will appear on the erected sign need not be in the style of the finished sign but must be neatly printed in the size and of a weight approximating that of the final constructed sign.
  - v. Method of illumination, if any.

2. Procedures.
- A. The petition will be placed on the agenda of a meeting of the Planning Commission and reviewed for conformance to all requirements. Upon completion of its review, the Planning Commission shall forward the site plan to the Township Board with a recommendation for approval, approval with conditions, or denial.
  - B. Following the review and recommendation by the Planning Commission, the Township Board shall review the site plan and either approve, approve with conditions, or deny the site plan.
  - C. In the process of reviewing the site plan, the Planning Commission and Township Board shall consider:
    - i. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
    - ii. The traffic circulation features, within the site and location of automobile parking areas: and may make such requirements with respect to any matter as will assure:
      - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
      - b. Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - D. Upon approval of a site plan by the Township Board, a building permit shall be requested by the petitioner within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.
  - E. If a site plan is determined to be incomplete or otherwise unacceptable by the Planning Commission, the applicant shall be directed to prepare revised plans. The matter will not again be placed on the



agenda of the Planning Commission until the applicant submits a complete site plan and fee as established by resolution of the Township Board.

- F. The decision to deny the special land use may be appealed to the Zoning Board of Appeals within thirty (30) days from the Township Board's decision.

**6.2 SPECIAL LAND USE APPROVAL**

1. General Requirements. For all special land uses, a site plan shall be submitted for review by the Planning Commission and approval by the Township Board and shall conform to the requirements and procedures for site plan review set forth in Section 6.1. If the plans meet the required standards of this ordinance, article and applicable section and indicate no adverse effects, which in the opinion of the approving body, cause injury to the residents, users of the adjoining property, or the Township as a whole, the Township Board shall approve the use. In consideration of all applications for special land use approval, the approving body shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child- vehicle interfacing.
- C. The proposed use shall be designed as to the location, size, intensity, site payout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason

of dust, noise, fumes, vibration, smoke or lights.

- D. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  - E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
  - F. The proposed use is necessary for the public convenience at the proposed location.
  - G. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
  - H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
2. Approval. If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed, and particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
3. Denial. If the Township Board shall determine that the particular special land use(s) requested does not meet the standards of this

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Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. The decision to deny the special land use may be appealed before to the Attica Township Zoning Board of Appeals within thirty (30) days from the Township Board's decision.

- 4. Record. The decision of a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- 5. Hearings. The Planning Commission shall investigate the circumstances of each such case and shall hold a public hearing on the proposed special land use. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, and by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Attica Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*) and shall describe the nature of the special land use request, indicate the property that is subject of the request including a listing of all existing street addresses within the subject property, state the time and place of the public hearing, and indicate when and where written comments will be received.

The Township Board may hold additional public hearing(s) on the proposed special land use. Notice of the hearing(s) shall be given in the same manner as the initial hearing held by the Planning Commission in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*).

- 6. Conditions. The Planning Commission may recommend and the Township Board may impose conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance.

The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Board shall maintain a record of changes granted in conditions.

- 7. Transfers.
  - A. The Township Board may grant approval to transfer a Special Land Use Permit from a current owner-occupant to a new owner-occupant upon receipt of a request that demonstrates no changes have been made in the use as originally approved.
  - B. All Special Land Use Permits that are issued shall state that the owner-occupant must notify Attica Township of any sale. If the Township is not notified of any sale to a new owner-occupant, the Special Land Use will no longer be valid.
- 8. Annual Inspection and Registration. The Township shall require annual registration of all approved special land uses. The Township shall notify each approved special land use of annual registration by Regular U.S. Mail, and



shall require submission of the name, address, and phone number of the current owner/operator, certification of whether or not the special land use is still in existence, and payment of an annual registration renewal fee to be established from time to time by resolution of the Township Board. Termination of a special land use by the owner/operator for any reason shall result in revocation of the permit, without the need for a hearing as provided in Section 6.2.9. The Township may, at its discretion, require annual inspection of a special land use in conjunction with annual registration and shall notify the current owner/operator by Regular U.S. Mail at least 24 hours prior to inspection. There shall be a separate annual inspection fee, established from time to time by resolution of the Township Board. Failure to permit the Township to complete its annual inspection shall be grounds for revocation of the permit, subject to the notice and hearing provisions of Section 6.2.9.

9. Revocation of Special Land Use Permit. If any special land use fails to conform to the general standards of Section 6.2.1, the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Section 5.5, the lot area and width requirements of this Ordinance, or any other provisions of the Zoning Ordinance, then the Township Board shall have the authority to revoke the Special Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its own findings of fact. Prior to revoking the special land use permit, the Township shall:
  - A. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violations found to the current permit holder by Regular US Mail.
  - B. Offer the permit holder 30 days to correct all violations, without penalty.
  - C. If all violations are not corrected within 30 days, the Township Board shall hold a revocation hearing as follows:
    - i. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
    - ii. Public notice of the revocation hearing shall be given in the same manner as required by Section 6.2.5.

- iii. During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this Ordinance are not being met.
- iv. Following the hearing, the Township Board may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

### 6.3 CONDOMINIUM SUBDIVISION<sup>63</sup> APPROVAL

1. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be reviewed by the Planning Commission and approved by the Township Board. In determining whether to approve a condominium subdivision plan, the Planning Commission and Township Board shall consult with the Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.
2. Condominium Subdivision Plan Required Content. All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:
  - A. A survey plan of the condominium subdivision.
  - B. A wetlands and flood plain plan, when appropriate.
  - C. A site plan showing the location, size, shape, area and width of all condominium units.
  - D. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
  - E. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
  - F. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.

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- 3. Easements For Utilities. The condominium subdivision plan shall include all necessary easements granted to Attica Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively call "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- 4. Private Streets. If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Attica Township Private Road Ordinance. In particular, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete, as required.
- 5. Encroachment Prohibited. Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- 6. Relocation of Boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
- 7. Subdivision of Condominium Units. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, shall be approved by the Township Assessor and/or Supervisor, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- 8. Mobile Home Condominium Project. Mobile Home condominium projects shall conform to all requirements of this Ordinance and shall be located only in a MH Mobile Home Park district.
- 9. Condominium Subdivision Layout, Design and Approval. All Condominium Subdivision Plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvements standards of

Sections 301 and 302 the Attica Township Subdivision Ordinance, as amended. The requirements for final plat approval in Section 303 of the Subdivision Ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Attica to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Township Board. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.

- 10. Building Separation Requirements. In addition to the standards for front, side and rear yard setbacks, all condominium subdivision development shall also comply with the building separation requirements of Section 5.6.

**6.4 PERFORMANCE GUARANTEES**

- 1. Intent and Scope of Requirements. To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee including, but are not limited to, accessory structures, landscaping, berms, walls, lighting, driveways and parking, streets, acceleration/deceleration lanes, traffic control devices, storm drainage, sidewalks, exterior lighting and utilities and land reclamation activities. The performance guarantee shall not cover the principal building(s).
- 2. General Requirements. The performance guarantee shall meet the following requirements:
  - A. The performance guarantee shall be in the form of an irrevocable bank letter of credit, cash escrow, or other form acceptable to the Township.





- B. The performance guarantee shall be submitted to the Township at the time of issuance of the building permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township Clerk shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
- C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements to be covered by the guarantee, and such estimate shall be verified as to amount by the Township Engineer. The exact amount of the performance guarantee shall be determined by the Township Engineer. The form of the guarantee shall be approved by the Township Attorney.
- D. The Township Board shall determine the means of releasing portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the guarantee is held shall have been completed before any release shall be made.
- E. A performance guarantee shall be required for all projects for which site plan review is required. Projects only requiring administrative review shall have the Zoning Administrator determine whether a performance guarantee is needed.
- F. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed, including administrative costs, by appropriating funds from the deposited security.
- G. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

- 3. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained within the time stipulated in the guarantee, according to the approved plans, or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

## 6.5 COMMUNITY IMPACT STATEMENTS

- 1. Intent. The community impact statement is intended to provide a format for applicants to document the anticipated impacts of intensive development projects, such as Special Land Uses, that may be proposed in the Township of Attica. Intensive land uses often have significant impacts on public services, the surrounding neighborhood, and the natural environment that must be understood in order for the Township to have a complete understanding of the development proposal. Home occupations as special land uses shall not require a community impact statement.
- 2. Contents. A complete CIS shall address all of the components below in a concise manner that accurately portrays the proposed land use. When deemed appropriate by the approving body, a partial CIS may be submitted that addresses only specific items of concern (e.g., environment or traffic). The CIS is to be prepared by the Applicant and submitted to the approving body for review.
  - A. General.
    - i. Brief description of the land use proposed. Include hours of operation (if applicable), impacts on adjacent uses (noise, smoke, dust, etc.), and other pertinent data. Is the land use proposed consistent with the Master Plan and Zoning Ordinance?
    - ii. Brief description of surrounding land uses.
  - B. Community Facilities and Services.
    - i. Estimated demand on police services.



- ii. Estimated demand on fire services. Include special equipment requirements.
  - iii. Estimated number of sewer and water taps and demand (rate of use).
  - iv. Estimated number and axle loading of truck trips daily over proposed route through Township. Describe present road cross-section, adequacy to handle proposed traffic, and/or upgrade needed to handle proposed traffic, special loads, and the like.
  - v. Describe any other significant impacts or needs related to community facilities and services.
- C. Economics.
- i. Anticipated number of construction and permanent jobs (in full-time equivalents).
  - ii. Anticipated tax revenues to the Township and School District.
- D. Environment
- i. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like. Describe how these features will be impacted by the proposed development (e.g. loss of wetlands, potential pollution of water bodies, and any other similar impacts).
  - ii. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan.
  - iii. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal, and describe how state and federal air quality standards will be met. Dust particulates should also be included as well as a dust control plan.
  - iv. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.
- E. Noise. Describe the impact of the project on area noise levels. The applicant should document that the noise standards contained in the Zoning Ordinance Performance Standards will be met. The A-weighted decibel levels dB(A) at the property line should be specified (existing and proposed).
- F. Traffic. Describe the proposed traffic impacts of the development, including the number of trips per day that will be generated. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s). Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the *Highway Capacity Manual*. The traffic impact analysis should be prepared by a planner (AICP or PCP) or engineer (PE) with experience in traffic impact analysis.
- G. Mapping. Provide a current aerial photograph of the site and surrounding properties within 1,500 feet of the site. Include an overlay showing the proposed development area and existing residential dwellings within 1,500 feet of the site.
- H. Other. Provide any other information necessary to assess the impact if the proposed project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.
- I. Preparer Information. Provide the names, phone numbers, addresses, and relevant credentials of those preparing the CIS.



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# Article 7.0 Administration, Appeals and Enforcement



**Article 7.0 Administration, Appeals and Enforcement**

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- 7.3 Permits
- 7.4 Certificates of Occupancy and Zoning Compliance
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# 7.0 Administration, Appeals, and Enforcement

## 7.1 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such other administrative officer (s) as the Township Board may delegate to enforce the provisions of this Ordinance.

## 7.2 DUTIES OF BUILDING INSPECTOR AND ZONING ADMINISTRATOR

1. The Zoning Administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings and properties as necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or certificates of zoning compliance and occupancy until he has inspected such plans in detail and found them to conform with this Ordinance and until the Building Inspector has found the building plans to conform with the Building Code and issued a building permit, if required.
2. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out his duties as Zoning Administrator.
3. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the application despite violations of contracts, such as covenants or private agreements which may occur upon granting of said permit.
4. The Zoning Administrator shall have the power to grant emergency occupancy of a temporary mobile home, for a period not to exceed one (1) year, for the use of the property owner as a residence while a permanent dwelling is uninhabitable due to fire, flood, or other circumstance. One (1) permit extension of six (6) months may be granted if reconstruction or rehabilitation of the home is not complete and substantial progress is being made, as determined by the Building Inspector.
  - A. All such temporary mobile homes shall be safely anchored to the ground, properly skirted on all sides, and attached to an approved public or private water supply and sewage disposal system.
  - B. The applicant shall deposit with the Township Clerk, a cash performance guarantee, in an amount set by motion of

the Township Board, to insure removal of the temporary mobile home and proper restoration of the site after expiration of the temporary permit.

## 7.3 PERMITS

1. No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
2. The Building Inspector shall require that all application for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:
  - A. The actual shape, location and dimensions of the lot.
  - B. The shape, size, and location of all buildings or other structures, to be erected, altered, or moved and of any building or other structures already on the lot.
  - C. The existing and intended use of the lot and of all such structures upon it, including in residential area, the number of dwelling units the building is intended to accommodate.
  - D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
3. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance as determined by the Zoning Administrator.
4. Temporary, removable structures, those without a permanent foundation, 200 square feet and under are exempt from requiring a building permit.

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**7.4 CERTIFICATES OF OCCUPANCY AND ZONING COMPLIANCE**

No land, building, or part thereof, shall hereafter be occupied by or for any use unless and until a Certificate of Occupancy and/or Zoning Compliance shall have been issued for such use. The following shall apply in the issuance of any certificate.

1. Certificate for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Zoning Compliance is first obtained for the new or different use.
2. Certificate for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy and a Certificate of Zoning Compliance is first obtained for the new or different use.
3. Certificates Not To Be Issued. No Certificate of Occupancy nor Zoning Compliance shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
4. Certificates Required. No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.
5. Certificates Including Zoning. Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also require Certificates of Zoning Compliance as required by this Ordinance.
6. Certificates for Existing Buildings. Certificates of Zoning Compliance shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
7. Records of Certificates. A record of all certificates issued shall be kept on file in the offices of the Building Inspector and Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

8. Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

9. Application for Certificates of Occupancy. Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant, therefore, shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

10. Application for Certificates of Zoning Compliance. Application for Certificates of Zoning Compliance shall be made in writing to the Zoning Administrator on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the use of land and/or buildings or structures is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant, therefore, shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

**7.5 FINAL INSPECTION**

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

**7.6 FEES**

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of the Building Code may be collected by the Building Inspector in advance of issuance. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.



## 7.7 INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control.

## 7.8 PLANNING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*), and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

## 7.9 PLANNING COMMISSION APPROVAL

1. In cases where the Planning Commission is empowered to recommend approval for certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be required by said Commission for the proper consideration of the matter.
2. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
3. The Planning Commission may recommend imposing such conditions or limitations in recommending approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

## 7.10 CHANGES AND AMENDMENTS

1. The Township Board may from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance.

2. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township.
3. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment.
4. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*)
5. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.
6. Application Procedure.
  - A. An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.
  - B. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
    - i. Completed application form and fee as established by resolution of the Township Board.
    - ii. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
    - iii. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
    - iv. The existing and proposed zoning district designation of the subject property.

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- v. Conditional rezoning requests shall include the applicant's proposed offer of conditions.
  - vi. A written description of how the requested rezoning meets Section 7.10.9 Criteria for Amendment of the Official Zoning Map.
- C. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.
7. Amendment Procedure; Public Hearing and Notice.
- A. A mandatory Pre-application conference with Township staff, consultants and Planning Commission officials is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed as well as other applicable Township development procedures such as site plan review, special land use review and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.
  - B. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq).
  - C. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 7.10.9 in making its finding(s) and recommendation.
  - D. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment.
    - i. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment.
    - ii. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 7.10.9.
    - iii. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of its offer of conditions at anytime prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions prior to Township Board consideration without requiring a new public hearing.
8. Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.
9. Criteria for Amendment of the Official Zoning Map. In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
- A. Consistency with the goals, policies and future land use map of the Attica Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
  - B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of



- uses permitted in the proposed zoning district.
- C. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
  - D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
  - F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
  - G. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
  - H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district.
  - I. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.
  - J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
  - K. The requested rezoning will not create an isolated and unplanned spot zone.
  - L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
  - M. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- N. Other factors deemed appropriate by the Planning Commission and Township Board.
10. Criteria for Amendments to Zoning Ordinance Text. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
- A. The proposed amendment would correct an error in the Ordinance.
  - B. The proposed amendment would clarify the intent of the Ordinance.
  - C. Documentation has been provided from Township Staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
  - D. The proposed amendment would address changes to the state legislation.
  - E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
  - F. The proposed amendment would promote compliance with changes in other Township Ordinances and County State or federal regulations.
  - G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
  - H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and Sub-Area Plans, and enhance the overall quality of life in Attica Township.
11. Approval of Zoning Amendments. Approved amendments shall require the following:
- A. Publication of a notice of adoption in a newspaper of general circulation in the Township in accordance with the provisions of the Michigan Zoning Enabling Act, P.A.

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110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*).

- B. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.
- C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the Township Board. The Statement of Conditions shall:
  - i. Be in a form recordable with the Lapeer County Register of Deeds and include a statement acknowledging that it is recorded.
  - ii. Contain a legal description of the land to which it pertains.
  - iii. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
  - iv. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.
  - v. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - vi. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning

Ordinance and shall be punishable accordingly.

- vii. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
  - D. The approved Statement of Conditions shall be filed by the Township Clerk with the Lapeer County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
12. Effect of Conditional Rezoning. The following provisions shall apply to approved conditional rezonings:
- A. Time Period for Establishing Development or Use.
    - i. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion.
    - ii. This time limitation may upon written request be extended by the Township Board if:
      - a. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion, and
      - b. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.



- B. Reversion of Zoning.
  - i. If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 7.10.12.A, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.
  - ii. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification.
  - iii. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- C. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 7.10.12.B or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Lapeer County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- D. Amendment of Conditions.
  - i. During the time period for commencement of an approved development or use specified pursuant to Section 7.10.12.A or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  - ii. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 7.10.7.D.iii.
- E. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be

conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*).

## 7.11 VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction as defined in the Attica Township Municipal Civil Infraction Ordinance, and shall be subject to the procedures and penalties outlined in that ordinance for municipal civil infractions.

## 7.12 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises of land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## 7.13 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

1. Intent.
  - A. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.
  - B. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
  - C. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or use prohibited elsewhere in the same district.
  - D. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land

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shall not be extended or enlarged after passage of this Ordinance be attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

- E. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
2. Nonconforming Lots.
- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
  - B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirement for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said

parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

- 3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
  - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
  - C. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulation specified by the Ordinance for the district in which such land is located.
- 4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
  - B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed



- except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
5. Nonconforming Uses of Structures and Land. If the lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to

the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. Repairs and Maintenance.
- A. On any building devoted in whole or in part to any nonconforming use, work may done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
7. Uses Allowed as Special Land Uses Not Conforming Uses. Any use which is permitted as a special land use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed as a conforming use in such district.
8. Change of Tenancy or Ownership. There may be change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

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## 7.14 ZONING BOARD OF APPEALS

### 1. Creation and Membership.

A. There is hereby established a Zoning Board of Appeals, hereinafter called the "Board," which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of the five following members:

- i. One member of the Zoning Board of Appeals shall be a member of the Township Planning Commission, for the period of his or her term of office.
- ii. The remaining four members and not more than two (2) alternate members shall be selected by the Township Board from among the electors residing outside of incorporated cities and villages, for a term of three (3) years.
- iii. One member of the Zoning Board of Appeals may be a member of the Township Board, for the period of his or her term of office, but shall not serve as chairperson of the Zoning Board of Appeals.
- iv. No elected officer of the Township nor any employee or contractor of the Township may serve simultaneously as a member of, or as an employee of the Zoning Board of Appeals.

B. When members are first appointed, appointments shall be less than three years to allow for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

C. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so constitutes malfeasance in office.

### 2. Meetings and Procedures.

A. All meetings of the Zoning Board of Appeals shall be held at the call of the

Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public.

B. The Board shall keep minutes of its proceedings, which shall be filed in the office of the Township Clerk, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action.

C. The Board shall have power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

D. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an officer or body charged with enforcement of the Zoning Ordinance, or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

E. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

F. The Board shall select a reasonable time and place for the hearing of the appeal and shall render a decision on the appeal without unreasonable delay. Notice of the hearing shall be given in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*).

G. A fee shall be paid to the Township at the time the notice of appeal is filed. The fees to be charged for appeals shall be set by resolution of the Township Board.

### 3. Jurisdiction.

A. The Zoning Board of Appeals shall have the following powers and it shall be its duty:

i. To hear and decide on all matters referred to it upon which it is required to pass under the Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*)

ii. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an



administrative official or body charged with enforcement of the Zoning Ordinance.

- iii. To interpret the provisions of the Ordinance and Zoning Map.
  - iv. Upon appeal in specific cases, to authorize variation or modification of the provision of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.
  - v. To permit, upon proper application, temporary uses in accordance with Section 7.18.
- B. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the zoning map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.
4. Orders and Appeals.
- A. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
  - B. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
  - C. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court for Lapeer County. An appeal shall be filed within 30 days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision.

## 7.15 APPEALS OF ADMINISTRATIVE DECISIONS

- 1. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, Department, Board or Bureau aggrieved by an administrative order, decision, requirements, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance.
- 2. Such appeal shall be taken within which time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. The officer or body from whom the appeal shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
- 3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals after notice of appeal has been filed that by reason of facts stated in the certificates a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.
- 4. In exercising its powers, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from whom the appeal is taken.

## 7.16 VARIANCES

- 1. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provision of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.
- 2. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears by the preponderance of the

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evidence that all the following facts and conditions exist:

- A. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic difficulty.
- B. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- C. That strict compliance with the regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- D. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- F. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
- G. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
- H. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
- I. That the granting of such variance will not adversely affect the purpose or objectives of the Attica Township Master Plan.
- J. That the granting of such variance or modification will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in

public streets, or increase the danger of fire or endanger the public safety, or unreasonable diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

**7.17 ORDINANCE INTERPRETATION**

The Zoning Board of Appeals shall be responsible to interpret the provisions or meaning of standards of this Ordinance in such a way as to carry out the stated intent and the goals of the Zoning Ordinance and Township Master Plan; and to interpret boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map, or where the zoning district boundary does not follow exact property lines (see Section 3.2).

**7.18 TEMPORARY USES**

The Board of Appeals may permit the following temporary uses upon proper application:

- 1. Migrant worker housing on farms provided such housing shall not be occupied for more than eight (8) months in any calendar year, and then only for the housing of migratory seasonal farm laborers, while engaged in farm work. Such temporary housing shall not be located less than two hundred (200) feet from the center of the nearest road, provided for the disposal of garbage, excreta and other waste, and provided that an adequate water supply is available to the occupants of the migrant worker housing. Such permit may be renewable every twelve (12) months.
- 2. Carnivals, public meeting tents and circuses.
- 3. Temporary Mobile Home, for a period not to exceed one (1) year, for use of the property owner as a residence while a permanent dwelling is under construction, except for emergency access of a temporary mobile home as regulated by Section 7.2.4. One (1) permit extension of six months may be granted if the home is not complete and substantial progress is being made, as determined by the Zoning Board of Appeals after consultation with the Building Inspector.
  - A. All such temporary mobile homes shall be safely anchored to the ground, properly skirted on all sides, and attached to an





- approved public or private water supply and sewage disposal system.
- B. The applicant shall deposit with the Township Clerk, a cash performance guarantee, in an amount set by motion of the Township Board, to insure removal of the temporary mobile home and proper restoration of the site after expiration of the temporary permit.
4. Uses which are not otherwise permitted in any district and which do not require the erection of any capital improvement of a structural nature, for a period not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, subject to as near as possible the following conditions:
- A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- B. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- C. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township, shall be made at the discretion of the Zoning Board of Appeals.
- D. In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf-driving ranges, and outdoor archery courts, or structures which do not require foundation, heating systems or sanitary connections.
- E. The use shall be in harmony with the general character of the district.
- F. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in Section 7.16.2.F.



# Appendix A - Amendments

## 2021 - Code of Ordinances of the Township of Attica

**Ordinance 2021-02** Adopted March 11, 2021, Effective April 19, 2021

Section 2.2	Definition of The Act
Section 2.2	Definition of Marijuana
Section 2.2	Definition of Medical Marijuana Home Occupation
Section 2.2	Definition of Medical Marijuana Uses
Section 2.2	Definition of School Property
Section 2.2	Definition of Registered Primary Caregiver and Registered Qualifying Patient
Section 3.1.1.C	AG Agricultural Special Land Uses
Section 3.1.2.C	R-1 One-Family Residential Special Land Uses
Section 4.11(7)	Home Occupations
Section 4.66	Medical Marijuana Uses

**Ordinance 2021-03** Adopted August 12, 2021, Effective September 17, 2021

Section 4.67	Electrical Service Capacity
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## 2022 - Code of Ordinances of the Township of Attica

**Update to Ordinance 2021-02** Adopted March 10, 2022, Effective April 15, 2022

Section 4.66	Medical Marijuana Uses
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# Appendix A - Amendments

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