

Township of Hadley

ZONING ORDINANCE

**Originally Adopted August 13, 2001
(As Amended through April 15, 2014)**

Prepared By:
Hadley Township Planning Commission

Assisted By:
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**Timeline of Amendments and/or Additions to the Hadley Township Zoning Ordinance
Subsequent to Original Adoption Date (August 13, 2001)**

Amending Ordinance	Articles and Sections Amended or Added	Planning Commission Approved	Township Board Adopted	Adoption Notice Published	Effective
100.1	Preamble, Article II, Section 16.08, Section 18.05, Section 18.07, Section 19.01, Section 19.02, Section 19.03, Section 19.04, Section 21.01 (Amendments to comply with Michigan Zoning Enabling Act – P.A. 110 of 2006)	October 2, 2007	February 12, 2008	February 21, 2008	February 28, 2008
100.2	Section 2.01 Amended Section 4.34 Added	January 4, 2011	March 8, 2011	March 17, 2011	April 16, 2011
100.3	Amendment to sign ordinance Section 4.14 B Added, E 7 Amended	April 1, 2014	April 8, 2014	April 17, 2014	April 24, 2014

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
ARTICLE I	SHORT TITLE	2
ARTICLE II	DEFINITIONS	2
ARTICLE III	MAPPED DISTRICTS	18
SECTION 3.01	DISTRICTS	18
SECTION 3.02	MAP	18
SECTION 3.03	INTERPRETATION OF DISTRICT BOUNDARIES	18
ARTICLE IV	GENERAL PROVISIONS	19
SECTION 4.01	CONFLICTING REGULATIONS	19
SECTION 4.02	SCOPE	19
SECTION 4.03	STREET, ALLEYS AND RAILROAD RIGHTS-OF-WAY	19
SECTION 4.04	PERMITTED AREA AND PLACEMENT	19
SECTION 4.05	ONE DWELLING PER LOT	19
SECTION 4.06	LOTS, YARDS AND OPEN SPACES	19
SECTION 4.07	REQUIRED STREET FRONTAGE	20
SECTION 4.08	APPEARANCE	20
SECTION 4.09	DWELLINGS IN NON-RESIDENTIAL DISTRICT	20
SECTION 4.10	ACCESSORY BUILDINGS	20
SECTION 4.11	BUILDINGS TO BE MOVED	22
SECTION 4.12	EXCAVATIONS OR HOLES	22
SECTION 4.13	CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE	22
SECTION 4.14	SIGNS	23
SECTION 4.15	FENCES, OTHER PROTECTIVE BARRIERS, AND SCREEN WALLS	31
SECTION 4.16	FILLING OPERATIONS	33
SECTION 4.17	SWIMMING POOLS	33
SECTION 4.18	GENERAL EXCEPTIONS	33
SECTION 4.19	PERMANENT BUILDING COMPLETION	34
SECTION 4.20	TEMPORARY PARKING/OCCUPANCY OF TRAVEL TRAILER OR RECREATIONAL VEHICLE	34
SECTION 4.21	SINGLE FAMILY DWELLING STANDARDS	35
SECTION 4.22	HOME OCCUPATIONS	36
SECTION 4.23	KEEPING OF ANIMALS	37
SECTION 4.24	CONDOMINIUM SUBDIVISION APPROVAL	37
SECTION 4.25	PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS	40
SECTION 4.26	PERFORMANCE STANDARDS	40
SECTION 4.27	HAZARDOUS MATERIALS	43
SECTION 4.28	CORNER CLEARANCE	45
SECTION 4.29	FLOOD HAZARD AREAS	47

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
SECTION 4.30	LANDSCAPING, GREENBELTS AND PLANT MATERIALS REQUIRED FOR NON-RESIDENTIAL USES AND SPECIAL APPROVAL USES	47
SECTION 4.31	SCREENING OF TRASH RECEPTACLES & MECHANICAL EQUIPMENT	49
SECTION 4.32	OUTDOOR DISPLAYS, SALES & GARAGE SALES	49
SECTION 4.33	UNOCCUPIED MOBILE HOMES	50
SECTION 4.34	MEDICAL MARIJUANA DISPENSARIES	50
ARTICLE V	NON-CONFORMING LOTS, STRUCTURES, AND USES	51
SECTION 5.01	INTENT	51
SECTION 5.02	NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS)	51
SECTION 5.03	NON-CONFORMING STRUCTURES	51
SECTION 5.04	NON-CONFORMING USE OF LAND	52
SECTION 5.05	NON-CONFORMING USES OF STRUCTURES AND LAND	52
SECTION 5.06	CHANGE OF TENANCY OR OWNERSHIP	53
SECTION 5.07	NON-CONFORMING STRUCTURES - ABANDONMENT	54
SECTION 5.08	REPAIRS AND MAINTENANCE	54
SECTION 5.09	SPECIAL LAND USES NOT NON-CONFORMING	54
SECTION 5.10	CLASS A AND CLASS B NON-CONFORMING USES	54
ARTICLE VI	OFF-STREET PARKING REQUIREMENTS	57
SECTION 6.01	PARKING REQUIREMENTS	57
SECTION 6.02	TABLE OF OFF-STREET PARKING REQUIREMENTS	61
ARTICLE VII	AR, AGRICULTURAL RESIDENTIAL DISTRICT	64
SECTION 7.01	STATEMENT OF PURPOSE	64
SECTION 7.02	PERMITTED PRINCIPAL USES	64
SECTION 7.03	PERMITTED USES AFTER SPECIAL APPROVAL	64
SECTION 7.04	SITE PLAN REVIEW	66
SECTION 7.05	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	66
ARTICLE VIII	R-1, SINGLE FAMILY RESIDENTIAL DISTRICT	67
SECTION 8.01	STATEMENT OF PURPOSE	67
SECTION 8.02	PERMITTED PRINCIPAL USES	67
SECTION 8.03	PERMITTED USES AFTER SPECIAL APPROVAL	67
SECTION 8.04	SITE PLAN REVIEW	68
SECTION 8.05	DENSITY, AREA, HEIGHT, BULK & PLACEMENT REQUIREMENTS	68
ARTICLE IX	R-2, MULTIPLE FAMILY RESIDENTIAL DISTRICT	69
SECTION 9.01	STATEMENT OF PURPOSE	69
SECTION 9.02	PERMITTED PRINCIPAL USES	69
SECTION 9.03	PERMITTED USES AFTER SPECIAL APPROVAL	69

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
SECTION 9.04	SITE PLAN REVIEW	70
SECTION 9.05	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	70
ARTICLE X	RMH, RESIDENTIAL MOBILE HOME	71
SECTION 10.01	STATEMENT OF PURPOSE	71
SECTION 10.02	PERMITTED PRINCIPAL USES	71
SECTION 10.03	PERMITTED USES AFTER SPECIAL APPROVAL	71
SECTION 10.04	SITE PLAN REVIEW	71
SECTION 10.05	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	71
ARTICLE XI	REC, RECREATION	72
SECTION 11.01	STATEMENT OF PURPOSE	72
SECTION 11.02	PERMITTED PRINCIPAL USES	72
SECTION 11.03	PERMITTED USES AFTER SPECIAL APPROVAL	72
SECTION 11.04	SITE PLAN REVIEW	72
SECTION 11.05	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	72
ARTICLE XII	C-1, COMMERCIAL	73
SECTION 12.01	STATEMENT OF PURPOSE	73
SECTION 12.02	PERMITTED PRINCIPAL USES	73
SECTION 12.03	PERMITTED USES AFTER SPECIAL APPROVAL	74
SECTION 12.04	SITE PLAN REVIEW	74
SECTION 12.05	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	74
ARTICLE XIII	M-1, INDUSTRIAL DISTRICT	75
SECTION 13.01	STATEMENT OF PURPOSE	75
SECTION 13.02	PERMITTED PRINCIPAL USES	75
SECTION 13.03	PERMITTED USES AFTER SPECIAL APPROVAL	76
SECTION 13.04	ACCESSORY USES	76
SECTION 13.05	REQUIRED CONDITIONS	76
SECTION 13.06	SITE PLAN REVIEW	76
SECTION 13.07	DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	76
ARTICLE XIV	M-2, EXTRACTIVE INDUSTRIAL DISTRICT	77
SECTION 14.01	STATEMENT OF PURPOSE	77
SECTION 14.02	PERMITTED USES AFTER SPECIAL APPROVAL	77
SECTION 14.03	APPLICATION FOR SPECIAL APPROVAL	77
SECTION 14.04	CASH BOND	77
SECTION 14.05	MANDATORY PHYSICAL REQUIREMENTS	77
SECTION 14.06	REHABILITATION	78

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
SECTION 14.07	SITE PLAN REVIEW	78
SECTION 14.08	DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS	78
ARTICLE XV	SCHEDULE OF REGULATIONS	79
ARTICLE XVI	ADMINISTRATION AND ENFORCEMENT	81
SECTION 16.01	ENFORCEMENT	81
SECTION 16.02	DUTIES OF THE ZONING ADMINISTRATOR	81
SECTION 16.03	ZONING PERMITS	82
SECTION 16.04	CERTIFICATES OF OCCUPANCY	83
SECTION 16.05	FINAL INSPECTION	84
SECTION 16.06	FEES	84
SECTION 16.07	PERFORMANCE GUARANTEES	84
SECTION 16.08	AMENDMENTS	85
SECTION 16.09	RESERVED FOR FUTURE USE	92
ARTICLE XVII	SITE PLAN REVIEW	93
SECTION 17.01	SITE PLAN REVIEW	93
ARTICLE XVIII	SPECIAL LAND USE APPROVAL	103
SECTION 18.01	INTENT	103
SECTION 18.02	AUTHORITY TO GRANT PERMITS	103
SECTION 18.03	APPLICATION AND FEE	103
SECTION 18.04	DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION	103
SECTION 18.05	PUBLIC HEARINGS AND NOTICES	103
SECTION 18.06	REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS	104
SECTION 18.07	DETERMINATION AND IMPOSITION OF CONDITIONS	105
SECTION 18.08	APPROVAL AND APPEAL PROCEDURES	106
SECTION 18.09	VOIDING OF SPECIAL APPROVAL USE PERMIT, AND TRANSFER AND CONTINUANCE OF SPECIAL APPROVAL USE PERMIT	106
SECTION 18.10	AUTOMOBILE SERVICE STATIONS	107
SECTION 18.11	BED AND BREAKFAST ESTABLISHMENTS	109
SECTION 18.12	CEMETERIES	110
SECTION 18.13	CHURCHES	111
SECTION 18.14	COMMERCIAL RECREATION	112
SECTION 18.15	CONVALESCENT OR NURSING HOME, ORPHANAGE, HOME FOR THE AGED, INDIGENT, OR PHYSICALLY OR MENTALLY HANDICAPPED	112
SECTION 18.16	EATING AND DRINKING ESTABLISHMENTS	113

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
SECTION 18.17	ADULT FOSTER CARE HOMES	114
SECTION 18.18	SMALL SCALE FOUNDRIES	114
SECTION 18.19	GOLF COURSES	115
SECTION 18.20	HAZARDOUS WASTE FACILITIES, LANDFILLS AND TRANSFER STATIONS	115
SECTION 18.21	AUTO AND TRUCK BODY AND HEAVY REPAIR	116
SECTION 18.22	HOSPITALS	117
SECTION 18.23	HOTELS AND MOTELS	117
SECTION 18.24	INCINERATORS, ENERGY RECOVERY PLANTS	118
SECTION 18.25	JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS	118
SECTION 18.26	PRIVATE KENNELS AND COMMERCIAL KENNELS	119
SECTION 18.27	LIVING QUARTERS FOR BUSINESS PROPRIETOR	120
SECTION 18.28	LOCAL UTILITY FACILITIES (NOT INCLUDING STORAGE YARDS)	120
SECTION 18.29	GROUP DAY CARE HOME AND GROUP CHILDCARE CENTERS (NURSERY SCHOOLS)	120
SECTION 18.30	OUTDOOR RETAIL SALES	122
SECTION 18.31	OVERNIGHT CAMPGROUNDS	122
SECTION 18.32	PRIVATE AIRCRAFT LANDING FIELDS	124
SECTION 18.33	PUBLIC BUILDINGS	125
SECTION 18.34	PUBLIC PARKS	125
SECTION 18.35	PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES	126
SECTION 18.36	PUBLIC USE AIRPORTS	126
SECTION 18.37	PUBLIC BUILDINGS WITHOUT STORAGE YARDS	127
SECTION 18.38	QUASI-PUBLIC BUILDINGS AND RECREATION AREAS	128
SECTION 18.39	RESERVED FOR FUTURE USE	128
SECTION 18.40	RIDING ACADEMIES AND STABLES, COMMERCIAL	128
SECTION 18.41	GUN CLUBS, SHOOTING , OR ARCHERY RANGES, AND COMBAT GAME AREAS	129
SECTION 18.42	MINING AND SOIL REMOVAL OPERATIONS	130
SECTION 18.43	RESERVED FOR FUTURE USE	137
SECTION 18.44	OUTDOOR SALES LOTS FOR TRAILERS, MOTOR VEHICLES AND BOATS	137
SECTION 18.45	TRUCKING TERMINALS AND FACILITIES	138
SECTION 18.46	TOURIST HOME, ROOMING OR BOARDING HOUSE	138
SECTION 18.47	USES SIMILAR TO PRINCIPAL PERMITTED USES	139
SECTION 18.48	UTILITY TRANSMISSION FACILITIES	139
SECTION 18.49	RESIDENTIAL ACCESSORY OCCUPATIONS	147
SECTION 18.50	SINGLE-FAMILY CLUSTER HOUSING OPTION	148

<u>SECTION</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
ARTICLE XIX	ZONING BOARD OF APPEALS	153
SECTION 19.01	ZONING BOARD OF APPEALS MEMBERS	153
SECTION 19.02	MEETINGS	153
SECTION 19.03	AUTHORITY OF ZONING BOARD OF APPEALS	153
SECTION 19.04	ZONING BOARD OF APPEALS NOTICE OF HEARING	157
SECTION 19.05	ZONING BOARD OF APPEALS DECISIONS	157
SECTION 19.06	ZONING BOARD OF APPEALS APPROVALS	157
SECTION 19.07	APPROVAL PERIODS	157
ARTICLE XX	INTERPRETATION AND APPLICATION	159
ARTICLE XXI	VIOLATIONS AND PENALTIES	160
ARTICLE XXII	CONFLICTING PROVISIONS REPEALED	161
ARTICLE XXIII	VALIDITY	162
ARTICLE XXIV	ENACTMENT AND EFFECTIVE DATE	163
	INDEX	164

ZONING ORDINANCE

Township of Hadley

TITLE

An ORDINANCE to regulate and restrict the use of land and buildings by dividing the Township of Hadley into districts; defining certain terms used herein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a Board of Appeals, defining and limiting the powers and duties of said Board and setting standards to guide actions of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance.

PREAMBLE

In accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended, with the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance done pursuant to P.A. 110 of 2006, as amended, known as the Michigan Zoning Enabling Act (M.C.L 125.3101 *et seq.*), the Township of Hadley desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon agriculture, developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect agriculture, industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Hadley be so related as to provide for economy in government, protection of the environment and mutual support. The result of such purposes of this Ordinance will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Hadley.

ENACTING CLAUSE

THE TOWNSHIP OF HADLEY ORDAINS:

ARTICLE I

Short Title

SECTION 1.01

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

ARTICLE II

Definitions

SECTION 2.01

For the purpose of this Ordinance, certain terms are defined in this section. Terms not herein defined shall have the meanings customarily assigned to them.

Abandoned Structures: Any building which has not been occupied for a period of one year shall be considered abandoned.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in structural members of a building, such as walls, any partitions, columns, beams, girders or any change which may be referred to herein, as "altered" or "reconstructed".

Apartment: A room or suite of rooms used as a dwelling for one family which may do its cooking therein.

Apartment House: A residential structure containing three (3) or more apartments.

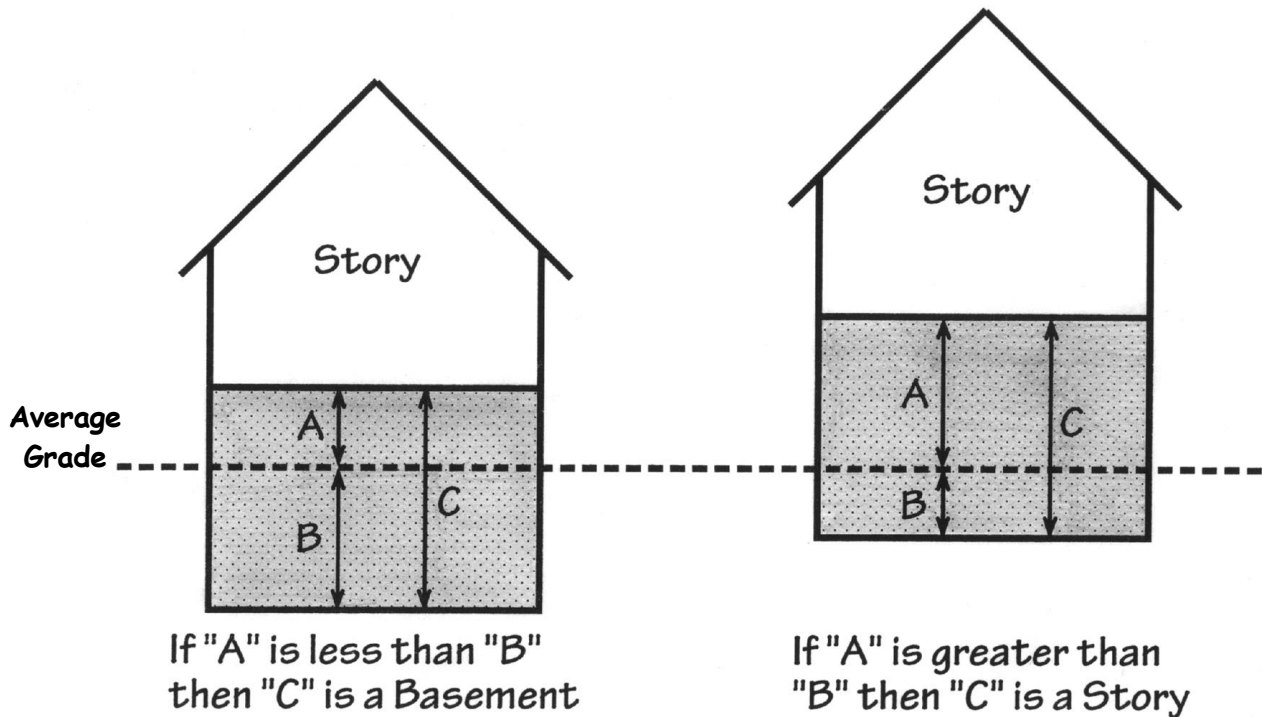
Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automotive Service Station: A place for the dispensing, sale, or offering for sale of motor fuels and minor accessories directly to the users of motor vehicles, and/or the servicing, washing, and repair of automobiles, excluding auto body repair.

Bed and Breakfast Establishments: Places which offer overnight accommodations and a morning meal to transient tenants for rent. Includes bed and breakfast inns and private, owner-occupied bed and breakfast homes.

Basement: A basement is that portion of a building partly below grade but so located that the vertical distance from the average grade to the basement ceiling is less than the vertical distance from the average grade to the basement floor. A basement shall not be included as a story for height measurement, or counted as floor area.

Definition of Basement and Story



Billboard and Remote Signs: Any sign which contains a message unrelated to a business transacted, goods sold, items produced or an activity conducted on the premises on which the sign is located.

Board of Appeals: The words "Board of Appeals", shall mean the Zoning Board of Appeals for the Township of Hadley.

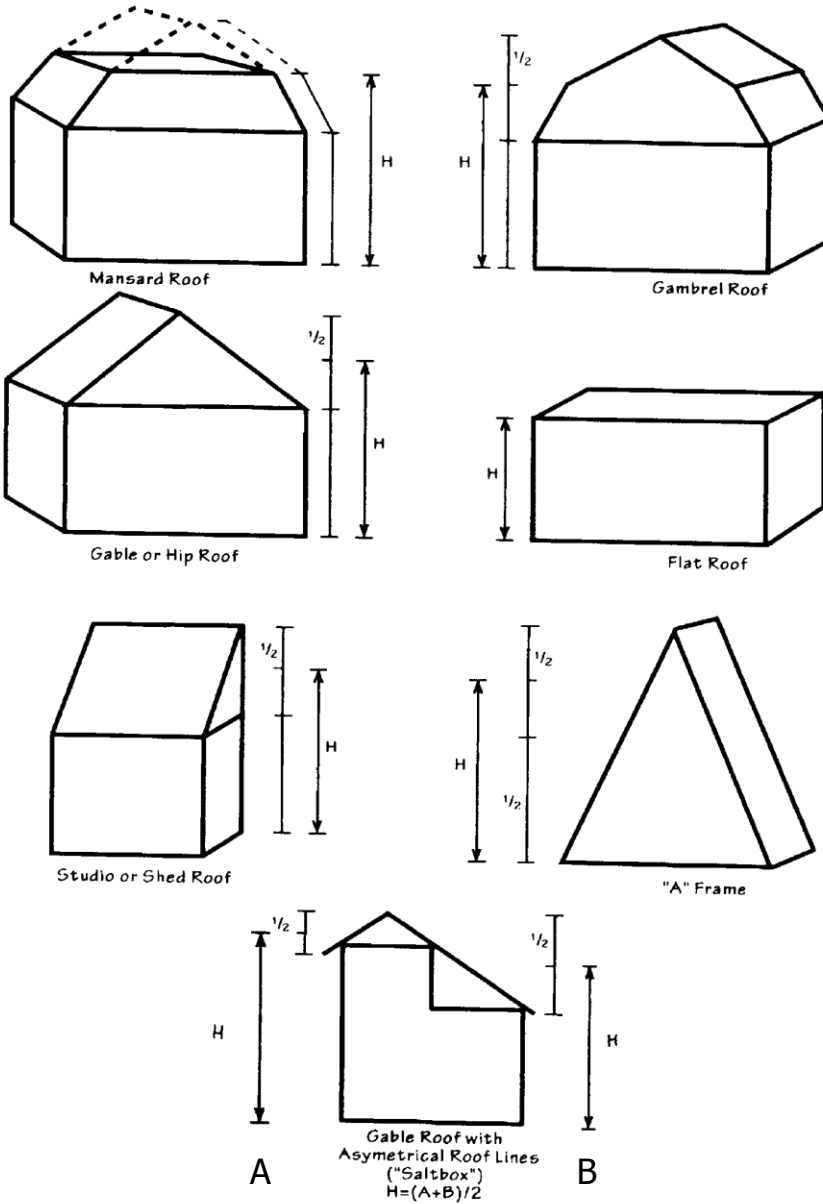
Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

Buildable Area: The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building: A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. This shall include mobile homes.

Building Height: The Building Height is the vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Height

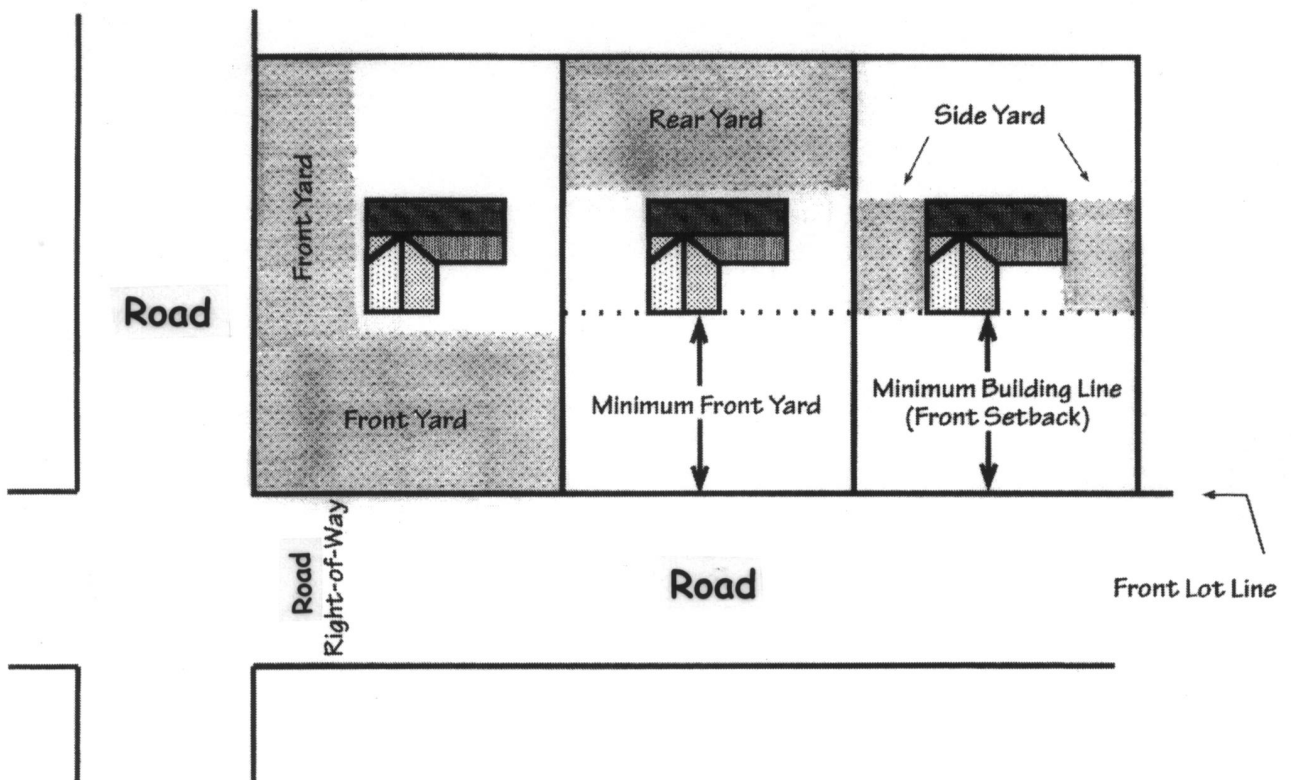


H = Height of Building

Building, Main or Principal: A Building in which is conducted the principal use of the lot on which it is situated.

Building Inspector: The Building Inspector of the Township of Hadley or his/her authorized representative.

Building Line: A line established, in general, parallel to the front road line. No part of a building shall project into the area between the building line and the front road line, except as otherwise provided by the Ordinance.



Building Line and Yards

Building Permits: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of the building code.

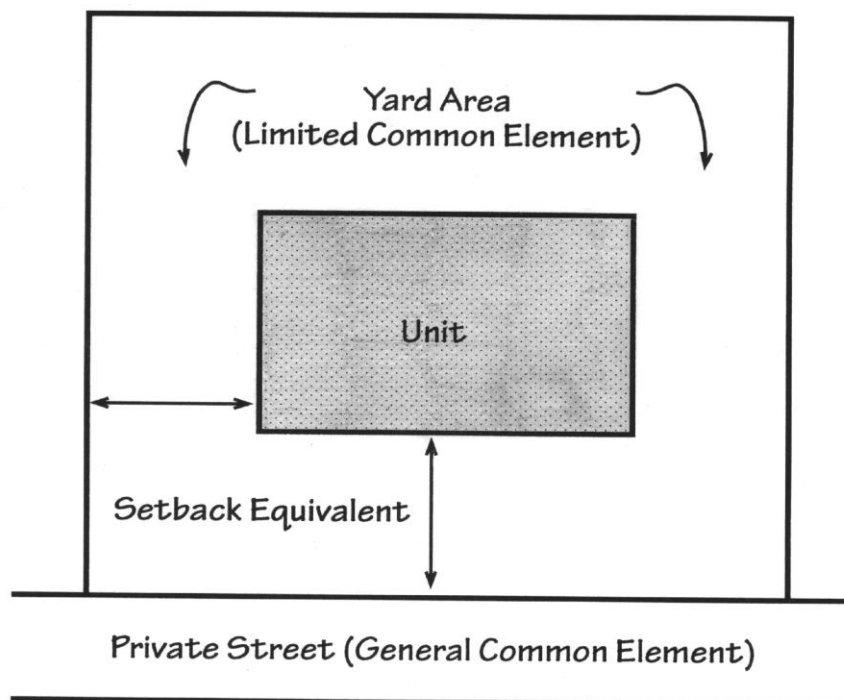
Child Day Care Home: See Family Child Care Home.

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

Condominium Act: The Michigan Public Act 59 of 1978, as amended.

Condominium Subdivision Plan: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirement of Section 66 of the Condominium Act.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.



Condominium Building Site

Condominium Master Deed: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the site.

Convalescent or Nursing Home: A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

District: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-In Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. (e.g. restaurants, cleaners, banks, theaters.)

Dwelling, Multiple: A building portion thereof, used or designed as residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include mobile home parks.

Dwelling, Single Family: A detached dwelling, designed for or occupied exclusively by one (1) family.

Dwelling, Two Family: A detached building, designed for or occupied exclusively by two (2) families living independently of each other such as a duplex dwelling unit.

Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall an automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Efficiency Unit: An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Excavating: Excavating shall be the removal of topsoil, peat, sand, stone, gravel or similar materials below the average grade of the surrounding land and/or road grade, whichever shall be highest.

Family: Family - An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a

single nonprofit housekeeping unit. This definition shall not include any group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.

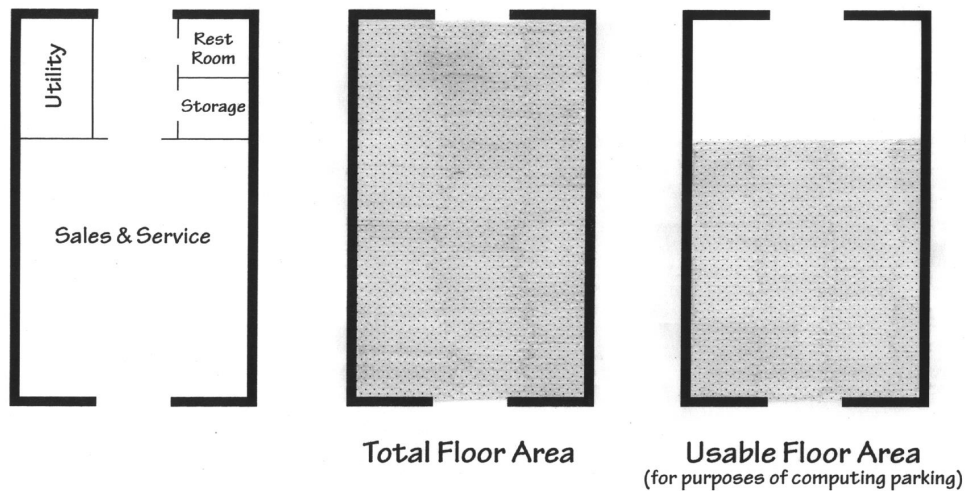
Family Day Care Home (Child Day Care Home): A private home in which at least one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm: All of the associated land operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, and similar enterprises involving agricultural production.

Farm Building: Any structure or building other than a dwelling used or built on a farm.

Filling: Shall mean the depositing or dumping of any matter onto, or into the ground.

Floor Area: Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall or from the center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established grade, as defined in "Basement". "Floor Area" shall not include elevator shafts and stairwells at each floor, floor space used for mechanical equipment excluding residential dwellings, (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or less, interior balconies and mezzanines. Any



Floor Area

space devoted to off-street parking or loading shall not be included in “floor area”. Area of basements, utility rooms, breezeways, porches, or attached garages are not included.

Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for the region.

Garage, Commercial: Any premises available to the public, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire or sale, where any vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

Garage, Private: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located.

Greenbelt: A Greenbelt shall consist of a landscaped yard space not less than twenty (20) feet wide. Said greenbelt shall be made fertile and landscaped or planted within six (6) months from the date of issuance of a permit for use and thereafter reasonably maintained with permanent materials to provide a suitable screen.

Group Day Care Facility: A non-residential building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to either children or adults.

Group Child Care Center: See Group Day Care Facility.

Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Hazardous Material: Hazardous materials include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance as hazardous materials.

Home Occupation: An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Hospitals: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Junk: For the purpose of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard: The term “junkyard” includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which four (4) or more dogs, six (6) months old or more, are kept.

Laboratory: A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of products, except prototypes, is not performed.

Livestock: Horses, cattle, sheep, goats, mules, donkeys, hogs, rabbits, fowl and other hoofed animals.

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

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance.

Lot Area: The term “Lot Area” means the total horizontal area within the lot lines, as defined herein.

Lot Coverage: The part or percent of the lot occupied by buildings or structures.

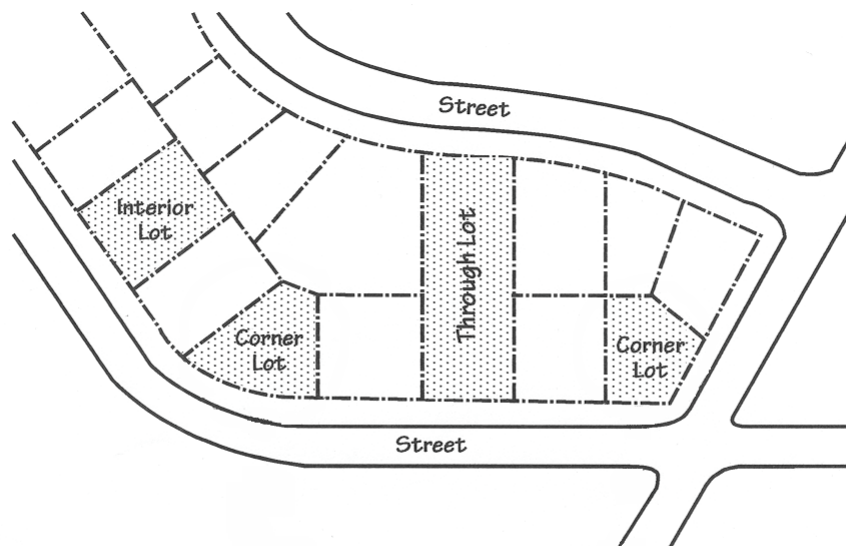
Lot Depth: The mean horizontal distance from the front street line to the rear lot line.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing

structures in the same block fronting on one or both of the streets the required front yard setback shall be observed on those streets where such structures presently front.

Lot Lines: The property lines bounding the lot.

- A. **Front Lot Line:** In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and in the request for a zoning compliance permit. (See Double Frontage Lot.)
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or oddly shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth or rear yard. In cases where none of these definitions is applicable, the Zoning Board shall designate the rear lot line. (See Double Frontage Lot.)
- C. **Side Lot Line:** Any lot line not a front lot line or a 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.
- D. **Street or Alley Lot Line:** A lot line separating the lot from the right-of-way of a street or an alley.



Interior, Through and Corner Lots

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The horizontal distance between the side lot lines at the required front setback line.

Malfeasance: Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission, for example: failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.

Medical Marijuana Dispensary: A medical marijuana dispensary shall mean any parcel of property where two or more “primary caregivers” grow, cultivate, store, dispense, provide, sell, or offer for sale marijuana to qualifying patients. A “primary caregiver”, “qualifying patient” and “marijuana” shall have the meanings given to them under the Michigan Medical Marijuana Act, being Michigan Compiled Law 333.26421.

Misfeasance: Negligence in the discharge of one’s official duties or statutory obligations; carelessness in the discharge of public duties, for example: approval or disapproval of an application based on standards not evident in the community’s ordinance.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes on the parcel for residential use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Nonconforming Building: A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Nonconforming Use: A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nonfeasance: Failure to perform one’s official duties or statutory obligations, for example: failure to attend the meetings of a board or commission to which one is appointed.

Nursing Home: See Convalescent Home.

Occupied: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two automobiles.

Open Air Business Uses: Open air business use not completely conducted from a wholly enclosed building.

Open Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, wastes and any other materials.

Parking Space: An area of not less than ten (10) feet wide, by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

Pet: This shall mean only such animals as may commonly be housed within domestic living quarters.

Planning Commission: Planning Commission shall mean the Township of Hadley Planning Commission.

Plant Materials: Plant materials shall mean live, northern nursery grown, No. 1 grade deciduous, flowering and evergreen trees, shrubs, annual and perennial flowers, ornamental grasses, and similar plants. Plant materials shall meet current American Association of Nurserymen Standards and shall be installed according to accepted planting procedures. See Section 4.30(C) for suggested plant materials.

Public Utility: Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

Residential Accessory Occupation: Any occupation, business, personal or professional service customarily engaged in by residents at their place of residence for dwelling purposes, that cannot be conducted within the dwelling itself but occupies a portion of an accessory building.

Rooming House: A building or part thereof, other than a hotel, or motel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Setback: The minimum horizontal distance between a structure, including steps and unenclosed porches and the front street or right-of-way line, or lot line.

Sign: Any device designed to inform, advertise or attract attention.

Signs, Number and Surface Area: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Single Family Detached Condominium: A condominium unit which is physically separated from any other condominium unit and which is designed and intended for occupancy by a single family.

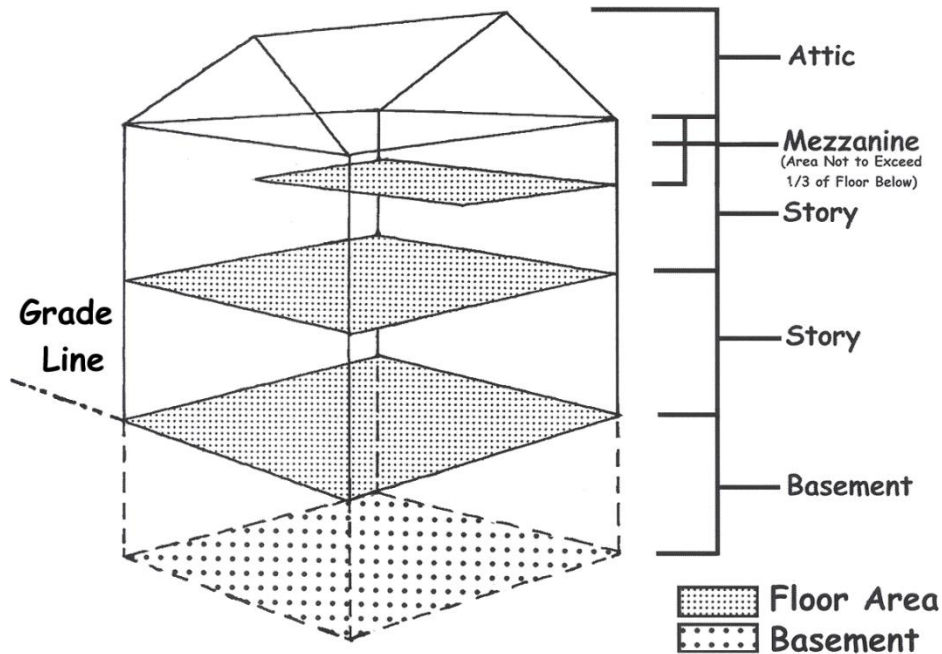
Soil Removal (Quarrying, Mining): Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials from its original location for sale or use on a parcel of land other than the parcel on which the material was originally located, except common household gardening and general farm care.

Story: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

- A. A "Mezzanine" shall be deemed a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

Basic Structural Terms



Street: Shall mean the same as road, thoroughfare, way, and similar terms.

Structure: Any thing constructed or erected which requires permanent location on the ground or attachment to something having such location.

Structural Alteration: Any change in the supporting members of a building or structures, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body not exceeding 10 feet in width or 50 feet in length.

Use: The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

Useable Floor Area: Usable floor area, for the purposes of computing parking, is net 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 of merchandise or for utilities shall be excluded from this computation of "Useable Floor Area." (See Floor Area Definition).

Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See Building Line Definition).

Yard Front: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, Rear: A yard extending across 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.

Yard, Side: A yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Zoning Administrator: The administrative official responsible for the enforcement of this ordinance.

Zoning District: A Zoning District is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

ARTICLE III

Mapped Districts

SECTION 3.01 DISTRICTS

The Township is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following:

- AR Agricultural Residential
- R-1 Single Family Residential
- R-2 Multiple Family Residential
- RMH Residential Mobile Home
- REC Recreation
- C-1 Commercial
- M-1 Industrial
- M-2 Extractive

SECTION 3.02 MAP

The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which said map is designated as the Official Zoning Map of the Township of Hadley. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

SECTION 3.03 INTERPRETATION OF DISTRICT BOUNDARIES

Except where references on the Official Zoning Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets, alleys, railroads, or such lines extended and the corporate limits of the Township as they existed at the time of the adoption of this Ordinance. Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals after recommendation from the Planning Commission according to rules and regulations which may be adopted by it.

ARTICLE IV

General Provisions

Except as hereinafter specifically provided, the following general regulations shall apply:

SECTION 4.01 CONFLICTING REGULATIONS

Wherever 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, 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 law or ordinance shall govern.

SECTION 4.02 SCOPE

Except as otherwise provided in this Ordinance, no building or structure, or part thereof shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 4.03 STREET, ALLEYS, AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 4.04 PERMITTED AREA AND PLACEMENT

No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

SECTION 4.05 ONE DWELLING PER LOT

In the AR an R-1 Zoning Districts, only one principal building shall be placed on a lot of record.

SECTION 4.06 LOTS, YARDS AND OPEN SPACES

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit,

required by this Ordinance, or by reason of change in ownership or otherwise, may be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 4.07 REQUIRED STREET FRONTAGE

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public road or an approved private road which meets the requirements of the Hadley Township Private Road Ordinance. Minimum required street frontage shall be equal to minimum required lot width, except for lots on cul-de-sacs which shall have a minimum of two hundred (200) feet of street frontage.

SECTION 4.08 APPEARANCE

In the C-1, M-1, and M-2 Districts, any principal and accessory building elevation visible from a public road shall be constructed of stone, brick, brick veneer, decorative block (i.e. scored, fluted, split-face and the like) or other material approved by the Planning Commission as equivalent in quality and appearance to the above materials. No building elevation visible from the road shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material with the limits herein specified.

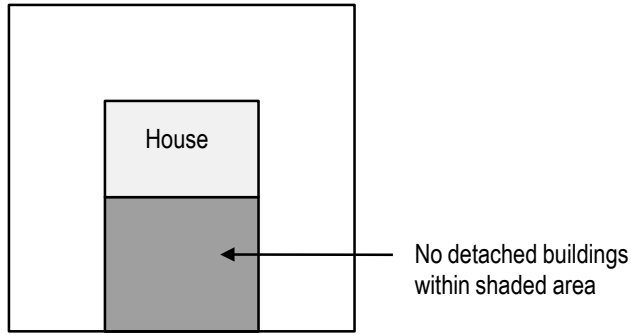
SECTION 4.09 DWELLINGS IN NON-RESIDENTIAL DISTRICTS

No dwelling shall be erected in the C-1, M-1, or M-2 Zoning Districts. However, the sleeping quarters of a watchman or a caretaker, or the living quarters on the premises of a proprietor, may be permitted in said districts in conformance with the specific requirements of the particular district.

SECTION 4.10 ACCESSORY BUILDINGS

In AR, R-1, R-2 and RMH districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to main buildings. Detached accessory buildings may be located anywhere upon a lot except in a required yard or setback area as set forth in this section.
- B. No detached accessory building may be located between the front property line and the front elevation of a principal building (see illustration below).



- C. Where a building is accessory to a use of land, it shall comply with all setback requirements for a principal building.
- D. In no instance shall the accessory building be constructed prior to the principal building, except as provided in subsection C above.
- E. The maximum size and height for an accessory building within the AR, R-1, R-2, and RMH districts shall be determined according to the following table:

Parcel Size	The Greater Of	Maximum Building Height
less than 0.5 acres	900 sq. ft. or the ground floor area of the residence	Height of residence or 28 feet whichever is less
0.51 - 1.5 acres	1,200 sq. ft. or the ground floor area of the residence	Height of residence or 28 feet whichever is less
1.51 - 3.5 acres	1,800 sq. ft. or the ground floor area of the residence	Height of residence or 28 feet whichever is less
3.51 - 5.0 acres	2,400 sq. ft. or the total floor area of the residence	35 feet
5.01 - 7.0 acres	3,000 sq. ft. or the total floor area of the residence	35 feet
7.01 acres or larger	No limit	35 feet

- F. No detached accessory building in any zoning district shall be located closer than ten (10) feet to any side or rear lot line.
- G. Accessory buildings for the housing of fowl or animals shall be permitted only in the AR and R-1 districts, and shall be located not less than fifty (50) feet from any lot line and not less than one hundred twenty-five (125) feet from any dwelling.
- H. When an accessory building is located on a corner lot, said building shall maintain the specified front setback from both streets, as required for principal buildings in the same zoning district.

- I. No detached accessory building shall be located closer than ten (10) feet to any principal building.
- J. In the AR, R-1, R-2, and RMH districts, no residential accessory building shall have exposed or uncovered 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.

SECTION 4.11 BUILDINGS TO BE MOVED

No permit shall be granted for the moving of buildings or structures from without or within the Township to be placed on property within the Township. Unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other codes regulating the health, safety and general welfare of the Township. A cash bond as established by the Township Board of sufficient amount to insure cost of completing building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

SECTION 4.12 EXCAVATIONS OR HOLES

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited. This section shall not apply to streams, natural bodies of water or to ditches, streams, reservoir, or other major bodies of water created or existing by authority of the State of Michigan, the county, the Township, or other governmental agency.

SECTION 4.13 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within two (2) years from the date of passage of this Ordinance.

SECTION 4.14 SIGNS

A. Purpose

The regulations contained within this section are designed to enable the public to locate goods and services without difficulty, to prevent hazards to safety, and to assure the continued attractiveness of the community and to protect property values. The regulations are designed to apply to the erection of signs that are consistent with the customary use of signs in the community, while prohibiting the erection of signs that are not consistent with customary use.

B. Substitution Clause

Any sign that can be displayed under the provisions of this ordinance can contain a non-commercial message.

C. Definitions Pertaining to Signs:

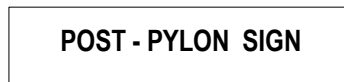
1. Awning: a shelter projected from and supported by the exterior wall of a building constructed of non-rigid material on a supporting framework.
2. Festoons: string of ribbons, tinsel, small flags or pinwheels.
3. Sign: any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
 - a. Awning sign (canopy sign): any sign painted on, printed on, or attached flat against the surface of an awning. For the purposes of this Ordinance, all awning signs shall be counted as wall signs in determining total permitted sign area.
 - b. Billboard Sign (Non-Accessory or Off-Site Sign): a sign which advertises a business, service, event, organization, person, place or thing, which is not sold, produced, manufactured or furnished at the property on which said sign is located.
 - c. Changeable Copy Sign: a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign. This shall also include the changing of copy on billboards.
 - d. Freestanding Signs: a sign which is not mounted on or structurally attached to a building and which has its own foundation and support structures

permanently attached to the ground.

- e. Ground Sign: a freestanding sign the bottom edge of which is located close to grade and thereby precludes visibility beneath the sign. Ground signs include monument type signs. Not a post-pylon sign.

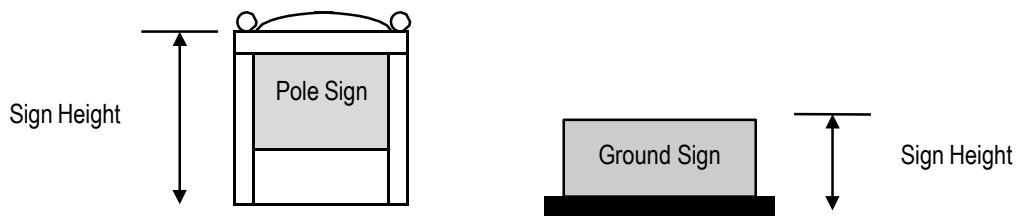


- f. Marquee Sign: any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure, projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- g. Post-Pylon Sign: a sign supported by a post(s) or other column(s) thereby providing a predominately clear viewing space beneath the sign. Not a ground sign.



- h. Projecting sign: any sign other than a wall sign affixed to any building or wall with its leading edge extended beyond such building or wall.
- i. Roof sign: any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.
- j. Wall sign: any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such a wall or building and which displays only one advertising surface.
- k. Window sign: any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

4. Roof line: the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projection.
5. Sign Area: the entire area within a regular geometric form comprising all of the advertising display area and all of the elements of the matter displayed, including decorative embellishments. The sign area shall be computed on one side of a single or two-sided sign and on all sides of a sign with three or more faces.
6. Sign Height: the vertical distance measured from the highest point of the sign, excluding decorative embellishments less than 20% of the total height, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.



D. Permits Required

1. Permits: A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
2. Application: The application for a building permit to erect a sign shall include:
 - a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - b. Copy of the sign contractor's license.
 - c. A sketch indicating the location of the property and the current zoning classification.
 - d. A scaled drawing illustrating:
 - i. The dimensions of the sign and its supporting members.
 - ii. Sign area, shape, message, lettering style, and materials.

- iii. For ground signs and free-standing signs, the proposed location of the sign in relation to the subject site, showing required yard setbacks and sign height.
- iv. For wall signs, the proposed location of the sign in relation to the face of the building and any existing signs, and a current photograph of the face of the building to which the sign is to be attached.
- v. If the sign is to be illuminated, the application shall include details regarding location, type of fixture, color of the illumination, and method of shielding to prevent glare.

E. Signs Not Requiring Permits

- 1. Signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- 2. Flags and insignia of a government, except when displayed in connection with commercial promotion.
- 3. Legal notices, identification information, or directional signs erected by governmental bodies.
- 4. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- 5. Church or institutional bulletin boards having an area not exceeding twenty-four (24) square feet in area.
- 6. Signs visible only from the premises on which they are located.
- 7. Temporary signs promoting political candidates or election issues, provided that such signs shall not exceed sixteen (16) square feet in area.
- 8. Signs advertising real estate for sale, rent or lease not exceeding sixteen (16) square feet in area shall be permitted in all districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate.

F. Prohibited Signs

1. Abandoned signs.
2. Flashing, oscillating, intermittent signs or others with movable parts.
3. Roof signs.
4. Signs imitating or resembling official traffic or government signs or signals.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.

G. Signs in Residential Districts are permitted as follows:

1. Number and Size of Signs: For Permitted Principal uses other than dwellings, and for Uses Permitted after Special Approval, one (1) freestanding sign or wall sign not exceeding twenty (20) square feet in area. No sign so permitted shall be located nearer to the front lot line than one half the required front yard setback nor nearer the side lot line than the required side yard setback.
2. Height: The maximum height for a freestanding sign shall be five (5) feet, except as provided in Subsection I(1) below.

H. Signs in the REC, Recreation District are permitted as follows:

1. Number and Size of Signs: For Permitted Principal uses and for Uses Permitted after Special Approval, one (1) freestanding sign or wall sign not exceeding twenty-four (24) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-fourth the required front yard setback nor nearer the side lot line than the required side yard setback.
2. Height: The maximum height for a ground sign shall be five (5) feet, except as provided in Subsection I (1) below.

I. Signs in the C-1, M-1, and M-2 Districts are permitted as follows:

1. Number and Size of Signs: For Permitted Principal uses and for Uses Permitted after Special Approval, the combined area of all freestanding signs and wall signs (including window signs displayed for longer than fourteen (14) days) shall not exceed thirty-two (32) square feet in area. No sign so permitted shall be located nearer to

the front lot line than one-fourth the required front yard setback nor nearer the side lot line than the required side yard setback.

- a. A planned commercial or office center, or an industrial park may have only one freestanding sign not exceeding fifty (50) square feet in area to advertise the name of the center.
- b. Each office, business or industry in a planned center or industrial park may also have an individual wall sign, not exceeding thirty-two (32) square feet in area.
- c. Each business in a multi-tenant building may have one wall sign and one panel on the building's single free-standing sign, each not to exceed ten (10) square feet.

2. Height: The maximum height for a ground sign shall be ten (10) feet, except as provided in Subsection I (1) below.

3. Billboard Signs: Signs located on parcels of land separate from the commercial, industrial or other facilities advertised on the signs, shall be permitted only in the C-1 Commercial and M-1 and M-2 Industrial Districts, subject to the following conditions:

- a. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
- b. No such sign shall be permitted within 660 (six hundred sixty) feet of any other such sign or of any sign permitted pursuant to this Ordinance.
- c. No such sign shall exceed thirty-two (32) square feet in sign area.

J. General Standards for Signs

1. All freestanding signs shall be ground signs unless the criteria outlined below are met for a post-pylon sign. Freestanding sign requirements are as follows:

Maximum Sign Height		
Zoning District	Ground-Sign	Pole/Post-Pylon Sign
AG, R-1, R-2, RMH, REC	5'	11'
C-1, M-1, M-2	10'	15'

- a. For ground signs located on a berm, the berm shall not exceed a height of three (3) feet within fifteen (15) feet of the sign and shall be a part of the approved landscape plan for the site.
 - b. In instances where it is clearly demonstrated by the applicant that visibility would be seriously impacted by installation of a ground sign, a post-pylon sign may be permitted after review and approval by the Planning Commission. For purposes of this sub-section, visibility is related only to ingress/egress of pedestrians and vehicles - not to visibility of the building or use advertised by the subject sign. The bottom edge of the post-pylon sign must be a minimum seven (7) feet from grade.
2. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.
 3. No sign, except those placed and maintained by the Township, County or State shall be located in, overhang or encroach upon any public right-of-way.
 4. No sign shall be so located, directed or constructed as to be a hazard to pedestrian or vehicular traffic safety as determined by the Lapeer County Sheriff, Lapeer County Road Commission, or the Township Building Inspector.
 5. All signs permitted within this ordinance shall be maintained in good condition by the owner or his agent. Should the facility advertised on the sign cease to operate, it shall be the responsibility of the owner of the sign to remove same within thirty (30) days after the ceasing of operations.
 6. All signs permitted within this ordinance shall be in compliance with Hadley Township adopted building code and electrical code.
 7. All signs shall be located in a manner that does not obstruct visibility at an intersection as specified in Section 4.28.

K. Nonconforming Signs

Nonconforming signs are those which do not conform to the provisions of this Ordinance but were lawfully established prior to its passage. It is the intent of this Ordinance to permit such

signs to exist until they are removed, but not to encourage their survival. The following provisions shall apply to nonconforming signs:

1. No nonconforming sign shall be replaced by another nonconforming sign, except that the message may be changed on signs specifically designed for periodic change of message.
2. No nonconforming sign shall be structurally altered, unless such alterations reduce the degree of nonconformity or are necessary for safety reasons.
3. No nonconforming sign shall be re-established after the activity to which it relates has been discontinued for 30 days or longer.
4. No nonconforming sign shall be re-established after damage or destruction if the estimated expense of repair exceeds 50 percent of the total replacement cost.

L. Abandoned Signs

Signs and mountings which have been abandoned shall be removed by the sign owner of the premises. Abandoned signs for the purposes of this ordinance shall mean:

1. Any temporary sign which relates to a use or event which has ceased to exist for thirty (30) or more days;
2. Any permanent sign related to a building, use or event which has been vacant or inactive for a period of six (6) months or more. A business or activity which is temporarily inactive due to a change in ownership or management, or due to the seasonal nature of the use shall not be deemed abandoned unless the vacancy or inactivity exceeds one (1) year.

M. Temporary Signs

Temporary signs for the purpose of announcing a new business, special sales, seasonal promotions, special events, or new services may be permitted by the Construction Code Authority, subject to the following:

- a. The applicant shall file a complete application form, and provide all information required by Section 4.14C. The Township Board may enact a Temporary Sign Permit Fee to defray administration expenses.
- b. Temporary signs shall not be displayed longer than thirty (30) days.

- c. No business shall display the same temporary sign message more than twice per year.
- d. No temporary sign shall exceed twenty-four (24) square feet in area.
- e. Temporary signs shall be set back at least ten (10) feet from all property boundary lines and street right-of-way lines.
- f. Temporary signs shall be removed immediately upon expiration of the thirty (30) day permit.

SECTION 4.15 FENCES, OTHER PROTECTIVE BARRIERS, AND SCREEN WALLS

All fences of any type or description shall conform to the following regulations:

- A. Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 - 1. In a R-1, and R-2 district, 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
 - 2. In a R-1, and R-2 district, no fence shall hereafter be located in any required front yard.
 - 3. All fences hereafter erected shall be a cyclone type or constructed of an ornamental nature except in an AR district. 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 in an AR district.
- B. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than six (6) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street line or in the case of a rounded property corner from the intersection of a street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height. (See Section 4.28)

- C. Whenever a fence is proposed in other than a residential or agricultural district, it shall require approval by the Planning Commission prior to the issuance of a building permit and shall comply with the following:
1. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
 2. Open, wire fences shall be of a cyclone 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.
 3. When an obscuring fence is proposed, it shall be constructed entirely of pressure treated wood, metal posts and pressure treated wood panels, or PVC or equivalent plastic composite material approved by the Planning Commission, to assure durability and relative freedom from the need for regular maintenance.
- D. Screen Walls - Wherever a non-residential use adjoins a residential district and wherever a parking lot of eight (8) or more spaces adjoins a residential district, a screen wall shall be provided by the non-residential use (for the purposes of this Ordinance, a parking lot with eight (8) or more spaces is considered a non-residential use).
1. All required screen walls shall be six (6) feet in height and shall be placed along the lot line of the non-residential use.
 2. Required screen walls shall not be extended into a required front setback area to insure proper visibility of pedestrians and vehicles by drivers exiting the non-residential site.
 3. Required screen walls shall be of masonry construction, be designed to withstand frost heave, hydrostatic pressure, the effects of weather, and be protected from vehicles by bumper guards or setbacks. The appearance of the wall in terms of material, design and workmanship shall be beneficial to the residential districts. The wall shall be decorative in nature, constructed of face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.
 4. The Planning Commission may approve, in partial or complete, substitution for the required wall(s) the use of existing and or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening and durability; approve a reduction or increase in wall height where a lesser or greater height is found appropriate based on considerations of topography or characteristics peculiar to the site, its use, and environs. In taking

such actions, the Planning Commission shall take into account that the principal purpose of the wall(s) is to screen non-residential activities, including parking, loading and noise, from nearby residential districts.

SECTION 4.16 FILLING OPERATIONS

No land shall be used for the purpose of filling or dumping any materials without the prior approval of the township board and subject to the requirements of all applicable state statutes and relations relating to landfill, dumps, toxic waster site or similar activities.

SECTION 4.17 SWIMMING POOLS

All swimming pools shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children, or wading pools not more than eighteen (18) inches deep.

All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

SECTION 4.18 GENERAL EXCEPTIONS

A. Exceptions to Height

1. The height limitations of this Ordinance shall not apply to church steeples and spires, towers, flag poles, or public monuments. However, the Planning Commission may specify a height limitation for any structure when it requires special land use approval.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits established for buildings as specified in other provisions of this Ordinance except that roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, required to operate and maintain the building, and fire or parapet walls, skylights, stage lofts and screens, chimneys, smokestacks, silos and similar farm structures, individual domestic radio,

television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty five (25) per cent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.

- B. Essential services, as defined in this subsection, are exempt from the provisions of this Ordinance. Essential services include the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel 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 or wireless communications towers, which are necessary for the furnishing of adequate services to the Township by such utilities or municipal departments for general health, safety, or welfare.
- C. Voting Place: The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 4.19 PERMANENT BUILDING COMPLETION

All buildings shall be completed on the outside in conformance with the building code and with finish material such as wood, brick or brick veneer, shingle, concrete, or similar performance tested material within one (1) year after construction is started unless an extension is granted by the Board of Appeals.

SECTION 4.20 TEMPORARY PARKING / OCCUPANCY OF TRAVEL TRAILER OR RECREATIONAL VEHICLE

Nothing in this ordinance shall prevent the temporary parking and/or occupancy of a travel trailer or recreational vehicle by a visitor at the home of a Township resident for periods of thirty (30) days or less. A permit shall be obtained from the Building Inspector for the parking or occupancy of a recreational vehicle by such a visitor for periods of thirty-one (31) to ninety (90) days. The Township Board may, from time to time, establish a fee for permits to park/occupy recreational vehicles for 31 to 90 day periods. All requests by visitors to park/occupy a recreational vehicle for periods longer than 90 days shall be made to the Zoning Board of Appeals, subject to the provisions of Section 19.03(G).

SECTION 4.21 SINGLE FAMILY DWELLING STANDARDS

Any single family dwelling, whether site-built or factory-built, shall comply with the following requirements:

- A. Applicable building, plumbing, electrical and mechanical codes shall be complied with pursuant to appropriate permits. All such dwelling units must meet the current construction standards of the State of Michigan and Hadley Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24CFR 3280, and as from time to time such standards may be amended, or the BOCA Basic Building Code.
- B. No single-family residential building shall have exposed or uncovered 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.
- C. Minimum floor area per dwelling unit shall be in compliance with the requirement of Article XV.
- D. All new mobile homes shall have been approved by a federal or state inspector as evidenced by an inspection certificate or seal. All used mobile homes shall be inspected and approved by the township inspectors as complying with current building and mechanical codes, prior to being brought into the Township.
- E. 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 dwelling, and constructed of such material 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.
- F. All wheels, axles, and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.
- G. All dwellings shall be connected to a public sewer system. If no public sewer system is available, Health Department approval of an appropriate septic system shall be provided.

- H. Minimum floor to ceiling height shall be at least seven (7) feet five (5) inches.
- I. A roof overhang with eaves trough or gutters for water drainage away from the foundation shall be provided on at least two elevations.
- J. The minimum length and width of a dwelling shall be 24 feet. There shall be not less than two (2) exterior doors, on different sides of the dwelling, with access to said doors by means of exterior steps or a porch, where a difference in elevation requires the same.
- K. The minimum primary roof pitch on all single family dwellings shall be 4 on 12.
- L. Storage facilities of at least fifteen (15%) percent of the floor area of all dwellings shall be provided in either a basement, usable attic, closet areas, or a separate fully enclosed structure.
- M. Any additions to single family dwellings shall comply with the minimum standards of this ordinance and the Michigan Construction Code. Any addition to a factory-built home must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission 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.
- N. The standards in this section shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by State or Federal law.

SECTION 4.22 HOME OCCUPATIONS

An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation: that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. No signs may be attached to the building or placed on the premises other than one (1) non-illuminating name plate which is not more than two (2) square feet in area. In addition such occupation shall not generate traffic in excess of what is normal in a residential neighborhood and shall provide adequate customer parking on site. In order to clarify the nature of a legitimate home occupation, clinics, barbershop, beauty shops, tourist homes, animal hospital, dance studios, private clubs, restaurants, stables or kennels, real estate offices and vehicle repair or paint shops among others, shall not be deemed to be home occupations.

SECTION 4.23 KEEPING OF ANIMALS

In no case shall animals be kept in a manner which creates a nuisance for neighboring property owners.

SECTION 4.24 CONDOMINIUM SUBDIVISION APPROVAL

The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development under Township ordinances. Single-family detached condominiums may be allowed as a permitted use in any single-family zoning district, subject to the requirements of this section

- A. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivisions plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
1. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township Ordinance. Plans submitted for preliminary review shall include information specified in items 1, 2, and 3 of the Submission Requirements in Subsection B below.
 2. Final Plan Review. Upon receipt of Preliminary Plan Approval the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items 1 - 7 of the Submission Requirements. Such plans shall have been submitted for review and comment to all applicable County and State agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
- B. Submission Requirements. All condominium subdivision plans shall be submitted for review as required by Article XVII of this Ordinance (Site Plan Review) and Section 66 of the Condominium Act, and include the following additional information:
1. A survey of the condominium subdivision site.
 2. A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.

3. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
 4. A copy of the Master Deed, By-laws, and a copy of all restrictive covenants to be applied to the project.
 5. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for insulation, repair and maintenance of utilities.
 6. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
 7. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
- C. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were developed as a subdivision plat.
- D. Streets. All streets in a condominium subdivision shall be paved and shall conform to the Lapeer County Road Commission standards for subdivision streets. Public streets may be required where necessary to provide continuity to the public road system.
- E. Utility Easements. The condominium subdivision plan shall include all necessary easements granted to Hadley Township for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the 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.
- F. Engineering Reviews. Copies of an “as built” survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.
- G. Additional Site Condominium Regulations
1. Each condominium building site shall front on and have direct access to a public street constructed to Lapeer County Road Commission standards, or a private road constructed in conformance with the Township Private Road Ordinance. In addition,

there shall be master deed provisions which specify procedures for potential future public dedication of all roads within the site condominium project.

2. There shall be compliance with all requirements of Article 15, Schedule of Regulations, and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to “lot” in such regulations shall mean and refer to “condominium building site”, and reference to “building” (meaning principal building) or “structure” (meaning principal structure) shall mean and refer to “condominium unit envelope”. In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.
3. Prior to any grading or land development activity and / or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.
4. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.
5. Within sixty (60) days following final inspection and approval of all improvements, the developer shall submit to the Township an “as-built” survey, including dimensions between each improvement and the boundaries of the building sites, and distance of each improvement from any wetland, floodplain and / or floodway. The corners of each condominium building site shall be staked in the customary manner in connection with a survey performed for the project.
6. The fees for all reviews shall be established by resolution adopted by the Township Board.
7. Any proposed amendments of plans or the master deed which have received final approvals and which would have any direct effect upon any matter reviewed or approved under this Section shall be reviewed and approved by the Planning Commission prior to recording.

SECTION 4.25 PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS

In order to improve response time and insure adequate access by emergency service vehicles, all principal uses shall install a driveway meeting the standards of this section prior to issuance of any certificate of occupancy upon the initial primary construction. The following standards shall apply to all private driveways for all principal uses, in all zoning districts in Hadley Township.

- A. All trees, brush, and utility poles and lines shall be kept cleared for a minimum driveway width of fourteen (14) feet for the full length of all private drives.
- B. All driveways shall be constructed to support emergency vehicles including fire trucks and shall have a minimum width of twelve (12) feet for the full length of the driveway.
- C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- D. The above standards shall not apply if the rear of the principal building is one hundred fifty (150) feet or less from the road right-of-way or easement.
- E. Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to insure access by fire fighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush eighteen (18) feet through all curved sections.
- F. No bridges shall be permitted as part of driveway construction unless they are certified by a registered Civil Engineer as capable of supporting a thirty (30) ton fire truck.
- G. No structures shall be over or across any driveways unless they are setback fifty (50) from the centerline of the road, and maintain not less than fourteen (14) feet vertical and horizontal clearance. This shall include utility lines and cables.
- H. All driveways shall extend from the road right-of-way to within one hundred fifty (150) feet of the dwelling, business, or other principal use buildings.

SECTION 4.26 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:

A. Nuisance

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or damage to business or property.

B. Dust, Dirt and Fly Ash

No use shall operate any process, device, equipment in a manner that causes smoke, dust, dirt, or fly ash to settle upon or otherwise interfere with the use of other properties.

C. Glare and Heat

Any operation which produces glare, such as welding and acetylene torch cutting, must be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line. If heat results from an industrial operation, it shall be so insulated as to not raise the temperature to any property line at any time. These standards shall not apply during periods of construction of the facilities.

D. Fire and Explosive Hazards

1. Open Fires: A person or industry shall not burn any combustible refuse, in any open outdoor fire within the M-1 Industrial District.
2. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the Rules and Regulations of the State of Michigan.

E. Smoke

No use shall emit smoke that is visible to the naked eye, except for fireplaces, wood-burning stoves, or similar home heating devices, and household burning that occurs under a permit issued by Hadley Township. The emission of smoke from any other property, business, or use shall not exceed limits imposed by the State of Michigan or the United States Environmental Protection Agency. In no case shall any property, business, or use emit smoke in any way which becomes offensive or a nuisance to adjoining property.

F. Noise

No operation or activity shall cause or create noise that exceeds the sound levels prescribed below, using a A-weighted decibel scale dB(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

Zoning of Adjoining Land Use	Maximum Allowable Noise Level Measured in dB(A)	
	6 am to 10 pm	10 pm to 6 am
A-R, R-1, RMH (single-family residential)	70	60
R-2 (multiple-family residential)	75	65
C-1 (commercial)	85	80
REC (recreation), M-1 (industrial)	90	85

G. Odors

The emission of noxious, odorous matter in such quantities that are readily detected at any point along lot lines, or as to produce a public nuisance or hazard is prohibited. For areas used predominantly for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor-free air. In all other land-use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air. The standard odor measurement technique shall involve air sampling and dilution, according to standards prescribed by the American National Standards Institute.

H. Noxious Gases: No noxious gases shall be allowed to escape into the atmosphere in concentrations detrimental for human, plant, or animal life.

I. Open Storage and Waste Disposal

1. Open storage of any industrial or commercial equipment, vehicles (except vehicles for sale and/or display), and all materials including wastes, shall be screened from public view from a public street by an obscuring screen wall or fence as specified in Section 4.15(D). In no case shall open storage be permitted within a required front yard in any zoning district.
2. No materials or waste shall be placed upon a parcel in a manner that they may be blown, washed or transferred off the parcel by natural causes.
3. All materials that may cause fumes or dust, that constitute a fire hazard, or may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

J. Site Lighting

1. No use shall be conducted in a manner that has illumination that produces glare or directs illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property. Site lighting shall be installed so that the surface of the source of light shall not be visible from any property line.
2. In no case shall more than one (1) footcandle power of light cross a lot line five (5) feet above the grade in a district that allows residential uses.
3. All wall mounted lighting for the exterior of buildings shall have hooded or similar cut-off fixtures that do not allow illumination above the horizontal plane parallel to the ground elevation. Exterior lighting for gas station canopies shall be recessed. All parking lot lights mounted on poles shall have non-adjustable, shoe-box or similar cut-off fixtures that do not allow illumination above the horizontal plane parallel to the ground elevation.

K. Vibration: Vibrations from industrial operations and vehicular traffic in this zone must be controlled to the extent that they cannot be felt past any property line.

L. Radio Transmissions: For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.

M. Explosives and Radioactive Material: All explosives and radioactive materials stored and/or used shall be stored and/or used in a manner which does not endanger in any way any or all of the abutting properties.

SECTION 4.27 HAZARDOUS MATERIALS

All businesses and facilities which use, store, or generate hazardous substances in any quantity shall comply with the following requirements:

A. Groundwater Protection Standards

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.

2. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality (MDEQ).
4. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
6. In determining conformance with the standards in this Ordinance, the Township shall take into consideration the publication entitled "Small Business Guide to Secondary Containment" and other references.

B. Aboveground Storage

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Said storage areas shall be completely screened from public view by a masonry wall, pressure treated wood fence, or poured concrete wall with a brick-like texture. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.

4. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
5. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, ground water or soils.
6. At a minimum, State of Michigan and Federal agency requirements shall be met for storage, lead detection, record keeping, spill prevention, emergency response, transport, and disposal.

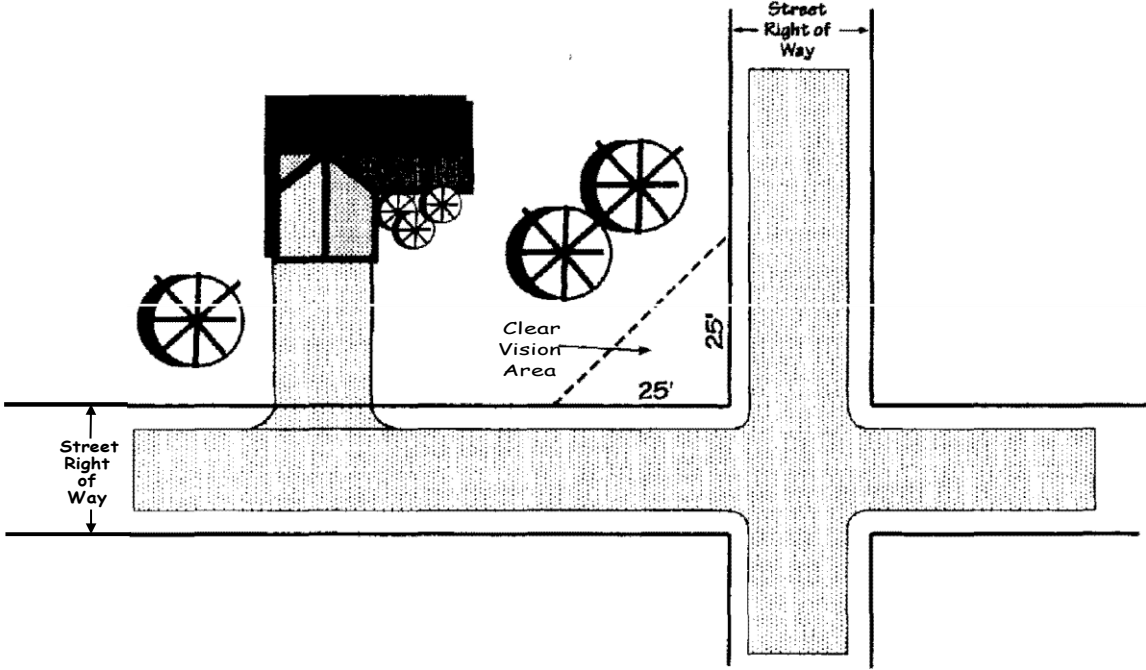
C. Underground Storage

1. Existing and new underground storage tanks shall be registered with the MDEQ in accordance with Federal and State requirements.
2. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the MDEQ. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the MDEQ and Hadley Township.

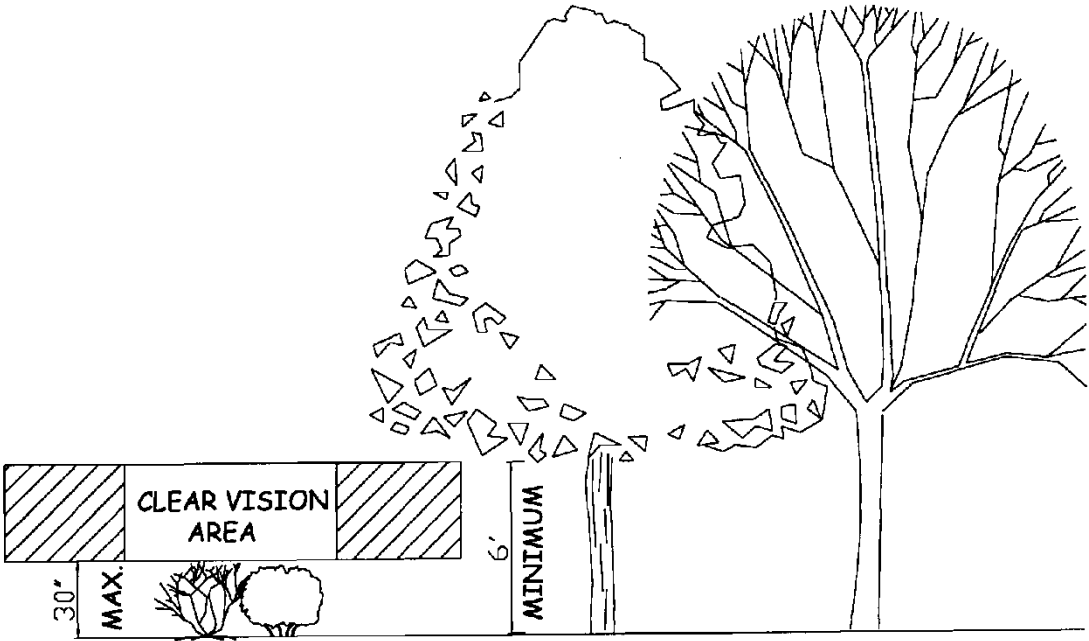
SECTION 4.28 CORNER CLEARANCE

In all districts, no building, structure, fence, wall, sign, shrubbery, coniferous tree, or other obstruction to vision between the height of thirty (30) inches and six (6) feet from the established grade shall be permitted within the intersection of any street drawn between right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection (see illustrations below).

Visibility at Intersections and Corner Clearance



LANDSCAPE PLANTINGS IN CLEAR VISION AREA



SECTION 4.29 FLOOD HAZARD AREAS

The Township of Hadley finds that flood plain protection is important in order to reduce flood risk to Township residents and other communities upstream. All proposed development of property with identified floodplains shall require site plan review and approval by the Planning Commission prior to beginning of construction. Where there is an identified flood plain, no development shall occur within the floodway or an area 30 feet beyond the established 100-year flood plain level, unless a permit for the development within the flood plain has been issued by the Michigan Department of Environmental Quality. Where no official flood plain level has been established, there shall be no development within an area 30 feet beyond the water's edge.

SECTION 4.30 LANDSCAPING, GREENBELTS AND PLANT MATERIALS REQUIRED FOR NON-RESIDENTIAL USES AND SPECIAL APPROVAL USES

A. General Landscaping Requirements:

1. No part of the plant materials shall be placed closer than four (4) feet from the property line at the time of installation.
2. Planting areas shall be no less than ten (10) feet in width.
3. No berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and insure proper drainage in the area, the berm shall be broken or provided with openings at least every seventy-five (75) feet.

B. Greenbelts:

1. All non-residential uses shall provide a greenbelt along the right-of-way of any public street. If planting is not permitted by the road agency with jurisdiction of the right-of-way, is not acceptable to a utility company, or adequate space is not provided, the Planning Commission may allow the greenbelt plantings to be placed in another location on the site.
2. Whenever a greenbelt is required within this Ordinance it shall be at least 15 feet in width.
3. Greenbelt plantings shall be arranged to have a natural appearance by staggering and grouping plantings.

4. Greenbelts shall have one (1) evergreen or deciduous tree, and three (3) shrubs for every thirty (30) lineal feet of frontage, excluding openings for driveways, sidewalks and easements.

C. The following are suggested plant materials:

1. The following evergreen and all similar plants proposed shall be a minimum of four (4) feet in height with an average spread of thirty (30) inches.

Fir	Pine
Juniper	Red Cedar
American Arborvitae	Columnar Juniper
Irish Juniper	

2. The following types of single stem, tree-like shrubs shall have a minimum caliper of two (2) inches when installed:

Flowering crabs	Russian Olive
Smoke Bush	Clump Bush
Mountain Ash	Dogwood
Red Bud	Rose of Sharon

3. The following types of deciduous shrubs shall have a minimum height of three (3) feet when installed:

Honey suckle	Viburnum
Mockorange	Tall hedge
Holly (varieties)	Forsythia
Barberry	Ninebark

4. The following types of trees shall have a minimum caliper of three (3) inches when installed:

Marshall Seedless Ash	Birch
Linden	Thornless, Seedless Varieties of Locust
Hard Maples	Oak

SECTION 4.31 SCREENING OF TRASH RECEPTACLES, AND MECHANICAL EQUIPMENT

In all districts except single family residential and for all special approval uses, the following standards shall apply:

- A. Trash receptacles shall be located and screened from public view as follows:
 - 1. Trash receptacle shall be located within a non-required side yard or rear yard setback.
 - 2. Trash receptacles shall be screened on at least three (3) sides with an obscuring wall. A closing gate on the fourth side of the trash receptacle shall be required when the enclosure is visible from a public street or residential district. To the extent possible, the enclosure shall be constructed of the same exterior materials as the buildings they are intended to serve. The enclosure shall be at least five (5) but not more than eight (8) feet in height, and shall obscure all wastes and/or containers within.

- B. Transformers and Mechanical Equipment Screening
 - 1. All ground mounted transformers, climate control and similar equipment shall be screened from view of any street or adjacent property by an obscuring wall, of the same materials as the principal building they serve, or dense landscaping approved by the Planning Commission, not less than the height of the equipment.
 - 2. All rooftop mechanical equipment, elevator towers, and similar equipment and structures shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with the exterior materials of the building they serve. Where possible, a parapet wall or similar architectural feature that screens the mechanical equipment from view is preferred.

SECTION 4.32 OUTDOOR DISPLAYS, SALES & GARAGE SALES

The home owner or occupant of a single family home may conduct a garage sale in conformance with the following:

- A. Outdoor displays and sales shall include such terms as “garage sale”, “yard sale”, “home sale”, “basement sale”, “attic sale” or other type of so called residential sale of used tangible personal property such as, but not limited to, clothing, household effects, tools, garden

implements, toys, recreation equipment or other used or second-hand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be, aware of such sale.

- B. Each outdoor display and sale shall be limited to five (5) consecutive days of operation and no more than four (4) such sales may be conducted by any household per calendar year. No sale shall be conducted before 8:00 a.m. or after 7:00 p.m. each day.
- C. No person, firm, corporation or other organization other than the homeowner or occupant shall conduct an outdoor display and sale, unless in conjunction with an estate sale of a deceased former owner or occupant of the dwelling.
- D. This ordinance shall not apply to the householder who, during the normal course of housekeeping, advertises or otherwise offers for sale individual pieces of furniture, appliances, vehicles, recreation vehicles, farm equipment and similar items of value being replaced or no longer needed. However, the sale of such items shall not be of an intensive and/or continuous nature that becomes a nuisance to adjacent property owners.

SECTION 4.33 UNOCCUPIED MOBILE HOMES

There shall be no storage of mobile homes on property in Hadley Township unless a site plan for that use has been approved by the Planning Commission.

SECTION 4.34 MEDICAL MARIJUANA DISPENSARIES

Medical Marijuana Dispensaries are prohibited in the Township of Hadley.

ARTICLE V

Non-Conforming Lots, Structures and Uses

SECTION 5.01 INTENT

All non-conforming lots, uses, structures, or combination of non-conforming uses of land or structures shall conform with the provisions of this Section.

Within the districts established by this Ordinance there exist lots, structures, uses of land and structures, and characteristics of uses which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their infinite perpetuation. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Such non-conformities are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

SECTION 5.02 NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS)

- A. Any legally established lot or parcel of land which was of record at the time of the adoption of this ordinance and which does not meet the requirements for lot size and open space may be utilized for a single family residence in zones permitting such use. In the AR district, any such non-conforming lot shall not be less than one acre in size and shall be capable of complying with all setback requirements. The purpose of this section is to permit the utilization of recorded lots which lack required lot size and open space as long as reasonable standards can be provided.
- B. Where substandard lots of record are located in other than residential zoning districts, their utilization for a use permitted in the zoning district wherein the lot or lots are located shall be subject to approval by the Zoning Board of Appeals as constituting a physical hardship involving unusual circumstances that render the property unusable.

SECTION 5.03 NON-CONFORMING STRUCTURES

Where a lawful structure exists on the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards,

its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Any structure or portion thereof may be altered to decrease its non-conformity, but no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such structure be destroyed by any means to an extent of more than 50% of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such non-conforming structure be moved, in whole or in part, for any reason it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

SECTION 5.04 NON-CONFORMING USES OF LAND

When, 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, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming 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 non-conforming 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 non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 5.05 NON-CONFORMING USES OF STRUCTURES AND LAND

If a 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 to accommodate a change in the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming 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. If no structural alterations are made, any non-conforming use of a structure or structures and premises, may be changed to another non-conforming use provided that the Zoning Board of Appeals, 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 non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for any period of time, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months, 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 successive constant seasonal uses shall be excepted from this provision.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than fifty (50) percent of the assessed value at time of destruction.

SECTION 5.06 CHANGE OF TENANCY OR OWNERSHIP

There may be a change in tenancy, ownership or management of an existing non-conforming use of land, structures and premises provided there is no change in the nature or character of such non-conforming use.

SECTION 5.07 NON-CONFORMING STRUCTURES—ABANDONMENT

Non-conforming structures that have not been occupied for a period of one year shall be deemed abandoned and shall not be occupied until such structure is brought into a condition of conformance with this Ordinance.

SECTION 5.08 REPAIRS AND MAINTENANCE

- A. On any building or structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding forty (40) percent of the market value at the date of repair, provided that the floor area or cubic area 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.

SECTION 5.09 SPECIAL LAND USES NOT NONCONFORMING

Special land uses which are approved by the Planning Commission as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed as a conforming use.

SECTION 5.10 CLASS A AND CLASS B NONCONFORMING USES

- A. Class A and Class B Nonconforming Uses.

Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or the Building Inspector upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, (2) that the use or structure does not and is not likely to significantly depress the value of nearby properties, and (3) that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures.

- B. Procedure for Obtaining Class A Designation, Conditions

A written application shall be filed with the Township Clerk setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.

No vested interest shall arise out of a Class A designation.

C. Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

D. Regulations Pertaining to Class A Nonconforming Uses and Structures

1. No Class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least six (6) months or if it has been changed to a conforming use for any period.
2. An individual Class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation.
3. The expansion of all Class A nonconforming uses, except those used as single family dwellings, shall require site plan approval by the Planning Commission prior to the issuance of a building permit.

E. Regulations Pertaining to Class B Nonconforming Uses and Structures

1. Intent - It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.

2. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least six (6) months or if it has been changed to a conforming use for any period.
3. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
4. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
5. In the case of soil removal operations, existing holes or open pits may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or open pits shall be established.
6. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

ARTICLE VI

Off-Street Parking Requirements

SECTION 6.01 PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Area for Parking Space. For the purpose of this Section, 9 feet by 18 feet of lot area shall be deemed a parking space for one (1) vehicle, excluding access aisles.

- B. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one (1) parking space.

- C. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Zoning Administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

- D. Protective Screening. Whenever off-street parking facilities with eight (8) or more parking spaces abut a residential district, an obscuring wall shall be provided in accordance with Section 4.15(D).

- E. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.

- F. Collective Provisions. Nothing in this Section shall be constructed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02.

- G. Locations of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one and two family dwelling shall be located on the same lot as the

building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.

H. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

I. Off-street Parking Facility Standards

Whenever the off-street parking requirements in this ordinance require the building of an off-street parking facility, such off-street parking facility shall be designed, constructed, and maintained in accordance with the following standards and regulations:

1. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (Degrees)	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)	Total Width of Two Tiers Plus Maneuvering Lane (Feet)
0	12	8	22	40
30-53	14	9	18	50
54-74	16	9	18	56
75-90	24	9	18	60

2. All parking spaces shall be provided adequate access by means of on-site maneuvering lanes. Backing directly onto or into a right of way or street shall be prohibited. All parking spaces and associated maneuvering lanes shall be located on private property and shall not be located partially or wholly in any right of way.

3. Adequate ingress and egress to any parking lot shall be provided for all vehicles by means of clearly defined driveways.

4. The number of driveways provided shall be the minimum necessary to provide reasonable ingress and egress.

5. Parking facilities shall be designed to minimize the potential for pedestrian and vehicle sideswipe accidents adjacent to through aisles.

6. All maneuvering lanes shall permit one-way traffic only except zero-degree (parallel) and ninety degree spaces, which shall permit two-way traffic (zero-degree spaces must have two (2) twelve-foot maneuvering lanes if two-way traffic is proposed).

7. All Parking areas shall be provided with a gravel, asphalt or concrete surface in accordance with the specifications approved by the Township Engineering Consultant. The Planning Commission may require asphalt or concrete surfacing after review and determination that such surfacing is necessary due to the nature of the proposed use or activity. The Planning Commission shall make such determination during site plan review or special land use review and shall include any such requirement as a condition of approval. The Planning Commission shall consider the following during its determination of conformance with this subsection:
 - a. Frequency, duration, and general nature of vehicular traffic associated with the proposed use or activity;
 - b. Demonstrated conformance with applicable accessibility requirements for persons with disability;
 - c. Impact of proposed use or activity on adjacent parcels with regard to dust;
 - d. Demonstrated conformance with appropriate stormwater management practices and standards as determined by the Township Engineer.
8. All parking areas shall be adequately drained, in accordance with specifications of the Township's engineering consultant, so as to prevent ponding or drainage of run-off onto adjacent parcels or rights of way. Run-off shall be detained or retained, in accordance with the specifications of the Township's engineering consultant, so as to minimize impact of stormwater run-off on the site, adjacent parcels and rights of way. In no instance shall stormwater run-off exceed the agricultural rate for the site, as determined by the Township Engineer.
9. Lighting shall be located and designed in accordance with Section 4.26(J). Lighting fixtures shall be shielded downward and away from adjacent properties and rights of way.
10. In the case of a use not specifically listed, the requirements for off-street parking facilities for a use which is listed, and to which said use is similar, shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. In the case where there is no similar use for comparative parking calculation, the administrative official shall determine the required parking for a given use.

J. Barrier Free Parking Standards

1. Barrier free parking spaces shall be provided in accordance with the following:

a.

Spaces in Lot	Required # of Barrier Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
1001 and over	20 plus 1 per 100 above 1000

b. Van accessible spaces shall be provided according to the following:

- i. At least one van accessible space and;
- ii. One (1) van accessible space for every eight (8) required barrier free spaces. Van spaces count as a designated barrier free space.

2. Barrier free signs shall be provided in accordance with the following:

- a. Signs shall be provided for each barrier free space or van barrier free space. The stall signs shall be at least 70 square inches and shall be pole or building mounted at least five (5) feet above-grade. The signs shall conform with the blue and white international symbol of accessibility.
- b. Barrier free paint markings shall be blue.

3. Barrier free spaces shall be located in close proximity to main entrance doors or access points to the primary building(s) or use(s).

4. Barrier free parking space stall widths shall be a minimum nine (9) feet.

5. Barrier free access isles shall be immediately adjacent to all required barrier free spaces and shall be located on the passenger side of each space unless it is located between and is shared by two barrier free spaces. Access isles shall be a minimum 60" wide for barrier free spaces and 96" wide for van spaces.

6. Ramps shall be provided at all curbs where necessary to provide direct barrier free access to principal building(s) or use(s). Ramps shall not exceed a slope of 1:12.

K. Off-Street Loading Requirements

1. All developments which include uses or facilities involved in the receipt or distribution of materials, goods or merchandise shall provide and maintain adequate loading areas in accordance with the following schedule:

Required Loading Space	Gross Floor Area (Sq. Ft.)
0	0 - 1,999
1	2,000 - 19,999
1 space plus one space for each 20,000 sq. ft. in excess of 20,000 sq. ft.	20,000 - 99,999
5 spaces plus one space for each 40,000 sq. ft. in excess of 100,000 sq. ft.	100,000 or more

2. Loading areas shall be a minimum of ten (10) feet wide and fifty (50) feet long, and shall have a minimum overhead clearance of fifteen (15) feet.
3. Loading areas shall be located to eliminate conflicts with pedestrian, vehicular drive and parking areas.
4. Loading areas shall be designed to minimize the impact of loading and unloading activities on adjacent properties and rights of way. They shall be screened from view by walls, building setbacks, landscaping or a combination thereof, and shall be designed to reduce the noise and light nuisances associated with service activities.
5. Loading areas shall be located only in side or rear yards. No required front or street-side side yard shall be used for a loading area. Loading areas shall not be located closer than fifty (50) feet to any adjacent property zoned R-1 or R-2, or twenty five (25) feet to any other property line.
6. Loading areas shall be designed to accommodate all truck or other service vehicle turning movements on site. No public rights of way shall be utilized for truck or service vehicle maneuvering.

SECTION 6.02 TABLE OF OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
1. Auditoriums, Assembly Halls, Theaters	1	Three seats based upon maximum seating capacity in the main place of assembly therein, plus one space for each employee.
2. Automobile Service Stations	1	Each gasoline pump and lubrication stall, plus any required for accessory uses.
3. Banks (other than drive-in type), Business or Professional Office of Lawyers, or similar professions	1	Two hundred (200) square feet of usable floor area.
4. Barber Shops and Beauty Parlors	3	Each barber or beauty operator.
5. Bowling Alleys	4	Each bowling lane.
6. Churches	1	Three seats, based on maximum seating capacity in the main place of assembly.
7. Drive-In Banks	4	Each teller window
8. Drive-In and Fast Food Restaurants	1	Twenty-five (25) square feet of dining room floor space, plus eight (8) automobile standing spaces for each drive-up window.
9. Furniture, appliances, and household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair; laundry, hardware stores, wholesale stores and machinery sales	1	Six hundred (600) square feet of usable floor area, plus one space for each two (2) employees.
10. Golf Courses	1	Each two (2) employees plus one (1) space for every five hundred (500) square feet of usable floor area in the club house, plus a minimum of five (5) parking spaces per hole on the golf course.
11. Hotels, Tourist Homes, Motels	1	Guest bedroom.
12. Industrial Establishments	1	One (1) per employee computed on the basis of the greatest number of persons employed at any one period during the day.
13. Laundromat and/or Dry Cleaning Center	1	Every two (2) washing machines.
14. Libraries and Museums	1	Two hundred (200) square feet of floor space.
15. Medical Offices	1	One hundred (100) square feet of usable floor

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
		area.
16. Mortuary Establishments, Funeral Homes	1	Fifty (50) square feet floor space in the slumber rooms, parlors or individual funeral service rooms.
17. Motor Vehicle/Car Wash		
(a) self-service operation	4	Each motor vehicle wash establishment.
(b) other than self	8	Each car wash establishment plus one (1) for each employee
18. Private Clubs, or Lodges	1	Each three (3) persons at maximum occupancy.
19. Residential-Single, Two family, multiple dwelling or mobile home	2	Each dwelling unit.
20. Restaurant or Single establishments, other than drive-ins, in which is conducted the sale and consumption on the premises of beverages, food or refreshments	1	Fifty (50) square feet of usable floor area, plus one (1) space for each employee
21. Retail Store, except as otherwise specified herein	1	One hundred fifty (150) square feet of usable floor space.
22. Sanitariums, convalescent	1	Two (2) beds.
23. Schools	1	One (1) per teacher, employee and administrator in addition to the requirements of the auditorium or assembly hall there-in.
24. Service Garages, auto salesrooms, auto repair, collision or bumping shops	1	Eight hundred (800) square feet of usable floor area, plus one (1) space for each two (2) employees on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each auto service stall.
25. Stadiums and Sports	1	Four (4) seats or eight (8) feet of benches.
26. Warehouse and Storage Buildings	1	One (1) employee computed on the basis of the greatest number of persons employed at any one period during the day or night, or one (1) space for every seventeen hundred (1,700) square feet of floor space, whichever is greater.

ARTICLE VII

AR, Agricultural Residential District

SECTION 7.01 STATEMENT OF PURPOSE

The Agricultural Residential District is established as a district which the principal uses of land are for farming or for residential purposes in a rural suburban setting.

SECTION 7.02 PERMITTED PRINCIPAL USES

The following uses are permitted in an AR District:

- A. Single-family dwellings.
- B. Farm buildings and greenhouses.
- C. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and other similar bona fide agricultural enterprise or use of land and structure.
- D. Truck gardening, tree and shrub nurseries, cemeteries, township government buildings and uses, public utility buildings and uses.
- E. One (1) temporary building for the sale of the produce raised on the premises by the proprietor or his family. This building shall be located not less than twenty-five (25) feet from the street or highway right-of-way line; it shall be of a portable construction; and it shall be removed from its roadside location during the season that it is not in use as a roadside produce market. In addition, space for parking for the patrons of such roadside produce market shall be provided off the street or highway right-of-way.
- F. Home occupations as limited and defined in Section 4.22.
- G. Family day care homes.
- H. Accessory buildings and uses customarily incidental to the above permitted principle uses.

SECTION 7.03 PERMITTED USES AFTER SPECIAL APPROVAL

The following use shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission as provided in Article XVII and Article XVIII.

- A. Group childcare centers and group day care homes (Section 18.29).
- B. Private aircraft landing fields (Section 18.32).
- C. Private kennels and commercial kennels (Section 18.26).
- D. Quasi-public recreation areas and buildings. (Section 18.38).
- E. Bed and breakfast homes (Section 18.11).
- F. Cemeteries (Section 18.12).
- G. Churches (Section 18.13)
- H. Adult foster care homes (Section 18.17).
- I. Golf courses (Section 18.19).
- J. Local utility facilities (not including storage yards) (Section 18.28).
- K. Public buildings without storage yards (Section 18.37).
- L. Public and private schools (Section 18.35).
- M. Reserved for future use.
- N. Riding academies and stables (Section 18.40).
- O. Utility transmission facilities (Section 18.48).
- P. Reserved for future use.
- Q. Single-family cluster housing (Section 18.50)
- R. Residential accessory occupations (Section 18.49)
- S. Uses Similar to the Principal Permitted Uses of Section 7.02. (Section 18.47).

SECTION 7.04 SITE PLAN REVIEW

For all uses permitted in an AR District, other than single family detached residences, farm buildings, accessory buildings, structures and uses thereto, there must be a site plan review as required under Article XVII.

SECTION 7.05 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

(In accordance with the attached schedule of regulations, Article XV.)

ARTICLE VIII

R-1, Single Family Residential District

SECTION 8.01 STATEMENT OF PURPOSE

The purpose of the Single Family District is to encourage a suitable environment for families and individuals, typically with children.

SECTION 8.02 PERMITTED PRINCIPAL USES

The following uses are permitted in a R-1 District.

- A. Single family detached dwellings
- B. Home occupations as limited and defined in Section 4.22.
- C. Family day care homes.
- D. Accessory buildings and uses customarily incidental to the above permitted principal uses.
- E. Accessory buildings for the housing of fowl or animals shall be located not less than fifty (50) feet from any lot line, and not less than one hundred twenty-five (125) feet from any dwelling.

SECTION 8.03 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission as provided in Article XVII and Article XVIII.

- A. Local utility facilities (Section 18.28).
- B. Group childcare centers and group day care homes (Section 18.29).
- C. Bed and breakfast homes (Section 18.11).
- D. Cemeteries (Section 18.12).

- E. Churches (Section 18.13).
- F. Adult foster care homes (Section 18.17).
- G. Local utility facilities (Section 18.28).
- H. Public parks (Section 18.34).
- I. Public and private schools (Section 18.35).
- J. Single-family cluster housing (Section 18.50)
- K. Uses similar to the Permitted Principal Uses of Section 8.02. (Section 18.47).

SECTION 8.04 SITE PLAN REVIEW

For all uses permitted in a R-1 District, other than single family detached residences and accessory buildings, structures and uses thereto, there must be a site plan review as required under Article XVII.

SECTION 8.05 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

(In accordance with the attached schedule of Regulations, Article XV.)

ARTICLE IX

R-2, Multiple-Family Residential District

SECTION 9.01 STATEMENT OF PURPOSES

The Multiple-Family Residential District is designed to permit a more intensive residential use of land with various types of multiple-family dwellings, two-family dwellings, boarding houses and convalescent or nursing homes. These areas must be located on paved public roads for good accessibility.

SECTION 9.02 PERMITTED PRINCIPAL USES

The following uses are permitted in a R-2 District:

- A. Two-family dwellings.
- B. Multiple-family dwellings including apartments and condominiums.
- C. Family day care home.
- D. Accessory buildings and uses customarily incidental to the above permitted principal uses.

SECTION 9.03 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission as provided in Article XVII and Article XVIII.

- A. Convalescent or nursing homes (Section 18.15).
- B. Adult foster care homes (Section 18.17).
- C. Tourist home, rooming or boarding house (Section 18.46).
- D. Hospitals or clinics, except animal hospitals (Section 18.22).
- E. Local utility facilities (not including storage yards) (Section 18.28).
- F. Group childcare centers and group day care homes (Section 18.29).

G. Uses similar to the Permitted Principal Uses of Section 9.02 (Section 18.47).

SECTION 9.04 SITE PLAN REVIEW

For all uses permitted in a R-2 District, other than single family detached residences and accessory buildings, structures and uses thereto, there must be site plan review as required under Article XVII.

SECTION 9.05 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

(In accordance with the attached Schedule of Regulations, Article XV.)

ARTICLE X

RMH, Residential Mobile Home

SECTION 10.01 STATEMENT OF PURPOSE

The purpose of the residential mobile home district is to provide a suitable location for the development of mobile home parks and related use. The intention of the district is to afford a place for persons who wish to live in traditional mobile homes in a park setting.

SECTION 10.02 PERMITTED PRINCIPAL USES

- A. Mobile home parks as regulated by Michigan Public Act.
- B. Single family dwellings.
- C. Family day care home.
- D. Accessory buildings, structures and uses which are necessary to any of the above permitted uses.

SECTION 10.03 PERMITTED USES AFTER SPECIAL APPROVAL

- A. Public buildings without storage yards (Section 18.37).
- B. Public parks (Section 18.34).
- C. Group childcare centers and group day care home (Section 18.29)
- D. Local utility facilities (not including storage yards) (Section 18.28).
- E. Uses similar to the Permitted Principal Uses of Section 10.02 (Section 18.47).

SECTION 10.04 SITE PLAN REVIEW

For all uses permitted in a RMH District, other than single family detached residences and accessory buildings, structures and uses thereto, there must be site plan review as required under Article XVII.

SECTION 10.05 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

(In accordance with the attached schedule of regulations, Article XV.)

ARTICLE XI

REC, Recreation

SECTION 11.01 STATEMENT OF PURPOSE

In that a substantial portion of the Township's land area is devoted to public and private recreation activities, the Recreation District is designed to encourage full utilization of the Township's recreational potential.

SECTION 11.02 PERMITTED PRINCIPAL USES

- A. Single family detached residences, when accessory to a permitted recreation facility, for use by staff or park officials only, subject to the Development Regulations of the AR district.
- B. Public and private day-use parks and similar facilities on a minimum site of ten (10) acres.
- C. Accessory buildings and uses customarily incidental to the above permitted principal uses.

SECTION 11.03 PERMITTED USES AFTER SPECIAL APPROVAL

- A. Campgrounds, overnight camping parks (Section 18.31).
- B. Golf courses (Section 18.19).
- C. Shooting range, gun club (Section 18.41).
- D. Riding academies and stables (Section 18.40).
- E. Local utility facilities (not including storage yards) (Section 18.28).
- F. Bed and breakfast homes (Section 18.11).
- G. Uses similar to the Permitted Principal Uses of Section 11.02 (Section 18.47).
- H. Utility transmission facilities. (Section 18.48).

SECTION 11.04 SITE PLAN REVIEW

- A. For all uses permitted in a REC district, other than single family dwellings, a site plan must be submitted pursuant to Article XVII of this ordinance.

SECTION 11.05 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

(In accordance with attached Schedule of Regulations, Article XV.)

ARTICLE XII

C-1, Commercial District

SECTION 12.01 STATEMENT OF PURPOSE

The local Commercial District is intended for retail business and service uses which are needed to serve residential areas. The intent of this district is also to encourage the concentration of business area in locations for the mutual advantage of both the consumer and merchant.

SECTION 12.02 PERMITTED PRINCIPAL USES

The following uses are permitted in a C-1 District.

- A. Shops for the sale of baked goods, beverages, including liquor outlets, books, confections, drugs, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry small household articles and tobacco.
- B. Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
- C. Laundry or dry cleaning customer outlets, coin operated laundromat, self-serve dry cleaning center and the like. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
- D. General, professional, administrative, and medical offices, including medical and dental clinics, provided patients shall not be kept more than 23 hours.
- E. Churches.
- F. Indoor movie theaters, bowling alleys, and similar indoor recreation uses.
- G. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations without storage yards.
- H. Public buildings without storage yards.
- I. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

SECTION 12.03 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission as provided in Article XVII and Article XVIII.

- A. Eating and drinking establishments (Section 18.16).
- B. Automobile service stations (Section 18.10).
- C. Bed and breakfast inns (Section 18.11).
- D. Commercial outdoor recreation areas (Section 18.14).
- E. Hospitals and clinics (Section 18.22).
- F. Hotels and motels (Section 18.23).
- G. Quasi-public recreation areas and buildings (Section 18.38).
- H. Living quarters for business proprietor (Section 18.27).
- I. Outdoor sales lots for trailers, motor vehicles and boats (Section 18.44).
- J. Outdoor retail sales (Section 18.30).
- K. Utility transmission facilities (Section 18.48).
- L. Group childcare centers and group daycare homes (Section 18.29).
- M. Uses similar to the Permitted Principal Uses of Section 12.02 (Section 18.47).
- N. Public parks (Section 18.34).

SECTION 12.04 SITE PLAN REVIEW

For all uses permitted in a C-1 District, there must be site plan review as required under Article XVII.

SECTION 12.05 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

(In accordance with the attached Schedule of Regulations, Article XV).

ARTICLE XIII

M-1, Industrial District

SECTION 13.01 STATEMENT OF PURPOSE

The Industrial District is established as a district in which the principal uses allowed are wholesale activities, warehousing, manufacturing fabrication or processing.

SECTION 13.02 PERMITTED PRINCIPAL USES

The following uses are permitted in an M-1 District:

- A. Any of the following uses conducted wholly within a completely enclosed building.
 - 1. Warehousing and wholesale establishments, storage and transfer establishments (other than accessory to an adjoining retail use.)
 - 2. Compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, food products, hardware and cutlery, pharmaceuticals, toiletries, tool, die, gauge and machine shops.
 - 3. The manufacture, compounding, assembling or improvement of articles or merchandise from previously prepared materials, such as, but not limited to, the following: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal but excluding large stampings, saw and planing mills, shells, soils, textiles, tobacco, wax, wood or yarns.
 - 4. Laboratories - experimental, film or testing.
 - 5. Building material sales.
 - 6. Publicly - owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations with service yards and with storage yards. Heating and electric power generating plants and all accessory uses.
- B. Off-street parking and loading as required in Article VI.
- C. Accessory buildings and uses customarily accessory to the above permitted principal uses.

SECTION 13.03 PERMITTED USES AFTER SPECIAL APPROVAL

- A. Public use airport (Section 18.36).
- B. Hazardous waste facility, landfill and transfer station (Section 18.20).
- C. Incinerators and energy recovery plants (Section 18.24).
- D. Junkyards, automobile salvage or wrecking yards and waste or scrap recycling operations (Section 18.25).
- E. Trucking terminals and facilities (Section 18.45).
- F. Small scale foundries (Section 18.18).
- G. Utility transmission facilities (Section 18.48).
- H. Uses similar to the Permitted Principal Uses of Section 13.02 (Section 18.47).
- I. Auto and truck body and heavy repair (Section 18.21).

SECTION 13.04 ACCESSORY USES

Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises.

SECTION 13.05 REQUIRED CONDITIONS

Any use established in the M-1 District after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth in Section 4.26.

SECTION 13.06 SITE PLAN REVIEW

For all uses permitted in M-1 District, there must be site plan review as required under Article XVII.

SECTION 13.07 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

In accordance with the attached schedule of regulations, Article XV.

ARTICLE XIV

M-2, Extractive Industrial District

SECTION 14.01 STATEMENT OF PURPOSE

The Extractive Industrial District is established as a pre-development district in which the principal use of land is for the excavation and removal of sand and/or gravel deposits and the preparation of the site for a future land use consistent with the Township's adopted Master Plan.

SECTION 14.02 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses are permitted in an M-2 District

- A. The excavation, mining, stock-piling or removal of soil, sand and/or gravel deposits (Section 18.42).
- B. Processing plants in connection with the washing, grading or other similar processing of excavated materials (Section 18.42).
- C. Stockpiles of soil, sand and/or gravel as the produce of an excavation operation (Section 18.42).

SECTION 14.03 APPLICATION FOR SPECIAL APPROVAL

A separate application shall be required for each separate excavation site. Each application shall be made in writing and shall contain the information required by Section 18.42 and Article XVII.

SECTION 14.04 CASH BOND

The Planning Commission shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit for soil removal operations, require the permittee to furnish a cash bond in accordance with Section 18.42 D of this Ordinance.

SECTION 14.05 MANDATORY PHYSICAL REQUIREMENTS

The following requirements shall be mandatory:

- A. No more than ten (10) acres, excluding land used for processing, weighing and administration may be under excavation at any one time; however, additional acreage may be excavated if and providing a like amount of exhausted acreage is rehabilitation as prescribed in Section 14.08.

- B. Where an excavation in excess of five (5) feet below the average grade of the property surrounding the excavation area will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
- C. Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
- D. All other requirements of Section 18.42 C shall also apply.

SECTION 14.06 REHABILITATION

Rehabilitation of all soil removal operations shall proceed in conformance with Section 18.42 C of this Ordinance.

SECTION 14.07 SITE PLAN REVIEW

For all uses permitted in M-2 District, there must be a site plan review as required under Article XVII.

SECTION 14.08 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

(In accordance with the attached Schedule of Regulations, Article XV.)

ARTICLE XV

Schedule Of Regulations

Zoning District	Minimum Size of Lot		Maximum Height of Building (A)		Minimum Yard Setback Per Lot In Feet			Minimum Floor Area Per Dwelling Unit In Square Feet (A)	Maximum Lot Coverage In Percent
	Area	Width (In feet)	In Stories	In Feet	Front	Each Side	Rear		
AR, Agriculture Residential	5 acres	300	2 ½	35	75	25	50	1200 (B)	
R-1, Single Family Residential	1 acres (E)	150 (E)	2 ½	35	35	10	50	1200 (B)	30%
R-2, Multiple Family Residential	1 ½ acres (D) (E)	150 (E)	2	35	35	15	30	(C)	30%
RMH, Residential Mobile Home	See State Statutes								
REC, Recreation	10 acres	330	1	20	75	50	50		
C-1, Commercial		100	1	20	15	10	20		
M-1, Industrial	2 acres	150	2	40	50	20	40		
M-2, Extractive Industrial	40 acres	200	2	40	50	30	50		

Footnotes to Schedule of Regulations:

- (A) Principal structures only - for accessory structures see individual zoning district provisions.
- (B) Single family residences of more than one floor – 750 square feet on the ground floor.
- (C) Minimum floor area per dwelling unit for multiple-family units shall be as follows:

	Minimum Floor Area (square feet)
1 bedroom	500
2 bedroom	700
3 bedroom	900
4 bedroom	1,100

- (D) Minimum land area per dwelling unit for multiple-family units shall be as follows:

	Minimum Land Area (square feet)
1 bedroom	7,250
2 bedroom	10,000
3 bedroom	14,000
4 bedroom	22,000

- (E) Minimum required lot area and width shall not include the right-of-way or easement of a public or private street or road.

ARTICLE XVI

Administration and Enforcement

SECTION 16.01 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or any other employees, inspectors, and officials as the Township Board may delegate to enforce the provisions of the Ordinance.

SECTION 16.02 DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and responsibilities:

- A. Administration and interpretation of the provisions of this ordinance.
- B. Enforcement of all provisions of this ordinance, including identification, processing and issuance of all necessary notices or orders to insure compliance with said provisions. Upon finding that any of the provisions of this ordinance are being violated, the Zoning Administrator shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- C. The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance.
- D. Receipt of applications for, and issuance of, Zoning Permits and Certificates of Occupancy in accordance with the provisions of this ordinance. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out duties in the enforcement of this ordinance.
- E. Inspections of property within the Township as required by this ordinance or which are necessary to enforce the provisions of this ordinance. The Zoning Administrator may engage the assistance of other persons, agencies, officials or consultants as deemed necessary by the Zoning Administrator in making such inspections, subject to approval of the Township Board.

- F. Maintain official records of applications, certificates, notices and other correspondences for which the Zoning Administrator is responsible under the provisions of this ordinance.
- G. The Zoning Administrator is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
- H. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

SECTION 16.03 ZONING PERMITS

- A. **Permits Required.** It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or moving of any existing building, or reconstruction of any abandoned building, without first obtaining a zoning permit from the Zoning Administrator.
- B. **Permit for New Use of Land.** A zoning permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- C. **Permits for New Use of Building or Structures.** A zoning permit shall also be obtained for any change in use of any existing building or structure to a different class or type.
- D. **Applications for Zoning Permits shall be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following, in sufficient detail drawn to scale, to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.**
 - 1. The actual shape, location, and dimensions of the lot.
 - 2. The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
 - 3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - 4. The signature of the fee holder owner of the premises concerned.

5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- E. If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a zoning permit. If any application for such permit is not approved, the Zoning Administrator shall state in writing or on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

SECTION 16.04 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building or structure for which a zoning permit or building permit is required, and to use or permit to be used any building or structure hereafter erected, or moved, or considered abandoned, until the Zoning Administrator shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

- A. Certificate Validity. The Certificate of Occupancy shall constitute verification of compliance with both Building Code and zoning ordinance requirements.
- B. Temporary Certificates. Certificates of Temporary Occupancy may be issued where all of the following conditions are met:
1. Site construction is substantially completed in full conformance with approved plans.
 2. Remaining site improvements are not related to health or safety compliance requirements.
 3. Remaining site improvements are related to landscaping, paving, or similar features which, due to their unique characteristics, cannot be completed due to weather conditions.
 4. Submittal of a performance guarantee, in conformance with Section 16.07, which is to equal the full cost of all incomplete site work as estimated by the Township, utilizing standard construction cost estimating publications.

Such Certificate of Temporary Occupancy shall not remain in force more than one (1) year, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.

- C. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Zoning Administrator, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- D. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, maybe included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- E. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Zoning Administrator coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

SECTION 16.05 FINAL INSPECTION

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

SECTION 16.06 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected in advance of the issuance of such permits or certificates.

SECTION 16.07 PERFORMANCE GUARANTEE

To insure compliance with this Ordinance, any conditions imposed under this ordinance, and to insure completion of improvements required in conjunction with an approved site plan, special land use, or other approval or permit authority under the provisions of this Ordinance, the Township may require submittal of a cash deposit, certified check, or irrevocable bank letter of credit covering the estimated cost of improvements associated with a project.

SECTION 16.08 AMENDMENTS

The Township Board may amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. 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. 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. 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.*) 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. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee as established by the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.

A. Application Procedure

1. 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.
2. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
 - a. Completed application form and fee as established by resolution of the Township Board.
 - b. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 - c. 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.
 - d. The existing and proposed zoning district designation of the subject property.

- e. A written description of how the requested rezoning meets 1608.D, "Criteria for Amendment of the Official Zoning Map".
3. 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. Conditional rezoning requests shall include the applicant's proposed offer of conditions.

B. Amendment Procedure; Public Hearing and Notice

1. A mandatory Pre-application conference with Township staff, consultants and a representative of the Planning Commission 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.
2. 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 by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. 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 proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given 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 Hadley Township. The notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the subject property.

3. 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 1608.D in making its finding(s) and recommendation.
4. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. 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. 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 1608.D, below.
5. 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.

C. 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.

D. 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.

1. Consistency with the goals, policies and future land use map of the Hadley 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.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. 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.
4. 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.
5. 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.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. 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.
8. 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 listed in the Schedule of Regulations (Article XV).
9. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.
10. 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?
11. The requested rezoning will not create an isolated and unplanned spot zone.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
13. 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.
14. Other factors deemed appropriate by the Planning Commission and Township Board.

E. 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.

1. The proposed amendment would correct an error in the Ordinance.
2. The proposed amendment would clarify the intent of the Ordinance.
3. 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.
4. The proposed amendment would address changes to the state legislation.
5. 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.
6. The proposed amendment would promote compliance with changes in other Township Ordinances and County State or federal regulations.
7. 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.
8. 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.

F. Approval of Zoning Amendments

Approved amendments shall require the following:

1. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*). The

notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected.

2. 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.
3. 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:
 - a. Be in a form recordable with the Lapeer County Register of Deeds and include a statement acknowledging that it is recorded.
 - b. Contain a legal description of the land to which it pertains.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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 may result in reversion of zoning pursuant to Section 1608.G-2 below.

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 1510.G.2 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Lapeer County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

4. Amendment of Conditions

- a. During the time period for commencement of an approved development or use specified pursuant to Section 1608.G.1 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- b. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 1608.B.5 of this Ordinance.

5. 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.*).

SECTION 16.09 RESERVED FOR FUTURE USE

ARTICLE XVII

Site Plan Review

SECTION 17.01 SITE PLAN REVIEW

A. Developments, Uses or Activities Requiring Submittal of A Site Plan

A site plan shall be submitted to the Township in accordance with the procedures in this section for any of the following activities, uses or developments requiring a building permit, except single-family and two-family dwellings constructed on a single lot or parcel, farm uses, and farm buildings.

1. All new construction, structural alteration, or substantial change in use, as determined by the Zoning Administrator.
2. All site condominium developments in any district.
3. All special land uses in any district.
4. Any use that requires a new, modified, or expanded parking lot.
5. All multiple family residential developments and mobile home parks.
6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
7. All public buildings, structures and parks.
8. Private Roads, in accordance with the Hadley Township Private Road Ordinance.

B. Procedure for Preliminary Site Plan Review.

1. Applicant may apply to Township Clerk for an optional pre-application conference with Township planning consultant, engineering consultant, Planning Commission Chair (or designee) and zoning administrator to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.
2. Applicant initiates site plan review process by submitting the following information to the Township Clerk:

- a. Twelve copies of the completed site plan application form and 12 copies of the preliminary site plan containing all of the information set forth in subsection C below.
 - b. Twelve copies of the “Hazardous Substance Reporting Form” and “Environmental Permits Checklist” (provided by Township)
 - c. Payment of all applicable fees.
3. Township Clerk distributes complete application and preliminary site plan to planning consultant and engineering consultant (if required) for their review. The Planning Commission may require review by other departments and/or agencies to insure compliance with applicable standards and requirements.
4. When the completed application and preliminary site plan has been reviewed, it will be placed on the agenda of a meeting of the Planning Commission. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.
5. The Planning Commission conducts preliminary site plan review to determine compliance with applicable ordinance requirements. The Planning Commission will consider all review letters and reports from the planning and engineering consultants and, where necessary, other departments and/or agencies, together with such information as the applicant may present concerning the application.
6. Upon determination by the Planning Commission that a preliminary site plan is in compliance with the Zoning Ordinance, the applicant may then proceed to the final site plan review process. Where a preliminary site plan is in compliance except for required revisions, the applicant shall revise the site plan and resubmit the site plan for final site plan review.
7. The applicant initiates final site plan review by submitting 12 copies of the site plan revised to address all preliminary plan review comments and any additional required information to address requirements of this Ordinance.
8. After submission of the above plans and information, and completion of review and recommendation by the Township planning and engineering consultants (if required), and other departments and/or agencies, the application will be placed on the agenda of a meeting of the Planning Commission to consider final site plan approval. The applicant shall be notified of the date, time, and place of the meeting.

9. Planning Commission shall approve, approve with conditions, or deny the final site plan after the Planning Commission has received the review and recommendation of the Township's consultants (if required) and other reviewing departments and/or agencies, together with information the applicant may present concerning the application.
10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the site plan shall be revised by the applicant and resubmitted to the Planning Commission.
11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of site plans for Planning Commission review shall be followed.
12. When all conditions of approval are met by the applicant the Township Planning Commission Chair shall stamp the site plans "APPROVED" and shall transmit copies in accordance with the following:

Copy of Approved Plan Sent To:	Number of Copies of Approved Plan
Applicant	1
Township Clerk	2
Zoning Administrator	1
Building Inspector	1

13. Applicant applies for building permits.

C. Required Contents of Site Plan.

1. Site Plan Application Form Contents
 - a. Applicant's name, address and phone number.
 - b. Name of proposed development.
 - c. Common description of property and complete legal description.
 - d. Land acreage and frontage on public roads or rights-of-way.
 - e. Existing zoning of subject property and adjacent properties.
 - f. Detailed description of the proposed use of the land.

- g. Name, address, and phone number of:
 - I. Firm(s) or individual(s) who prepared site plan(s)
 - II. Legal owner(s) of property
 - h. Signature of applicant and legal owner(s) of property, if not the applicant.
2. Preliminary Site Plan Submission Data Requirements
- a. Name of development and title block.
 - b. Location map showing site location, major roads, and railroads.
 - c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.
 - d. Date, north arrow, and scale
 - e. Property identification number(s) and legal description.
 - f. The acreage and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - g. Zoning of the parcel and adjacent parcels.
 - h. Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
 - i. Location of all existing structures and driveways within one hundred (100) feet of the subject property lines.
 - j. All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces and location of loading areas on the subject property.
 - k. All existing and proposed roadways, drives, parking areas, and pedestrian paths within two hundred (200) feet of the subject property.

- l. Location and height of all walls and fences.
- m. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
- n. Types of existing and proposed surfacing of all roads, such as asphalt or concrete paving.
- o. Types of facing materials to be used on structures.
- p. Elevations (front, sides, and rear views) of all sides of the building(s).
- q. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- r. Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan. In the case of a minor alteration to an existing building or site, the Planning Commission may waive this requirement.
- s. Density calculations (for residential projects).
- t. Principal and accessory buildings.
- u. Interior walks and pedestrian or bicycle paths within rights-of-way.
- v. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
- w. Trash receptacle and transformer locations and method of screening.
- x. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
- y. All utilities located on or serving the site, including water lines / wells and septic / sanitary sewer lines. If any water or sewer system is proposed which serves more than one building or use, detailed construction plans shall be submitted for review by the Township's engineering consultant. All necessary reviews and permits shall be obtained and verified by the applicant prior to final site plan review.

- z. Loading and unloading areas.
- aa. Designation of fire lanes and fire lane signs.
- bb. Address location on building and size of numbers.
- cc. Location and boundaries of wetlands, 100-year flood plains, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
- dd. Soil types and characteristics using the US Soil Conservation Service "Soil Survey of Lapeer County, Michigan" or more detailed surveys if available.
- ee. Location, size and types of all proposed signs.
- ff. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
- gg. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.
- hh. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the Township's consulting engineer.
- ii. Proposed signs and specifications for control of traffic flow.
- jj. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
- kk. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover. The method of by which landscaping is to be maintained shall also be included on the landscape plan.
- ll. For developments that include the use and/or storage of hazardous materials, the site plan shall detail the location of the following:
 - i. Public or private wells on-site and on adjacent sites.
 - ii. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.

- iii. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 - iv. Underground storage tanks. (Note material to be stored)
 - v. Above-ground storage tanks. (Note material to be stored)
 - vi. Exterior and interior drains, dry wells, catch basins, retention / detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - vii. Areas on the site which are known or suspected to be contaminated, along with a report on the status of clean-up efforts, if applicable.
 - mm. Such other reasonable and relevant information as may be required by the Township to assist in the review of the proposed development.
3. In addition to the preliminary site plan data specified above, the following minimum information must be submitted for final site plan review and approval:
- a. Site engineering plans prepared by a registered civil engineer. Such plans shall be submitted for the Township engineering consultant's review and recommendation prior to Planning Commission consideration of final site plan approval. Plans shall include the following:
 - i. A proposed grading and drainage plan. The plan shall show proposed finished floor elevations, finished grades at structures, proposed storm water collection system, storm outlet(s), ultimate downstream outlet, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the Township Engineering consultant. The Planning Commission shall require compliance with engineering standards, subject to the Township consulting engineer's final approval, as a condition of final site plan approval.

- ii. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
- iii. Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.

D. Site plan review criteria.

In reviewing site plans, the Planning Commission shall consider and require compliance with the following:

1. All application and site plan review submittal criteria have been met.
2. The final site plan is in full conformance with all applicable zoning ordinance requirements.
3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
4. On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.
5. Landscaping, earth berms, fencing, building design and building materials, signs, and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
6. Utility service, including proposed water, sanitary sewer and stormwater runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the Township consulting engineer. Approval by a state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, may also be a prerequisite to approval.
7. Notwithstanding any other provisions of this ordinance, the Township may require as a condition of final site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety, and welfare of the community, to provide

adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter, and to achieve a lasting and desirable improvement to the community.

- E. For developments which include a private road, demonstrated conformance with the Township Private Road Ordinance.
- F. For developments that include the use and/or storage of hazardous substances and polluting materials, the applicant shall demonstrate conformance with the requirements of Section 4.27 of this Ordinance.
- G. Expiration of site plan approval.

The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review. Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.

- H. Fees.

Any application for site plan approval, preliminary or final, shall be accompanied by a fee as determined from time to time by resolution of the Township Board.

- I. Performance bond for utility connections.

An application for final site plan approval that requires the installation of, modification of, or connection to public utilities, such as Township water, storm sewer, or sanitary sewer lines, shall be accompanied by appropriate performance bonds for utility connections. The amount of such bonds shall be established by resolution of the Township Board.

- J. Approval and Issuance of Building Permits.

Building permits shall not be issued until site plan approval has been granted by the Planning Commission and, where applicable, the Township engineering consultant has approved the final engineering plans for the site.

K. Amendments of Approved Site Plans

1. An approved site plan may be amended by written application to the Township Clerk in accordance with the submittal and review procedures for site plan review detailed in Section 17.01B. Where the changes are minor, the Planning Commission may waive the Preliminary Site Plan Review process and review and act upon the proposed amendment during final site plan review.
2. Any actual construction or plan changes made during construction which are not approved by the Planning Commission and which differ from an approved site plan shall be made at the applicant's own risk without any assurances that the Planning Commission will approve such changes. It shall be the responsibility of the developer and / or applicant to apply for and receive site plan approval for any modifications to approved site plans.

L. Inspection

Inspections of all construction shall be conducted by the building inspector and Zoning Administrator in conformance with Article XVI. Inspections for private roads shall conform with the Township Private Road Ordinance.

M. Staging or Phasing of Development

Whenever a project is proposed to be developed in stages, each stage shall be clearly denoted on the preliminary and final site plan. Site plan review and approval shall be required (including fees) for each subsequent stage which is proposed to begin later than one (1) year after the original approval, unless otherwise determined by the Planning Commission.

N. Certificates of Occupancy and Performance Guarantees

Certificates of occupancy and performance guarantees shall only be considered by the appropriate Zoning Administrator in conformance with the provisions in Article XVI.

O. Violations and Enforcement

Violations and enforcement of the provisions of this Section shall be addressed in accordance with the provisions in Article XXI.

ARTICLE XVIII

Special Land Use Approval

SECTION 18.01 INTENT

The formulation and enactment of this Ordinance is based upon the division of the Township into districts in which there are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district where they can be reasonably allowed only as special land uses.

SECTION 18.02 AUTHORITY TO GRANT PERMITS

The Planning Commission, as hereinafter provided, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for all Special Approval Uses specified in the various provisions of this Ordinance.

SECTION 18.03 APPLICATION AND FEE

Application for any Special Approval Use Permit permissible under the provision of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Approval Use Permit application form, exhibits, and information, and depositing the required fee as established by resolution of the Township Board.

SECTION 18.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION

An application for a Special Approval Use Permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Article XVII and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

SECTION 18.05 PUBLIC HEARINGS AND NOTICES

Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, and to all persons to whom real

property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the the property or the occupant is located within Hadley Township. The notice shall be given not less than fifteen (15) days before the date of the public hearing during which the application will be considered, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 *et seq.*). If the name of the occupants is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the special land use request.
- B. Indicate the property which is the subject of the special land use request and shall include the legal description and the more commonly known address if available.
- C. Indicate when and where written comments will be received concerning the request.
- D. Indicate the date, time and place where the public hearing on the special land use will be held.

SECTION 18.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
 - 1. Will be consistent with maintenance of the public health, safety, and welfare.
 - 2. Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
- B. Will be served adequately by essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, or those

persons or agencies responsible for establishment of the proposed use shall be able to adequately provide any such service.

- C. Will be of 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 contacts in residential districts.
- D. Will be compatible with adjacent uses of land and the natural environment.
 - 1. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - 2. Will be designed such that the location, size, intensity, site layout and periods of operation of any such proposed use shall 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, lights, or similar characteristics.
 - 3. Will be designed 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.
 - 4. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- E. Will promote the use of land in a socially and economically desirable manner.
- F. Will relate harmoniously with the physical and economic aspects of adjacent land uses regarding 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.
- G. Will be in conformance with all local, state and federal requirements.

SECTION 18.07 DETERMINATION AND IMPOSITION OF CONDITIONS

If the facts in the case establish that the findings and standards set forth in this Ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a Special Approval Use Permit, the Planning Commission may impose such reasonable

conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and 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 Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, 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 a statement of findings and conclusions within the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

SECTION 18.08 APPROVAL AND APPEAL PROCEDURES

- A. Approval, grant of permit. Upon holding a public hearing, and finding that the requirements of this Chapter have been satisfactorily met by the application, the Planning Commission shall within sixty (60) days grant special approval. The Planning Commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the Applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's office as well as being made a part of the site plan or building records for that parcel.
- B. Appeal to Township Zoning Board of Appeals. A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Article XIX).

SECTION 18.09 VOIDING OF SPECIAL APPROVAL USE PERMIT, AND TRANSFER AND CONTINUANCE OF SPECIAL APPROVAL USE PERMIT

- A. Any approval given by the Planning Commission under which premises are not used or work is not started within twelve (12) months or when such use or work has been inactive

for a period of twelve (12) months, shall lapse and cease to be in effect. The Planning Commission may grant the applicant one (1) or more six (6) month extensions of time if good cause is shown.

- B. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Administrator to suspend such Special Approval Use Permit until review by the Planning Commission. The Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it determines is necessary to bring conformance with this Ordinance, or the Planning Commission shall cancel the Special Approval Use Permit in question.
- C. Special land use approval runs with the land, not the owner, and any transfer of property shall allow the continuance of any special land use to operate within the conditions, restrictions, and limitations as specified in the permit. Any new owner of a special land use shall file an affidavit with the Planning Commission indicating his/her understanding of all conditions and agreement to abide by such conditions of the permit.
- D. As a condition of all Special Land Use permits, all real property and personal property taxes and all business license fees shall be paid current with the date of application and shall remain paid current during the entire period within which the Special Land Use continues in operation.

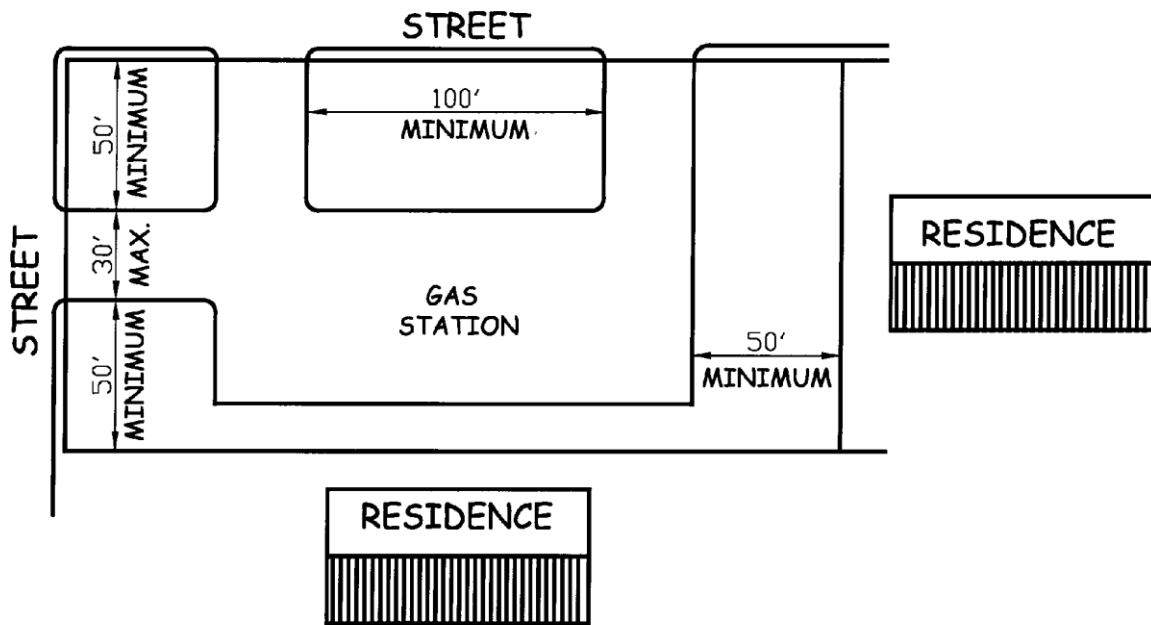
SECTION 18.10 AUTOMOBILE SERVICE STATIONS

Automobile service stations may be permitted in the C-1 Districts subject to the following:

- A. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet as measured from proposed rights-of-way of roads and shall be located at least five hundred (500) feet from an entrance or exit to the property on which is located a public library, a public or private school, playground, playing field, park, church or hospital.
- B. An automobile service station building, housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
- C. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each one hundred (100) feet of frontage or major fraction thereof along any

street. No driveway or curb opening shall be located nearer than fifty (50) feet to any intersecting street rights-of-way, or adjacent to residential property. No driveway shall be located nearer than one hundred (100) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station (see illustration below).

AUTO SERVICE STATION DRIVEWAYS



- D. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- E. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- F. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

- G. Where an automobile service station adjoins property located in any residential district, a solid, decorative masonry wall five (5) feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by said five (5) foot masonry wall. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. Walls may be gradually reduced in height (e.g. stepped down) within twenty-five (25) feet of any street right-of-way.
- H. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
- I. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than five (5) days.
- J. There may be no more than one (1) freestanding sign not exceeding thirty-two (32) square feet in area, which shall display only the name of the user or occupant of the premises and which may include the price and grades of fuel sold.

SECTION 18.11 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast homes may be permitted in the AR, R-1 and REC Districts. Bed and breakfast inns may be permitted in the C-1 District. All bed and breakfast homes and inns are subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. Requirements for All Establishments
 - 1. Parking, driveway, and maneuvering area shall be provided in accordance with Section 6.01.
 - 2. Off-street parking is provided as follows: Two spaces for the primary residential use, plus one space for each guest room.
 - 3. Parking must be screened from view of adjoining residential uses as specified in Section 4.15(D).
 - 4. Outdoor Lighting shall be directed away from adjoining residential uses.
 - 5. Rooms for sleeping shall have a minimum size of ninety (90) square feet for single occupancy rooms, one hundred (100) square feet for double occupancy rooms, one hundred fifty (150) square feet for triple occupancy rooms, and two hundred (200) square feet for four person rooms. There shall be a maximum of four (4) occupants

per room. Each sleeping room shall have no wall dimension of less than nine (9) feet in length.

6. Each guest room shall have smoke detector-alarm, and access to a minimum of two (2) means of exit directly to the outdoors. A collapsible ladder in each guest room with posted instructions for use may satisfy this requirement for a second exit.
7. Toilet, lavatory, and bathing facilities shall be available to all persons. There shall be the equivalent of one (1) full bath for each six (6) occupants.
8. Food may be served in a bed and breakfast establishment only to those persons renting a room and only during their stay at the bed and breakfast establishment in accordance with local Health Department requirements.

B. Requirements for Bed & Breakfast Homes Only

1. The rooms utilized are not specifically constructed for rental purposes. The bed and breakfast use in the home 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 (45%) of the gross floor area of the dwelling may be devoted to guest rooms. Each bed and breakfast home shall contain not less than two (2) bedrooms for rent. A structure shall not be eligible for bed and breakfast use unless it is at least eighteen hundred (1,800) square feet of gross floor area.
2. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.
3. There shall be no exterior display other than one (1) non-illuminated, non-animated sign, not to exceed eight (8) square feet in area, nor to exceed five (5) feet in height.
4. The length of stay for any guest shall be limited to thirty (30) days.

SECTION 18.12 CEMETERIES

Cemeteries may be allowed in the AR and R-1 Districts subject to the following special standards:

- A. The minimum parcel size for a cemetery shall be ten (10) acres, and no burial sites shall be placed within fifteen (15) feet of any perimeter lot line.
- B. All access shall be provided from a public road having a planned right-of-way of not less

than eighty-six (86) feet.

- C. Approval shall be given contingent on a satisfactory drainage plan reviewed by the Township Engineer and approved by the Planning Commission.
- D. Any crypt, mausoleum, or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than twenty-five percent (25%) of the total lot area.
- E. No part of any crypt, mausoleum, or other building containing bodies or remains, other than a subterranean grave shall be less than one hundred (100) feet from the nearest lot line.
- F. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall, fence, or buffer strip planting as described in Section 4.15 and 4.30.

SECTION 18.13 CHURCHES

Churches and other facilities normally incidental thereto may be permitted in the AR and R-1 Districts subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. The site is so located as to have at least one (1) property line abutting a public arterial of not less than sixty-six (66) feet of right-of-way width, and all ingress and egress to the site shall be directly onto said public arterial, provided however that no site shall be accessed from a local residential street within a recorded plat.
- B. In order to ensure that there is sufficient land to accommodate future expansion, and accessory facilities, the subject property shall be a minimum of five (5) acres.
- C. Front and side yards shall be equal to at least one and one-half (1-1/2) times the height of the main building. The height limitations set forth in Article XV shall not apply to churches.
- D. Off-street parking shall be provided in accordance with the provisions of this Ordinance. No off-street parking area may occupy a required front yard, except that the Planning Commission may modify this requirement in AR districts only based on review and approval of a landscape plan.
- E. Whenever an off-street parking area is located within 50 feet of an adjoining residentially zoned property line, a continuous and obscuring protective screening fence or wall at least four feet, six inches (4'6") in height, but not more than six feet (6') in height shall be provided along the sides of the parking area adjoining such residentially zoned land. Said

screening device shall comply with the provisions of Section 4.15 and 4.30. The Planning Commission may approve the use of a landscaped greenbelt in place of a fence or wall (Section 4.30).

- F. The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for up to two (2) regular employees of the church and their families. Any such dwelling units or quarters shall comply with the minimum requirements for dwellings in the district in which located.
- G. Accessory structures shall not exceed one story or fourteen (14) feet in height.

SECTION 18.14 COMMERCIAL RECREATION

- A. Indoor Recreation. Recreation centers similar to skating rinks, racquet sports, archery ranges, amusement areas, arcades and similar forms of recreation or amusement are allowed in the C-1 District provided they are conducted wholly within a completely enclosed building.
- B. Amusement Oriented Outdoor Recreation. Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, outdoor dance pavilions, miniature golf courses, and golf driving ranges are permitted in the C-1Business District subject to the following special standards:
 - 1. Site shall have direct access to a paved, major thoroughfare.
 - 2. Site shall not abut any Residential District either directly or across a street.
 - 3. Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches (4'6") in height.
 - 4. No loud speaker or public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.

SECTION 18.15 CONVALESCENT OR NURSING HOME, ORPHANAGE, HOME FOR THE AGED, INDIGENT, OR PHYSICALLY OR MENTALLY HANDICAPPED

An orphanage, nursing home, a rest or convalescent home is allowed as a special approval use in the R-2 District when the following conditions are met:

- A. All vehicular ingress and egress from the site shall be directly onto a major arterial with a planned right of way of not less than 120 feet.

- B. The maximum extent of development and occupancy shall not exceed the recommendations of the Lapeer County Health Department; but shall in no circumstances be greater than 10 persons, patients or residents per acre.
- C. No building other than a structure for strictly residential purposes shall be closer than sixty (60') feet to any property line.

SECTION 18.16 EATING AND DRINKING ESTABLISHMENTS

Eating and drinking establishments are allowed in the C-1 District subject to the following special standards:

- A. Ingress and egress points shall be located at least thirty (30) feet from the intersection of any two (2) streets measured from the intersection of the street right-of-way to the nearest end of the curb radius and shall be directly from a major arterial having an existing or proposed right-of-way of at least 120 feet.
- B. The minimum distance of any driveway to the property line shall be twenty-five (25) feet. The minimum distance between driveways on the site shall be sixty-five (65) feet measured from the two (2) closest driveway curbs.
- C. When an establishment serves alcoholic beverages, it must be located not less than five hundred (500) feet from an elementary, intermediate, or secondary school, and not less than three hundred (300) feet from a church, nursing home, or a home for the aged.
- D. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
- E. Curbing shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways so as to prevent vehicular encroachment onto or over the adjoining property or vehicular damage to buildings.
- F. All outside trash receptacles (except those intended for use by the customer) shall be located within a six (6) foot high enclosure constructed of approved material consistent in appearance with the principal structure and shall be provided with opaque gates of the same height.

SECTION 18.17 ADULT FOSTER CARE HOMES

Adult foster care homes, specifically those that care for 7 to 20 residents, may be permitted in the AR, R-1 and R-2 Districts as a Special Land Use subject to the following special standards:

- A. The proposed use shall be compatible with the established residential character of the neighborhood.
- B. All vehicular ingress and egress shall be directly onto a paved County road.
- C. The minimum setback from all side lot lines shall be at least equal to the height of the proposed building. All other setbacks shall conform to requirements for the particular zoning district.
- D. The minimum site size shall be three (3) acres in R-1 and R-2 districts.
- E. Off-street parking shall be prohibited in the front setback area. If any off-street parking area abuts a lot in any residential district, an obscuring fence or greenbelt shall be provided, as approved by the Planning Commission.
- F. There shall be one (1) parking space provided for each three (3) beds plus one (1) for every staff member in the largest shift. At least one (1) barrier free parking space and all employee spaces shall be paved. All visitor parking need not be paved, in order to maintain an appropriate residential appearance. Grass pavers, Grass Rings or a similar product placed over a 6 to 8 inch base of crushed limestone or 23 AA gravel shall be submitted to the Planning Commission for review and approval in place of paving.
- G. Such facility shall provide one hundred fifty (150) square feet of outdoor open space for every bed used or intended to be used, and at a minimum two thousand (2000) square feet of outdoor open space. The open space shall be landscaped, buffered from streets and parking lots, and include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

SECTION 18.18 SMALL SCALE FOUNDRIES

Small scale foundries, such as investment casting operations, may be permitted in the M-1 Districts subject to the following:

- A. The site shall have direct access to a paved County road.
- B. The site shall not abut a residential zone or an existing residential use.

- C. The minimum site size shall be four (4) acres with a minimum lot width of two hundred (200) feet.
- D. All operations shall be conducted within a completely enclosed building.

SECTION 18.19 GOLF COURSES

Golf courses may be permitted in the AR and REC Districts subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. Unless otherwise approved by the Planning Commission, the site is so located as to have at least one (1) property line abutting a paved County road, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereof.
- B. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.
- C. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with the club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
- D. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate or turnstile.
- E. Off-street parking shall be provided in accordance with the provisions of Sections 6.02.

SECTION 18.20 HAZARDOUS WASTE FACILITIES, LANDFILLS AND TRANSFER STATIONS

Hazardous waste facilities for disposal, treatment, storage or transfer of hazardous wastes, licensed sanitary landfills, and transfer stations may be permitted in the M-1 district, subject to the issuance of a permit by the Michigan Department of Environmental Quality, and subject to the following locational guidelines and site requirements:

- A. The site shall be located within the interior of an industrial district, as presently zoned, or as shown on the Township's adopted Master Plan.

- B. The site shall have direct access to a paved County Road of at least 120 feet of right-of-way, capable of carrying Class A loadings year-round as determined by the Lapeer County Weighmaster.
- C. Plans for a hazardous waste facility shall be designed to show full compliance with all requirements of Michigan Public Act 64 of 1979, as amended, including an enforceable operating permit.
- D. Plans for sanitary landfills and transfer stations shall demonstrate full compliance with all requirements of Michigan Public Act 641 of 1978, as amended, including an enforceable operating permit.
- E. Active disposal, treatment, storage or handling areas shall be set back at least 500 feet from all property lines.
- F. 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 line.

SECTION 18.21 AUTO AND TRUCK BODY AND HEAVY REPAIR

Facilities for automobile and truck body and heavy repair may be permitted in the M-1, Industrial District, subject to the following:

- A. All repair activities shall be conducted within a completely enclosed building.
- B. The facility shall be equipped with all necessary venting, filtration, storage and containment equipment to avoid any adverse effects on adjacent and neighboring areas.
- C. All activities shall be conducted in such a manner as to minimize adverse effects on adjacent and neighboring properties.
- D. Outside storage is permitted provided the outdoor storage does not exceed twenty-five (25) percent of the gross floor area of the building, is provided in the rear yard and would not adversely affect the reasonable and proper development of the industrial district in which it is located. The outdoor storage area shall be screened with an enclosure constructed of a durable and completely obscuring material at least six (6) feet in height and not over eight (8) feet in height. No vehicle stored in such area shall exceed the height of enclosure and no vehicles shall be serviced in this area nor shall the area be used for the storage of parts or supplies. Vehicles shall not be stored within this area for more than sixty (60) days while awaiting repair and no vehicle shall discharge any fluids onto the ground within the storage area.

- E. Shall be located at least five hundred (500) feet from an entrance or exit to property on which is located a public or private school, playground, playfield or park.
- F. A sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- G. Yards shall be graded in such a manner as to prevent the accumulation of surface water on the lot and shall not increase the natural runoff of surface water onto adjacent properties.

SECTION 18.22 HOSPITALS

Hospitals may be allowed as Special Approval Uses in the R-2 and C-1 Districts subject to the following:

- A. The proposed site shall have at least one property line abutting a paved major thoroughfare having an existing or proposed right-of-way of not less than 120 feet, and vehicular ingress and egress to the site shall be directly onto said thoroughfare.
- B. The site plan shall 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 all development features including the principal building and any accessory buildings, open spaces, and service roads, driveways and parking areas are so located and related so as to minimize the possibility of any adverse effects upon adjacent property.
- C. All such hospitals shall be developed on sites consisting of at least ten (10) acres in area for the first one hundred (100) beds or less plus one (1) acre for each additional ten (10) beds.

SECTION 18.23 HOTELS AND MOTELS

Hotels and motels may be permitted in the C-1 District subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. Vehicular ingress and egress from the site shall be directly onto a paved major thoroughfare having an existing or planned right-of-way of at least one hundred twenty (120) feet in width.
- B. No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.
- C. Each unit shall contain no less than two hundred fifty (250) square feet of floor area.

- D. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

SECTION 18.24 INCINERATORS, ENERGY RECOVERY PLANTS

Incinerators and energy recovery plants may be permitted in the M-1 districts, subject to the following:

- A. All activities involving the receipt of incoming garbage or other wastes shall be conducted within an enclosed building.
- B. Areas for storage of recycled materials shall be completely enclosed within a building.
- C. All removal of ash for disposal shall occur in covered containers or covered trucks.
- D. The plant shall be located in the interior of the M-1 district and shall maintain a minimum setback of 300 feet from all lot lines.
- E. Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.
- F. The entire perimeter of the plant and all other buildings and active use areas on-site shall be enclosed by a cyclone fence at least 6 feet in height.
- G. All internal drives, parking areas, roadways and the like shall be designed and paved to handle the weight of anticipated heavy vehicles.
- H. All access to and from the site shall be directly onto a paved major thoroughfare of at least 120 feet right-of-way capable of carrying Class A loadings on a year-round basis.

SECTION 18.25 JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS

Junk yards, automobile salvage or wrecking yards, waste or scrap recycling operations may be permitted in the M-1 District subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. These uses may only be located upon a site where abutting lands are zoned for non-residential purposes on all sides.
- B. All parking shall be provided as off-street parking within the boundaries of the development.

- C. Any required front yard setback shall not be used for providing off-street parking.
- D. All sides of the development shall be screened with an unpierced fence or wall at least eight (8) feet in height and not less than the height of the materials on the lot.
- E. The above required fence or wall shall be no closer to the lot lines than fifteen (15) feet and the entire area between the fence and the lot line shall be developed as a greenbelt, approved by the Planning Commission.
- F. All junk, waste, or scrap materials shall be exclusively contained behind such fence or wall.
- G. All roads, driveways, parking lots, and loading and unloading areas within such use shall be paved, watered, or chemically treated so as to limit the nuisance caused by windborne dust to adjoining property and public roads.
- H. In order to protect the community from the danger of the leaching or runoff of chemicals or substances into the groundwater or surface water, all dismantling operations shall be conducted on a concrete surface within an enclosed building. There shall be no floor drains unless they are connected to a specially designed holding tank.

SECTION 18.26 PRIVATE KENNELS AND COMMERCIAL KENNELS

Private kennels with four (4) or more adult dogs may be permitted in the AR Districts and commercial boarding and breeding kennels for five (5) or more dogs may be permitted in the C-1 Districts, subject to the following:

- A. The subject property is so located as not to hinder the appropriate residential development of the affected neighborhood, as determined by the Planning Commission.
- B. The subject property contains a minimum of five (5) acres and three hundred (300) feet of lot width.
- C. The kennel shall be located one hundred (100) feet from any neighboring residential use. All kennel runs or breeding areas shall be enclosed by a chain link fence not less than six (6) feet in height. If immediate neighboring parcels are residential use or zoned, a completely obscuring barrier shall be erected, composed of a decorative screen fence and/or a landscaped greenbelt as approved by the Planning Commission.
- D. If the use is of a commercial nature, off-street parking shall be provided in accordance with the provisions of this Ordinance.

SECTION 18.27 LIVING QUARTERS FOR BUSINESS PROPRIETOR

Living quarters for the proprietor of a local business may be permitted in C-1 Districts, subject to the following:

- A. The living quarters shall be physically connected to the business building.
- B. The living quarters shall be occupied by the proprietor of the business on the same site.
- C. Evidence shall be provided of Health Department approval of the well and septic system(s) serving the business and the proprietors living quarters.

SECTION 18.28 LOCAL UTILITY FACILITIES (NOT INCLUDING STORAGE YARDS)

Local utility facilities, such as telephone exchanges, gas regulator stations, electric transformers, sewer and water pump stations, and the like that are intended to serve Hadley Township may be permitted in all AR, R-1, R-2, RMH and REC Districts subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. There is no public business office nor any storage yard or storage building operated in connection therewith.
- B. Buildings shall comply with the setback requirements of the particular zoning district. All equipment pads, cabinets, and the like shall be set back at least thirty (30) feet from a side or rear property line.
- C. All required yards are to be landscaped and maintained. On those sides abutting a residential district, a landscaped greenbelt at least twenty (20) feet wide shall be provided, as approved by the Planning Commission.
- D. The architecture and exterior finish materials shall be chosen to be compatible with the character of the immediate neighborhood area, as approved by the Planning Commission.

SECTION 18.29 GROUP DAY CARE HOME AND GROUP CHILDCARE CENTERS (NURSERY SCHOOLS)

- A. Group Day Care Homes may be permitted in the AR and R-1 Districts subject to special land use review and approval by the Planning Commission, and subject to the following special standards:
 - 1. Is not located closer than 1,500 feet to another group day care home or an adult foster care home.

2. All outdoor play areas are adequately fenced by a 4 foot high cyclone or equivalent type fence.
 3. That for each child cared for there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area.
 4. Provides adequate off-street parking for all employees and adequate off-street waiting space for parents.
 5. Does not exceed sixteen (16) hours of operation daily and provides adequate bedroom space for all children cared for overnight. This shall be construed to mean not more than three (3) children per bedroom and not less than fifty (50) square feet of bedroom space per child.
 6. There shall be an initial walk through inspection by the Township Fire Chief and a report submitted to the Planning Commission regarding location of exits, fire extinguishers, smoke alarms, and the like.
- B. Group Child Care Centers (Nursery Schools); adult day care centers and similar facilities shall be permitted in the R-2 and RMH and C-1 Districts subject to the following:
1. All such uses shall provide adequate drop-off and waiting space so that parents' or guardians' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.
 2. Outdoor play space shall be provided in the ratio of one-hundred-fifty (150) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet.
 3. To insure child safety, all outdoor use areas shall be enclosed by a 4 foot high cyclone fence or equivalent design. On those sides abutting a residential zoning district or use, a 6 foot high obscuring fence or other method of screening approved by the Commission shall be required.
 4. The site layout shall be designed to insure pedestrian safety by separating play areas from parking and driveways.
 5. A copy of the State Fire Marshall's inspection/report shall be submitted as a part of the application package and reviewed by the Township Fire Chief for a report to the Planning Commission.

C. Summary of Day Care Establishments:

Type Of Establishment	# Of Children/Adults	Zone	Requirements
Child Day Care Home (Family Day Care Home)	1 - 6	AR, R-1, RMH	No Local Approval Required
Group Day Care Home	7 - 12	AR, R-1	Special Land Use Approval Required
Group Child Care Center (Group Day Care Facility)	13 +	R-2, RMH, C-1	Special Land Use Approval Required

SECTION 18.30 OUTDOOR RETAIL SALES

Outdoor retail sales, such as plant nurseries, lawn and garden centers, lumber and home center stores, may be permitted in the C-1 Districts, subject to the following:

- A. All parking and outdoor display areas shall be set back at least twenty-five (25) feet from the front lot line.
- B. On all sides adjoining property zoned for residential use there shall be provided a decorative masonry screen wall at least five (5) feet high. The Planning Commission may substitute a landscaped greenbelt twenty (20) feet wide and/or a decorative, obscuring fence where it is found to be more appropriate for the adjoining use.
- C. All outdoor lighting shall be shielded to prevent glare, directed away from residential properties, and installed not over fifteen (15) feet high. The level of illumination shall be approved by the Planning Commission as appropriate to the neighborhood but shall not exceed an average of ten (10) foot candles.
- D. There shall be no outdoor public address system.

SECTION 18.31 OVERNIGHT CAMPGROUNDS

Campgrounds and overnight camping parks, including an accessory camp store, may be permitted in the REC Districts, subject to the following:

- A. Site Requirements
 - 1. Minimum site size of forty (40) acres of which twenty (20) acres must be fully developed prior to occupancy of first site.

2. Direct access to a public road.

B. Yard and Placement Requirements

1. All buildings shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of two hundred (200) feet of property lines and roads, provided that where topography conditions are such that the structure would be screened from view, the setback may be modified.
2. No recreational or commercial activity shall take place within thirty (30) feet of the perimeter of the recreation area. All activities shall be adequately screened from abutting property.

C. Other Requirements

1. Whenever a swimming pool is to be provided, said pool shall be constructed in accordance with Section 4.17 of this ordinance.
2. Travel trailer parks and campgrounds shall also be subject to the following:
 - a. The number of trailer or campsites shall be not more than fifteen (15) per acre. The minimum area of any space for travel trailer shall not be less than 1200 square feet with no dimension less than thirty (30) feet.
 - b. There shall be no year round occupancy of a tent, camper, travel trailer or recreational vehicle.
 - c. The travel trailer park or campground shall have a central water supply system with potable water under pressure piped to within five hundred (500) feet of each camping site.
 - d. An enclosed toilet and sewage facility approved by the Health Department with hot and cold running water available therein shall be provided.
 - e. No recreational vehicle, tent or travel trailer shall be allowed within the park except upon an approved campsite.
 - f. A minimum of 25% of the total area shall be reserved for recreational purposes or open space.
3. Minor accessory uses, such as a camp store, laundry, ranger's office, and the like,

shall be housed within a single building unless approved at separate sites by the Planning Commission based on the site plan.

SECTION 18.32 PRIVATE AIRCRAFT LANDING FIELDS

Landing fields for the personal use of the property owner are allowed in the AR District subject to the following provisions:

- A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township.
- B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said Commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.
- C. All landing fields shall have a runway with an eighteen hundred (1,800) foot landing length in each direction from a clear approach slope of 20:1 and a one hundred (100) foot usable width with an additional fifty (50) foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than two hundred (200) feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of fifteen (15) feet or seventeen (17) feet over an interstate highway, a railway clearance of twenty-three (23) feet, and a clearance at the property line of twenty-five (25) feet. The landing area shall be marked in accordance with the Michigan Aeronautical Commission standards.
- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property.
- E. Hazards to Navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take off or landing of aircraft shall be permitted.
- F. Yards and Placement Regulations. Landing fields shall be located on a contiguous parcel of land not less than twenty-five (25) acres in area. The parcel shall have a width of not less than four hundred fifty (450) feet. The parcel shall have a depth of not less than eighteen hundred (1,800) feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease.
- G. The property owner shall construct a residence within two (2) years or be required to obtain

a two (2) year renewable license from the governing township authority.

H. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.

I. Limitations and Prohibited Uses

1. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.

2. Use of a personal use aircraft landing field is limited solely to the single owner of the land who shall have not more than two (2) aircraft on site. No commercial activity or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except for aircraft owned by and for the personal use of the property owner), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public shall be permitted on the premises.

3. Only propeller or rotor driven aircraft shall be permitted.

SECTION 18.33 PUBLIC BUILDINGS

Public buildings and uses without storage yards (such as Township Hall, fire station, library) may be permitted in the AR and RMH Districts subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

A. Off-street parking shall be provided in accordance with the provisions of this Ordinance.

B. Whenever an off-street parking area is located within fifty (50) feet of an adjoining residentially zoned property line, a continuous and obscuring decorative approved fence or wall at least four feet six inches (4'6") in height, but not more than six feet (6') in height, shall be provided along the sides of the parking area adjoining such residentially zoned land. The Planning Commission may approve the use of a landscaped greenbelt in place of a fence or wall.

SECTION 18.34 PUBLIC PARKS

Day use, public parks of a State, County, or Township agency may be permitted in the AR, R-1, C-1 and RMH Districts, subject to the following:

A. No active recreational use areas shall be located closer than thirty (30) feet to an adjoining residential district or use.

- B. All property lines adjoining a residential district or use shall be developed with a twenty (20) foot wide, landscaped greenbelt approved by the Planning Commission.
- C. All off-street parking area shall be screened from view of an adjoining residential district or use by a wall, obscuring fence, or a greenbelt, as approved by the Planning Commission.
- D. All outdoor lighting, including illumination of sports fields, shall be approved by the Planning Commission based upon a finding that its design and arrangement will not adversely affect adjoining uses.

SECTION 18.35 PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES

Public and private schools may be permitted in the AR and R-1 Districts and colleges and universities may be permitted in the AR Districts subject to the following special standards:

- A. All ingress and egress to a college or university, or senior high school shall be directly to a paved County road.
- B. The minimum site size shall be twenty (20) acres for a high school, college or university.
- C. The minimum required side and rear yard shall be not less than seventy-five (75) feet.
- D. Height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks where yards abut the land zoned for residential purposes, are increased by not less than one and one-half times the amount by which said building exceeds the maximum height requirements of the zone.
- E. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
- F. The quantity of parking spaces shall be such as to adequately service the faculty, students, and maintenance staff of the institution and provide properly for access to public streets.
- G. All off-street parking shall be paved and constructed to the standards of this Ordinance.

SECTION 18.36 PUBLIC USE AIRPORTS

Public use airports and other facilities involved with aircraft operations are permitted in the M-1 Districts subject to the following conditions and standards:

- A. Said airport is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission, which agencies shall approve the preliminary plans submitted to the Township. All airports shall contain a certificate of approval with the Michigan Aeronautics Commission and shall be registered annually by said Commission.
- B. Site, Yard and Placement Requirements:
 - 1. No building or structure or part thereof shall be erected closer than one hundred (100) feet to any property line.
 - 2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned Agricultural or Residential.
 - 3. Airports must be located on a contiguous parcel of land of not less than one hundred sixty (160) acres.
 - 4. No part of the site shall abut either directly or across a street any Residential District.
- C. All layout and design and construction of runway and other facilities shall meet or exceed the standards set by the Michigan Aeronautics Commission.
- D. Performance Requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
- E. Prohibited Uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.
- F. Off-Street Parking Requirements. One (1) parking space shall be required for every three (3) airplanes stored on the site. All off-street parking shall be constructed to the standards of this Ordinance.

SECTION 18.37 PUBLIC BUILDINGS WITHOUT STORAGE YARDS

Public buildings such as libraries, fire stations, recreation centers, and similar uses, may be permitted in an AR or R-1 district, subject to the following:

- A. There shall be no storage yard or uses like a public works garage.
- B. The site shall have all access from a paved major thoroughfare.

- C. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least fifteen (15) feet wide, approved by the Planning Commission as most appropriate to the immediate neighborhood area.

SECTION 18.38 QUASI-PUBLIC RECREATION AREAS AND BUILDINGS

Quasi-public buildings and recreation areas, such as those of a non-profit or institutional use, may be permitted in the AR and C-1 districts, subject to the following:

- A. The site shall have direct access to a paved, major thoroughfare.
- B. Principal and accessory buildings in AR districts shall be set back from all property lines a distance equal to at least the height of the building.
- C. All active recreation areas shall be set back at least thirty (30) feet from the property lines of an adjoining residential district or use.
- D. All parking areas shall be screened from view of an adjoining residential district or use by a wall or greenbelt, at the discretion of the Planning Commission, based upon a finding regarding which is most appropriate to the immediate neighborhood.
- E. All outdoor lighting of buildings, parking areas, sports fields and the like may be approved by the Planning Commission only upon a finding of no adverse impact on nearby residential uses.

SECTION 18.39 RESERVED FOR FUTURE USE

SECTION 18.40 RIDING ACADEMIES AND STABLES, COMMERCIAL

Commercial riding academies and stables may be permitted only in the AR and REC districts, subject to the following:

- A. All buildings, corrals, or other enclosures for animals shall be set back at least 100 feet from any property line abutting a residential use.
- B. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
- C. Storage of customers' trailers or other vehicles for transporting horses may be approved by the Planning Commission based upon a finding of no adverse impact on neighboring properties.

- D. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse boarding stall. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- E. All areas for stockpiling manure shall be screened from view, shall not be located closer than 125 feet to any property line, and shall not be allowed to become a nuisance.

SECTION 18.41 GUN CLUBS, SHOOTING , OR ARCHERY RANGES, AND COMBAT GAME AREAS

Gun clubs, shooting and archery ranges, and combat game areas (where participants use air-guns or paint guns that “mark” players only) may be permitted in the REC Districts only, subject to the following special standards:

- A. All such facilities must be situated on a parcel of land not less than forty (40) acres in area and having a minimum of one thousand three hundred twenty (1,320) feet of road frontage.
- B. No trespassing signs shall be placed in prominent locations approved by the Building Inspector around the boundary of the property.
- C. The entire parcel of land shall be enclosed by a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility.
- D. Toilet facilities shall be provided and shall be approved by the County Health Department.
- E. All ingress and egress from said parcel must be directly from a public road.
- F. A liability insurance policy which protects participants, visitors and others, including potential trespassers, shall be approved by the Township following review and recommendation by the Township Attorney for his approval prior to commencement of the use.
- G. Adequate off-street parking shall be provided in the ratio of one (1) space for each two (2) club members at capacity.
- H. Safety rules, supplied by the applicant with his application, shall be strictly enforced at all times.
- I. Design and operation of shooting and archery facilities shall also be in accordance with

specifications and practices outlined in the Range Manual of the National Rifle Association.

- J. In no instance shall a firearm be discharged closer than 500 feet to an existing residence.
- K. In no instance shall a firearm be discharged on any range in any gun club without the presence of a range officer of the gun club for supervision.
- L. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Article XVII of this Ordinance and clearly indicating all safety provisions to assure that any missile fired within the confines of the facility shall not carry into or over any adjacent district or area.
- M. Operations shall not begin before 9:00 a.m., nor continue beyond 8:00 p.m. Noise levels at the property lines shall not exceed 40dBA. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Department of Standards.
- N. A one hundred (100) foot buffer zone around the perimeter of the property shall be provided in which no combat game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.

SECTION 18.42 MINING AND SOIL REMOVAL OPERATIONS

Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in order to prevent the land from being damaged to the extent that subsequent reuse is prevented and property value is decreased, such use may be permitted in the M-2 Districts only, subject to special land use review and approval by the Planning Commission. All mining operations shall be required to comply with the following requirements, standards, and regulations, including making application for and obtaining an annual operating permit, if the operator will remove more than 1,000 cubic yards per year from the site.

A. Permit Application

An application for a mining permit shall include the following detailed information and plan drawings:

1. Name and mailing address of the owner, or owners, of land from which removal is to be made along with a statement setting forth their legal interest in the property and/or mining operation.
2. Name and address of applicant making a request for such permit.

3. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
4. Location, size, and description of the area from which the removal is to be made.
5. Site plan, including legal description, in conformance with the requirements of Article XVII.
6. Location of the processing plant.
7. Type of materials or resources to be removed.
8. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
9. General description of equipment to be used.
10. The estimated number of years to complete operations.
11. A statement that a cash performance guarantee or equivalent security, satisfactory to the Planning Commission and the Township Board, will be furnished. Upon submission of a topographical survey by a Registered Civil Engineer or Registered Land Surveyor showing completion of the reclaimed areas, the bond or security shall be released, in accordance with the amount of security per acre.
12. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Civil Engineer or Registered Land Surveyor with minimum five (5) foot contour intervals based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas.
13. The applicant shall also prepare a Plan of Reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Civil Engineer and or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such a plan during the full term of the permit.
14. The application shall be accompanied by a processing fee, to be paid by the applicant, in an amount to be established from time to time by resolution of the Township Board.

B. Standards For Mining Operations

1. All buildings and stationary equipment shall be located no closer than one hundred fifty (150) feet to the nearest abutting property line.
2. No excavation or mining shall take place within one hundred (100) feet of the nearest abutting property line or the right-of-way of an existing or a platted street, nor within five hundred (500) feet to the nearest occupied residence. If the circumstances of the site indicate that either or both of these setback requirements would not be adequate to protect abutting property, the Planning Commission shall require a greater distance and may also require provision of a greenbelt and/or earthen berm within a portion of the setback area. A reduction in the setback from a street right-of-way may be granted by the Planning Commission only in those instances where it is necessary to reduce the final elevation so that it conforms with the elevation of the street.
3. All active excavation shall be screened from view of an adjoining residential district by one of the following:
 - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall be planted with grass, trees, and similar vegetation.
 - b. Plantings of coniferous trees having a minimum height of eight (8) feet along the boundaries of the property with sufficient staggered rows and of a depth that will guarantee effective screening.
4. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such manner as to comply with the Performance Standards of this Ordinance.
5. Any paved public road used as a haul route to and from the mining site shall be swept, as needed, to prevent any accumulation of sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
6. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.

7. The haul route shall be chosen so as to cause the least amount of disturbance to other uses in Hadley Township. The operator shall clearly post or otherwise inform all drivers of the approved haul route.
8. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Board as not constituting a hazard to road traffic, pedestrians, or adjoining property.
9. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through this Ordinance, and/or through judicial means, the land shall be reclaimed according to the Standards for Rehabilitation in Section 18.42 C.
10. Sand and gravel operations shall not leave or bury obsolete equipment on the mining site. Violations of this provision shall be grounds for revocation of the owner/operator's permit.
11. In order to protect the water wells in the surrounding area, dewatering is prohibited unless approved by the Township Board and appropriate State / Country agencies based upon review by the Township Engineer to ensure against unreasonable disturbance of water wells.
12. All trucks shall be prohibited from standing and/or parking on the public right of way outside the entrance to all mining operation sites.
13. If the excavation will result in a permanent body of water, the applicant shall provide a hydrogeological study that ensures that excessive run-off will be controlled in the event that natural springs will be encountered.
14. In preparation of this ordinance, it is recognized that it would be impossible to foresee all of the activities which could potentially result in hazards to the public health, safety and welfare. Therefore, the Township Board shall be authorized to direct that actions of the operator be taken or ceased in order to prevent an immediate and identified harm to the public health, safety and welfare in connection with the soil removal operation. The operator shall comply with such directive, however, in the event such a directive is given, the operator shall:
 - a. Be given a written notice identifying the reason for the directive, and specifying the action which is to be taken or ceased.
 - b. Be entitled to a hearing before the Township Board upon request of the operator. Such hearing shall be conducted at the next regular Township

Board meeting, or at a special meeting the Supervisor may call for this purpose.

C. Standards for Rehabilitation of Mined Areas

1. All excavations shall be made either to a water-producing depth of at least 12 feet below the low-water mark for at least 80 percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land in the immediate area.
2. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than four (4) feet horizontal to one (1) foot vertical, and said banks shall be restored with vegetation in a manner set forth hereunder.
3. Where a permanent body of water will result from the mining operations, the slopes on all sides of the pit beginning at the high water mark, shall not exceed 4 feet horizontal to 1 foot vertical until the water reaches a depth of 5 feet at the low water mark.
4. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not to be submerged under water, as provided above.
5. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which they are located.
6. All mined out areas shall, within a reasonable length of time, be reclaimed and rehabilitated. General rules for determining the reasonable length of time shall be:
 - a. The plan of reclamation shall include a schedule for reclamation of each particular area to be mined. This schedule may be adjusted or amended once each year, as part of the annual inspection process, upon demonstration of a reasonable basis by the operator.

- b. Reclamation shall be completed within two (2) years.
- 7. In the event the Township confirms that an operator previously mined areas of land without a permit, reclamation plan or bond, such operator shall include in the operator's reclamation schedule a plan for the reclamation of such areas in segments of not less than 100 acres per year. Said reclamation plan for such previously mined areas shall conform to all current permit and bonding requirements.

D. Bond Requirement

- 1. A permit shall not be issued upon any application involving the removal of more than 1000 cubic yards of soil unless the Permittee shall first post a cash bond with the Township Clerk. The bond shall be approved by the Township Board in the amount of the cost of the reclamation and rehabilitation work as set forth in the Plan for Reclamation as submitted by the applicant. The cost of that work shall be estimated by the Township Engineer, and approved by the Township Board; provided further that the Township Board is authorized to waive or reduce all or any part of the amount of such bond to the extent that the Township Board determines the same unnecessary to insure the completion of the work set forth in said plan. The Township Engineer's estimate will be based upon a review of that work as provided in the Reclamation Plan and shall be in an amount sufficient to cover the cost of reclamation by another at that point in time when reclamation is scheduled to commence. If the Township Engineer determines that the amount of the current surety is insufficient to reclaim the site, the amount of the bond shall be increased accordingly. The Township Engineer shall also consider inflation and other reclamation cost increases during the annual bond review.
- 2. The conditions of the cash bond shall be that it cover the entire area already disturbed and the entire area that will be disturbed by the operator within the current calendar year (January 1 - December 31). The bond shall reference all parcels covered by the bond by Tax Parcel ID Number. The minimum area covered by the bond shall be 10 acres. The bond shall be kept in full force and effect until the area covered by the bond has been reclaimed according to the operator's approved rehabilitation plan. The Permittee shall comply with all provisions of this ordinance and terms and conditions of the permit, and complete all work set forth in the rehabilitation plan. The amount of the bond shall be reviewed annually by the Township Engineer to ensure that the bond amount is adequate, after adjustment for inflation and other reclamation cost increases, to cover completion of all work set forth in the rehabilitation plan.
- 3. For good cause shown, the Township Board is authorized to grant the Permittee an extension of the time to complete the work shown on the Plan of Reclamation upon the Permittee's application therefor prior to the expiration of the date for completion.

4. Upon the Permittee complying with the provisions of this Ordinance, and the terms and conditions of the permit, the Clerk shall return a deposit of cash, certified check or irrevocable letter of credit, to the Permittee.

E. Periodic Inspections and Reports

1. A permit shall continue for such length of time as may be required to complete removal of the sand and gravel as long as the operations are carried out in compliance with this Ordinance and the permit. In order to provide the Township with periodic review for compliance with all operations and permit requirements, the mining site shall be inspected at least annually by the Township Engineer. Prior to inspection; the Township shall notify the operator of the date time of the inspection so that he will have the opportunity to be available.

The operator of each mining site under permit from the Township shall prepare and provide to the Township Engineer an aerial photograph or a contour map of the site that includes the following

- a. A scale of 1'=200' with contour intervals of five (5) feet.
- b. Areas to be excavated in future years shall be clearly defined.
- c. The aerial photo or contour map shall be prepared by a registered civil engineer or land surveyor and shall show the conditions of the site during the month of November of the current year.

At the time of the annual inspection, the operator shall be prepared to provide ground control stakes for the aerial survey or surveyor's stakes for the contour map, if the Township Engineer requests correlation with physical features on the site.

The Township Engineer shall prepare a report and if the mining operation is in violation of this ordinance, the Township Board shall notify him in writing. The violation shall be remedied within ninety (90) days or the Township Board may revoke the operating permit.

2. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, the operator shall establish an annual escrow account for surveillance and inspection of the mining operation. The escrow amount shall be determined on a per acre basis and shall be set by resolution of the Township Board. In determining the per acre amount, the Board may consult with a Registered Civil

Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the costs associated with compliance inspections. Any amount remaining in the escrow account at the termination of the operations shall be returned to the operator.

F. Procedures For Approval

1. Sufficient copies of the complete application, including plan drawings, shall be submitted to the Township Clerk. The Clerk will distribute copies to the township officials, consultants and staff. The Township Engineer, Planner and Attorney will review the complete application and provide their recommendations to the Board and the Planning Commission. The Planning Commission will then review the site plans for the proposed mining operation and the rehabilitation plans for the mined areas and recommend that the Township Board approve or deny the permit, according to the requirements and standards of Section 18.42 A, B, and C.
2. The Township Board may approve the request for a mining permit once it determines all standards and requirements are complied with.

SECTION 18.43 RESERVED FOR FUTURE USE

SECTION 18.44 OUTDOOR SALES LOTS FOR TRAILERS, MOTOR VEHICLES AND BOATS

Outdoor sales lots for automobiles, trucks, trailers, boats, and similar uses may be permitted in C-1 Districts subject to the following:

- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
- B. There shall be no strings of flags, pennants or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within any required yard.
- D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- E. On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, a landscaped greenbelt, or a combination of any of these as approved by the Planning Commission.

SECTION 18.45 TRUCKING TERMINALS AND FACILITIES

Trucking terminals and trucking facilities may be permitted in M-1 Districts, subject to the following:

- A. The site shall be designed to minimize negative impact on adjacent properties with regard to noise, glare, dust or fumes.
- B. All loading/truck service areas shall be set back at least fifty (50) feet from adjoining properties and shall be designed to minimize negative impacts on adjoining properties.
- C. All site lighting shall be designed to eliminate glare on adjacent properties.
- D. Any proposed maintenance/service facility, including fueling stations, shall be noted on the site plan. The site plan shall detail the location of all underground or above ground storage tanks and storage areas for new or used/waste materials of a hazardous or toxic nature. Method of secondary containment and leak detection, where applicable, shall also be noted on the site plan.
- E. Loudspeakers or public address systems are prohibited.
- F. A six foot (6') high masonry wall of face brick or poured concrete with brick pattern on both sides, shall be located on all property lines which abut any Residential district. In addition, a fifteen foot (15') wide greenbelt shall be installed adjacent to the required wall. This greenbelt shall be planted in accordance with the following:
 - 1. One three inch (3") caliper deciduous tree per thirty feet (30') of wall length.
 - 2. Four, 24" - 30" high or wide evergreen or deciduous shrubs per thirty feet (30') of wall length.
 - 3. Groundcover shall be either grass, woodchips, or decorative stone. Weedmat shall be installed under stone or woodchips.

SECTION 18.46 TOURIST HOME, ROOMING OR BOARDING HOUSE

A tourist home, rooming or boarding house may be permitted in the R-2 Districts, subject to the following:

- A. There shall be one (1) off-street parking space for each rental room or suite of rooms, plus one (1) space for each employee in the largest shift.

- B. One (1) non-illuminated sign, not to exceed eight (8) square feet and stating only the name of the establishment, may be displayed flat against the wall of the building or within the non-required front yard only.
- C. 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 any principal residential use.
- D. Individual rooms shall not have their own cooking facilities. If meals are provided as a feature of the facility, they shall be prepared in a central kitchen and served in a central dining room or rooms.

SECTION 18.47 USES SIMILAR TO PRINCIPAL PERMITTED USES

In all zoning districts, the Planning Commission may permit uses which are similar to the principal permitted uses, as special land uses, subject to findings of fact based upon the general standards of this Article and the following special standards:

- A. The use shall be consistent with the intent of the district and shall not change the basic uses allowed in the district.
- B. The uses shall be found to be compatible with the principal permitted uses allowed in the district.
- C. The use shall cause no more traffic than other principal permitted uses in the district.
- D. The use shall not require buildings, structures, or equipment that would be incompatible with the principal permitted uses allowed in the district.
- E. The Planning Commission may place such reasonable conditions on the use as it finds necessary to ensure compatibility with the principal permitted uses allowed in the district, subject to the standards of this Article.

SECTION 18.48 UTILITY TRANSMISSION FACILITIES

Utility transmission facilities, such as high pressure gas pipelines, high voltage electric transmission tower lines, wireless broadcast and communications facilities, and similar uses, may be permitted in the AR, REC, C-1, M-1 and M-2 Districts, subject to the following special regulations:

- A. General Regulations
 - 1. All such utility lines shall follow existing utility corridors, where possible and

reasonable, as determined by the Planning Commission.

2. The loss of any active agricultural use on property shown as prime or unique farmland on the soil conservation service's Important Farmland Map of Lapeer County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.
3. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
4. Non-compliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
5. Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.
6. The person or company granted privileges hereunder shall inform the Township clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the Township.
7. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

B. Requirements for High Voltage Electric Transmission Lines of 120 kv or Greater

1. High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500) feet to occupied residences. Existing 345 kV lines shall not be energized at a higher voltage level when located closer than five hundred (500) feet to occupied residences.
2. Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
3. Where operating voltages will exceed 345 kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in

any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.

4. The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the corridor right-of-way.
5. No such line or system shall cause radio or TV interference within residential dwellings in the Township, and if such happens it will be considered a public nuisance, subject to abatement.
6. "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission may require fencing at those road crossings which it determines are in need of additional protective measures.
7. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
8. Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
40dBA	Recreation	Common Property Line
40dBA	Residential	Common Property Line
40dBA	Agricultural	Common Property Line
60dBA	Commercial	Common Property Line
75dBA	Industrial	Common Property Line

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

9. At the time a request is made for approval under this Section, the person, partnership, corporation or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. The Planning Commission may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend, and hold harmless the Township from any claims arising out of

the construction or operation of a project approved herein.

10. When such lines or systems interfere with a public road by crossing or paralleling the road, the line or system owner, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house or other object over the public ways, at the line or system owner's expense.
11. If any court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Township.
12. The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
13. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

C. Requirements for Utility Transmission Structures

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping / storage facilities, shall require Special Land Use Approval by the Planning Commission, subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

Use	District
Electric Stations	AR, REC, M-1, M-2
Gas Compressor Stations	M-1, M-2
Oil Storage Facility	M-1, M-2

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.

3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300) feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
 - a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment.
 - b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment.
 - c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment.
 - d. Any combination of the above requirements approved by the Planning Commission.
4. All buildings and equipment permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.
5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

D. Wireless Radio and Television Broadcast Antennas, Communications Antennas and Towers

The requirements of this section apply to all structures and accessory facilities relating to the use of the wireless broadcast communication facilities.

1. Definitions:
 - a. Colocation: The location of two or more wireless communication facilities on a common structure, tower, or building.
 - b. 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, television, micro-wave relay, wireless telephone transmission and commercial mobile radio service towers, including 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 law or regulations which preempt municipal regulatory authority.
2. Permitted Use of Wireless Communication Facilities
 - a. Within the M-1 and M-2 Districts, wireless communication facilities shall be permitted as a Principal Permitted Use, provided the application is for the colocation of a new wireless communication facility antenna on an existing wireless communication facility support structure or on a building or other structure.
 - b. Within the M-1 and M-2 Districts, wireless communication facilities that propose the construction of a new wireless communication facility support structure shall be Permitted After Special Land Use Approval.
3. Special Requirements For Wireless Communication Facilities Proposed Outside the M-1 and M-2 Districts:

Applications for wireless communication facilities which are proposed to be located outside of the M-1 and M-2 districts shall be reviewed by the Planning Commission as special land uses and shall conform with the following standards:

- a. The applicant shall demonstrate that a location within the M-1 or M-2 district 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. Municipal-owned site.
 - ii. Other governmental-owned site.
 - iii. Religious or other institutional site.
 - iv. Public park and other large permanent open space areas when compatible.
 - v. Other locations if none of the above is available.

4. Standards and Conditions Applicable to All Wireless Communication Facilities

- a. The maximum height of the wireless communication facility 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), not to exceed 100 feet, unless approved by the Planning Commission. Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
- b. The setback of the support structure from any property line and existing or proposed road right of way line shall be a minimum 100 feet. The Planning Commission may require a greater setback for any tower permitted to be greater than 100 feet high.
- c. No wireless transmission tower shall be located closer than 2,000 feet to any other such tower, unless approved by the Planning Commission.
- d. Support structures shall be constructed in accordance with applicable building codes. The application shall include a certification by a State of Michigan licensed Professional Engineer regarding the manner in which the proposed structure will fall, and a soils report from a geotechnical engineer that demonstrates the soil suitability for the proposed facility.
- e. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

- f. The Planning Commission may regulate the type of support structure (monopole, lattice, and the like) and color of the wireless communication facility and all accessory buildings, subject to regulations of the Federal Aviation Administration.
- g. Requirements for Colocation:
 - i. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
 - ii. 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.
 - iii. Review of an application for colocation shall be expedited through administrative review and approval. Where the colocation of a new wireless communication facility antenna on a building, water tower, church steeple, stadium light pole, electric transmission tower, or similar structure, as determined by the Planning Commission, the required 100 foot setback shall not apply.
 - iv. 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.
 - v. 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 prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Applicants to the Board of Appeals regarding this provision must demonstrate that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or would have the effect of prohibiting the provision of personal wireless communication services.

h. Removal

All applications for wireless communication facilities shall include a 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. Removal of all or part of the facility by users and owners shall be required 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 Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

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, proceed with, and complete the demolition/removal. 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.

SECTION 18.49 RESIDENTIAL ACCESSORY OCCUPATIONS

Residential accessory occupations may be permitted in the AR, Agricultural Residential district subject to special land use review and approval by the Planning Commission, and subject to the following special standards:

- A. The occupation shall be carried on only by the occupant of the dwelling located on the same property.

- B. The occupation shall employ only those persons who reside in the dwelling, unless otherwise approved by the Planning Commission.
- C. The occupation shall not be visible or noticeable in any form or manner from outside the walls of the accessory building.
- D. The floor area devoted to the Residential Accessory Occupation shall not exceed one thousand two hundred (1,200) square feet.
- E. No Residential Accessory Occupation shall be approved that produces noise, wastes, odors, vehicular traffic or similar side effects which, in the opinion of the Planning Commission, are not customary in a residential district.
- F. Approval of one Residential Accessory Occupation shall not be grounds to establish any other accessory occupation on the same site. All changes in such occupations shall obtain prior approval of the Planning Commission.
- G. Approval to transfer a Residential Accessory Occupation permit from a current owner-occupant to a new owner-occupant may be granted by the Planning Commission upon receipt of a request that demonstrates no changes in the use as originally approved.

SECTION 18.50 SINGLE-FAMILY CLUSTER HOUSING OPTION

The Single-Family Cluster Housing Option may be approved by the Planning Commission in the AR districts. The purpose of this development technique is to preserve certain natural features such as mature tree stands, unusual topography, water and wetlands areas, flood plains, and similar natural features by providing for variation in minimum lot sizes and widths. On sites without important natural features, the Single-Family Cluster Housing Option may be used to protect rural vistas, create permanent open spaces, and/or recreation facilities designed to enhance the quality of the Township's residential areas. A proposal for Single-Family Cluster Housing shall conclusively demonstrate the following to the Planning Commission:

- A. The land must be platted and subdivided under the State Land Division Act and the Hadley Township Subdivision Regulations Ordinance, or the State Condominium Act and the Hadley Township Condominium Subdivision Approval requirements (Section 4.24).
- B. The parcel of land possesses one or more of the following physical or locational characteristics:
 - 1. Topography of the site exceeds twenty (20) percent slope.

2. Street slopes would exceed the maximum of six (6) percent on the site without mass grading of the parcel.
 3. The area of open space planned accounts for at least twenty-five (25) percent of the total development area of the parcel, however, land under water (lakes, streams, creeks, watercourses and similar bodies of water or regulated wetlands) shall not be included in the computation.
 4. The parcel contains a readily identifiable physical resource which is to be conserved by the developer. Items classified as a physical resource may include streams, watercourses, swamps, areas of unique topography having a slope over 20 percent on at least 25 percent of the site, tree stands and/or other natural vegetation areas and similar items.
- C. The development plan should encourage a more efficient, aesthetic, and desirable use of the land by preserving certain natural features, thereby allowing a consolidation of the developed areas that could result in lower overall development costs.
- D. The following guidelines shall be used in designing a single-family cluster housing development proposal:
1. Cluster Design Standard Modifications

The following table outlines the design standard modifications which may be permitted by the Planning Commission under this Section:

Minimum Required Open Space	Minimum Lot Area	Minimum Lot Width
45%	1.0 Acre	150'

See Article 15 for height, bulk, density, area and setback requirements for principal and accessory structures and uses. (Approval of the Single-Family Cluster Housing Option shall not increase the allowable density in the AR district.)

2. All dwelling units in a cluster housing development shall meet the minimum floor area requirements of the applicable zoning districts.
3. Design and Plan Requirements

All applications shall comply with the following requirements for information, plan content and design:

- a. A community impact statement shall be submitted which describes the project's anticipated impact on:
 - i. Public services and facilities such as, police and fire protection, emergency medical service, public schools, and the like.
 - ii. The local public road system.
 - iii. Neighboring uses.
 - iv. Visual character of the site.

The Community Impact Statement may be incorporated onto the site plan or included with the application as a separate written submittal.

- b. A resource inventory shall be submitted which clearly identifies the following:
 - i. All floodplains, wetlands and waterbodies.
 - ii. A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
 - iii. A survey and analysis of on-site soils and slopes, based on Soil Conservation and USGS maps and data.
 - iv. 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.

The resource inventory components may be incorporated onto the site plan or submitted as a separate written document.

- c. All lots shall be served by an internal road network. No lots shall front upon the existing major road.
- d. The permanent open space shall include the site's most significant natural 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,
 - viii. similar features approved by the Planning Commission.
- e. 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.
 - f. 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.

4. Open Space Maintenance

- a. All open space shall be permanent and set aside in perpetuity through an irrevocable conveyance that is found acceptable by the Township. Such conveyance shall assure that open space will be protected from future development and shall never be changed to another use.
- 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 but not financially responsible 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.

- 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 approval of the development proposal by the Planning Commission.
- e. All open space that remains in private ownership shall remain taxable as real property, and is the owners' responsibility regarding maintenance and zoning compliance.

ARTICLE XIX

Zoning Board of Appeals

SECTION 19.01 ZONING BOARD OF APPEALS MEMBERS

- A. A Zoning Board of Appeals (ZBA) is hereby created to carry out the responsibilities and exercise the authority provided in this Ordinance and in M.C.L. 125.3101 *et seq.* The ZBA shall consist of three (3) regular members, appointed by the Township Board for terms of three (3) years. One member shall also be a member of the Township Board and one member shall also be a member of the Planning Commission. The third member shall be an elector of the township who is not an employee or contractor of the Township.
- B. The Township Board may appoint not more than two (2) alternate members as provided in M.C.L. 125.3101 *et seq.*
- C. A member of the ZBA 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 of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 19.02 MEETINGS

All special meetings of the ZBA shall be held at the call of the Chairman, and regular meetings at such times as the Township Board may determine. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The ZBA shall not conduct business unless a majority of the regular members are present. The Board of Appeals shall adopt bylaws and rules for the conduct of business in conformance with M.C.L. 125.3101 *et seq.*

SECTION 19.03 AUTHORITY OF ZONING BOARD OF APPEALS

- A. In General

The ZBA shall have authority to act on those matters where this Ordinance provides for administrative review, appeal, interpretation, or appeal of the decision to deny a special land use, and shall have authority to authorize a variance as defined in this Ordinance and

M.C.L. 125.3101 *et seq.* The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

B. Administrative Review

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which has not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in this Ordinance.

C. Interpretation

The ZBA shall have authority to hear and decide requests for interpretation of the zoning ordinance, including the zoning map. The ZBA shall make such decision so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

D. Special Land Use Approval Appeals

The ZBA shall have authority to hear and decide appeals from the decision of the Planning Commission regarding special land use approvals. In deciding such appeals, the ZBA shall review the Planning Commission's application of the specific special land use approval standards applicable. The method and scope of appellate review under this sub-section shall be governed by the same standards applicable to review under sub-section B above. The ZBA shall be authorized to impose conditions determined appropriate by the ZBA, and as authorized by law, in connection with a decision on a special land use approval appeal.

E. Variances

The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Such authority shall be exercised in accordance with the following standards:

1. The ZBA may grant a requested variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
 - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other dimensional standards, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - b. The variance will do substantial justice to the applicant, as well as to other property owners.
 - c. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - d. The problem and resulting need for the variance has not been self-created by the applicant.
2. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to provide information, testimony and evidence on a variance request. The fact that a Township representative does not appear and/or present information, testimony and/or evidence on a particular variance request, shall not be considered or construed as being a waiver of the right to make such a presentation at a later date or an acknowledgment that the information, testimony and/or evidence does not exist, and shall not be evidence, in and of itself, that a variance should be granted.
3. The following are specified as appropriate considerations by the ZBA in hearing and deciding variance requests, provided, this list shall in no respect constitute a limitation upon the considerations which may be made by the ZBA:

- a. Other lands, structures, buildings, lots and uses in the same district and in the general vicinity of the property in question.
- b. Whether granting the variance will confer special privileges on the applicant that have been denied by the Ordinance and/or ZBA in other cases.
- c. Whether the requested variance is the minimum necessary to authorize reasonable use of the property in relation to the surrounding area.
- d. Reasonable and available alternatives, which, although not requested by the applicant, would minimize or eliminate the need for variance relief.
- e. The provisions of this Ordinance from which a variance is requested, including the purpose and intent of such provisions within the context of the Ordinance as a whole.
- f. The imposition of appropriate and authorized conditions.
- g. The existence of nonconforming structures, uses of land, or the combination of structures and uses, shall not be used as a basis or rational for granting a variance.

F. Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure adequacy of public services and facilities affected by a proposed 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 meet the following requirements.

- 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will utilize 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.
- 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required for a new case or application. Moreover, to insure adequate notice of a decision and any conditions, the ZBA may require as a condition to the effectiveness of relief granted that the property owner record with County Register of Deeds, in a form acceptable to the ZBA, an affidavit detailing the relief granted and conditions imposed.

G. Temporary Permits for Visitors Travel Trailers or Recreational Vehicles

The ZBA may issue temporary permits for the occupancy of recreational vehicles at a private home for a duration of more than ninety (90) days (Section 4.20), subject to a finding that the parking and occupancy of the recreational vehicle will in no way change the residential character of the neighborhood or otherwise adversely impact the use and enjoyment of nearby residential properties and uses.

SECTION 19.04 ZONING BOARD OF APPEALS NOTICE OF HEARING

The Township Clerk, or designate, shall provide public notice of a ZBA public hearing. Notice of the hearing of the appeal shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice of public hearing shall also be given to all owners of record of property within a radius of three hundred (300) feet of the premises involved, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Hadley Township by mail or personal delivery, not less than fifteen (15) days prior to the hearing, in accordance with M.C.L. 125.3101 *et seq.* Other persons may be notified at the discretion of the ZBA.

SECTION 19.05 ZONING BOARD OF APPEALS DECISIONS

No administrative review, interpretation, special land use approval appeal, or variance may be granted unless at least two members vote in favor thereof. The ZBA shall state the grounds of each decision.

SECTION 19.06 ZONING BOARD OF APPEALS APPROVAL

The ZBA may require the appellant to submit all necessary survey, plans, or other information necessary for the ZBA to investigate thoroughly the matter before it. Any plans that accompany an

application shall be based on a mortgage survey, or land survey prepared by a registered land surveyor. Such plans shall be to scale and shall include all property lines and dimensions, setbacks, and all existing and proposed structures. The ZBA has the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to insure accuracy of the plan.

SECTION 19.07 APPROVAL PERIODS

- A. The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.
- B. A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as prepared by the secretary, shall constitute the written decision.
- C. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decisions are found to be correct, and the conditions upon which the decision was based are maintained.
- D. The relief granted by the ZBA shall be valid for a period not longer than six (6) months, unless otherwise specified by the ZBA. Within such period, actual land division, land use, or on-site improvement of property in accordance with the approved plan and the relief granted, and under a valid building permit if activity requires, must be commenced or the grant of relief shall be deemed void. Relief granted by the ZBA shall not constitute approval of the use or activity where any other zoning compliance, building permit, or other review or permit is required.
- E. Appeals of a ZBA decision shall be taken in the manner provided by law.

ARTICLE XX

Interpretation and Application

SECTION 20.01

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are more or less restrictive than the provisions of this Ordinance, the more restrictive or that imposing the higher standards shall govern.

ARTICLE XXI

Violations and Penalties

SECTION 21.01 VIOLATIONS AND PENALTIES

Any person, firm, corporation, or other organization which violates any of the provisions of this Ordinance shall be guilty of a civil infraction, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

- A. **No Exemption From Compliance.** The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- B. **Future Violations Prohibited.** In the case of a violation of this Ordinance and subsequent conviction, the District Court shall have the power to enter orders prohibiting future violations.
- C. **Other Appropriate Relief.** The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- D. **Each Day A Separate Offense.** A Separate Offense shall be deemed committed upon each day during or when a violation occurs or continues.
- E. **Rights And Remedies Are Cumulative.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXII

Conflicting Provisions Repealed

SECTION 22.01

Hadley Township Zoning Ordinance Number 100 as amended, originally adopted September 10, 1990, is hereby repealed in its entirety.

ARTICLE XXIII

Validity

SECTION 23.01

The Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

ARTICLE XXIV

Enactment and Effective Date

SECTION 24.01 EFFECTIVE DATE

The provisions of this Ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Hadley, and are hereby ordered to be given effect thirty (30) days from and after the date of publication of a Notice of Adoption, as provided by law.

SECTION 24.02 ENACTMENT & CERTIFICATION OF THE TOWNSHIP CLERK

I, Mary Ellen Painter, Clerk of the Township of Hadley, Michigan, do hereby certify that this Ordinance was adopted by the Hadley Township Board, by authority of Act 184 of the Public Acts of 1943, as amended, at a meeting of the Hadley Township Board, held at the Township Hall, on the 13th day of August, 2001 by the following vote:


Motion by Broecker, Supported by Painter.

Ayes: 5

Nays: 0

Absent: None

Motion: Carried



MARY ELLEN PAINTER, Clerk
Hadley Township

<u>INDEX</u>	<u>SECTION</u>	<u>PAGE</u>
ACCESSORY BUILDINGS	SECTION 4.10	20
ADMINISTRATION	ARTICLE XVI	81
ADULT FOSTER CARE HOMES	SECTION 18.17	114
AGED, HOME FOR THE	SECTION 18.15	112
AGRICULTURAL RESIDENTIAL DISTRICT (AR)	ARTICLE VII	64
AIRCRAFT LANDING FIELDS, PRIVATE	SECTION 18.32	124
AIRPORTS, PUBLIC USE	SECTION 18.36	126
ALLEYS	SECTION 4.03	19
AMENDMENTS TO ZONING ORDINANCE	SECTION 16.08	85
ANIMALS, KEEPING OF	SECTION 4.23	37
AR, AGRICULTURAL RESIDENTIAL DISTRICT	ARTICLE VII	64
ARCHERY RANGES	SECTION 18.41	129
AUTO AND TRUCK BODY AND HEAVY REPAIR	SECTION 18.21	116
AUTOMOBILE SERVICE STATIONS	SECTION 18.10	107
AUTOMOBILE WRECKING YARDS	SECTION 18.25	118
BARRIERS	SECTION 4.15	31
BED AND BREAKFAST ESTABLISHMENTS	SECTION 18.11	109
BOARDING HOUSE	SECTION 18.46	138
BUILDINGS TO BE MOVED	SECTION 4.11	22
C-1, COMMERCIAL DISTRICT	ARTICLE XII	73
CAMPGROUNDS, OVERNIGHT	SECTION 18.31	122
CEMETERIES	SECTION 18.12	110
CERTIFICATES OF OCCUPANCY	SECTION 16.04	83
CHILDCARE CENTERS	SECTION 18.29	120
CHURCHES	SECTION 18.13	111
CLUSTER HOUSING OPTION, SINGLE-FAMILY	SECTION 18.50	148
COLLEGES, PUBLIC AND PRIVATE	SECTION 18.35	126
COMMERCIAL DISTRICT (C-1)	ARTICLE XII	73
COMMERCIAL RECREATION	SECTION 18.14	112
CONDOMINIUM SUBDIVISION APPROVAL	SECTION 4.24	37
CONFLICTING REGULATIONS	SECTION 4.01	19
CONVALESCENT HOME	SECTION 18.15	112
CORNER CLEARANCE	SECTION 4.28	45
DAY CARE HOME	SECTION 18.29	120
DEFINITIONS	ARTICLE II	2
DISTRICT BOUNDARIES	SECTION 3.03	18
DISTRICTS	SECTION 3.01	18
DWELLING STANDARDS	SECTION 4.21	35
EATING AND DRINKING ESTABLISHMENTS	SECTION 18.16	113
EMERGENCY ACCESS, PRIVATE DRIVE STANDARDS FOR	SECTION 4.25	40

<u>INDEX</u>	<u>SECTION</u>	<u>PAGE</u>
ENERGY RECOVERY PLANTS	SECTION 18.24	118
ENFORCEMENT	SECTION 16.01	81
EXCAVATIONS	SECTION 4.12	22
EXTRACTIVE INDUSTRIAL DISTRICT (M-2)	ARTICLE XIV	77
FEEES	SECTION 16.06	84
FENCES	SECTION 4.15	31
FILLING OPERATIONS	SECTION 4.16	33
FINAL INSPECTION	SECTION 16.05	84
FLOOD HAZARD AREAS	SECTION 4.29	47
FOUNDRIES, SMALL SCALE	SECTION 18.18	114
GAME AREAS, COMBAT	SECTION 18.41	129
GARAGE SALES	SECTION 4.32	49
GENERAL EXCEPTIONS	SECTION 4.18	33
GENERAL PROVISIONS	ARTICLE IV	19
GOLF COURSES	SECTION 18.19	115
GREENBELTS REQUIRED FOR NON-RESIDENTIAL USES AND SPECIAL APPROVAL USES	SECTION 4.30	47
GUN CLUBS	SECTION 18.41	129
HAZARDOUS MATERIALS	SECTION 4.27	43
HAZARDOUS WASTE FACILITIES	SECTION 18.20	115
HOLES	SECTION 4.12	22
HOME OCCUPATIONS	SECTION 4.22	36
HOSPITALS	SECTION 18.22	117
HOTELS	SECTION 18.23	117
INCINERATORS	SECTION 18.24	118
INDIGENT, HOME FOR THE	SECTION 18.15	112
INDUSTRIAL DISTRICT (M-1)	ARTICLE XIII	75
JUNK YARDS	SECTION 18.25	118
KEEPING OF ANIMALS	SECTION 4.23	37
KENNELS, PRIVATE AND COMMERCIAL	SECTION 18.26	119
LANDFILLS	SECTION 18.20	115
LANDSCAPING REQUIRED FOR NON-RESIDENTIAL USES AND SPECIAL APPROVAL USES	SECTION 4.30	47
LIVING QUARTERS FOR BUSINESS PROPRIETOR	SECTION 18.27	120
LOTS	SECTION 4.06	19
M-1, INDUSTRIAL DISTRICT	ARTICLE XIII	75
M-2, EXTRACTIVE INDUSTRIAL DISTRICT	ARTICLE XIV	77
MAP	SECTION 3.02	18
MAPPED DISTRICTS	ARTICLE III	18
MECHANICAL EQUIPMENT, SCREENING OF	SECTION 4.31	49

<u>INDEX</u>	<u>SECTION</u>	<u>PAGE</u>
MENTALLY HANDICAPPED, HOME FOR THE	SECTION 18.15	112
MINING OPERATIONS	SECTION 18.42	130
MOBILE HOMES, UNOCCUPIED	SECTION 4.33	50
MOTELS	SECTION 18.23	117
MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2)	ARTICLE IX	69
NON-CONFORMING LOTS	ARTICLE V	51
NON-CONFORMING LOTS , CHANGE OF TENANCY OR OWNERSHIP	SECTION 5.06	53
NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS)	SECTION 5.02	51
NON-CONFORMING STRUCTURES	SECTION 5.03	51
NON-CONFORMING STRUCTURES - ABANDONMENT	SECTION 5.07	54
NON-CONFORMING STRUCTURES - REPAIRS AND MAINTENANCE	SECTION 5.08	54
NON-CONFORMING STRUCTURES, CHANGE OF TENANCY OR OWNERSHIP	SECTION 5.06	53
NON-CONFORMING USE OF LAND	SECTION 5.04	52
NON-CONFORMING USES	ARTICLE V	51
NON-CONFORMING USES , CHANGE OF TENANCY OR OWNERSHIP	SECTION 5.06	53
NON-CONFORMING USES OF STRUCTURES AND LAND	SECTION 5.05	52
NON-CONFORMING USES, CLASS A AND CLASS B	SECTION 5.10	54
NURSERY SCHOOLS	SECTION 18.29	120
NURSING HOME	SECTION 18.15	112
OFF-STREET PARKING REQUIREMENTS	ARTICLE VI	57
OPEN SPACES	SECTION 4.06	19
ORPHANAGE	SECTION 18.15	112
OUTDOOR DISPLAYS	SECTION 4.32	49
OUTDOOR RETAIL SALES	SECTION 18.30	122
OUTDOOR SALES	SECTION 4.32	49
OUTDOOR SALES LOTS FOR TRAILERS, MOTOR VEHICLES AND BOATS	SECTION 18.44	137
PARKING REQUIREMENTS	SECTION 6.01	57
PARKS, PUBLIC	SECTION 18.34	125
PERFORMANCE GUARANTEES	SECTION 16.07	84
PERFORMANCE STANDARDS	SECTION 4.26	40
PLANT MATERIALS REQUIRED FOR NON-RESIDENTIAL USES AND SPECIAL APPROVAL USES	SECTION 4.30	47
POOLS	SECTION 4.17	33
PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS	SECTION 4.25	40
PROTECTIVE BARRIERS	SECTION 4.15	31
PUBLIC BUILDINGS	SECTION 18.33	125
PUBLIC BUILDINGS WITHOUT STORAGE YARDS	SECTION 18.37	127
PUBLIC HEARINGS AND NOTICES, SPECIAL LAND USE	SECTION 18.05	96

INDEX

	<u>SECTION</u>	<u>PAGE</u>
PUBLIC PARKS	SECTION 18.34	125
QUASI-PUBLIC BUILDINGS AND RECREATION AREAS	SECTION 18.38	128
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT	ARTICLE VIII	67
R-2, MULTIPLE FAMILY RESIDENTIAL DISTRICT	ARTICLE IX	69
RAILROAD RIGHTS-OF-WAY	SECTION 4.03	19
REC, RECREATION DISTRICT	ARTICLE XI	72
RECREATION AREAS, QUASI-PUBLIC	SECTION 18.38	128
RECREATION DISTRICT (REC)	ARTICLE XI	72
RECREATION, COMMERCIAL	SECTION 18.14	112
RECREATIONAL VEHICLE, TEMPORARY PARKING/OCCUPANCY OF	SECTION 4.20	34
RECYCLING OPERATIONS	SECTION 18.25	118
RESIDENTIAL ACCESSORY OCCUPATIONS	SECTION 18.49	147
RESIDENTIAL MOBILE HOME DISTRICT (RMH)	ARTICLE X	71
RIDING ACADEMIES, COMMERCIAL	SECTION 18.40	128
RIGHTS-OF-WAY, ALLEYS	SECTION 4.03	19
RIGHTS-OF-WAY, RAILROAD	SECTION 4.03	19
RIGHTS-OF-WAY, STREET	SECTION 4.03	19
RMH, RESIDENTIAL MOBILE HOME DISTRICT	ARTICLE X	71
ROOMING HOUSE	SECTION 18.46	138
SALVAGE YARDS	SECTION 18.25	118
SCHEDULE OF REGULATIONS	ARTICLE XV	79
SCHOOLS, PUBLIC AND PRIVATE	SECTION 18.35	126
SCOPE OF ORDINANCE	SECTION 4.02	19
SCREEN WALLS	SECTION 4.15	31
SCREENING OF MECHANICAL EQUIPMENT	SECTION 4.31	49
SCREENING OF TRASH RECEPTACLES	SECTION 4.31	49
SHOOTING RANGES	SECTION 18.41	129
SIGNS	SECTION 4.14	23
SINGLE FAMILY DWELLING STANDARDS	SECTION 4.21	35
SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)	ARTICLE VIII	67
SINGLE-FAMILY CLUSTER HOUSING OPTION	SECTION 18.50	148
SITE PLAN REVIEW	ARTICLE XVII	86
SMALL SCALE FOUNDRIES	SECTION 18.18	114
SOIL REMOVAL OPERATIONS	SECTION 18.42	130
SPECIAL LAND USE APPEAL PROCEDURES	SECTION 18.08	99
SPECIAL LAND USE APPLICATION AND FEE	SECTION 18.03	96
SPECIAL LAND USE APPROVAL	ARTICLE XVIII	96
SPECIAL LAND USE APPROVAL PROCEDURES	SECTION 18.08	99
SPECIAL LAND USE CONDITIONS	SECTION 18.07	98
SPECIAL LAND USE PERMIT, CONTINUANCE OF	SECTION 18.09	99

<u>INDEX</u>	<u>SECTION</u>	<u>PAGE</u>
SPECIAL LAND USE PERMIT, TRANSFER OF	SECTION 18.09	99
SPECIAL LAND USE PERMIT, VOIDING OF	SECTION 18.09	99
SPECIAL LAND USE PERMITS	SECTION 18.02	96
SPECIAL LAND USE PUBLIC HEARINGS AND NOTICES	SECTION 18.05	96
SPECIAL LAND USE STANDARDS	SECTION 18.06	97
SPECIAL LAND USES NOT NON-CONFORMING	SECTION 5.09	54
STABLES, COMMERCIAL	SECTION 18.40	128
STREET FRONTAGE	SECTION 4.07	20
STREET RIGHTS-OF-WAY	SECTION 4.03	19
SUBSTANDARD LOTS	SECTION 5.02	51
SWIMMING POOLS	SECTION 4.17	33
TEMPORARY OCCUPANCY OF TRAVEL TRAILER OR RECREATIONAL VEHICLE	SECTION 4.20	34
TEMPORARY PARKING OF TRAVEL TRAILER OR RECREATIONAL VEHICLE	SECTION 4.20	34
TOURIST HOME	SECTION 18.46	138
TRANSFER STATIONS	SECTION 18.20	108
TRASH RECEPTACLES, SCREENING OF	SECTION 4.31	49
TRAVEL TRAILER, TEMPORARY PARKING/OCCUPANCY OF	SECTION 4.20	34
TRUCKING TERMINALS AND FACILITIES	SECTION 18.45	138
UNIVERSITIES, PUBLIC AND PRIVATE	SECTION 18.35	126
UNOCCUPIED MOBILE HOMES	SECTION 4.33	50
USES SIMILAR TO PRINCIPAL PERMITTED USES	SECTION 18.47	139
UTILITY FACILITIES (NOT INCLUDING STORAGE YARDS)	SECTION 18.28	120
UTILITY TRANSMISSION FACILITIES	SECTION 18.48	139
WASTE OR SCRAP RECYCLING OPERATIONS YARDS	SECTION 18.25	118
ZONING ADMINISTRATOR, DUTIES OF	SECTION 4.06	19
ZONING BOARD OF APPEALS	SECTION 16.02	81
ZONING BOARD OF APPEALS APPROVALS	ARTICLE XIX	153
ZONING BOARD OF APPEALS DECISIONS	SECTION 19.06	157
ZONING BOARD OF APPEALS MEETINGS	SECTION 19.05	157
ZONING BOARD OF APPEALS MEMBERS	SECTION 19.02	153
ZONING BOARD OF APPEALS NOTICE OF HEARING	SECTION 19.01	153
ZONING BOARD OF APPEALS, AUTHORITY OF	SECTION 19.04	157
ZONING PERMITS	SECTION 19.03	153
	SECTION 16.03	82

