

# LAPEER TOWNSHIP

## ZONING ORDINANCE NO. 1



Adopted  
May 22, 1986

As Amended thru April 11, 2022

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ARTICLE 1  
GENERAL PROVISIONS

Section 1.00 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 imposes more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 1.01 SCOPE.

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

Section 1.02 ACCESSORY AMUSEMENT DEVICES.

Five (5) or less amusement devices may be established and installed as accessory only to a business, institutional or residential association principal permitted use.

Each amusement device established and installed as accessory to any of the foregoing uses must have at least one thousand (1,000) square feet of gross floor area for the first two such devices, plus five hundred (500) square feet of gross building area for each additional machine.

Section 1.03 ACCESSORY BUILDINGS IN OTHER THAN ONE-FAMILY, TWO-FAMILY AND MOBILE HOME PARK DISTRICTS.

In multiple-family, commercial or industrial districts, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gatehouses and transformer buildings, may be located in the front or side yard in said districts, only upon Planning Commission approval.

Section 1.04 AVERAGE LOT SIZE.

Subject to approval of the Planning Commission, a subdivider or developer may vary lot sizes and lot widths so as to average the minimum size per dwelling unit as required in each respective district. For the purposes of lot averaging, the following conditions shall be met:

1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create individual lots having an area or width more than ten (10) percent below that area or width required in each respective district and shall not create an attendant increase in the number of lots.
2. The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received Township Board approval, is carried through final plat approval and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this provision.



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- 3. All computations showing lot area and the average resulting through this technique shall be indicated on all preliminary plat drawings.

Section 1.05 BUILDING GRADES.

All required yards shall be maintained at a slope to cause the flow of surface waters to existing drainage systems, without causing any ponding or flooding upon any adjacent lands resulting from any change in elevation; provided, however, this shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are constructed and maintained.

When a new building is constructed or located on a vacant lot between two existing buildings, the yard around the new building shall be graded to meet the existing grades and permit runoff of surface waters without encroachment onto adjacent properties, except as such runoff follows drainage patterns as they exist.

Final grades shall be determined and approved by the Building Inspector. If the Building Inspector deems necessary, a "Certificate of Grading and Location of Building" shall be duly completed and certified by a registered engineer or land surveyor before final grades are approved.

Section 1.06 BUILDINGS ACCESSORY TO ONE- AND TWO-FAMILY RESIDENTIAL USES.

Buildings accessory to One- and Two-Family Residential uses shall be subject to the following regulations:

- 1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
- 2. Detached accessory buildings shall not be erected in any front yard.
- 3. An accessory building may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard.
- 4. Accessory buildings shall observe the following area requirements:

<b>Parcel Size</b>	<b>Maximum Accessory Building Size*</b>	<b>Maximum Number of Buildings</b>
One-half (½) acre or less, or located in a platted subdivision.	720 square feet	1
More than one-half (½) acre, up to one (1) acre, or located in a platted subdivision.	1,200 square feet	2
Greater than one (1) acre, or less than five (5) acres.	1,536 square feet	2
Five (5) acres or more.	2,400 square feet	2

\* Maximum size refers to aggregate of all accessory buildings.



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Any request for accessory buildings larger than those noted above shall only be permitted after receiving special land use approval from the Township Planning Commission. As a part of the review of such buildings, the requirement for engineered site plans shall be waived, unless such information is essential for the review of such building. Further, any review from the Township Planning Consultant and Township Engineer shall also be waived, again, unless such review is essential for the review of the application.

5. Accessory buildings on corner lots shall comply with Section 1.21.
6. No detached accessory building shall be located closer than twelve (12) feet to any principal building, nor shall it be located in the required side yard or closer than ten (10) feet to any rear lot line. In subdivisions, accessory buildings less than one hundred fifty (150) square feet may be located as close as three (3) feet to the side lot line.
7. No accessory building in a residential zoning district shall exceed one (1) story or eighteen (18) feet in height, except for buildings accessory to agricultural uses.
8. No accessory building shall be constructed prior to the completion of the footings of the main building on the property.
9. No accessory building shall involve any business, profession, trade or occupation.
10. Accessory buildings used in conjunction with a bona fide agricultural operation are exempt from the height limitation; restrictions on the number of buildings, and the floor area requirements noted above and may also be constructed on a vacant piece of property which has been deemed to be an integral part (under the same ownership or lease agreement as the principal farmer/ farming operation) of the overall farming operation.
11. A certificate of zoning compliance shall be recorded with the County Register of Deeds at the expense of the landowner for any accessory building exceeding 2,400 square feet.

*Amended January 14, 2008  
Amended: March 1, 2012*

Section 1.07 BUILDINGS TO BE MOVED.

A permit shall be required for the moving of buildings or structures, including mobile homes, from within or outside the limits of the Township to be placed on lands within the Township. If a building to be moved or relocated is existing and plans do not exist, the Building Inspector shall make an on-site inspection of the structure and prepare his findings based upon the on-site inspection. The Zoning Administrator shall determine that all zoning regulations can be complied with, including minimum lot size, yard spaces, parking, and all requirements of the applicable zoning district. No permit shall be issued unless the Zoning Administrator shall have made an inspection of the building site or plans and has found affirmatively to each of the following criteria: (Accessory buildings used for agricultural purposes moved within the boundaries of the farm ownership and the upgrading of single-wide mobile homes shall be exempt from this Section.)

1. The building is designed to accommodate a use permitted in the subject district.
2. The building is structurally safe.
3. The building complies with this Ordinance and other regulations of the Township and substantially complies with the applicable Construction Code.



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4. The building is to be permanently fastened to a minimum eight (8) inch wide masonry foundation, which is continuous around its perimeter to a depth of at least forty-two (42) inches. A crawl space of a minimum of twenty-four (24) inches shall be provided when the building is not placed over a basement. Adequate additional support in the form of piers, columns or beams may be required by the Building Inspector.
5. That the single-family dwelling will be of such size and character that it will be in harmony with existing development in the immediate vicinity of the lot upon which it is placed, and will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located. In making such determination, the Planning Commission may consider the following factors: total square footage; length to depth proportions; value and quality of construction; exterior building materials; architectural style and design, roof line and overhangs.

Section 1.08 CARNIVALS, PUBLIC MEETING TENTS, CIRCUSES AND THE LIKE.

Carnivals, public meeting tents, circuses and similar short-term temporary uses may be given temporary permits for varying periods by the Township Board, provided, however, that such temporary use is first determined by the Township Board as being not injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance and the following requirements:

1. All vehicles, tents, enclosures, parking areas, and other temporary or permanent facility shall be located not less than two hundred (200) feet from all property lines.
2. Temporary, or portable service facilities for power, water, sanitary sewage and solid waste disposal, and other services may be permitted upon written approval of proper authorities and subject to the approval of the Board.
3. Vehicular access to and from such activity area shall only be to a regional arterial or a secondary thoroughfare. The Township Board may waive this requirement for local and non-profit sponsored events.
4. The applicant for the temporary use or the owner of the land on which the use will be located shall post a cash deposit in an amount not less than One Thousand (\$1,000) Dollars, as determined by the Township Board, to reimburse the Township for any costs incidental to the policing of the activity.

Section 1.09 EXCAVATION, HOLES AND PONDS.

The construction, maintenance or permitting the continued existence of any unprotected, un-barricaded, 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, is prohibited, except under a permit issued by the Zoning Administrator, following a determination that all safety measures will be carried out.

Farm, recreation or aesthetic ponds may be developed as a permitted land use in the AE, Agricultural Estates, R-1A, R-1B and R-1C Single-Family Residential Districts, provided that the following requirements are met:

1. Prior to the issuance of a building permit for a pond, the applicant shall submit a plot plan to the Zoning Administrator illustrating the location of the pond, to demonstrate compliance with the applicable regulations below.
2. All approved ponds shall be on a contiguous parcel of at least five (5) acres in size.





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3. All ponds shall maintain a minimum setback of at least seventy-five (75) feet from the property line of abutting parcels and/or the public right-of-way.
4. No commercial activities shall be allowed unless allowed as part of an approved recreation facility.
5. Soils removed to create the pond must remain on the site. In the event that the property owner wishes to sell or transport any excavated material off the site, the applicant shall conform to all applicable requirements of this Ordinance and the Lapeer Township Soil Removal Ordinance.

*Amended: March 8, 2010*

6. Ponds shall be provided with a drainage system to protect adjacent properties from water overflows, where necessary.
7. A soil erosion and sedimentation control permit from the Lapeer County Planning Department shall be required if the proposed pond is located within five hundred (500) feet of a lake or stream or if more than one (1) acre of land is disturbed, including spreading the excavated material.
8. A permit from the Michigan Department of Natural Resources shall be required if the proposed pond is located within five hundred (500) feet of a lake or stream, or within a wetland area contiguous to a lake or stream.

Section 1.10 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences used for non-agricultural purposes shall conform to the following regulations:

1. **General.**

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 eight (8) 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 (20) feet from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty-six (36) inches or less in height.

2. **Residential.**

- a. **Side and Rear Fences.** Fences constructed within a side or rear yard shall not be higher than six (6) feet, except as provided herein.
- b. **Fences in the Front Yard.** Decorative fences (i.e. picket, split rail, wrought iron, etc.) shall be permitted within the front yard (that area between the residence and the front property line). Such fences shall not exceed a total height of four (4) feet (as measured from the established grade). Wire and chain link fencing, privacy, and any view obscuring type fencing shall not be permitted within the front yard regardless of height. Finally, such fence shall not extend into the existing right of way or easement of any adjacent roadway. No fence or wall shall interfere with the visibility from a driveway.

*Amended: March 9, 2009*



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- c. **Fences on lots of record** shall not contain electric current or charge of electricity or barbed wire. (In the AE District, only, electric fences and barbed wire are permitted for agricultural uses.)
- d. **Decorative and Security Gates (Driveways and Roadways).** Decorative and Security gates may be installed at residential driveways and at the entrances to subdivision or site condition, or condominium developments. These gates may not exceed six (6) feet in height. In addition, if necessary, access shall be granted on a permanent basis to the applicable emergency responders.

Section 1.11 LOT, MINIMUM AND FRONTAGE.

For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lots shall have full frontage on an improved public street or on an approved private road. Minimum frontage shall equal the lot width requirements established by this Ordinance. In the case of cul-de-sac and curved streets, frontage shall be measured at the two points where the minimum building line or setback intersects the side lot lines. No road right-of-way shall be included in the computation of the required minimum land area. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

*Amended January 14, 2008*

Section 1.12 LOTS, YARDS AND OPEN SPACES.

No space which for the purpose of a building has been counted as part of a required side yard, rear yard, front yard, open space, lot area per dwelling unit under this Ordinance, shall be counted to comply with a yard, open space or lot area requirements for any other building.

Section 1.13 MEASURING MINIMUM FLOOR SPACE REQUIREMENTS.

Minimum floor space requirements, as established by the various provisions of this Ordinance for residential dwellings, shall be measured from the exterior surface of enclosing walls and the center line of common partition walls for each dwelling unit. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways or porches.

*Amended: 1-29-95*

Section 1.14 NURSERY AND GREENHOUSE.

- 1. A nursery or greenhouse may be permitted in any zoning district as a special land use, subject to the procedures and standards of Article 6 and based on compatibility with the district and any abutting district.
- 2. **Specific Criteria.**
  - a. Where the nursery and/or greenhouse operation engages in the sale of small item merchandise clearly necessary to the sale of products raised on the site, the use may be considered generally compatible in sparsely developed or undeveloped residential districts and in all other districts.
  - b. Where the nursery and/or greenhouse operation engages in the sale of medium to large trees and other items not produced on the site, including the selling of such items as patio blocks, loose yard and building materials as a principal part of its business, such use may be considered generally compatible with the C-3 and M-1 Districts.



**3. Requirements and Conditions.**

- a. All such uses permitted under 2.a. and 2.b. above shall be located on a paved major road as designated on the Lapeer Township Master Plan.
- b. Site and yard requirements shall be as provided for the districts in which the use is located. The Commission may establish such conditions as it deems necessary to ensure the compatibility of the development with surrounding uses or districts.
- c. Parking. Off-street parking shall be provided as required in Article 3 of this Ordinance. In addition to the greenhouse and nursery requirement, spaces for open air business shall also be provided, where applicable.

**Section 1.15 ONE PRINCIPAL BUILDING PER LOT.**

In the Agriculture-Estate and Single-Family Residential Districts, only one (1) principal building shall be placed on a lot of parcel, unless the parcel is of sufficient size and dimensions so that all minimum land area and setback requirements of the Ordinance can be complied with for each principal building. Each principal building must be located so that the parcel could be divided in such a manner that each principal building would be on a lot that fully complies with the requirements of this Ordinance.

**Section 1.16 OUTDOOR MERCHANDISING.**

No person or business shall use any area of a road right-of-way for displaying for sale or storing of any goods or any other articles.

**Section 1.17 PERFORMANCE GUARANTEES.**

The Township Board, Planning Commission or Engineering Board of Appeals is hereby authorized to require an owner or applicant to post a performance or financial guarantee to assure that he or she completes improvements, satisfies conditions of approval, or complies with standards or requirements imposed by the Township. No person shall begin construction or initiate an improvement on any project until he or she deposits with the Township Clerk a guarantee that is required or imposed. Further, the deposits with the Township or its agent shall not approve occupancy or issue a building permit on any project until an owner or applicant deposits with the Township Clerk a guarantee that is required or imposed.

The Township Board, Planning Commission or Engineering Board of Appeals may, in their discretion, determine the (1) amount of any performance or financial guarantee; (2) the form or manner that any performance or financial guarantee takes; (3) the time, terms, or duration governing the performance or financial guarantee. Acceptable forms of financial or performance guarantees include:

- a. Cash deposit;
- b. Certified check;
- c. Irrevocable bank letter of credit that is issued by a bank that has its principal place of business in the State of Michigan; or
- d. Surety bond through a company that is licensed to do business in the State of Michigan and certified by the United States Treasury Department.

*Amended Feb. 2019*

**Section 1.18 PUBLIC UTILITY APPROVAL.**

Except as provided in [Section 2.00](#) of this Ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits,



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wires, cables, high voltage transmission lines, towers, and other similar equipment and accessories in connection therewith, shall require Township Board approval pursuant to Article VII, Section 29 of the 1963 Michigan Constitution, after review and recommendation by the Planning Commission based on the standards outlined in Article 6 of this Ordinance.

Section 1.19 NON-COMMERCIALY OPERATED TELEVISION AND RADIO ANTENNAS, SATELLITE RECEIVERS AND DISH ANTENNAS.

Any exterior audio-visual antenna, dish antenna or satellite receiver being three (3) feet or larger in diameter, to be placed upon a lot, parcel or building, shall be deemed an accessory building for location and setback purposes. Such device and its location shall comply with the applicable regulations for the zoning district within which it is to be located, including height, except as otherwise provided in Section 2.01. All roof-mounted antennas and satellite receivers weighing over thirty (30) pounds shall comply with the requirements of the Building Inspector regarding load-bearing capacity, the ability to withstand high winds, anchoring and installation. All antennas and dish antennas shall be located as obscurely as possible from public view.

Section 1.20 SIDE YARD SETBACKS.

The width or depth of side or rear yards which abut upon a street shall not be less than the required front yard setback for buildings which front upon said street. All buildings, structures and accessory uses shall maintain such required yard space.

Section 1.21 SINGLE-FAMILY DWELLING MINIMUMS.

1. All single-family dwellings shall comply with the following minimum standards before placement on a lot or parcel in Lapeer Township:
  - a. All such housing units shall have a minimum width on the narrowest side of twenty-four (24) feet. Where the architectural style proposed includes something less than twenty-four (24) feet, a variance must be obtained from the Zoning Board of Appeals.
  - b. All such housing units shall have a roof with a minimum of 4-12 pitch and a six (6) inch overhang on all sides of the roof. Where the architectural style of the unit incorporates a flat roof, a pitch of less than 4-12, or no overhang, a variance must be obtained from the Zoning Board of Appeals.
  - c. All single-family dwellings shall have a minimum storage area of one hundred (100) square feet (exclusive of the required minimum square footage of the zoning district) located as part of the dwelling, in a basement area, as part of a garage or in a separate storage building, constructed at the same time as the dwelling unit.
  - d. All single-family dwellings shall meet the minimum lot area, minimum setbacks, maximum height limitations, and minimum floor area requirements for the particular district in question. Within the AE District, the minimum required lot size and setbacks may be reduced within an open space community. Off-street parking shall be provided according to Section 3.02 of this Ordinance.
  - e. Any single-family dwelling that was not specifically designed for placement on an approved foundation shall have cable tie-downs installed at least every six (6) feet, prior to occupancy, to protect the unit from windstorm damage.
2. The building shall have all towing apparatus, wheels and exposed chassis removed before occupancy of any kind is permitted.



Section 1.22 SOLAR RIGHTS.

The maximum height of any structure or planting on a neighboring property shall not interfere with the reasonable collection of solar energy on the south side of the principal building. The solar collectors shall not be of such a nature as to create a reflection that is a substantial nuisance to adjacent dwellings.

Section 1.23 STORAGE AND/OR DISPLAY LOTS.

An outdoor storage use in a business or industrial district or use shall be enclosed by an approved masonry wall or obscuring fence as approved by the Planning Commission. The extent of such a wall or fence shall be determined by the Planning Commission on the basis of usage. Such wall or fence shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Section 4.00. A chain-link fence or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the Planning Commission. The Planning Commission may require vertical decorative or redwood pickets be installed in the fence where in its judgment it will better serve to obscure the open storage. Open storage areas shall be hard-surfaced with gravel or other suitable approved material and drained to meet Township engineering requirements. If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards or provided with a surface acceptable to the Planning Commission based on use.

Open air business and uses with permitted outdoor space for display and sales shall not be allowed until approved by the Planning Commission. Such uses shall be paved and constructed to the same standards of construction as a parking lot or provided with a suitable surface acceptable to the Planning Commission.

*Amended: 1-14-99*

Section 1.24 TEMPORARY BUILDINGS AND USE.

Temporary buildings for non-residential uses incidental to the construction of a permanent building may be approved by the Zoning Administrator for a period not to exceed twelve (12) months, provided the following conditions are met:

1. A valid building permit for the construction of the permanent structure has been issued.
2. The owner of the premises or his agent has agreed, in a duly notarized instrument, to remove the temporary building within one (1) month following the completion of the work for which the building permit is issued.
3. A cash bond or other acceptable financial surety in an amount established by the Township Board has been posted with the Township Clerk to reimburse the Township for any costs incurred for the removal of the temporary building.

*Amended: March 8, 2010*

4. The approval for the temporary building may be extended for additional periods of six (6) months each; upon a finding by the Planning Commission that the work on the construction has been diligently pursued and that the delay in the completion is not the result of any negligence on the part of the owner or the applicant.

Section 1.25 TRAVEL TRAILERS.

Travel trailers shall not be used as dwellings, except when located in an approved campground or private park as prescribed by this Ordinance, or when approved as a temporary dwelling, as regulated in [Section 19.02](#), by the ZBA.

*Amended 1.2021*

**Section 1.26 ZERO LOT LINE.**

Where any building is permitted to build on the lot line under this Ordinance and Building Code, and such building does not immediately abut an existing structure for its full length, a three (3) foot wide maintenance easement shall be obtained from the adjacent property owner, a copy of which shall be submitted with the site plan or subdivision plat.

Where residential zero lot line is proposed, a special land use approval shall be required of the Planning Commission as provided in Article 6. The purpose of permitting such use shall be to accommodate innovative concepts and design as an alternate to the normal side yard requirements. Zero lot line may only be permitted on a project basis and minimum district yard setbacks shall be observed by all lots within the project that bound the project boundary. The minimum distance between windows in adjacent buildings shall be thirteen (13) feet. Accessory buildings, swimming pools and incidental structures and improvements (excluding fences and driveways) shall observe the conventional yard setback requirements of the district.

**Section 1.27 CONDOMINIUM SUBDIVISION APPROVAL.****Intent.**

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 within the following districts: R-1A, R-1B, and R-1C Zoning Districts, and as a special land use approval within the AE Zoning District, subject to the requirements of this Section.

1. **Review.** Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans shall require approval by the Planning Commission before site improvements may be initiated. In the case of a special land use approval for a site condominium, the special land use and preliminary plan review shall be simultaneous and granted as one approval. The review process shall consist of the following two steps:
  - a. **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 a., b. and c. of the Submission Requirements in subsection 2, below.
  - b. **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 a. through g. 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.
2. **Submission Requirements.** All condominium subdivision plans shall be submitted for review as required by Section 5.00 of this Ordinance (Site Plan Review) and Section 66 of the Condominium Act and include the following additional information:
  - a. A survey of the condominium subdivision site.
  - b. A plan delineating all natural features on the site, including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands and woodland areas.



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- c. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
- d. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- e. A utility plan showing all sanitary sewer, water and storm drainage improvements, plus any easements granted for insulation, repair and maintenance of utilities.
- f. A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision plan.

*Amended: 1-14-99*

- g. A storm drainage and stormwater management plan, including all swales, drains, basins and other facilities.

- 3. **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 subdivided pursuant to the Subdivision Control Act, P.A. 288 of 1967, as amended.
- 4. **Design Standards.** All development in a condominium subdivision shall conform to the design standards of the Lapeer Township Subdivision Ordinance. All streets in a condominium subdivision 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.
- 5. **Utility Easements.** The condominium subdivision plan shall include all necessary easements granted to Lapeer Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and stormwater 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.
- 6. **Final Acceptance.** The Township shall also require all appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site shall be submitted to the Township for review by the Township Engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

*Amended: 1-14-99*

Section 1.28 WATERFRONT SETBACKS.

For those lots fronting on any lake within the Township, that portion of the lot fronting on the lake shall be considered the waterfront setback. The required waterfront setback shall remain open and unobstructed. The location of fences, accessory buildings and view-obscuring landscaped screening shall be prohibited from this area. The required waterfront setback shall equal the rear yard setback of the zoning district in which the parcel is located.

Section 1.29 FARM ANIMALS IN RESIDENTIAL DISTRICTS.

The keeping of horses, cows, swine, llamas, alpaca, and other split hooved and non split hooved animals which are similar including emu and ostrich, for recreational purposes may be permitted in the AE Agricultural Estates and the R-1A, R-1B and R-1C Single-Family



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zoning districts for the private and personal use of the owner or lessee of such land, for his family and friends, and shall not constitute a commercial operation nor a public stable, and shall observe the following standards.

1. The minimum lot area shall be five (5) acres (two (2) animals may be kept on the first five acres).
2. One (1) acre shall be provided for each additional animal over the first two (2) kept on the site.
3. Stables, paddock areas for instruction, exercise or confinement of horses or other animals, and manure storage areas shall be located at least one hundred (100) feet from any residential structure on abutting parcels and at least fifty (50) feet from any property line.
4. Livestock used for 4-H or FFA projects may be permitted (on properties not meeting the size requirements noted above) by the Township subject to a letter being provided which indicates the number of animals currently being raised for such purpose and indicating the timeframe such animals will be on the property. The letter shall also provide confirmation that the applicant or immediate family member is an active member of 4-H or FFA. Authorization to keep livestock pursuant to this subsection shall be valid for a period of one (1) year from the date of receipt of the required letter.
5. The storage and disposal of manure shall follow all applicable GAAMPS.

*Amended January 14, 2008*

Section 1.30 PANHANDLE LOTS.

The creation of any new panhandle lot shall not be permitted. However, legally existing panhandle lots shall be permitted to be developed as provided in this Ordinance and that all applicable setbacks of the R-1-C Zoning District can be met.

*Amended January 14, 2008*

Section 1.31 WIRELESS COMMUNICATION TOWERS.

1. Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication and similar communication services and facilities, shall be permitted as a special land use in the AE (Agricultural-Estate), M-1 (Light Industrial), and M-2 (Heavy Industrial) zoning districts, when found to be desirable to the public convenience or welfare and in conformance with the following requirements:

*Amended: 29-95-1 Amended: 39-97-3*

- a. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals and/or any other materials or property in the area.
- b. A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided. Monopole (stealth or





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equivalent type) antenna structures shall be required where such are technologically feasible. Monopoles or other stealth type structures, as opposed to web or lattice type towers, are considered particularly desirable when locations in closer proximity to residential zoning districts are involved. All towers shall be coated with a sky-gray paint to minimize visibility of the tower, unless the FAA requires otherwise.

- c. In order to maximize the efficiency of providing such services, while minimizing the impact of such facilities on Lapeer Township, co-location of such facilities on a tower are strongly encouraged. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible.

Co-locations shall be considered a permitted use on all existing towers and existing similar structures, regardless of the zoning district in which it is located and shall be reviewed administratively, rather than a special land use if all of the following are applicable and based on the following process.

- (1) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
- (2) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
- (3) The proposed co-location will not do any of the following:
  - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
  - (ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
  - (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- (4) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
- (5) Applications for co-locations shall be submitted to the Township Clerk along with all applicable fees as determined by the Township Board. Applications for co-locations shall include:
  - (i) all applicable site plans required by this section indicating the proposed improvements,
  - (ii) correspondence indicating the applicant has the right to co-locate on the proposed structure,
  - (iii) correspondence from a certified engineer that the structure can accommodate the proposed improvements,
  - (iv) any other information deemed necessary by the Township in reviewing the proposed co-location.



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- (6) The Clerk shall provide written notification of whether the submitted application is complete and any additional required information within fourteen (14) days of the application being submitted.
  - (7) The Township Clerk shall also forward the application to the Township Planner. The Township Planner shall provide a review of the proposed co-location application. The Clerk may also forward the application to any other department head, consultant, etc. that he or she feels is appropriate.
  - (8) The Township Clerk shall provide written notice of approval or denial of the application for co-location within sixty (60) days of the application being accepted by the Township. If the application is approved, the applicant may proceed with obtaining all necessary permits. If the application is denied, the written notice shall indicate the reasons as to why the application was denied.
- d. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:
- (1) promptly responding to any requests for information from a potential co-user of their tower/antenna;
  - (2) negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
  - (3) make no more than a reasonable charge for a shared use lease.

*Amended: June 10, 2013*

- e. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at-large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:
- (1) Towers may be located in the A-E, M-1 and M-2 Zoning Districts after special land use approval and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other zoning districts in the Township. The Township strongly encourages the development of towers on suitable Township property. Consult with the Township with regard to Township property locations prior to submitting an application.
  - (2) The tower may be located on a site with existing or other potential principal uses. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of Lapeer Township, and any such tower/antenna shall not exceed one hundred seventy-five (175) feet in height above the average grade around the structure it is mounted upon.
  - (3) Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, unless otherwise provided for, are as follows:
    - (a) When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.



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- (b) When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. In no instance shall any tower be located within a front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and residential zoning district by an obscuring greenbelt.
- (c) Modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
- f. All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. A tower permit shall require a structural and safety inspection and report every five (5) years.
- g. The applicant shall submit a letter agreeing that should any tower/antenna facility, approved under this Section, cease to be used for its approved use, it shall be removed from the site within one hundred eighty (180) days of such cessation. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The letter of agreement shall include a financial guarantee deemed appropriate by the Township, to insure the removal of any or all of the facilities approved under the Special Use Permit. Any such agreement, including any financial guarantee, shall be in a form acceptable to the Township Board. The financial guarantee may also include a provision for periodic adjustments to the guarantee in reflection to changes in the Consumers Price Index or other similarly established and accepted price indexes. The amount of such guarantee shall equal 110 percent of the estimated cost of removing the structures and restoring the site. This estimated cost shall be prepared by the developer and approved by the Township Engineer.
- h. The applicant shall provide a scaled plan showing the following:
  - (1) The proposed tower location, along with all existing and proposed similar facilities by others that are located within 150% of the linear service area of the applicant's tower. This shall include transmission towers, church steeples and/or other facilities that could be adapted to serve this purpose.
  - (2) The existing and proposed NGVD elevations at finish grade and at the transmitting/receiving device height of the applicant's tower and other potential co-locations.
  - (3) The NGVD elevations of all natural and/or manmade impediments to the transmission signal.
  - (4) The service area for the applicant's proposed tower and all other existing and proposed facilities.
  - (5) Propagation information demonstrating the service gap the applicant wishes to close.
  - (6) Major roads, including "common names" for all such roads, and Township borders.
  - (7) The plan and support data shall indicate all installations that could or could not provide co-location.



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The plan and support data shall be signed and certified by a Michigan Professional Civil Engineer and Communications Engineer as to accuracy of the plans and the conclusions of the support data.

Section 1.32 RESIDENTIAL OPEN SPACE DEVELOPMENTS.

1. **Intent.**

The intent of this Section of the Zoning Ordinance is to provide a preferable alternative to conventional single-family development regulations. All residential open space developments shall promote the following objectives: *Amended: 47-02-01*

- (a) Maintain the Township's open space and rural setting.
- (b) Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
- (c) Preserve open space and farming.
- (d) Achieve a balance between farming, open space, and growth.
- (e) Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
- (f) Provide alternatives to conventional subdivision development.

2. **Submission and Preservation Requirements.**

- (a) All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive farmland, topography, bodies of water (i.e., streams and rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features, such as, but not limited to, wetlands and floodplains, must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings or foundations of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
- (b) A detailed map of the parcel identifying soil conditions shall be provided. Soil borings may also be required by the Planning Commission.
- (c) The submittal shall include both passive and active recreation areas for residents within the open space community. Active recreation areas shall include an improved trail way system. Trail ways shall not be less than five (5') feet in width and shall be located throughout the entire development. Passive recreation shall include common green areas of a substantial size and open/preserved natural amenity areas. Passive recreation areas could also include benches, barbeques and gazebo-like structures. This provision does not apply to farmland preservation projects.
- (d) A maintenance agreement for all open space areas and common elements, reviewed and approved by the Township Attorney, shall be submitted. *Amended: 39-97-3*  
*Amended: 41-99-01*



### 3. Density.

- (a) The maximum number of units allowed shall be determined by the submission of a "Yield Plan" (or "Parallel Plan"). The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, adequate buildable areas, and which meets the State Land Division Act. The yield plan shall also meet all requirements of the Lapeer Township Subdivision Control Ordinance or the private road requirements of the Lapeer Township Zoning Ordinance, as applicable to the type of development. The yield plan shall provide lots with buildable areas of sufficient size to build a house and rear yard deck or patio. Buildable areas shall not include wetlands, floodplains, drainage ways, or other non-buildable natural features regulated by Federal, State, County or local agencies.

The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed Engineering is not required at this stage.

- (b) Density bonuses equal to ten (10%) percent of the total number of buildable lots or units shall be awarded to developments that meet all of the following criteria.
- (1) Developments which preserve a minimum of eighty (80%) percent of the total number of existing trees on-site (5" inch caliper or greater). Such woodlands shall be preserved in common open space areas.
  - (2) Developments which preserve one hundred (100%) percent of the regulated wetlands and one hundred (100%) percent of the non-regulated wetlands. Such wetlands shall be preserved in common open space areas.
- (c) Developments that preserve forty (40) acres of active farmland or more, as an integral part of the development shall be awarded the ten (10%) percent density bonus. The Township, however, still encourages the preservation of woodlands, wetlands and other natural features on the site.

### 4. Open Space Requirements.

- (a) Building sites and roads shall not cover more than sixty (60) percent of the entire parcel.
- (b) At least one-half ( $\frac{1}{2}$ ) of the resulting open space shall be arranged so as to be useable for recreation or agricultural purposes.
- (c) The applicant shall make provisions satisfactory to the Township Attorney to assure that all designated open space will be irrevocably committed for that purpose and prohibiting the use of this land for development purposes in the future.

*Amended: 41-99-01*

- (d) A minimum of fifty (50%) percent of all dwelling units within the development shall abut the dedicated open space. This percentage may be reduced at the discretion of the Planning Commission if active farmland is preserved or created.
- (e) A minimum of one access point to the open space, being a minimum of fifty (50') feet in width, shall be provided for each eight (8) households. These access points shall link the open space to the roadway and the remainder of the development.



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- (f) Developments shall provide open space in a manner which encourages the future linkage of open space to adjacent parcels.
- (g) Non-agricultural open fields shall be planted with native prairie grass or similar types of ground cover. In addition, two (2) trees of 2 ½" caliper or greater shall be planted for each one (1) acre of open field. Such trees shall be planted and maintained within the open field area.

5. **Utilities.**

The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate County or State authorities. The Township shall have sole authority for final approval of any utility system. In the absence of a Township utility system, all utilities to serve the site shall be constructed and maintained by the applicant and any successors. A maintenance agreement, approved by the Township, shall be required.

6. **Roads.**

All interior streets and roads shall conform to the Lapeer County Road Commission Subdivision Street Standards if dedicated to the public, or all applicable Lapeer Township private road standards. Public streets shall be required, when necessary to provide continuity to the public road systems. The determination of whether or not public roads are necessary shall be made by the Planning Commission based on the Township Master Plan.

7. **Setbacks.**

The following building setbacks shall be required:

- (a) Thirty (30') feet from the edge of any interior road right-of-way or easement.
- (b) Fifteen (15') foot side yard setbacks. No two principal structures shall be located within thirty (30') feet of each other.
- (c) Rear yard setbacks shall be a minimum of fifty (50') feet. This requirement may be reduced by a maximum of fifty (50%) percent, if a majority of the lots (51%) abut common open space.
- (d) No lot, property line or building site shall be located within 210 feet of the centerline of any external roadway.

*Amended: 41-99-01*

8. **Fencing.**

The use of perimeter fencing around building sites is prohibited, except as permitted herein. Rear yards and side yards may be enclosed with split rail, picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48") inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard.

Section 1.33 APPEARANCE REQUIREMENTS.

- 1. The facades of all buildings other than single-family detached residential units shall be constructed of face brick or stone, as approved by the Planning Commission.



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2. Brick or stone shall also be provided on all sides of the building that are visible from a public right-of-way or abut an agricultural/ single-family residential district.
3. The exterior shall contain design elements, such as pitched asphalt shingled or pitched pre-finished metal roofs, roof dormers, residential style and sized windows. Facade breaks, which provide fifteen (15) feet of depth variation for every sixty (60) feet of building frontage, shall also be incorporated into the design. In the case of large buildings of over 30,000 square feet of gross floor area, the applicant may be permitted to utilize simulated pitched roofs subject to Planning Commission approval.
4. Any ancillary buildings or outlots shall be architecturally compatible with the principle building.
5. All buildings that front on a public street shall be orientated in such a manner that the main facade and architectural features are parallel to the street. The actual building entrance is not required to front the street.
6. All exterior appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, noise control devices and any other such appliance or apparatus, shall be concealed from view by obscuring screening. The design of the roof-mounted screening shall be approved by the Planning Commission and shall be compatible with the architectural design of the building upon which it is located. The screening material shall be designed to mitigate excessive noise generated by any roof mounted appliances. Ground mounted appliances shall be screened from view with evergreen shrubs.
7. These design requirements are established to maintain, enhance and be compatible with the general character and architectural style that is currently present and/or desired within the community. No buildings shall be reconstructed, remodeled or altered as to conflict with the intent of this Ordinance.

Section 1.34 CLEAR VISION CORNER SETBACKS

No view obscuring fence, wall, shrubbery, sign, structure or other obstruction to vision above a height of two (2) feet shall be located within a clear vision corner setback (as defined below). Clear vision corner setbacks shall be observed at the intersection of all roads and at the intersection of a road and driveway. A clear vision corner setback shall be defined as the triangular area formed by a straight line connecting two (2) right-of-way lines at points created by a straight line drawn along said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. The corner clearance shall also be observed at the intersection of a street right-of-way and the outside edge of a driveway or approach.

*Amended: 47-02-01*

Section 1.35 TRASH ENCLOSURES.

1. Dumpsters are required for all developments other than single-family residential. All dumpsters shall be located in trash enclosures placed at the rear of a site, in an area obscured from adjacent properties and thoroughfares and shall meet the following requirements:
  - a. Trash enclosures shall be six (6') foot high and shall be gated and screened in a manner consistent with the color and materials on the building(s).
  - b. Trash enclosures in any residential, office and commercial zoning districts shall be constructed of poured concrete and faced with decorative brick to match the building.



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- c. In industrial districts, trash enclosures shall be poured concrete with a simulated brick pattern.
  - d. For all uses, the trash receptacle area shall be screened at the opening with a six (6') foot high metal-framed wood screening gate.
2. Where the Planning Commission determines that the type of operation does not necessitate a dumpster, the Commission may vary the requirements of this Section to facilitate the trash storage needs of the development.

Section 1.36 GEOTHERMAL HEAT PUMPS AND DRAINAGE

When a use in the Township utilizes a geothermal heat pump system, consideration shall be given to the potential adverse effects that may result to adjacent land uses. Such systems if not properly designed and installed may result in increased water runoff, excess wetness or flooding or neighboring properties, or the community at large. Therefore, any properties within the Township that utilize a heat pump, or similar heating/cooling system shall conform with the following requirements.

1. Install and operate a closed loop system that recirculates geothermal heat pump water rather than discharging such water on to the surface area of the property. If a closed loop system is not feasible or an appropriate alternative can be provided, the Township may permit other types of systems. However, the drainage of such system shall be adequately contained on the subject property by either discharge into a pond, adequate drainage swale, etc.
2. In the event of an emergency situation that temporarily precludes recirculation of water, provisions shall have been made to contain such water upon the host property or charge the aquifer with such water.

*Amended January 14, 2008*

*Amended: 47-02-01*

Section 1.37 WIND ENERGY CONVERSION SYSTEMS (Windmills):

A. Definitions

1. Ambient Sound: Ambient sound shall mean the all-encompassing sound associated with a given environment, being usually composed of sound from many sources near and far. It is defined as the sound pressure level (L) which exceeds 90% of the time or represented as L-90. This is used to eliminate the wind-caused spikes and other short-term sound events that are not caused by the sound of the turbine itself.
2. ANSI: American National Standards Institute.
3. dB(A): The sound pressure level in decibels. Refers to the "A" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
6. Inhabited: Means to live or reside in.





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7. Inhabited Structure: Means a structure designed for human occupancy and provides complete independent living facilities for one or more persons, including provisions for living, sleeping, cooking and sanitation.
8. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
9. Non-Participating Parcel: Means a parcel of real property which is not under lease or other property agreement with a Utility Grid Wind Energy Conversion System (WECS) owner or operator.
10. On-Site Use Wind Energy Systems: An On-Site Use wind energy system is intended to serve the needs of the consumer.
11. Participating Parcel: Means a parcel of real property which is under lease or other property agreement with a Utility Grid Wind Energy Conversion System (WECS) owner or operator.
12. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
13. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
14. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
15. Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
16. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
17. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
18. Wind Energy System: A wind energy conversion system which converts wind energy into electricity using a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid or traditional windmills not utilized for electrical generation.

Horizontal-axis wind turbines (or HAWTs) have the main rotor shaft and generator located at the top of the tower and are usually pointed into the wind. Most small turbines are pointed by a simple wind vane.

Vertical-axis wind turbines (or VAWTs) have the main rotor shaft arranged vertically along the vertical axis of the tower.

19. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

B. Residential and Single User Nonresidential (On-Site Use)

1. *On-Site Use Wind Energy Systems*: An On-Site Use wind energy system is intended to serve the needs of a single consumer. An On-Site Use wind energy system with a tower higher than forty (40) feet shall be considered a Special Land Use and meet



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the requirements of Section 6.02 along with the following regulations. On-Site Use wind energy systems with no towers or towers forty (40) feet or less shall be a permitted use in all zoning classifications where structures of any sort are allowed subject to the following requirements.

Prior to the installation of an On-Site Use wind energy system with a tower higher than forty (40) feet, an application for a Special Land Use permit shall be filed with the Township and shall include 1) applicant identification and application, 2) a site plan, 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and 4) proof of the applicant's public liability insurance.

2. *Liability Insurance:* The owner/operator of the On-Site Use wind energy system project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover the installation and operation of the WECS project. The amount of the policy shall be established as a condition of the special use permit approval. For an On-Site Use WECS project accessory to principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
3. *Anemometer Tower:* Prior to the installation of an anemometer tower more than forty (40) feet in height, an application for a Special Land Use permit shall be filed with the Township and shall include 1) applicant identification and application, 2) a site plan, 3) a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment and 4) proof of the applicant's public liability insurance.
4. *Vertical axis wind energy systems:* A vertical axis wind energy system shall be a permitted use provided the height of the structure does not exceed forty (40) feet. For those vertical axis wind energy systems which exceed forty (40) feet, an application for a special land use permit shall be filed with the Township.
5. *Electromagnetic Interference:* It shall be the responsibility of the person in charge of the On-Site WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.
6. *Number of On Site Wind Energy Systems or Anemometer Towers:* Only one tower and generator shall be permissible on any individual agricultural or residential zoned property and only as an accessory to the principal permitted structure. For operational farms over ten (10) acres in size, in any zoning district, two (2) towers and generators may be permitted so long as one is devoted to the principal residence and the other is devoted to an agricultural use or building. For nonresidential uses in any zoning district, two (2) towers and generators may be permitted.
7. *Minimum Site Requirement:* A minimum of five (5) acres shall be required for the installation of an on-site wind energy system or anemometer tower on an agriculturally or residentially zoned property. For a vertical axis wind energy system, the minimum site requirement shall not apply provided the system is structurally attached to the principal or accessory building (garage or pole barn).
8. *Property Setback:* The distance between an On-Site Use wind energy system or anemometer tower and any property line shall be at least the height of the wind energy system tower including the top of the blade in its vertical position or the total height of the anemometer tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than the required setback.



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9. *Sound Pressure Level:* On Site Use wind energy systems shall not exceed 55 dB(A) at the property line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
10. *Construction Codes, Towers, & Interconnection Standards:* On-Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
11. *Safety:* An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. Finally, the applicant shall ensure that the tower is protected from becoming a potential climbing hazard.
12. *Materials and Color:* On site wind energy systems and anemometer towers shall be constructed of a material, painted or otherwise treated to be non-reflective and in a relatively non-obtrusive color (typically gray or matte white).

## C. Utility Grid Wind Energy Systems

1. *Utility Grid Wind Energy Systems:* A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use in all zoning districts. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed and shall include the following:
  - a. Appropriate application.
  - b. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
  - c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.
  - d. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project.
  - e. Liability Insurance: The owner/operator of the Utility-Grid WECS project shall maintain and provide proof of a current insurance policy with a bond rating acceptable to the Township to cover the installation and operation of the WECS project. The amount of the policy shall be established as a condition of conditional use permit approval.



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- f. Electromagnetic Interference: It shall be the responsibility of the person in charge of the Utility Grid WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.
- g. Consent Documents: Copies of any written waivers from neighboring property owners.
- h. Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the commercial operation of the project.

- i. Sound Modeling Study: The applicant shall provide a predictive sound modeling study of all turbine noise for a Wind Energy Facility to verify that ordinance requirements can be met.
- j. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
- k. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- l. Environmental Impact: Copy of the Environmental Impact analysis.
- m. Avian and Wildlife Impact: The applicant for Utility Grid WECS should submit an avian study to assess the potential impact of said proposed WECS upon both year-round and migratory bird and bat species. The avian study shall at a minimum provide a report on a literature survey for threatened and endangered species, and any information on critical flyways and migratory patterns. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary. The applicant shall include documentation pertaining to compliance with the U.S. Fish and Wildlife Service and the applicant's complete responses given.
- n. Shadow Flicker: A copy of the shadow flicker analysis report shall be provided and provide; the allowable shadow flicker measured at the nearest external wall(s) of a participating parcel's inhabited structures shall be limited to a maximum of thirty (30) hours per year. Shadow flicker measured at the nearest external wall(s) of a non-participating parcel's inhabited structures shall be limited to thirty (30) hours per year.
- o. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.



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- p. Decommissioning: The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities and/or individual turbines at the end of their useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). This includes, but is not limited to, removal of all structures, including transmission equipment and fencing and all debris to a minimum depth of four (4') feet, restoration of soil quality and vegetation within six (6) months of the end of the project life or facility abandonment.
- q. Complaint Resolution: Description of the complaint resolution process.
- r. Property Setback: The distance between a Utility Grid WECS shall conform to the following guidelines:
  - i. Inhabited structures: On a participating parcel, each wind turbine shall be set back from the nearest inhabited structure no less than 1,250 feet. Regarding a non-participating parcel, each wind turbine shall be set back from the nearest inhabited structure no less than 1,500 feet. Where a turbine within a Wind Energy Facility is near a school, hospital, church, public library, etc. a setback of 1,500 feet from the structure and/or boundary shall be required.
  - ii. Property Lines: WECS and the property lines of adjacent non-participating parcels, including public rights-of-way shall be at least the total height of the tower and full-extend of the rotor blade in its vertical position. It is advised that wind turbines and access roads shall be located to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal participating property lines.
  - iii. Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
  - iv. Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.
- s. Wind Turbine/Tower Height (Total Height): The total height of a wind turbine shall be a maximum of 499 feet. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.
- t. Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- u. Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked always when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind



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energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be twenty (20') feet for a wind energy system employing a horizontal axis rotor.

- v. **Visual Impact:** Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.

*Amended Feb. 2019*

2. **Property Setback:** The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position.

SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirements of the underlying zoning district. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.

3. **Sound Pressure Level:** The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

4. **Construction Codes, Towers, and Interconnection Standards:** Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
5. **Safety:** All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.



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All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

6. *Visual Impact:* Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan. *Amended August 10, 2009*

Section 1.38 TEMPORARY HOUSING

The Township Supervisor may grant approval for a single temporary dwelling on a site in the instance that new construction or reconstruction is necessary as a result of fire or other force of nature. The issuing of approval of a temporary dwelling shall only be permitted if a building permit has been issued for the construction of the principal residence, adequate assurance has been obtained that the temporary dwelling will be removed upon the completion of the main residence, the method of servicing the temporary dwelling with water and sanitary services has been secured, all applicable setbacks have been met, all necessary permits have been obtained, and all other applicable codes and Ordinances have been met.

To assure the removal of the temporary dwelling, a cash bond or other acceptable financial surety shall be provided to the Township. The amount of the bond shall be a minimum of \$5,000 and may be increased by the Township Supervisor based upon a determination that additional monies are necessary based on the size and configuration of the building.

The length of occupancy shall be valid up to six months and may be extended one time by the Township Board for a period up to six months upon written request by the homeowner. Any additional requests for extensions beyond the initial twelve months shall require an application to the Zoning Board of Appeals.

*Amended August 10, 2009*

Section 1.39 EXTRACTIVE INDUSTRIES AND GENERAL SAND AND SOIL REMOVAL OPERATIONS

Extractive industries as regulated by the Township's Soil Removal Ordinance such as gravel pits, general sand or soil removal operations, etc. may be permitted in any zoning district after special land use approval provided such activity can meet the requirements of this Ordinance and the Lapeer Township Soil Removal Ordinance.

*Amended: March 8, 2010*

Section 1.40 MEDICAL MARIJUANA USES.

1. Intent

- a. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for certain medical conditions.



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- b. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate / grow, use and distribute marijuana and to assist specifically registered individuals identified in the statute without fear or criminal prosecution under limited, specific circumstances.
  - c. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
  - d. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and / or activity and this threat affects the health, safety and welfare of the residents of Lapeer Township.
  - e. It is the intention of Lapeer Township that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow activity relating to cultivation / growing, distribution or consumption of marijuana that is otherwise illegal.
2. *Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption of medicinal marijuana.* It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, or other similar operation in Lapeer Township.
3. **Registered Primary Caregiver.** A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this section, shall be permitted to grow marijuana as a home occupation subject to the applicable provisions of Section 8.00(7). Nothing in the section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since Federal Law is not affected by the Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
- a. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
  - b. A registered primary caregiver's full-time residence must be located outside of a one-thousand (1,000) foot radius from any public park, library or school, including childcare or day care facilities operated by a school, to insure community compliance with Federal "Drug-Free School Zone" requirements;
  - c. Not more than one (1) primary caregiver shall be permitted to service qualified patients on a single parcel or approved dwelling unit;





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- d. All medical marijuana shall be contained entirely within the main dwelling building (not to include attached garage) in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
- e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;
- f. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Lapeer Township Fire Code Official to insure compliance with the Michigan Fire Protection Code.
- g. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.
- h. No more than a 200 amperes electrical service may service a single parcel.
- i. For those who request to have an amperes electrical service over 200, they may apply for a waiver from this restriction from the Planning Commission. The Township reserves the right to have DTE Energy, Lapeer Township fire code official, building official, and/or law enforcement official provide review comments. The approval of the additional amperes shall be based on the following findings of fact:
  - (1) Demonstrate that the requested service is necessary for all residential applications on the property.
  - (2) Demonstrate that the requested service is necessary for applications on property that has qualified for an agricultural-products exemption under MCL 205.94.(1)(f);
  - (3) Supply an electrical load sheet detailing single phase connected loads for lighting, receptacles, water heater, heat pump, cooking, air conditioning and any other applications at the property.

*Amended April 11, 2022*

Section 1.41 SOLAR PANELS (AND THE LIKE) AND SOLAR FARMS.

The use of solar panels (and the like) for private use may be permitted by right provided it complies with the following requirements. Free standing solar panels that exceed the number listed below as well as the development of solar farms shall be permissible in the AE and M-1 zoning districts subject to special land use approval.

1. Freestanding Panels (for private use)

- a. 250 square feet of solar panel per acre may be permitted to locate on a parcel as an accessory structure. Freestanding arrays greater than 250 square feet of solar panel per acre are only permitted in the AE or M-1 zoning districts by special land use.

*Amended September 13, 2021*

- b. Freestanding solar panels shall not be located in the front or side yard.



ARTICLE 1 – General Provisions

- c. All freestanding solar panels shall be regulated as an accessory structure and shall meet all applicable accessory building requirements of the ordinance.
- d. No freestanding solar panel shall be permitted to exceed a height of fifteen (15) feet.
- e. Freestanding arrays greater than 250 square feet of solar panel per acre may be required to erect fencing, landscaping or other screening and buffering techniques as the Planning Commission sees fit as part of the special land use approval.

*Amended September 13, 2021*

2. Roof or Structural Mounted Panels including solar shingles (for private use)

- a. Shall not project more than two (2) feet above the roof line. However, the solar panel when installed shall not exceed the maximum height allowed in the Zoning District. The use of flat mount solar panels or solar shingles are preferred;
- b. May be constructed on any roof surface of an existing structure.
- c. Shall not be located within three (3) feet of any peak, eave or valley to maintain adequate accessibility.

3. Solar Farms (for commercial use)

- a. The application shall provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
- b. The application shall provide verification that there exists an adequate water supply for the site.
- c. The installation of the panels and associated structures shall not disturb the existing topography and soil.
- d. The mounting height of the panels as well as the total height of the panels (in an elevated or tilted position) shall be provided. The Planning Commission may regulate the overall height of the panels based on surrounding land uses.
- e. The plans submitted shall include a site restoration plan showing the use of the site should the panels be removed, as well as described method and mechanisms to implement the site restoration plan.

4. Requirements for All Panels

- a. The solar panels, solar shingles and arrays of panels shall be reviewed by the Fire Department.
- b. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the Fire Department to isolate the panels in case of fire.
- c. The Fire Department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
- d. All panels shall have tempered, non-reflective surfaces.
- e. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.



ARTICLE 1 – General Provisions

- f. The installation of the panels shall not require or be reliant on the clear cutting of trees or other vegetation.
- g. The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

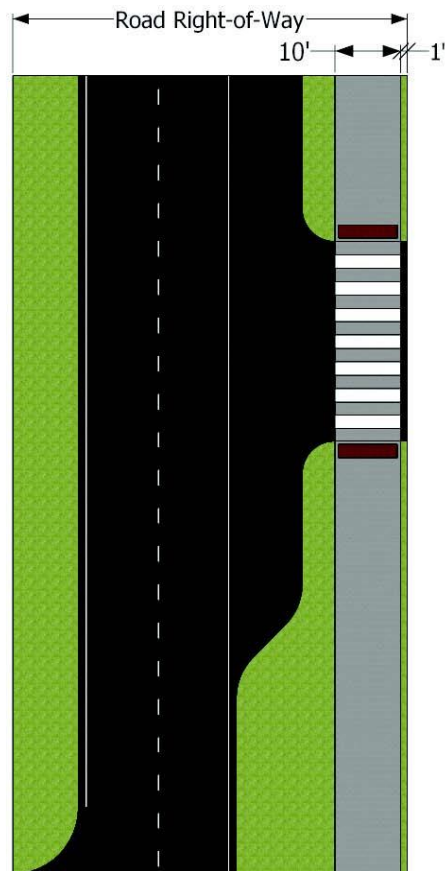
*Amended: March 1, 2012 and April 10, 2017*



Section 1.42 PATHWAYS

For those properties in the Township with frontage along M-24, north of Newark Road (Sections 7, 8, 18, 19 and 20), a ten (10) foot wide paved pathway shall be provided along the entire frontage of the property anytime a site plan is required by Section 5.02 of the Zoning Ordinance. The outermost edge of the pathway shall be constructed one (1) foot inside of the road right of way. The Planning Commission may accept alternate locations and configurations for the pathway location and size based on connecting to existing sidewalk/pathway segments, physical impediments, roadway and driveway improvements for access management.

*Amended: June 10, 2013*





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ARTICLE 2  
GENERAL EXCEPTIONS

Section 2.00 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law. Essential services which primarily serve Lapeer Township shall be exempt from the application of this Ordinance. All other essential services shall be subject to the requirements of [Section 1.19](#) of this Ordinance.

Section 2.01 HEIGHT LIMIT.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire and parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, water tanks, wind spinners, or similar structures may be erected above the height limits herein prescribed, provided, however, any such structure in excess of fifteen (15) feet above the height limits of the district, shall only be permitted upon a finding by the Planning Commission, under procedures and requirements outlined in Article 6, that the proposed structure can be constructed, maintained and used with reasonable safety and without undue hazard upon adjacent structures and users; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. The Planning Commission may specify a height and setback limit for the erection of commercial, radio, and television transmitting, relay, or other types of antenna towers.

Section 2.02 PORCHES AND TERRACES.

An unenclosed and uncovered porch (i.e., one which is not permanently roofed over) or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

Section 2.03 PROJECTIONS INTO YARDS.

Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front or rear yard not more than three (3) feet.



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## ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

## ARTICLE 3

## OFF-STREET PARKING AND LOADING REQUIREMENTS

## Section 3.00 PARKING REQUIREMENTS.

Off-street parking facilities shall be constructed to the standards of this Article. The minimum required number of parking spaces shall be maintained and shall not be encroached upon.

1. **Area for Parking Space.** For the purpose of this Article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle.
2. **Fractional Requirement.** 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 may be disregarded and fractions over one-half shall require one (1) parking space.
3. **Location of Parking Space for One- and Two-Family Dwellings.** The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron, and/or garage or carports.
4. **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 three hundred (300) 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.
5. **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.
6. **Similar Uses and Requirements.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar as interpreted by the Planning Commission, shall apply.
7. **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.
8. **Collective Provisions.** Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two (2) 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 Section 3.02.
9. **Prohibited Parking.** Commercial highway trailers and trucks with a rated capacity exceeding one (1) ton, excepting vehicles making deliveries or pickups, shall not be parked or stored on any land in an R-1A, R-1B, R-1C, RM, or RMH District.

## Section 3.01 TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses buildings and additions to buildings shall be determined in accordance with the following table:





ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

Use		Number of Minimum Parking Spaces Per Unit of Measurement	
<b>1. Residential</b>			
a.	Residential One-Family and Two-Family		Two (2) for each dwelling unit.
b.	Residential, Multiple-Family		Two (2) for each dwelling unit.
c.	Housing for the Elderly		One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
d.	Trailer Park and Mobile Home Courts		Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
e.	Boarding and Rooming House		One (1) for each sleeping room.
<b>2. Institutional</b>			
a.	Churches or Temples		One (1) for each three (3) seats or six (6) linear feet of pew in the main unit of worship.
b.	Hospitals		One (1) for each one (1) bed.
c.	Homes for the Aged and Convalescent Homes		One (1) for each two (2) beds.
d.	Elementary and Junior High Schools		One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
e.	Senior High Schools		One (1) for each one (1) teacher and administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
f.	Private Clubs or Lodge Halls		One (1) for each three (3) persons allowed within the maximum occupancy load, as established by County or State fire and health codes.
g.	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs or other similar uses		One (1) for each two (2) member families or individuals.
h.	Golf Courses open to the general public		Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
i.	Stadium, Sports Arena or similar place of outdoor assembly		One (1) for each three (3) seats or six (6) feet of benches.
j.	Theaters and Auditoriums		One (1) for each four (4) seats, plus one (1) for each two (2) employees.
<b>3. Business and Commercial</b>			
a.	Auto Wash		
	1)	Self-Service	Four (4) spaces for each establishment, plus four (4) waiting spaces for each washing stall.



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

	2)	Other than Self-Service	Four (4) spaces for each establishment, plus twenty (20) waiting spaces for each washing stall or line. A properly drained drying lane fifty (50) feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street and, thereby, creating a traffic hazard.
b.	Beauty Parlor or Barber Shop		Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
c.	Bowling Alleys		Six (6) for each one (1) bowling alley.
d.	Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Indoor Tennis Facilities, Exhibition Halls and Assembly Halls without fixed seats.		One (1) for each two (2) persons allowed within the maximum occupancy load, as established by the Township, County or State fire, building or health codes.
e.	Dry Cleaners		One (1) parking space for each two (2) employees, with a minimum of three (3) spaces.
f.	Establishments for Sale and Consumption on the premises of Beverage, Food or Refreshments		One (1) for each one hundred (100) square feet of floor area, or one (1) for each two (2) persons allowed within maximum occupancy, whichever is greater.
g.	Fast-Food and Drive-In Restaurants		One (1) space for each two (2) employees, plus one (1) parking space for each two (2) seats intended for patrons within the restaurant building, and one (1) space for each twenty (20) square feet of building floor area available in the order-waiting area.
h.	Furniture and Appliance, Household Equipment, Repair Shops, Showroom of Plumber, Decorator, Electrician or similar trade, Shoe Repair, and other similar uses		One (1) for each eight hundred (800) square feet of useable floor area. (For that floor area used in processing one (1) additional space shall be provided for each two (2) persons employed therein.)
i.	Automobile Service Stations		Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
j.	Laundromats and Coin-operated Dry Cleaners		One (1) for each two (2) washing machines.
k.	Miniature or "par-3" Golf Courses		Three (3) for each one (1) hole, plus one (1) for each one (1) employee.
l.	Mortuary Establishments		One (1) for each fifty (50) square feet of useable floor space.
m.	Motel, Hotel or other Commercial Lodging Establishments		One (1) for each one (1) occupancy unit, plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms or meeting rooms.
n.	Motor Vehicle Sales and Service Establishments		One (1) for each two hundred (200) square feet of useable floor space of sales room and one (1) auto service stall in the service room.



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

o.	Open Air Businesses		One (1) for each five hundred (500) square feet of lot area for retail sales, uses and services.
p.	Retail stores, except as otherwise specified herein		One (1) for each one hundred fifty (150) square feet of useable floor space.
q.	Specialty Shops		One (1) for each two hundred (200) square feet of floor space.
<b>4. Offices</b>			
a.	Banks and Post Offices		One (1) for each fifty (50) square feet of publicly-used gross floor space, plus one (1) space for each two employees.
b.	Business Offices or Administrative Offices, except as indicated below		One (1) for each two hundred (200) square feet of floor space.
c.	Clinics, Medical, Dental, Veterinary		One (1) space for each employee, plus one (1) space for each one hundred fifty (150) square feet of floor space.
d.	Professional Offices of Doctors, Dentists or similar professions		One (1) for each one hundred (100) square feet of floor area, or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair or similar use area, whichever is greater.
<b>5. Industrial</b>			
a.	Industrial, Wholesale or Warehouse Establishments (except for b. below)		Five (5), plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred (500) square feet of floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction.
b.	Mini-Warehouses		Un-obstructing parking area equal to one (1) space for every ten (10) door openings.

Section 3.02 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.

Wherever the off-street parking requirements in [Section 3.02](#) require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. The construction of any parking lot shall be in accordance with the requirements and provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot commences.
2. All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property, except through public drain.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and public roads and highways, and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.



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4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
5. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.
6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements. All parking spaces shall have a minimum effective depth of twenty (20) feet. Angled parking may be permitted by the Planning Commission and shall have one-way maneuvering aisles no less than eighteen (18) feet in width. Parking spaces shall not be placed at angles less than 50°.

Space Width Maneuvering Width

10.0 feet 20.0 feet  
 9.5 feet 22.0 feet

7. All parking shall be located in side and rear yards. Special Land Use approval shall be required to allow front yard parking. Such Special Land Use approval shall not be granted unless the applicant demonstrates an inability to place parking in side and rear yards.
8. In any area where each row of front-end parking abuts a curbed lawn area at least two (2) feet in width or a raised sidewalk having a minimum width of at least seven (7) feet, the minimum parking stall depth of twenty (20) feet may be decreased by up to two (2) feet in depth in order to allow for a vehicle to overhang such area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.

*Amended: 47-02-01*

9. Side and rear yards shall be maintained for a space of not less than twenty (20) feet between lot lines and the parking area. This area shall contain landscaping and, in instances where required by this Ordinance, screening.
10. Access drives not serving parking spaces shall be twenty (20) feet in width and require a side and rear yard setback of ten (10') feet.

Section 3.03 OFF-STREET WAITING AREA FOR DRIVE-THRU FACILITIES.

1. An off-street waiting space is defined as an area ten (10) feet wide by twenty-four (24) feet long, shall not include the use of any public space, street, alley or sidewalk, and shall be located entirely within the commercial Zoning District.
2. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces for each service window.

Section 3.04 OFF-STREET LOADING REQUIREMENTS.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot,



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking area.

1. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance.
2. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
3. All loading in side yards shall be screened from view from the road and abutting properties.
4. Overhead doors shall, for the purposes of this Ordinance, be considered loading and unloading areas. No overhead doors shall be located on the front of a building.

*Amended: 47-02-01*

Section 3.05 ACCESS MANAGEMENT AND CONTROL STANDARDS.

1. **Intent.**

This Section of the Lapeer Township Zoning Ordinance recognizes the relationship between land development and the transportation and access improvements necessary to support the land development process. Because of this relationship, there needs to be coordination between transportation improvements and land use planning in order to achieve a road system that safety and efficiently serves the land use patterns and policies contained in the Township's adopted Master Plan. The standards contained herein are designed to support the Master Plan's stated policy objective of consolidating urban development in those areas of the Township that are best suited for this purpose and preventing the premature conversion of the Township's rural landscape. To achieve these policies, the following regulations encourage the consolidation of all forms of vehicle access in support of the land use patterns recommended by the Master Plan. These regulations are designed to address the specific planning objectives and policies:

- a. Provide for the safe and efficient movement of vehicles along all Township roads and reduce opportunities for hazardous conditions.
- b. Provide reasonable opportunities for access to all property.
- c. Reduce the potential for conflicts created by an excessive number of poorly placed driveways.
- d. Reduce the number of driveways, increase spacing between driveways and poorly aligned driveways.
- e. Reduce the frequency or potential for accidents by limiting or preventing certain turning movements.
- f. Limit opportunities for conflicts by providing separate paths and storage areas for turning vehicles and queues.



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- g. Encourage shared access arrangements utilizing marginal access drives, shared driveways or shared parking lots.
- h. Protect the public investment in highway improvement by restricting or limiting development that reduces the capacity of these roads.
- i. Require all development along M-24 to observe standards that preserve the Township's rural character, including limited signage, parking to the rear of buildings, additional landscaping and compatible architecture, among others.
- j. Coordinate the Township's land use planning and zoning policies with road improvement plans programmed by the Lapeer County Road Commission and the Michigan Department of Transportation.
- k. Coordinate thoroughfare improvements and existing and proposed land use improvements to achieve a transportation system that efficiently serves the future land use patterns reflected in the Master Plan.

*Amended: 29-95-1*  
*Amended: 41-00-01*

- l. Establish uniform access standards to ensure fair and equal application. To promote understanding by all property owners, all relevant access controls are consolidated into this Article of the Zoning Ordinance. This Article offers standards regulating private roads, commercial and residential driveways and service drives. It also includes other relevant development standards applicable to the M-24/Lapeer Road corridor, as well as the development of panhandle lots.

**2. Private Roads.**

**a. Applicability.**

These standards apply to the development of private roads outside of conventionally platted subdivisions or site condominium projects. The following regulations are intended to provide for the development of acreage parcels in those areas of the Township that are located outside of urban service areas. The construction and installation of private roads and development thereon shall be permitted after special land use approval of the Lapeer Township Planning Commission, subject to compliance with the requirements of this Section. Private roads within open space communities shall be a “permitted use, subject to site plan review” and subject to compliance with the requirements of this Section.

**b. Planning Standards.**

- (1) Private roads shall only be permitted in areas of the Township zoned AE, R-1A, R-1B and R-1C, subject to special land use approval by the Planning Commission.
- (2) A private road shall not be allowed where collector, major or secondary roads are required or planned by either the Lapeer County Road Commission or shown in the Lapeer Township Master Plan.
- (3) No dead-end private road shall exceed one-half (½) mile in length. Provisions for stub connections to adjoining property shall be required to facilitate the development of neighboring property and provide for continuous circulation. The need for stub connections shall be considered following an examination of the characteristics of the surrounding property.
- (4) A private road shall not be allowed if it abuts or runs adjacent to a separate parcel whose owner is not a joint applicant for said road and which road will not be appurtenant to said parcel.



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- (5) The placement of the private road shall allow for the development of building sites on both sides of the road.
- (6) All lots shall have a front-to-front or facing relationship across all streets. All lots and roads shall be arranged to maximize privacy and avoid the creation of nuisances for adjoining parcels as a result of road or building placement.

*Amended: 29-95-1  
Amended: 41-99-01*

- (7) Panhandle lots may be allowed along a private road, subject to the requirements of [Section 1.30](#).
- (8) All property divisions shall conform to the State of Michigan Subdivision Control Act.

c. **Design Standards.**

- (1) **Right-of-Way Width.** All private roads shall have a minimum right-of-way width of sixty-six (66) feet, which shall be shown as a permanent easement for access and utility purposes.
- (2) **Surface Width.** The minimum surface width for a private road shall be twenty-two (22) feet.
- (3) **Surface Material.** All private roads shall be constructed to the standards of the Lapeer County Road Commission and shall have a minimum sub-base of compacted material consisting of eight (8) inches of sand and a top six (6) inches of 22 A gravel
- (4) **Cul-de-sacs.** A cul-de-sac shall be required at the end of any dead-end private road. The cul-de-sac shall have a minimum radius of seventy-five (75) feet and a minimum improved radius of fifty-six (56) feet.
- (5) **Drainage Improvements.** All drainage structures shall meet the requirements of the Lapeer County Road Commission and/or the Township Engineer.
- (6) **Sight Distances.** Minimum sight distances as required by the Michigan Department of Transportation shall apply at the intersection of a private road and any county road.
- (7) **Angle of Intersection.** Private road intersections with other private roads or public roads shall be at ninety (90°) degree angles. Modifications of this requirement may be allowed upon review by the Township Engineer when justified by the physical characteristics of the site.
- (8) **Road Grades.** Road grades shall be a minimum of 0.4 percent and a maximum of 6.0 percent.
- (9) **Design Speeds.** Road curves shall be constructed to have a minimum design speed of thirty-five (35) miles per hour.
- (10) **Intersection Offsets from Public Streets.** Private road entrances or entrances to a development shall be offset at least two hundred fifty (250) feet from public streets or private roads located on the opposite side of the street, measured from centerline-to-centerline. The adequacy of offsets of private roads to driveways located on opposite sides of the road shall be considered by the Lapeer County Road Commission and the Township Engineer. This standard may be reduced upon approval by the Lapeer County Road Commission and/or the Township Engineer.

*Amended: 29-95-1  
Amended: 41-99-01*



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

- (11) **Names.** All streets shall be named.
- (12) **Signs.** All proposed sign locations shall be identified on the site plan and provided at all intersections. All signs shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission applies another type of design consistent with the character of the development. Signs shall clearly indicate that the road is private. The name of the road shall be indicated in black letters on a white background. Stop signs shall be provided at the intersection of the private road and any public road.
- (13) **Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the road surface.
- (14) **Utilities.** All persons holding an interest in said road shall dedicate an easement to the Township for utilization of the full width of said private road for the installation of public utilities, but not less than sixty-six (66) feet, as set forth in subsection 3.06(2)c(1). Backyard and side yard easements, as required to maintain or provide storm drainage or provide utilities to subject or adjacent parcels, shall be dedicated to the Township. The width and location of said easements shall be determined by the Township Engineer.

d. **Submission Requirements.**

An application for private road approval shall include all information required by this Ordinance and indicated as follows:

- (1) A certified survey and legal description of the road and all abutting parcels prepared by a land surveyor or civil engineer.
- (2) A typical cross-section of the proposed road.
- (3) Detailed plans prepared by a registered engineer showing elevations, drainage systems and any other details as may be required by the Township Engineer.
- (4) All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of large trees, wetlands, floodplains, productive farmland, topography, bodies of water (i.e., streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features, such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines, and buildings or foundations of historic value. Private road developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
- (5) Site location map.
- (6) Location of all utilities serving the site.
- (7) Yard setbacks and typical building footprints.
- (8) A proposed road maintenance agreement. All persons owning lands which front upon or use said private road for ingress and egress shall hold said lands subject to a maintenance agreement which shall appear as a deed restriction or

*Amended: 29-95-1*





ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

covenant and be recorded with the Lapeer County Clerk, Register of Deeds. A copy of the maintenance agreement shall be approved by the Township, following review by the Township Attorney, and shall include the following:

- a. A method of initiating or financing whatever improvements and/or maintenance which may be needed from time-to-time in order to keep the road in good and useable condition.
- b. A workable method of apportioning the cost of maintenance and improvements.
- c. A prohibition against the owners of any lot, outlot or parcel of land holding an interest in said road from prohibiting, restricting, limiting or in any manner interfering with the utilization of said road by a guest, invitee, tradesman or others bound to or returning from any of the properties having right to use said road.

(9) A private road that is not in compliance with current design, construction and engineering standards shall not be extended unless the existing road is brought into compliance with current standards.

(10) Other information as may be required by the Township.

**e. Approval Procedures.**

(1) All applications for approval of private roads shall be submitted to the Planning Commission in accordance with the Commission's adopted procedures.

(2) After approval of a private road by the Township Planning Commission, and before construction thereof is commenced, the applicant shall provide a financial guarantee assuring the proper and timely completion of said road with the Township. The financial guarantee shall be equal to the estimated costs of construction of said private road as determined by the Township Engineer. Such financial guarantee may be cash or irrevocable bank letter of credit. The financial guarantee shall remain on deposit with the Township until all improvements have been installed in accordance with the approved plans and the Township Engineer has certified his acceptance to the Township.

(3) Private road construction is to be completed within one (1) year of approval by the Township Planning Commission. Failure to complete private road construction within one (1) year shall render said approval null and void.

(4) All private roads shall be constructed in accordance with the specifications of the Ordinance approved by the Township Engineer before the issuance of any building permit for erection of a structure on a lot, outlot or parcel of land fronting upon said private road, or using the same or ingress and egress.

(5) The Township Board may adopt by resolution a fee for the review of private roads sufficient to cover the costs incurred by the Township for engineering reviews, planning reviews, legal reviews, inspection fees and administration.

*Amended: 29-95-1*

*Amended: 41-99-01*

**3. Residential Driveways.**

a. **Number of Driveways.** One (1) residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one hundred fifty (150) feet of frontage.



## ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

- b. **Driveway Entrances.** The design and construction of all driveway entrances to a public road or a private road shall meet the design and construction standards of the Lapeer County Road Commission. Approval of the Michigan Department of Transportation shall be required for any driveway entrances onto M-24 (Lapeer Road).
- c. **Surface Preparation and Material.** All topsoil, stumps and unstable soil shall be removed and back-filled with appropriate sand. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet and a minimum depth of four (4) inches for the full length of the driveway.
- d. **Drainage.** The surface of the driveway shall be properly drained so that water drainage and frost heave will not impede access by emergency vehicles.
- e. **Clearance.** All trees and brush shall be cleared for a minimum width of fifteen (15) feet for the full length of all driveways. Vegetation shall be cleared for a minimum width of eighteen (18) feet through all curved sections.
- f. **Curve Radii.** Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to ensure access by fire-fighting equipment.
- g. **Bridges.** Bridges shall not be permitted unless they are certified by a registered engineer as being capable of supporting a thirty (30) ton fire truck.
- h. **Vertical and Horizontal Clearance.** Any structures spanning a driveway shall maintain not less than fourteen (14) feet vertical and horizontal clearance.
- i. **Culverts.** A culvert twelve (12) inches in diameter and extending three (3) feet beyond each side of the driveway shall be provided where a driveway crosses the ditch centerline of the public or private road with which it intersects. Depending on the size of the ditch a larger culvert may be necessary. Any determination on the need for a larger culvert shall be made by the Township Engineer.
- j. **Shared Driveways.** Shared driveways may be allowed to serve up to a maximum of two (2) dwelling units. The minimum width of any shared driveway shall not be less than sixteen (16) feet. Shared driveways shall only be allowed in conjunction with the approval of panhandle lots.
- k. **Maintenance Agreements.** Shared driveways shall require the approval of a reciprocal access easement and maintenance agreement between all property owners approved by the Township Attorney and recorded with the Register of Deeds.
- l. **Approvals.** Shared driveways serving more than one (1) parcel shall require approval by the Lapeer Township Planning Commission. All other residential driveways shall be approved by the Building Inspector in conjunction with the issuance of a building permit for the dwelling unit.
- m. **Submission Requirements.** An application for residential driveway approval shall be accompanied by a drawing showing the location, dimensions and setbacks of all buildings and driveways, proposed or existing, on the subject property and within three hundred (300) feet of the subject property. The drawing shall also show the location and dimensions of the proposed driveway. A survey of each parcel to be served by the road shall also be provided.
- n. **Driveway Length.** No residential driveway shall be allowed to exceed a maximum length of two hundred and fifty (250) feet unless a turnaround has been provided for emergency vehicles.



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

4. Commercial Driveways.

- a. **General Standard.** Driveways shall be located so as to limit undue interference with the free movement of traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
- b. **Improvements Confined to Applicants Property.** Driveways, including the radii, but not including right-turn lanes and tapers, shall be located entirely within the applicant's right-of-way frontage. The right-of-way frontage is determined by projecting the lot lines to the edge of the pavement of the road. The encroachment of curbs and driveway radii on adjacent property, as in the case of shared driveways, may be allowed upon written certification of adjoining property owners, and the Township and the applicable Review agency (Lapeer County Road Commission or Michigan Department of Transportation) when it has been determined that such encroachment is necessary to preserve safe road conditions.
- c. **Distance to Intersection.** No commercial driveway approach shall be located closer than two hundred and fifty (250) feet from an intersection either adjacent to the site or on the opposite side of the road. This distance shall be measured from the right-of-way line of the intersecting street. This requirement shall apply to roads and railroads. For sites with insufficient street frontage to meet this requirement, the Planning Commission may require the construction of the driveway along a side street, a shared driveway along the property line farthest from the intersection, or a service drive.

*Amended 29-95-1*

- d. **Minimum Spacing Between Driveways.** The minimum spacing between two commercial driveways shall be based upon posted speed limits of the fronting road. The minimum spacing listed below shall be measured from centerline to centerline.

<u>Posted Speed Limit (MPH)</u>	<u>Maximum Driveway Spacing (In Feet)</u>
25	105
30	125
35	150
40	185
45	230
50 and Higher	275

In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain the spacing requirements referenced above, the Planning Commission may allow for a reduction of the standards listed above. Any such reductions shall be based on a traffic impact study. The Planning Commission may require additional driveway spacing based on the recommendations of the Township Engineer and where it is determined that the additional spacing will promote improved access and continuity of developments recommended by the Lapeer Township Master Plan. The adjacent land owners may also agree to establish a common driveway. In such case, the midpoint should be the property line between the two parcels. A joint easement agreement must be entered into prior to an access permit being granted.

- e. **Driveway Offsets.** To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways should be offset a minimum of one hundred and fifty (150) feet from those on the opposite side roadway. Longer offsets may be required depending on the expected left-turn volumes of the driveway.



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

- f. **Number of Driveways.** The number of commercial driveways serving a parcel shall be the minimum necessary to provide access for passenger cars and trucks, delivery vehicles and emergency vehicles, while preserving traffic operations and safety along the public roadway. Not more than one (1) driveway shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. The Township may permit one (1) additional driveway for parcels with a continuous road frontage of at least three hundred (300) feet.

In allowing for the second driveway, the Planning Commission shall determine that the additional driveway is justified without compromising traffic operations along the public street, based upon a traffic impact study as described herein.

One (1) pair of dual, one-way driveways may be allowed for each parcel with a continuous frontage of two hundred fifty (250) feet.

*Amended: 29-95-1*

- g. **Driveway Design.** All commercial driveways shall be designed accordingly to the standards of the Lapeer County Road Commission or the Michigan Department of Transportation, as appropriate. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two egress lanes.
- h. **Boulevard Entrances.** Where a boulevard entrance is desired by the applicant or the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges of the island shall be designed to accommodate the largest vehicles that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside of the public right-of-way. Such landscaping shall be tolerant of roadway conditions.
- i. **Setbacks.** Driveway pavement shall be set back at least four (4) feet from the adjoining property line to help control stormwater runoff. A greater setback may be required by the Township Engineer if necessary for drainage purposes.
- j. **Shared Driveways, Frontage Roads, and Service Drives.** The Planning Commission may require a shared driveway or service road connecting two or more parcels of uses when it is determined that reducing the number of access points may have a beneficial impact on traffic operations and safety while perceiving the property owners right to reasonable access. In particular, service drives may be required at locations recommended by the Lapeer Township Master Plan; near existing signals; near locations having potential for future signalization; along segments with a relatively high number of accidents or limited sight distance:
- (1) **Easement.** Shared driveways and service roads shall be located within an easement recorded with the Lapeer County Register of Deeds.
  - (2) **Number of Access Drives.** The number of accesses along a service road shall be according to the standards of this section. The Planning Commission may allow temporary access where the service road is not completed if a performance bond of other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Occupancy permits shall not be issued until financial guarantee has been submitted to the Township.



## ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

- (3) **Location.** Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
- (4) **Access Easement.** The service road shall be within access easement permitting traffic circulation between properties. This easement shall be sixty (60) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the Planning Commission. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.

*Amended: 29-95-1*

- (5) **Construction and Materials.** Service roads shall have a base, pavement and curb with gutter in accordance Lapeer County Road Commission or Michigan Department of Transportation standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-five (25') feet.
- (6) **Parking.** The service road is intended to be used exclusively for circulation, not as parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.
- (7) **Access to Service Road.** The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section. Driveway Standards provided the Planning Commission provided the Planning Commission may allow additional driveways if approved by the Lapeer County Road Commission or the Michigan Department of Transportation, and consistent with purpose of this section.
- (8) **Temporary Access.** The Planning Commission shall approve the location of all accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until monies have been deposited with Lapeer Township.
- (9) **Elevation.** The site plan shall indicate the proposed elevation of the service road at the property line and the Township shall maintain a record of all service road elevations so that their grades can be coordinated.
- (10) **Landscaping.** The area between a service road and the public street right-of-way shall be landscaped greenbelt as specified in Section 4.00.
- (11) **Maintenance.** Each property owner shall be responsible for maintenance of the easement. The construction of service drives shall require the approval of a reciprocal access easement and maintenance agreement between all property owners and approved by the Township Attorney.
- k. **Traffic Impact Study.** Whenever a traffic impact study is required, it shall include the following information:
- (1) All descriptions of traffic counts to be generated from the parcel shall be based on national reference document, such as the most recent edition of the Institute of Traffic Engineers Trip Generation Manual, other published studies or actual counts of similar uses in Michigan.



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- (2) Description of existing daily and peak hour traffic on adjacent street(s) and a description of any sight distance limitations along the site's right-of-way frontage. *Amended: 29-95-1*
  - (3) Forecasted trip generations of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated.
  - (4) For any project with a completion date beyond one year at the time of site plan approval, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based either on historic annual percentage increase and/or on expected development in the area.
  - (5) Projected traffic generated shall be distributed (inbound versus outbound, left turn versus right turn) onto existing street network to project turning movements at site driveways and nearby intersections. Rationale for the distribution shall be provided.
  - (6) Capacity analysis at the proposed driveway using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Capacity analyses shall be provided for all street intersections where the expected traffic will comprise at least five (5%) percent of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion of a relatively high accident rate, as determined by the Township or staff from the Lapeer County Road Commission or Michigan Department of Transportation.
  - (7) Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
  - (8) A map illustrating the location and design of proposed access, including any sight distance limitations, dimensions from adjacent driveways will provide safe and efficient traffic operation.
- I. **Acceleration/Deceleration Tapers.** Acceleration/deceleration tapers shall be provided, unless prohibited by the Michigan Department of Transportation and/or the Lapeer County Road Commission, to facilitate safe ingress and egress to and from a site and to promote smooth traffic flow.

*Amended: 47-02-01*



ARTICLE 3 – OFF STREET PARKING AND LOADING REQUIREMENTS

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## ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

ARTICLE 4  
ENVIRONMENTAL REQUIREMENTS

## Section 4.00 SCREENING REQUIREMENTS

Screening shall be required between any two different zoning districts and/or uses according to the requirements of this Section of the Zoning Ordinance. The type of screening required is based on the following impact rankings: A) None; B) Minor; C) Moderate; D) Major.

Where screening is required, only one adjoining use shall be responsible for its installation, except as noted herein. This use shall be referred to as the “use providing screening”. The other use shall be the “protected use”. Specific requirements for screening improvements are described in the following subsection and are subject to Planning Commission approval. The Planning Commission shall have the authority to modify these requirements when justified by the nature or intensity of the proposed development or the characteristics of the site. These requirements are in addition to specific screening requirements set forth elsewhere in this Ordinance.

**Screening Alternatives for Each Intensity/Impact Classification.**

- A. **None.** No screening or buffering shall be required between adjoining uses.
- B. **Minor.** The purpose of screening in this situation is to soften the impact of one land use on another. Where less intense screening is allowed, a twenty (20) foot greenbelt shall be provided.
- C. **Moderate.** Screening required for areas where a moderate impact is anticipated is necessary to provide a separation and buffer between differing land uses. The intent is to minimize the impact of one use or activity on another. Screening in these instances should conform to one of the following standards:
  - (1) A continuous row of evergreens (spruce or pine) measuring six (6) feet in height and planted at a maximum of twelve (12) feet on center.
  - (2) A buffer measuring twenty (20) feet in width, consisting of a mix of evergreen and deciduous trees and shrubs will be an acceptable alternative. However, year-round screening shall still be achieved.
- D. **Major.** The intent of the screening requirements where major impacts are anticipated is to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation. Screening in these situations shall meet both of the following minimum standards:
  - (1) When high level screening is necessary, one (1) deciduous tree, not less than two and one-half (2.5) inches in caliper, shall be planted between the land uses for each thirty (30) lineal feet, or fraction thereof.

*Amended: 47-02-01*

- (2) Two staggered rows of evergreen trees, planted ten (10) feet on center, a decorative concrete or reinforced brick wall, or a landscaped berm shall be placed to form a continuous screen at least six (6) feet in height at all points. If a nonliving barrier is used, additional plant material shall be required for each ten (10) lineal feet, or fraction thereof, of barrier provided.





**Schedule of Screening Requirements**

USE PROVIDING SCREENING		PROTECTED USE <sup>(1)</sup>			
Zoning District	Development Features	One-Family	Multiple/MHP	Office	Commercial
One-Family & Two-Family	Building	None			
Multiple & Mobile Home	Building Circulation/Parking	Moderate Major	Minor Moderate		
Office	Building Circulation/Parking	Major Major	Moderate Major	Minor Minor	
Commercial	Building Circulation/Parking Loading	Major Major Major	Major Major Major	Moderate Moderate Moderate	Minor Moderate Moderate
Industrial	Building Circulation/Parking Loading/Storage	Major Major Major	Major Major Major	Moderate Major Major	Moderate Major Major

(1) Where a “use providing screening” already exists and does not include the required screening of this Ordinance, the “protected use” shall provide screening consistent with the requirements that would otherwise be supplied by the “use providing screening”.

Section 4.01 SAVE FOR FUTURE USE

Section 4.02 LANDSCAPING REQUIREMENTS.

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. All landscaping shall consist either of approved natural materials or living plant materials. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device, as approved by the Planning Commission.
3. A detailed landscape plan, prepared by a registered landscape architect or other landscape expert, for all unpaved areas shall be submitted to the Planning Commission showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission. *Amended: 47-02-01*
4. Street trees shall be provided within every zoning district. The trees shall be spaced evenly in a linear fashion along all road frontages. One (1) tree shall be planted for each 30 feet of road frontage and shall be planted fifteen (15) feet outside of the road right-of-way. In no way shall the plantings impair the clear vision triangle. The trees shall be a minimum of two and one-half (2 ½”)



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inches caliper at the time of planting. Street trees shall consist of Norway Maples, Little-Leaf Lindens or other varieties of hardy street trees, as approved by the Planning Commission.

5. Whenever screening is not otherwise required along a side or rear property line of an industrial, commercial or office development, a minimum ten (10) foot wide landscaped greenbelt shall be established along such property lines. Such landscaped greenbelt shall include tree and shrub plantings.
6. The owner of property required to be landscaped by this Section shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within three (3) months or the next appropriate planting period, whichever comes first.

Section 4.03 PARKING LOT LANDSCAPING REQUIREMENTS.

1. All unpaved areas between a building and a facing street shall be landscaped and maintained to include grass and/or placement of shrubbery. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than one hundred (100) square feet of land area for each tree planting.

Trees shall be placed somewhat evenly, either symmetrically or asymmetrically, throughout the parking area and remaining portions of the landscaped area shall incorporate grass, ground cover or some other landscape material approved by the Planning Commission. A minimum of five (5) feet between any tree and the nearest parking surface shall be maintained. There shall be planted and maintained trees of a selected variety and varying in size as may be practical for planting and the developer's architectural effect, but which shall be of a minimum of two and one-half (2 ½") inches caliper at the time of planting and shall be so provided and arranged so as to establish a ratio of one (1) tree for each five (5) parking spaces or fraction thereof. Parking areas consisting of twenty-five (25) or fewer spaces may be allowed to locate trees outside of the parking area, per Planning Commission recommendation. The following trees or similar types are suitable for parking lot and urban conditions:

- (a) White Fir
- (b) Norway Maple
- (c) Tulip Tree
- (d) Austrian and Red Pine
- (e) Moraine, Skyline, Majestic and Sunburst Locusts
- (f) Red Oak

2. Curbed, landscaped islands shall be placed at the ends of all parking space groupings to separate the parking spaces from the maneuvering lanes and to provide for safe traffic flow. *Amended: 47-02-01*
3. A three (3) foot high berm shall be provided between all parking lots and the road right-of-way. The slope of such berm shall be no steeper than 3:1.



## ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

## Section 4.04 OUTDOOR LIGHTING REQUIREMENTS.

Outdoor lighting in conjunction with any site plan or special land use approval in all use districts shall conform to the following requirements as to type, location and intensity.

1. All outdoor lighting used to light a specific site shall be shielded downward or below horizontal (maximum of eighty-five (85) degrees from vertical) to reduce glare and shall be so arranged and designed to reflect light away from all adjacent residential districts or existing adjacent residences and public right of ways. No light shall cast a glare onto adjacent roadways.
2. Artificial light shall be stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
3. The lighting sources (bulbs or lenses) for non-residential properties, shall not be visible from adjoining properties or rights-of-way. In addition, the height of the non-residential lighting fixture, including the base, measured from the established grade shall not exceed twenty (20) feet.
4. Carriage style and similar decorative lights which may have lighting sources which are not directed downward may be utilized in any district, however, such lights shall have internal shields to direct light downward and away from adjacent properties and roadways as necessary. The height of such lights shall not exceed fifteen (15) feet.
5. No light measured (at ground level) at the property line between any use and any other use shall be greater than one-tenth (0.1) foot candle at the side and rear property line. Lighting along roadways shall not have an average maintained illuminance greater than four-tenths (0.4) footcandles.
6. Lighting at any nonresidential drive and street intersection may be required upon Planning Commission determination. Fixtures located at an intersection shall be full cut-off fixtures. Such lighting shall not exceed an average of one (1) foot candle. Lighting at major intersections shall not exceed an average of one and four tenths (1.4) footcandles.
7. Ground lighting (up-lighting) used for the purpose of illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit and screened with landscaping as necessary.
8. A ground level illumination plan (in footcandles) which demonstrates compliance with the standards of this ordinance shall be required for each site or development.
9. The intensity of outdoor lighting in all use districts shall be limited to the following amounts, unless otherwise noted above. The illumination calculations shall be based on the lighting levels only within the area intended to be illuminated by such lighting.

*Amended: 47-02-01*



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

Schedule of Illumination  
(in foot candles measured at the surface)

Use	Maximum Average Illumination Level (Foot candles)	Maximum Uniformity Ratio
Residential, Church, School, and Child Care Facility	0.8	4:1
Nonresidential	2.0	4:1

Section 4.05 SIGNS.

All signs erected or located in any zoning district shall comply with the following regulations:

1. Signs, General.

- a. All signs, except billboards and directional advertising signs for service clubs, churches, fraternal organizations and similar organizations shall advertise only the use of the premises or goods produced or offered for sale on the premises, or the name of the establishment on which said signs are located.
- b. A building permit shall be required for the erection, construction or alteration of any sign, except signs less than sixteen (16) square feet, and all such signs shall be approved first by the Planning Commission.

Upon receipt of all the information required in Article 5, the Planning Commission shall review the application for conformity with the requirements of this Ordinance. If the application is approved by the Planning Commission, it shall then be reviewed by the Zoning Administrator for conformity with the Township Building Code. The Zoning Administrator shall review all signs, irrespective of size. *Amended: 47-02-01*

- c. No sign, except those placed and maintained by the Township, County or State, shall be located in, overhang, or encroach upon road right-of-way and shall setback a minimum of seventy (70) feet from the centerline of all State numbered routes, Newark Road and Wilder Road.

2. Prohibited Signs

The following signs are prohibited in Lapeer Township

Prohibited Signs
Portable signs except as otherwise authorized by this ordinance. A portable sign is a freestanding sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, trailers, "A" frame, "T" shaped, or inverted "T" shaped sign structures
Signs with bare bulbs, flashing, moving, oscillating or intermittent lighting
Streamers, windblown devices, spinners, pennants or flags (other than the United States, Michigan, Centennial and Ecological) are expressly prohibited, unless specifically approved by the Township Board for display.
Portable and vehicle advertising signs. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the owner's premises primarily for advertising purposes.
1. It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign on private or public



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Prohibited Signs	
2.	<p>property for the purpose of advertising a business or products or for the purpose of directing people to a business or business activity.</p> <p>Presumption. There shall be a presumption that this subsection has been violated if the motor vehicle sign is visible from a street and one or more of the following circumstances exist:</p> <ul style="list-style-type: none"> <li>a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;</li> <li>b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;</li> <li>c. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;</li> <li>d. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a “front yard” or “side yard,” as such terms are defined in this zoning ordinance, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or</li> <li>e. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.</li> </ul>
3.	<p>Rebuttal of Presumption. The presumption set forth in subsection c., above, may be rebutted by evidence showing all of the following:</p> <ul style="list-style-type: none"> <li>a. The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;</li> <li>b. The activities in subsection 1., above, are being actively undertaken during the period of such parking;</li> <li>c. The activities in subsection 1., above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and</li> <li>d. The activities in subsection 1., above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.</li> </ul>
Signs in the ROW except those placed and maintained by the Township, County or State	
Moving or animated signs – Except as otherwise expressly provided, no sign shall contain any moving or animated parts nor have the appearance of having any movement or animation. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light or intermittent lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles, or lights so bright as to be blinding or distracting to a vehicle driver.	
Inflatable signs – Signs that are comprised in part or wholly of a balloon or any other inflated object or character.	
Signs that obstruct access – Signs which obstruct free access or egress from a required door, window, or other required exit.	
Signs that obstruct the view of road – Signs that obstruct any approved traffic control device, road sign, or signal from view; interfere with sight distance necessary for traffic safety; or distract from visibility of existing traffic signs or devices.	
Signs that confuse traffic –	
1. Any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.	
2. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.	
Snipe signs – Signs attached to a utility pole, fence or affixed to a tree except as may otherwise be permitted by this article	
Human directional signs	
Roof signs – Signs shall not be erected on any part of a building’s roof unless there is no practical available wall area on the front of the building to permit the allowed wall sign, in which case the Planning Commission may grant an administrative waiver.	



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

3. **Exempt Signs.** The following signs are allowed in Lapeer Township without issuance of a zoning permit provided they comply with the following requirements.

Exempt Signs				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Other Requirements</i>
Temporary signs advertising real estate for sale, rent or lease	Less than 16 square feet	6 feet	1 per lot, 2 on corner lot (1 facing each street)	Located on buildings or lands intended to be sold, rented or leased and displayed only as long as the premises are available
Device Signs	Not more than 3 square feet	N/A	One per device	
On Premise Directional Signs	4 square feet per sign	4 feet	As determined by the Planning Commission or Zoning Administrator necessary for traffic flow onto and within the site	The sign shall bear no advertising other than logos
Flags	Not more than three flags per lot	Flag poles to comply with relative flag requirements	Not more than three	
Employment Signs	Not more than six square feet total for all signs combined	N/A	2 per business	Wall or window signs only
Enclosed Signs	N/A	N/A	N/A	
Historical Signs	Not more than six square feet	6 feet	1 per lot	
Identification Signs	Up to one square foot is allowed. Signs in excess of one square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this Ordinance.	4 feet	One	Street name and number, name of occupant
Incidental Signs	Not more than two square feet total for all signs combined	N/A	N/A	
Public Signs				
Garage Sale Signs	5 square feet	4 feet	1 per lot, 2 on corner lot (1 facing each street)	Shall be erected no more than 10 business days before and removed within 1 business day after the sale



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

Exempt Signs				
Type of Sign	Maximum Size	Maximum Height	Maximum Number	Other Requirements
Construction Signs	64 square feet	15 feet	1 per lot, 2 on corner lot (1 facing each street)	1. Shall be removed from premises within 30 days after issuance of the occupancy permit or temporary occupancy permit 2. In the case of renovations (e.g. addition to a building) or maintenance or repair (e.g. roofing or siding), rather than the construction of a new building, the construction sign may have a maximum sign area of 16 square feet.
Political Sign	16 square feet	6 feet	N/A	Remove no later than 10 days after the election

4. **Temporary Signs Requiring a Permit**

The following temporary signs are permitted but require a zoning compliance permit.

Temporary Signs Requiring a Permit				
Type of Sign	Maximum Size	Maximum Height	Maximum Number	Permitted Duration and Other Requirements
Temporary signs advertising real estate for sale, rent or lease	More than 16 square feet but no more than 32 square feet	6 feet	1 per lot, 2 on corner lot (1 facing each street)	Located on buildings or lands intended to be sold, rented or leased and displayed only as long as the premises are available
Grand Opening and Promotional Sale Signs	16 square feet	Wall sign not higher than building	1 per lot, 2 on corner lot (1 facing each street)	May be erected for a maximum of 15 consecutive days every 6 months

5. **Signs in Residential Districts** The following signs are allowed in residential zoning districts with issuance of a zoning permit as follows:

Signs Allowed in Residential District				
Type of Sign	Maximum Size	Maximum Height	# Permitted	Other Requirements
Sign for non-dwelling principal use	32 square feet	8 feet	1 ground or wall sign	Setback 10' from existing ROW whichever is greater  May not locate in required side yard setback



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

Signs Allowed in Residential District				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Multiple Housing Development Sign	32 square feet	8 feet	1 ground or wall sign	In addition to individual dwelling nameplates  Only in RM district
Home occupation sign	3 square feet	4 feet	1	Unlit  Wall mounted or freestanding with setback 10' from existing ROW whichever is greater  May not locate in required side yard setback  A sign affixed to the mailbox, identifying the home occupation, even if it is off the property, shall count as the one sign allowed under this provision.
Directional advertising signs for service clubs, churches, fraternal organizations and similar organizations	6 square feet			Small customary size and in harmony with the area – approved by zoning administrator
Mailbox sign	3 square feet		1 in lieu of home occupation sign	As permitted by the US Postal Service

6. **Signs in Non-Residential Districts** The following signs are allowed in office, commercial and industrial zoning districts with issuance of a zoning permit as follows:

Signs Allowed in Non-Residential District				
<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i># Permitted</i>	<i>Other Requirements</i>
Sign for non-dwelling principal use	32 square feet	8 feet	1 ground or wall sign	Setback 10' from existing ROW whichever is greater  May not locate in required side yard setback
Multiple Housing Development Sign	32 square feet	8 feet	1 ground or wall sign	In addition to individual dwelling nameplates  Only in RM district





ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

Signs Allowed in Non-Residential District				
Type of Sign	Maximum Size	Maximum Height	# Permitted	Other Requirements
Home occupation sign	3 square feet	4 feet	1	Unlit  Wall mounted or freestanding with setback 10' from existing ROW whichever is greater  May not locate in required side yard setback
Directional advertising signs for service clubs, churches, fraternal organizations and similar organizations	6 square feet	8 feet	1	Small customary size and in harmony with the area – approved by zoning administrator
Mailbox sign	3 square feet		1 in lieu of home occupation or free standing commercial sign	As permitted by the US Postal Service

**7. Off-Site Signs (Billboards).**

Off-site signs or billboards may be permitted as a special land use in the M-1 Light Industrial or M-2 Heavy Industrial District, subject to compliance with the general review standards of Section 6.02 and the following specific requirements:

- a. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street, with the maximum number of billboards to be three (3) within one (1) mile.
- b. No billboard shall be located within two hundred (200) feet from any adjoining residential zoning district or any adjoining residential use.
- c. Billboards shall not be located closer than two hundred (200) feet to any abutting public road right-of-way, or closer than one hundred (100) feet from any property line.
- d. The surface area of any billboard shall not exceed three hundred (300) square feet. Billboards with stacked or tandem faces shall be prohibited.
- e. The height of any billboard shall not exceed thirty (30) feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is greater.
- f. No billboard shall be located cantilevered, on top of, or otherwise suspended above the roof of any building.
- g. A billboard may be illuminated, provided that any illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

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premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- h. All billboards shall be constructed to withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message. *Amended: 47-02-01*



## 8. Sign Definitions

- a. **ANIMATED SIGN:** A sign, other than a changeable copy sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as flashing lights, color changes, moving parts, reflective materials, scrolling messages, or video-like features.
- b. **BANNER SIGN:** A sign made of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- c. **BILLBOARD:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.
- d. **CHANGEABLE COPY SIGNS:** A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs.
- e. **CONSTRUCTION SIGN:** A temporary sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects, and financiers, which is located on a site being developed or improved.
- f. **DEVICE SIGN:** Permanent signs on vending machines, ATM's, gas station pumps, or other containers indicating only the contents or purpose of such devices
- g. **DIRECTIONAL SIGN:** A sign which gives directions, instructions, or facility information for the use on the lot or parcel on which the sign is located, such as parking or exit and entrance signs.
- h. **ENCLOSED SIGN:** Any sign that is located completely within a building and is not visible from the outside.
- i. **HISTORICAL SIGN:** A sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.
- j. **GROUND SIGN:** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, or supported by the ground on one (1) or more poles, uprights or braces and upon which a message, business, group of businesses or center name is affixed.
- k. **HUMAN DIRECTIONAL SIGNS:** Advertisement or costume worn or held by employees of a business or other establishment, usually on a public sidewalk, advertising a sale or product.
- l. **IDENTIFICATION SIGN:** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- m. **INCIDENTAL SIGN:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate restrooms, and signs providing information on business affiliations.
- n. **MAILBOX SIGN:** A sign designed to advertise a business or home occupation that is attached to the structure supporting the businesses mail box.
- o. **MOTOR VEHICLE SIGN:** A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.



ARTICLE 4 – ENVIRONMENTAL REQUIREMENTS

- p. **MULTIPLE HOUSING DEVELOPMENT SIGN:** Signs identifying apartment complexes, mobile home parks, subdivisions and other developments of multiple dwelling units
- q. **POLITICAL SIGN:** A temporary sign used in connection with local, state or national elections or referendums.
- r. **PORTABLE SIGN:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels, poster panel signs, signs mounted on vehicles for advertising purposes, hot-air and gas filled balloons, pennants, streamers, ribbons, pinwheels, non-governmental flags and searchlights.
- s. **POSTER PANEL SIGNS:** A sign that is located outside of a business on a daily basis for the purpose of providing the public with information about the business (e.g. products and services offered, daily specials etc.). Poster panel signs include sandwich signs and “A” frame signs.
- t. **REAL ESTATE SIGN:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- u. **REAL ESTATE DEVELOPMENT SIGN:** A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.
- v. **ROOF SIGN:** A sign erected above the roof line of a building.
- w. **SIGN:** Any words, numerals, figures, devices, designs, pictures or trademarks erected on or otherwise affixed to a building, wall board, plate or any other structure, or on a vehicle or trailer, for the purpose of advertising or identifying an establishment, product, service, or activity.
- x. **SNIPE SIGN:** An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
- y. **TEMPORARY SIGN:** A sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or a without structural frame, or any other sign intended for a limited period of display, but not including decorative display for holidays or public demonstration.
- z. **WALL SIGN:** A sign painted or attached directly to and parallel to the exterior wall of a building.
- aa. **WINDOW SIGN:** A sign installed inside a window and intended to be viewed from the outside.

*Amended 7.13.2015*





## ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

ARTICLE 5  
SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

## Section 5.00 INTENT

Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and Township planning. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

## Section 5.01 PLANNING STANDARDS.

In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

1. **Relationship to Surrounding Property.** All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the Planning Commission shall review the plan for negative conditions such as, but not limited to:
  - Location of the principle building or buildings and any accessory buildings or uses.
  - Channeling excessive traffic onto local residential streets.
  - The lack of adequate screening of parking or service areas.
  - The impediments to the access of emergency vehicles.
  - Site drainage characteristics
  - The accumulation of litter, production of noise, light, smoke, fumes, or the piling of snow.
2. **Vehicular Access and Circulation.** The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or to provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required. For a narrow frontage which will require a single outlet, the Planning Commission may require that money be placed in escrow with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the Township.

*Amended: 43-00-01*



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

3. **Relationship to Natural Features.** All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. During development, building, renovating or razing operations, the developer shall erect and maintain suitable protective barriers around all trees and other natural features specified to be maintained. Such barriers shall be arranged so as to prevent damage to said trees or other natural features and shall not allow storage of equipment, materials, debris or fill to be placed in this preservation area.
4. **Infrastructure.** The Planning Commission shall consider the Township Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.
5. **Landscaping.** The Planning Commission may require further landscaping, fences, walls and berms pursuant to the objectives of this Ordinance. Such improvements shall be provided and maintained as a condition of the approval of the establishment.
6. **Recreation Areas and Facilities.** Recreation areas and facilities, such as playgrounds, swimming pools and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the residents of the project it is designed to serve. Provisions of separate adult and tot-lot recreation areas are encouraged. Recreation facilities must be adequately landscaped and should be provided in a central location, convenient to the project community center. In larger developments, however, recreation facilities may be decentralized if more than one is proposed.

Section 5.02 SUBMISSION REQUIREMENTS.

1. A site plan shall be submitted for review and approval by the Planning Commission whenever one or more of the following conditions apply:
  - A. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, one two-family structure, farm buildings or accessory structures to these uses).
  - B. For the construction or establishment of a new or additional parking or storage area, or for the expansion or reuse of an existing parking lot or storage area that is not to the standards of this Ordinance and/or the Township Engineering Standards Ordinance.
  - C. For all special land uses.
  - D. For any substantial change in use or class of use when referred by the Township Clerk or other designated Official.
  - E. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
  - F. The construction of public roadways.
  - G. The construction of wetland mitigation or floodway projects.

*Amended: 43-00-01  
Amended: March 1, 2012*



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

2. The Site Plan Review Package shall be furnished in the number of copies required by the Township. Each review package shall consist of the site plan review application and all required site plans and building drawings, prepared to the standards specified in this Ordinance. All plans shall be folded to a maximum of ten (10) inches by twelve (12) inches in size. A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:

A. **General Site Data.**

1. All site plans shall be accompanied by a letter providing a detailed description of the proposed use, including the typical hours of operation, number of employees, types of equipment used on site, and other such information as deemed necessary for review by the Planning Commission.
2. The site plan shall be prepared by and carry the seal and signature of the registered architect, registered landscape architect, registered community planner, registered land surveyor or registered professional engineer who prepared it. The site plan shall consist of the following individual sheets, at a minimum:
  - a. Dimensioned plan identifying proposed improvements.
  - b. Floor and elevation plan.
  - c. Lighting and photometrics plan.
  - d. Landscape plan.
  - e. Utility plan.
  - f. Topography plan.

The applicant shall be responsible for any supplemental sheets necessary to clearly illustrate or explain the proposal.

3. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
4. The site plan shall be drawn to a minimum scale of 1" = 20' or 1" = 30' for sites less than five (5) acres , and at 1" = 50' or 1" = 100' for sites five (5) acres or more, and shall contain scale, date, revisions, and north point.
5. Complete legal description.
6. Size of the site expressed in acres.
7. Location map (4 inches = 1 mile) showing major roads, nearby cross-streets and property lines, where necessary.
8. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts. *Amended: 43-00-01*
9. Proposed address, if available.
10. Location of existing structures and improvements. (Indicate if any such structure or improvement is to be removed).





ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

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11. Location and designation of proposed structures and improvements.
12. Yards/setbacks and critical dimensions between buildings and other site improvements.
13. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within two hundred (200) feet of all property lines.
14. Topography at two (2) foot contours or five (5) foot contour intervals in areas of extreme topography (existing and proposed). Grade shots at building corners, property lines, and for the parking lot and street may be substituted on small site plans.
15. Benchmarks.

**B. Building Plans.**

1. All architectural building elevations (front, sides and rear).
2. Type of surface material and design of all exterior surfaces.
3. Dimensioned floor plans, including total and usable floor area (principal and accessory buildings).
4. Decks and/or patios (dimensions, location, height and materials).
5. All exterior appliances, including, but not limited to, transformers, cooling towers, dust collectors, condensers, evaporators, air conditioning units, etc.

**C. Access, Parking and Circulation.**

1. Existing and proposed rights-of-way for all abutting roads.
  2. Location and dimensions of all driveways and street approaches, including acceleration, deceleration and passing lanes.
  3. Dedicated access or service drive pavement widths.
  4. Indicate the type of surface (paving).
  5. Parking spaces, including handicapped parking spaces (location, number, dimensions, aisle dimensions and surface material -- See Article 3).
  6. Site circulation pattern (direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
- Amended: 43-00-01*
7. Loading and unloading area.
  8. Identification of all fire lanes.
  9. Sidewalks, interior walks and their connection.



## ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

10. Carport locations and details (including architectural elevations).

**D. Environmental Features.**

1. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings.
2. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.
3. Whenever a tree or group of trees of four (4) inch caliper or greater is to be removed as part of the planned improvements, the location shall be shown on the site plan in dotted outline and noted "to be removed."
4. Greenbelt, obscuring wall, or berm locations and details. (Provide at least one cross-section for each type used.)
5. Site irrigation (sprinklers). Indicate all areas to be irrigated.
6. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
7. Trash receptacle location and method of screening (See [Section 1.35](#)).
8. Site lighting details (location, height, type, intensity and method of shielding) and a site lighting plan including ground-level illumination levels throughout the site (measured in foot candles).
9. Drawings of the proposed sign(s) to be erected on the site shall be submitted at the time of site plan review. The location of all signs shall be shown on the site plan and the following information drawn to scale. Signs shall meet all the requirements within this Section and those requirements provided in Section 4.05:
  - a. Height of the sign above the ground.
  - b. Surface of the sign (material, color and dimensions).
  - c. Area of sign surface.
  - d. Lettering of sign drawn as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and of a weight approximating that of the final constructed sign.

*Amended: 43-00-01*

- e. Method and color of illumination, if any.
- f. Logos, emblems or additional features.
- g. Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
- h. For wall signs, a drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably 1/4" = 1'0".



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

E. **Other Information.**

1. Density calculations.
2. Location of all site utilities.
3. Site drainage characteristics and improvements.
4. Soil borings, locations and summary report data shall be shown where soil quality may be in question.
5. Hydrant locations.
6. Park or recreation areas (show boundary and size in square feet).
7. Fences (location and details).
8. Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., 1-bedroom, 2-bedrooms and 3-bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
9. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
10. If phasing is proposed or intended, it shall be clearly shown on the site plan.

F. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission’s minutes, together with the unique circumstances and reasons for such waiver.

Section 5.03 REVIEW PROCEDURES.

1. **Submission.** The proposed site plan shall be submitted to the Township Clerk, or other designated representative at the Township, who shall check the submission data and transmit it to the following departments, agencies and consultants (as necessary):

*Amended: March 1, 2012*

  - A. Lapeer County Road Commission or Michigan Department of Transportation, whichever is appropriate. *Amended: 43-00-01*
  - B. Lapeer County Drain Commissioner.
  - C. Lapeer County Health Department.
  - D. Fire Safety Officer.
  - E. Township Zoning Administrator.
  - F. Township Assessor’s Office (Check legal description).
  - G. Township Engineer.



## ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

- H. Township Planner.
- I. Township Planning Commission File.
- J. Appropriate School District (residential plans).

The Township Clerk shall next submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

2. **Planning Commission Review.** The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Township in planning and establishing zoning districts as authorized under this Ordinance. The Commission shall also require review and comment from the Township Planner, Township Engineer and Township Attorney, where appropriate. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township ordinances.
3. **Approval Period.** A site plan approval shall be valid for one (1) year after the date of approval. If physical improvement of the site is not in actual progress at the end of a year and completed within two (2) years, the approval becomes null and void, unless renewed or extended by specific Planning Commission action. If approval is not extended before expiration of the one (1) year period, then a new application and a new approval shall be required before a building permit may be issued.
4. **Performance Guarantee.** The Planning Commission may require a financial guarantee, covering the estimated cost of improvements associated with a site plan. The guarantee shall be deposited with the Clerk of the Township to ensure faithful completion of the improvements. The Planning Commission shall establish the amount of the deposit and set the time limit in which the project or work is to be completed. All guarantees submitted shall contain contractual language ensuring forfeiture of the guarantee to the Township in the event that such work is not completed within the allotted time frame. Such guarantee shall clearly allow the Township to finish all improvements not completed by the developer. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

*Amended: 43-00-01*

#### Section 5.04 DEVELOPMENT IMPACT STATEMENT.

##### 1. Statement of Intent.

The purpose of the Development Impact Statement is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

##### 2. Submission Requirements.

Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:

- A. For any request for site plan review or special land use having an area of five (5) acres or more.
- B. For all rezoning applications.
- C. For any proposal for residential development (site plan, subdivision or site condominium) of fifty (50) or more units and/ or resulting in a density of more than five (5) units per acre.
- D. Any application for commercial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.

**3. Information and Data Required.**

- A. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the Zoning Ordinance and Subdivision Ordinance; and, in addition, the following supplemental information shall be required:
  - 1. Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
  - 2. Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one half (½) mile, measured from the boundaries of the site.
  - 3. Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half (½) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
  - 4. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by Lapeer County or equally suitable photography.
    - (a) Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exist on-site, an official wetlands determination conducted by the Michigan Department of Environmental Quality shall be supplied.
    - (b) A woodlands map identifying the location, size and type of site vegetation, as required by this Zoning Ordinance.
    - (c) Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
    - (d) Improvements adjacent to and across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
  - 5. Conceptual Plan, showing how the proposed development relates to the above-referenced conditions.



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

6. Other information, as determined by the Planning Commission, that may be necessary to assess the impact of the proposed development.

**B. Impact Assessment.**

The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

**1. Land Use Impacts.**

- (a) Brief description of the proposed land use.
- (b) Hours of operation, if applicable.
- (c) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
- (d) Project phasing plan or schedule.
- (e) Describe how existing natural features identified in Section 5.04 will be preserved.
- (f) Describe any impact on ground water quality or quantity.

**2. Impact on Public Utilities.**

- (a) Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
- (b) General calculations for water flows and water demands and how they relate to sewer line capacity, if any.
- (c) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Lapeer County Health Department shall be required.
- (d) Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Lapeer County Drain Commissioner stating their initial concerns and recommendation shall be attached.

**3. Impact on Public Services.**

- (a) Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Letters from the appropriate agencies shall be provided, as appropriate.

**4. Traffic Impacts.**

- (a) Description of Existing Traffic Conditions:
  - i. Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or



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**ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES**

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- road agency may permit 24-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2%) percent annually in the past three to five years.
- ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
  - iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
  - iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
  - v. Approved developments within the study area shall be part of all calculations for anticipated traffic.
- (b) Trip Generation.
- i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
  - ii. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission.
  - iii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
  - iv. For projects intended to be developed in phases, the trip generation by phase shall be described.
- (c) Trip Distribution.
- The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.
- (d) Impact Analysis.
- Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.
- (e) Access Design/Access Management Standards.

**ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES**

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Lapeer Township and the Lapeer County Road Commission (not required for rezoning application).

**(f) Other Study Items.**

The traffic impact study shall include:

- i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- ii. Changes which should be considered to the plat or site plan layout.
- iii. Description of any needed non-motorized facilities.
- iv. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.
- v. If a median crossover is desired, separate analysis should be provided.
- vi. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- vii. Description of site circulation and available sight distances at site driveways.
- viii. Conflicts with pedestrian traffic within the development and along all site boundaries which require sidewalk access.

**(g) Mitigation/Alternatives.**

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

- (h) All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

**4. Evaluation Standards.**

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:





ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

**A. Land Use Impacts.**

1. The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
2. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

**B. Public Utilities.**

1. Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer.
2. For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on site waste water disposal systems and well(s).
3. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the water courses in the area.
4. That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

**C. Public Services.**

1. The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
2. Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
3. Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).

**D. Economic Impacts (for rezonings only).**

1. The project will have a beneficial impact on the local economy by increasing employment opportunities and increasing and diversifying the Township's tax base.
2. The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area.
3. The applicant shall demonstrate that the subject property can not be developed under the current zoning designation.

**E. Traffic Impacts.**

1. The proposed development has access to a public road capable of supporting the development.



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

2. The use will not increase traffic that will effectively result in a lower level of service on the abutting road or at intersections proximate to the site.
3. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
4. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
5. Adequate provisions have been made to accommodate pedestrians.
6. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

**F. Natural Resources.**

1. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
2. The proposed development does not encroach into floodways or floodplains.
3. That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
4. The proposed development will not cause soil erosion or sedimentation problems.

G. Any adverse impacts which are the direct result of mitigation strategies shall also be addressed.

**5. Processing Requirements.**

- A. A Development Impact Statement shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval, as provided in Section 5.02.
- B. The Development Impact Statement shall be considered, along with other applicable information required for the specific request, and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance or the Lapeer Township Subdivision Ordinance.



ARTICLE 5 – SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

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ARTICLE 6 – SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS  
FOR SELECTED SPECIAL LAND USES

ARTICLE 6

SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS FOR SELECTED SPECIAL LAND USES

Section 6.00 APPLICATION.

A written application consisting of the required number of documents for the approval of a Special Land Use shall be filed with the Township Clerk by an owner of the land on which the Special Land Use is to be located, or by a legally appointed representative of such an owner, accompanied by the necessary fees and documents, as required by this Ordinance. Such application shall contain the signature of the property owner and consist of a Site Plan and supporting documents as prescribed under Article 5 and any other documents required under other provisions of this Ordinance.

Section 6.01 HEARING.

Requests for Special Land Use approval may be heard and decided at any regular or special meeting of the Planning Commission; provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on Special Land Use requests shall be sent to owners and occupants of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the request for Special Land Use approval. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less fifteen (15) days prior to the hearing.

*Amended January 14, 2008*

Section 6.02 REVIEW STANDARDS.

In considering all applications for special land use, the Planning Commission shall review each case individually as to its appropriateness and must find affirmatively to each of the following standards of the proposed land use if it is to be approved. Such uses shall be subject to conditions, restrictions, and safeguards deemed necessary to the interest of public health, safety and welfare.

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall 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 relations to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.



ARTICLE 6 – SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS  
FOR SELECTED SPECIAL LAND USES

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and shall be in harmony with the general purpose and intent of the Zoning Ordinance.

Section 6.03 DECISION.

The Planning Commission shall have the sole power to deny, approve or approve with conditions any request for a Special Land Use approval. The decision of the Planning Commission shall be incorporated in a statement containing the conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of 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 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.
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 ensure compliance with those standards.

Section 6.04 EXPIRATION.

In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred eighty (180) days thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

The Zoning Administrator shall, upon receipt of a notice of approval and upon application by the applicant with duly executed receipt from the Township Treasurer attesting to the payment of all required fees and upon a determination by said Administrator that all conditions precedent required by the approval have been satisfactorily completed, issue a building permit for the approved Special Land Use.

Section 6.05 SPECIAL LAND USE AMENDMENTS / REVISIONS

A special land use application shall be required if any of the following conditions apply to an expansion, revision, or amendment to a previously approved special land use. Such expansion, revision or amendment may require a special land use approval in cases involving either internal expansion within an existing building or external expansion on the site.



ARTICLE 6 – SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS  
FOR SELECTED SPECIAL LAND USES

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1. The proposed expansion, revision or amendment conflicts with a condition or contingency which was stipulated for a previously approved special land use.
2. The proposed expansion, revision or amendment of the existing special land use results in the need for a site plan revision. Such changes may include, but are not limited to, an expansion, revision or amendment which requires additional parking, additional loading/unloading, or any site plan amendment.
3. Any proposed addition of a new use or change of a use.

*Amended: 47-02-01*



ARTICLE 6 – SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS  
FOR SELECTED SPECIAL LAND USES

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ARTICLE 7  
MAPPED DISTRICTS

Section 7.00 DISTRICTS.

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

1. AE Agricultural-Estate
2. R-1A Rural Non-Farm Residential
3. R-1B Single Family Residential
4. R-1C Single Family Residential
5. RMH Mobile Home Park
6. RM Multiple Family Residential
7. O-1 General Office
8. C-1 Local Commercial
9. C-2 Planned Shopping Center
10. C-3 General Commercial
11. M-1 Light Industrial
12. M-2 Heavy Industrial

Section 7.01 MAP.

The boundaries of these districts, listed in Section 7.00 above, are shown upon the map attached hereto and made a part of this Ordinance, which said map, dated \_\_\_\_\_, with all subsequent amendments, is designated as the Official Zoning Map of the Township of Lapeer. The Zoning Map shall be maintained and kept on file with the Township Clerk and all notations, references and other information shown thereon are declared parts of this Ordinance and shall 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 7.02 INTERPRETATION OF DISTRICT BOUNDARIES.

Except where reference on the Official Zoning Map is to a street or other designated line by dimensions shown on said Map, or defined in the Ordinance establishing or adding to a Zoning District, the district boundary lines follow lot lines, as defined in the latest records of the County Register of Deeds, or the centerlines of the streets, alleys, railroads or such lines extended, as they existed at the time of the adoption of this Ordinance or the amendments to the Ordinance.

Where a district boundary line, as established at this Section or is shown on said map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the





ARTICLE 7 – MAPPED DISTRICTS

least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals after recommendation from the Planning Commission, according to rules and regulations which may be adopted by it.

**LAPEER TOWNSHIP ZONING ORDINANCE  
SUMMARY OF DISTRICT REQUIREMENTS**

Zoning District	Minimum Lot Size		Maximum Building Height		Maximum Coverage of Lot by all Buildings (% of Lot Area)	Minimum Yard Setbacks				Minimum Floor Area per Dwelling Unit (in Square Feet)
	Area in <u>Sq. Ft.</u>	Width in <u>Ft.</u>	in <u>Stories</u>	in <u>Feet</u>		Side Yards				
						Front	Least (One)	Total (Two)	Rear	
AE	5 acres	300	2 ½	50	30	<sup>(1)</sup> 50/65	20	40	50	<sup>(2)</sup> 960/1,080
R-1-A	43,560	150	2 ½	35	25	<sup>(1)</sup> 50/65	20	40	50	<sup>(2)</sup> 960/1,080
R-1-B	24,000	120	2 ½	35	30	<sup>(1)</sup> 50/65	20	40	50	<sup>(2)</sup> 960/1,080
R-1-C	10,000	80	2 ½	35	30	<sup>(1)</sup> 25/65	10	20	35	<sup>(2)</sup> 960/1,080
RMH	<sup>(3)</sup> 10 acres	-	2	25	-	<sup>(4)</sup> 35/100	25	50	35	800
RM	<sup>(5)</sup>	-	2 ½	35	30	<sup>(4)</sup> 35/100	25	50	35	<sup>(6)</sup>
O-1	15,000	100	2	25	40	<sup>(7)</sup> 100	<sup>(8)</sup>	-	20	-
C-1	<sup>(9)</sup>	80	2	25	40	<sup>(7)</sup> 120	<sup>(10)</sup> 20	-	25	-
C-2	2 acres	200	2	40	<sup>(11)</sup>	<sup>(7)</sup> 140	40	80	60	-
C-3	-	80	2	35	40	<sup>(7)</sup> 120	<sup>(10)</sup> 20	-	25	-
M-1	20,000	80	2	50	-	60	<sup>(12)</sup>	-	20	-
M-2	30,000	100	2	50	-	60	<sup>(12)</sup> 20	-	50	-

**Footnotes:**

- (1) 65 feet for section line roads.
- (2) 1 and 2 bedroom units -960 square feet first floor; 3 or more bedroom units - 1,090 square feet first floor.
- (3) 5,500 square feet per mobile home unit. This may be reduced to 4,400 square feet per mobile home unit when additional open space is provided.
- (4) 100 feet for section line roads.



ARTICLE 7 – MAPPED DISTRICTS

	Land Area in Square Feet	
(5) Dwelling Unit Size	Apartment	Townhouse
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom unit	7,200	7,200
	Floor Area in Square Feet	
(6) Dwelling Unit Size	Apartments & Multiplex	Townhouse
Efficiency Unit	400	
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom unit	950	1,000

- (7) From road centerline.
- (8) No side yard may be required along one interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than fifteen (15) feet. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than twenty (20) feet shall be provided. Corner lot side yards must equal the setback required for the front yards on the street which they side.
- (9) Sufficient to accommodate all setbacks and parking, together with proposed structure.
- (10) No side yard is required along one of the two interior side lot lines, except as otherwise specified in the Building Code. The other side or any side with building openings (window[s] or door[s]) shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If a side yard borders other than a commercial or manufacturing district, there shall be provided a yard setback of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.
- (11) The remainder of the site, after all the right-of-way, parking and yard space requirements are deducted from the gross site area.
- (12) Corner lot side yards must equal the setback required for the front yards on the street to which they side. Where an authorized use is located in a lot contiguous to a residential district, there shall be provided on such lot a yard setback along such residential district of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.



## ARTICLE 8 – AE AGRICULTURAL-ESTATE DISTRICT

## ARTICLE 8

## AE, AGRICULTURAL-ESTATE DISTRICT

## STATEMENT OF PURPOSE.

The AE, Agricultural-Estate District is established to preserve the rural agricultural environment by encouraging the continuation of existing agricultural uses, by helping to conserve lands suited for the pursuit of agricultural activities, and by discouraging the development of land uses which will generate demands for urban services at public costs and an increase in imprudent demands on scarce energy resources when other lands more suited for such purposes are designated and available. It is the policy of the Township that public water and sewers will not be encouraged within this district until other lands identified for public water and sewers have been substantially developed and additional lands are identified only to the extent that the need for such land is demonstrated.

## Section 8.00 PERMITTED PRINCIPAL USES.

1. Farms, excepting animal husbandry activities, such as feedlots and the commercial raising of livestock as identified in subsection 8.04.3.
2. Forestry, involving the growing and harvesting of trees, but specifically excluding the processing of rough lumber into other finished products.
3. Nursery, involving the growing of trees, shrubs, flowers, and other plants for ornamental purposes, and for the sale of such plants and related material. (All other nurseries are special approval uses as specified in [Section 1.14](#).)
4. Temporary Roadside Stands, subject to the standards of [Section 8.01.1](#).
5. Single-family detached dwellings.
6. Home Occupations – Tier 1 *Amended 1.2021*
  - a. Home occupations are those that clearly fall within the definition contained in this ordinance and exclude those that require a Special Use Permit.
  - b. No person other than members of the family residing on the premises shall be engaged in such occupation.
  - c. Home occupation shall not require exterior alterations of the dwelling unit.
  - d. One (1) sign shall be permitted, as provided in [Section 4.05.5](#).
  - e. No stock in trade may be kept or article sold or offered for sale in the dwelling, except such as are produced by such home occupation. No merchandise shall be displayed or sold outside the dwelling unit anywhere on the premises.
  - f. On-site parking shall be provided in other than the required front yard at a ratio of one (1) parking space for each one hundred (100) square feet of building area used for home occupation purposes.
  - g. Front yard, rear yard, and side yard requirements shall conform to the minimums established for single-family dwellings in this district.



ARTICLE 8 – AE AGRICULTURAL-ESTATE DISTRICT

- h. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - i. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit, excluding any attached garage, shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling, excluding any attached garage. *Amended September 13, 2021*
  - j. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
  - k. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
7. Farm, Recreation or Aesthetic Ponds, subject to the requirements specified in [Section 1.09](#).
8. Adult Foster Care Family Home. *Amended 8-2016*
9. Adult Foster Care Small Group Home (1-6). *Amended 8-2016 / Amended Feb. 2019*

Section 8.01 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

- 1. **Permanent Year-Round Roadside Stands**, subject to the following additional conditions:
  - a. The stand must be located upon the same land on which a major share of the produce for sale is grown.
  - b. Not less than fifty (50) percent of the produce for sale must have been grown on the land on which the stand is located.
  - c. There must be safe and adequate access to and provision for off-street parking adjacent to the facility for not less than four (4) vehicles.
  - d. The stand shall comply with all setback requirements for residential uses in the same district and the definition requirements of this Ordinance.
  - e. The stand shall only operate during daylight hours.
- 2. **Cemeteries**, subject to the following additional conditions:
  - a. The minimum site area shall be not less than twenty (20) acres.
  - b. Access shall only be from a secondary thoroughfare or a regional arterial.
  - c. The entire perimeter of the cemetery shall be fenced to provide a reasonable degree of security to the cemetery.
  - d. No building shall be located less than one hundred (100) feet from any property line.



ARTICLE 8 – AE AGRICULTURAL-ESTATE DISTRICT

3. **Public Utility Buildings** and Uses, subject to the following additional conditions:
  - a. The area occupied by such an activity shall not include any storage of equipment or parts, nor the stationing of personnel for other than necessary repairs or periodic maintenance of the lot area or buildings.
  - b. All operational and moving machinery shall be housed within a building.
  - c. All structures shall be located in compliance with all setback and height requirements for residential uses in the district.
  - d. The entire perimeter of the lot shall be secured to prevent access to the premises, particularly by young children.
4. **Open Space Communities**, subject to the regulations of [Section 1.33](#).
5. **Township Buildings and Uses**, subject to the requirements of [Section 9.04\(15\)](#).
6. **Churches and Temples**, subject to the requirements of [Section 9.04\(3\)](#).
7. **Home Occupations – Tier 2**, subject to the following additional conditions: *Amended 1.2021*
  - a. Home business is conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) linear feet of the dwelling unit occupied by the family conducting the home business.
  - b. No more than two (2) employees other than the resident occupants of the dwelling.
  - c. Outdoor storage of materials shall be completely fenced.
  - d. Prohibited Home Business:
    - a. Automobile salvage yard.
    - b. Used vehicle sales.
    - c. Secondhand store or salvage yard.
    - d. Other activities which are specifically provided for elsewhere in this Ordinance.
  - e. Parking requirements as determined by the Planning Commission at the time of Special Use Permit (SUP) Approval.

Section 8.02 AREA REQUIREMENTS.

1. **Conventional Development Standards.** All permitted and special land uses of this district shall have a minimum lot or parcel size of five (5) acres and three hundred (300) feet of frontage, except as otherwise provided herein or within the Township Subdivision Regulations. The maximum ratio of lot depth to lot width shall not exceed four (4) to one (1). The one (1) remaining lot from the parent parcel may exceed the four (4) to one (1) ratio.

*Amended: 29-95-1 / Amended: 39-97-3 / Amended: 41-99-01*



## Section 8.03 MINIMUM YARD AND BUILDING REQUIREMENTS.

1. **Minimum Yard Setback.**

**Front** - Fifty (50) feet, except as otherwise provided in this Article.

For all properties that front upon a section-line road, a setback of sixty-five (65) feet shall be required. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred (100) feet from the front property line.

**Side** - Except as elsewhere provided in this Article, the minimum setback shall be twenty (20) feet each side. If there is a road right-of-way adjacent to the side yard, the front yard setbacks shall apply.

**Rear** - No structure or appurtenance thereto shall be closer than fifty (50) feet from any rear lot line, except as otherwise provided in this Ordinance.

2. **Minimum Dwelling Unit First Floor Area.**

a. For One and Two-Bedroom Units: 960 square feet.

b. For Three- or More Bedroom Units: 1,080 square feet.

3. **Maximum Height of Any Structure**, except farm and essential service structures.

a. In stories - Two and one-half (2½).

b. In feet - Fifty (50).

4. **Maximum Lot Coverage** (area of all structures) - Thirty (30) percent.

## Section 8.04 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of [Article 6](#) of this Ordinance.

1. **Airports, airfields, runways, hangars, beacons**, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Township. All aircraft approach lanes, as established by appropriate aeronautical authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use.

a. Yard and Placement Requirements.

(1) All structures, runways, taxiways, tie-down areas, and other areas used by aircrafts or other motorized vehicles shall be located not less than two hundred (200) feet from all property lines.



ARTICLE 8 – AE AGRICULTURAL-ESTATE DISTRICT

(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 residential.

- b. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
- c. 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.
- d. Environmental and off-street parking requirements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

2. **Extractive Industry**

*Amended: March 8, 2010*

3. **Feedlots**, confining and feeding more than two hundred fifty (250) heads of cattle in an enclosure for a period exceeding forty-eight (48) hours; pig farms, with more than four hundred (400) heads; poultry farms, with more than three thousand (3,000) birds; the commercial breeding and raising of fur and laboratory animals; public stables, and other animal husbandry activities involving a comparative number of animals, as determined by the Planning Commission, provided such activity can also meet the following specific conditions:

- a. The enclosure holding or housing the animals is located not less than one-quarter ( $\frac{1}{4}$ ) mile from any R-1A, R-1B, R-1C, RM or RMH District, and not less than two hundred (200) feet from the nearest property line.
- b. The area in which the animals are kept is designed to direct all surface water runoff and wash water which can come in contact with any animal waste to be drained into a holding pond or similar facility meeting the standards established by the U.S. Soil Conservation Service.

4. **Historic Preservation** of valid historic structures and sites, at least seventy-five (75) years old or older, by permitting specific uses complementary to its historic nature of greater intensity or density of an office, multi-family or commercial nature, provided the proposed use also meets the following conditions:

- a. The site must be accessible from major State routes, primary roads, secondary roads and all other section-line roads.
- b. The site shall be functionally suited in terms of site arrangement and building floor plan to accommodate the proposed use.
- c. The proposed reclamation or preservation plan shall clearly demonstrate that the proposed use and resultant alterations and changes will not be detrimental to the existing site, building or surrounding properties.
- d. The proposed reclamation or preservation plan shall clearly show that the historic and architectural value and significance of the site and structure, as well as the exterior architectural feature will be preserved.
- e. The proposed reclamation or preservation plan shall provide adequate screening from adjacent properties in one of the following manners:
  - (1) Sufficient isolation or separation distance.
  - (2) Natural vegetation and/or topography.





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- (3) Constructed greenbelt and/or berm.
- f. All driveways and parking areas shall not be less than fifty (50) feet from all property lines and so located not to be detrimental to the historic arrangement of the site.
5. **Landfills**, provided such activity can also meet the following conditions:
- a. Identify upon the site plan existing topographic and geographic conditions, the areas of landfill.
  - b. A plan for the restoration of the area to permit a specified reuse.
  - c. The application shall be accompanied by a plan identifying the sequence of operations and the measures that will be carried out to protect adjoining areas from windblown material; a certification of approval for the construction of the landfill from the State Department of Natural Resources with a complete set of all documents submitted to the Department for the approval; a listing of the types of waste that will be deposited; and a list of all of the industrial and commercial clients from whom waste material will be collected for deposit in the landfill.
  - d. The application shall also be accompanied by a plan for securing the area and provide protection, particularly to young children, from the hazards of excavations and other conditions at the landfill.
  - e. The applicant or the owner of the land shall post a bond in an amount not less than Five Thousand (\$5,000.00) Dollars, to be determined by the Planning Commission, to reimburse the Township for any costs incurred to correct any damage to adjoining properties, or for the restoration of the area.
6. **Mobile Home use as a temporary dwelling** during construction of a permanent home, provided such activity can also meet the following conditions:
- a. The mobile home use is necessary while building, or having built, a permanent dwelling for which a valid building permit has been issued.
  - b. The mobile home is located on the same lot on which the permanent dwelling is to be built.
  - c. A potable water system and a sanitary sewage disposal system to serve the mobile home have been inspected and approved by the proper authorities.
  - d. The owner has agreed in an affidavit to cease use of the mobile home within one (1) year of the approval of its use, or within any extended period, as provided herein, and remove said mobile home from the premises not later than thirty (30) days from the end of such period.
  - e. The owner has provided a case deposit to reimburse the Township for any costs incurred to enforce the removal of the mobile home after the expiration of the period noted above, in an amount not less than Five Hundred (\$500.00) Dollars, which amount shall be determined by the Planning Commission as necessary to remove the mobile home, including the costs of any legal action that may be required to carry out such removal.
7. **Public or private parks and recreational facilities and travel trailer parks**, provided such activity can also meet the following conditions:



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- a. Any structure, or area for group activity shall be located not less than fifty (50) feet from any property line.
  - b. All roadways and vehicular parking areas shall be located not less than one hundred (100) feet from all property lines.
8. **Two-family dwellings**, provided such use can also meet the following additional conditions:
- a. Each dwelling unit shall be served by an adequate potable water system and a separate sanitary sewage system which have been inspected and approved by the proper authorities.
  - b. The land on which such dwelling is to be located shall have direct access to a regional arterial, a secondary thoroughfare or a paved section line or quarter-section line road.
  - c. All rear and side yards of such use shall provide a setback of not less than one hundred (100) feet.
  - d. All parking areas and driveways shall be designed to facilitate turning maneuvers on the lot and permit safe entry onto the public highway.
  - e. All parking shall be located and designed to emphasize the single-family characteristics of the area, and the parking area shall be located on the side or rear yard or be incorporated into the building.
9. **Veterinary offices, animal hospitals, and kennels**, provided such activity can also meet the following conditions:
- a. No structure, housing or enclosing such activity, or any part of such activity, shall be located less than two hundred (200') feet from any property line, except that the front yard setback may be not less than one hundred (100') feet.
10. **Family Day-Care (7 to 12 persons)**, subject to the following:
- a. The proposed use shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
    - (1) Another licensed group day-care home.
    - (2) Another adult foster care small group home or large group home, licensed by the State of Michigan.
    - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.
    - (4) A community correction center, resident home, halfway house or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.
  - b. Front, Rear and Side Yard minimums shall be the same as the residential district in which it is requested.
  - c. Maximum Lot Coverage. Same as for the district in which the use is requested.
  - d. On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.



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- e. Fencing shall be required next to residential uses or districts in accordance with Section 1.10 and enclose all outdoor play areas.
- f. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
- g. Sufficient area shall be provided for automobiles waiting to pick up children so that children being dropped off or picked up are not forced to stand on any public street. Vehicles shall not be permitted to block traffic while waiting to drop off or pick up children.

11. **Residential Subdivisions**, except those within an Open Space Community, subject to the provisions of the State Land Division Act, as amended, and the township Subdivision Control Ordinance, as amended.

12. **Wireless Communication Towers**, subject to the requirements of [Section 1.31](#).

13. **Single-Family Detached Condominiums or Site Condominiums**, as regulated in [Section 1.27](#) of this Ordinance.

*Amended: 26-93-1 / Amended: 39-97-3 / Amended: 41-99-01 / Amended Feb. 2019*

15. **Adult Foster Care Small Group Home (7-12)**, provide it complies with the requirements in [Section 8.04.10](#). *Amended 8-2016*

16. **Bed and Breakfast Establishments**, subject to the following specific requirements specified below.

- a. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping room.
- b. The rooms utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
- c. There shall be no separate cooking facilities used for the bed and breakfast stay. [This provision is not intended to prevent the provision of a mini-refrigerator and microwave oven.](#)
- d. The residence is owner-occupied at all times.
- e. Sufficient off-street parking has been provided to meet the requirements of the existing single-family structure as specified in Section 3.02, as well as one (1) parking space per double-occupied room.
- f. No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the bed and breakfast establishment.
- g. Signage shall be limited to one (1) non-illuminated nameplate, not more than two (2) square feet in area, containing only the name of the establishment.
- h. The use will not alter the basic single-family residential characteristics of the surrounding area through the creation of nuisances, such as noise, odor, smoke, electrical disturbances, night lighting, or excessive traffic.
- i. A bed and breakfast establishment shall not be permitted within a residential subdivision.

*Amended February 2018*



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17. **Commercial Compost and Yard Waste Operations**, in compliance with the Lapeer Township Commercial Compost and Yard Waste Ordinance.

*Amended Feb. 2019*



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

ARTICLE 9

SINGLE-FAMILY DENSITY RESIDENTIAL DISTRICTS R-1A, R-1B AND R-1C

STATEMENT OF PURPOSE

The single-family density districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of single-family dwellings and single-family density developments and to prohibit the use of the land which would substantially interfere with this objective, and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities, and to discourage any land use which would generate excessive traffic on local streets.

Section 9.00 PERMITTED PRINCIPAL USES.

- 1. Single-family detached dwellings.
- 2. Farms, for crop production only.
- 3. Home occupations – Tier 1, as regulated in Article 8.

*Amended 1.2021*

\* No home occupation shall be conducted, in whole or in part, in any accessory structure, attached or detached, including garages, breezeways, porches, patios, and the like.

- 4. Temporary roadside stands subject to the standards of Section 8.01.1.
- 5. Accessory buildings and uses.
- 6. Farm, recreation or aesthetic ponds, subject to the requirements specified in Section 1.09.
- 7. Adult Foster Care Family Home.
- 8. Adult Foster Care Small Group Home (1-6).

*Amended 8-2016  
Amended Feb. 2019*

Section 9.01 AREA REQUIREMENTS.

1. **Minimum Development Standards:**

	DISTRICTS		
	R-1A	R-1B	R-1C
a. Lot Area (square feet)	43,560	24,000	10,000
b. Lot Width (linear feet)	150	120	80
c. Front Yard	50	50	25
d. Rear Yard	50	50	35
e. Side Yard (least side/total both)	24/40	20/40	10/20

The minimum size of lot area and width for single-family districts may be reduced, as provided in the Township's Subdivision Regulations. Lots that front upon a section-line road shall have a sixty-five (65) foot setback. No single-family lot shall have a depth greater than four times its width.



**ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS**

Where public sewer and water service are not available, all R-1C lots shall have a minimum area of twelve thousand (12,000) square feet.

Section 9.02 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. **Permanent year-round roadside stands**, subject to the following additional conditions:
  - a. The stand must be located upon the same land on which a major share of the produce for sale is grown.
  - b. Not less than fifty (50) percent of the produce for sale must have been grown on the land on which the stand is located.
  - c. There must be safe and adequate access to and provision for off-street parking adjacent to the facility for not less than four (4) vehicles.
  - d. The stand shall comply with all setback requirements for residential uses in the same district.
  - e. The stand shall only operate during daylight hours.

Section 9.03 MINIMUM BUILDING REQUIREMENTS.

1. **Minimum dwelling unit first floor area:**
  - a. One and Two-Bedroom Units: Nine hundred sixty (960) square feet.
  - b. Three or More Bedroom Units: One thousand eighty (1,080) square feet.
2. **Maximum height of any structure**, except farm and essential service structures:
  - a. In stories: Two and one-half (2½).
  - b. In feet: Thirty-five (35).
3. **Maximum lot coverage** (area of all structures).
  - a. R-1A = Twenty-five (25) percent.
  - b. R-1B = Thirty (30) percent.
  - c. R-1C = Thirty (30) percent.

Section 9.04 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of [Article 6](#) of this Ordinance.



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

**SPECIAL LAND USES.**

x designates district in which use may be permitted, subject to the following standards and Article 6

	DISTRICTS		
	R-1A	R-1B	R-1C
1. Airports	X		
2. Cemeteries	X		
3. Churches and Temples	X	X	X
4. Professional Offices	X	X	X
5. Mobile Homes as temporary dwellings	X	X	
6. Multiplexes	X	X	X
7. Nursery Schools and Day-Care Centers	X	X	X
8. Planned Unit Development		X	X
9. Public, Private and Parochial Schools	X	X	X
10. Public Utility Buildings	X	X	X
11. Recreation Facilities	X	X	X
12. Two-Family Dwellings	X	X	X
13. Family Day-Care	X	X	X
14. Residential Open Space Development	X	X	X
15. Adult Foster Care Small Group Home (7-12)	X	X	X
16. Township buildings and use	X	X	X

*Amended 8-2016/Amended Feb. 2019*

**SPECIFIC SPECIAL LAND USE STANDARDS.**

1. **Airports, airfields, runways, hangars, beacons**, as provided in subsection 8.04.1 and subject to all the conditions required therein.
2. **Cemeteries**, provided the activity can also meet the following conditions:
  - a. The cemetery area shall be not less than twenty (20) acres.
  - b. The perimeter of the site shall be fenced and landscaped to harmonize with the residential characteristics of the area, or which can be reasonably anticipated in a R-1A District.
  - c. Vehicular access to the cemetery shall only be from a regional arterial or a secondary thoroughfare.
3. **Churches and Temples**, provided such activity can also meet the following conditions:
  - a. Land on which the activity will be located shall provide direct vehicular access to a regional arterial, or a secondary thoroughfare.
  - b. All structures shall be located not less than one hundred (100) feet from all property lines.



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

- c. Access roads and parking facilities shall be designed and constructed to prevent undue glare and noise to adjoining residential district areas.
  - d. The entire land area of the activity shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.
4. **Professional Offices**, with the majority of its occupancy made up of such service professionals as attorneys-at-law, dentists, physicians and surgeons, professional engineers, architects, certified public accountants, and the balance of the occupancy made up of real estate, clerical, drafting, executive, accounting, administrative, stenographic, insurance, and similar occupations requiring no outdoor storage of vehicles or equipment on the premises, provided such activity can also meet the following conditions:
- a. The property on which the activity will be located shall have and provide direct vehicular access to a hard-surfaced regional arterial or a secondary thoroughfare.
  - b. All structures on the subject area shall be limited to one (1) story and comply with all setbacks and requirements as required in this district.
  - c. The architecture and exterior finish of the building shall be designed and constructed to blend and harmonize with existing residential development in the area, or which can be reasonably anticipated in the Residential District.
  - d. All parking areas shall be set back a minimum distance of twenty-five (25) feet from the proposed right-of-way and shall be screened from all adjacent residential areas and the street, with suitable fencing and plantings as directed by the Planning Commission.
5. **Mobile Home Use as a temporary dwelling** during the construction of a permanent home, as provided in subsection 8.04.6 and subject to all of the conditions required therein.
6. **Multiplexes, detached dwellings**, provided such use can also meet the following conditions:
- a. Each dwelling unit shall be served by an adequate potable water system and a separate or central sanitary sewage system which have been inspected and approved by the proper authorities.
  - b. The lot on which such use is located shall have frontage and provide direct access only to a regional arterial or a secondary thoroughfare. *Amended: 29-95-1*
  - c. Each structure shall be located on a lot which will provide twelve thousand (12,000) square feet of land area for each dwelling unit.
  - d. All rear and side yards of such use which is adjacent to a single family area shall provide a setback of not less than one hundred (100) feet.
  - e. All parking and access roads shall be designed to facilitate turning maneuvers on the lot and permit safe entry onto the public highway.





ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

- f. All parking shall be located and designed to emphasize the single-family characteristics of the area and to screen the parking area or be incorporated into the building.
7. **Nursery Schools and Day-Care Centers**, excluding dormitory facilities, provided such activity can also meet the following conditions:
- a. The structure housing the activity shall comply with all setbacks, as required for residential structures in the R-1A District.
  - b. The structure housing the activity and the landscaping shall be designed and constructed to blend and harmonize with existing residential development in the area or which can be reasonably anticipated in a R-1A District.
  - c. The activity shall be provided with an adequate recreation area of not less than ten thousand (10,000) square feet, which shall be located on the same parcel and no part of which shall be located less than one hundred (100) feet from any property line. The Planning Commission may reduce these requirements provided sufficient quality play area has been provided and that the setback provided includes adequate screening justifying the reduction. *Amended March 1, 2012*
8. **Planned Unit Development (PUD)**, provided such use can also meet the following conditions:
- a. The project area shall consist of not less than one hundred (100) acres, which shall be as compact as reasonably possible.
  - b. All the uses on the site shall be served by a central sewage system and a potable water supply inspected and approved by proper authority.
  - c. Residential density shall be at not less than twelve thousand (12,000) square feet of land area per dwelling unit, exclusive of the area necessary to provide the required parking for the non-residential uses proposed for the PUD and the land area of such non-residential uses, which are located independent of any residential uses.
  - d. Not more than twenty (20) percent of the total project area shall be used for non-residential purposes, provided, however, the outdoor recreational use and other open space use areas shall not be considered as part of the non-residential use area.  
  
Such non-residential use may consist of retail sale of goods and services, such as clothing, groceries and drugstores, restaurants, etc., which are directed to serve residents of the PUD; medical, osteopathic and dental clinics and other professional offices; churches and temples; public, private or parochial schools, providing courses in general education; nursery schools and day-care centers; theaters and studios; and other similar uses; but specifically excluding all manufacturing; laundries, excepting coin-operated laundry services, such as laundromats; and other activities which are determined to be detrimental to the permitted uses to an extent exceeding the effects from those uses that are specifically permitted, as determined on the basis of submitted evidence, by the Planning Commission.
  - e. A minimum of twenty (20) percent of the total project area shall be developed for outdoor recreational and open space use, such as parks, tennis courts, gardens, ball parks, etc., but such area shall not include space devoted to streets and parking.
  - f. A minimum of sixty (60) percent of the total project area shall be used for residential uses; not less than one-half of such area shall be used for single-family detached dwellings and the balance may be in other types of two or more dwelling unit dwellings.



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

- g. The maximum height of any residential or commercial structure shall be limited to the capabilities of the available fire fighting equipment and personnel to protect such structures.
  - h. All residential structures shall be located not less than fifty (50) feet from all external PUD property lines and all nonresidential structures shall be located not less than two hundred (200) feet from all such lines.
  - i. All structures shall be designed and located to assure the privacy of all residential uses.
  - j. The PUD shall be designed, constructed and landscaped to emphasize the residential characteristics of the project.
  - k. Construction of the non-residential uses, as defined in sub-paragraph d. above, shall not be initiated until fifty (50) percent of the single-family detached dwellings and all residentially related facilities, including the outdoor recreational and open space uses, have been completed and are ready for use.
  - l. A bond shall be posted to hold the Township harmless for any public cost necessary as a result of the approval of the project, to extend any public services to the project, and to administer the project in an amount equal to one-half of such costs, as determined by the Planning Commission, but in no case shall the bond amount be less than Ten Thousand (\$10,000) Dollars.
9. **Public, Private, or Parochial Schools** providing courses in general education, provided such activity can also meet the following conditions:
- a. Land on which the activity will be located shall have and provide direct vehicular access to a regional arterial or a secondary thoroughfare.
  - b. All structures shall be located not less than one hundred (100) feet from all property lines.
  - c. All access roads and parking areas shall be designed and constructed to prevent undue glare and noise, such as to deprive occupants of adjoining properties of the peaceful enjoyment of such properties.
  - d. All areas provided for organized outdoor activities, such as baseball and football fields, shall be located not less than one hundred (100) feet from all property lines.
  - e. The entire land area on which the activity is to be located shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.
10. **Public Utility Building and Uses**, provided such activity can also meet the following conditions:
- a. The area occupied by such an activity shall not include any storage of equipment or parts, nor the stationing of personnel for other than necessary repairs or the periodic maintenance of the buildings or lot area.
  - b. The buildings and use are necessary to service the area in which they are located.
  - c. The entire perimeter of the lot shall be secured to prevent unauthorized access, particularly by young children, into any building or other structure.
  - d. The entire area shall be designed, constructed and landscaped to blend with and harmonize with the existing residential development or which can be reasonably anticipated in such a residential district.



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

- e. All operational or moving machinery shall be housed within a building, in a manner that will not create conditions from the operational characteristics of such machinery to adversely affect the peaceful enjoyment of adjoining properties.
11. **Recreational Facilities**, such as golf courses and swim clubs, provided such activity can also meet the following conditions:
- a. The structure housing the activity, or any part of such activity, shall be located not less than two hundred (200) feet from any property line.
  - b. Vehicular access to the property shall only be from a regional arterial or a secondary thoroughfare.
  - c. All parking areas and access roads shall be designed and constructed to provide maximum safety to pedestrians and vehicular traffic.
  - d. The structures and landscaping shall be designed and constructed to blend and harmonize with the existing residential development in the area or which can be reasonably anticipated in a R-1A District.
12. **Two-Family Dwellings**, as provided in subsection 8.04.8 and subject to all of the conditions required therein.
13. **Family Day-Care (7-12 persons)**, subject to the requirements of [Section 8.04.10](#).
14. **Residential Open Space Development**, subject to the requirements of [Section 8.04.11](#).
15. **Adult Foster Care Small Group Home (7-12)**, provided it complies with the requirements in [Section 8.04.10](#). *Amended 8-2016*
16. **Township Buildings and Uses**, provided such activity can also meet the following conditions.
- a. Land on which the activity will be located shall provide direct vehicular access to a regional arterial, or a secondary thoroughfare.
  - b. All structures shall be located not less than one hundred (100) feet from all property lines.
  - c. Access roads and parking facilities shall be designed and constructed to prevent undue glare and noise to adjoining residential district areas.
  - d. The entire land area of the activity shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.

*Amended Feb. 2019*



ARTICLE 9 – R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

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ARTICLE 10 – RMH MOBILE HOME PARK DISTRICT (TRAVEL COACH PARKS)

ARTICLE 10

MOBILE HOME PARK DISTRICT -RMH (TRAILER COACH PARKS)

STATEMENT OF PURPOSE

The Mobile Home Park District is a residential district. The rules are those set forth by the Mobile Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the Township's other zoning districts.

Section 10.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. Mobile Home parks, subject to the requirements as established and regulated by the Mobile Home Commission, pursuant to Public Act 96, as amended, as well as all other applicable Township codes and ordinances referenced in this Article.
2. Accessory commercial uses may be conducted in a Mobile Home Park in separate, permanent structures and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services primarily for the residents of the park. Adequate parking for such services shall be provided. The park proprietor or management may display mobile homes and accessories for sale (accessories for sale may only be displayed in a mobile home or an approved permanent structure for this purpose).
3. **Signs.** A double-faced sign, identifying the premises and use and containing not more than thirty-two (32) square feet as part of an approved entrance design and without additional advertising space, may be placed at the main entrance of the mobile home park. One (1) sign, no larger than ten (10) square feet, limited to the same information as shown on the entrance sign, may be erected at any secondary entrance to a mobile home park which adjoins a public road. The identification sign shall be part of a permanent decorative entranceway which shall be compatible with the surrounding area. All signs shall observe the setback and height limitations cited in Section 4.05 of this Ordinance.
4. All principal and special land uses permitted and regulated in the RM Multiple-Family Residential District.

Section 10.01 GENERAL SITE REGULATION.

1. **Minimum Site Size.** Each mobile home park must have a site of not less than ten (10) acres of land.
2. **Lot Size.** The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. The five thousand five hundred (5,500) square feet for any one site may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1046, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944, of the Michigan Administrative Code.

*Amended 26-93-1*

3. **Setbacks.** The following minimum yard setbacks shall be observed:
  - a. Side - Except as elsewhere provided in this Article, the minimum setback shall be fifteen (15) feet each side.
  - b. Rear - No structure or appurtenance thereto shall be closer than fifteen (15) feet from any rear lot line.



## ARTICLE 10 – RMH MOBILE HOME PARK DISTRICT (TRAVEL COACH PARKS)

4. **Maximum Heights.** The maximum height of service buildings and permitted office structures shall be two (2) stories or twenty-five (25) feet.
5. **Access to Public Roads.** A mobile home park shall have direct access to a major public road by access roads, which shall be hard-surfaced.
6. **Paving.** All internal roads and parking facilities shall be in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission Rules.
7. **Sidewalks.** Concrete walks, not less than three (3) feet wide and four (4) inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots and to all required service facilities such as, but not limited to, central laundry, central parking and central recreation and park areas.
8. **Plumbing, Electrical, and TV.** All electrical and telephone wiring shall be underground. The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.
9. **Floor Space.** There shall be not less than seven hundred twenty (720) square feet of floor space within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the seven hundred twenty (720) square foot minimum.
10. **Screening and Greenbelt.** When the mobile home park adjoins a site zoned AE, R-1A, R-1B, R-1C and RM, or a site improved and used for single-family residential use, there shall be installed on the park site along the boundary line of such residential site screening or a greenbelt as required under Section 4.00 of the Zoning Ordinance.
11. **Storage and Skirting.** There shall be no storage of any kind under a mobile home. Each such home shall be skirted within ninety (90) days after being placed on the lot.
12. **Fences.** All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as not to interfere with free access by firemen to all sides of a mobile home, and shall not exceed thirty-six (36) inches in height. Barbed wire shall not be used in any such fence. Two (2) access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.
13. **Storage.** No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development. Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Storage sheds shall be placed in side or rear yard areas.
14. **Site Plan.** In accordance with Sections 11, 12 and 13 of the Mobile Home Commission Act, Public Act 96 of 1987, as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Lapeer Township Planning Commission for review and approval. The preliminary plan shall include the location, general design and a general description of the project. The preliminary plan does not need to include detailed construction plans.
15. **Parking.** A minimum of two (2) parking spaces shall be provided for each mobile home site. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Such parking shall be located convenient to the area served. If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.



ARTICLE 10 – RMH MOBILE HOME PARK DISTRICT (TRAVEL COACH PARKS)

16. **Smoke Alarms.** Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 703 of the Mobile Home Commission.
17. **Water Supply and Sanitary System.** Each mobile home occupied as a dwelling unit on a lot shall be connected with a water supply and sewage disposal system approved by the Michigan Department of Health.
18. **Fuel Tanks.** Individual fuel oil, liquid petroleum and other fuel tanks shall not be permitted. This does not preclude the use of central fuel systems.

Section 10.02 SPECIAL LAND USE.

The following special land use may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 6 of this Ordinance and the following requirements:

1. **Mobile Home Subdivision**, provided such subdivision can also meet the minimum requirements of Section 9.01, Area Requirements for the R-1-C District, the requirements of this Article, and the requirements of the Michigan Subdivision Control Act.



ARTICLE 10 – RMH MOBILE HOME PARK DISTRICT (TRAVEL COACH PARKS)

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## ARTICLE 11 – RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

## ARTICLE 11

## RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

## STATEMENT OF PURPOSE

The RM Multiple Family Residential District is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses and garden apartments. These areas should be located near major thoroughfares for good accessibility and between single-family residential areas and other non-residential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community. It is the intent of the Township to require all development within this district to be served by a central sanitary sewage collection and disposal system and a public potable water system.

## Section 11.00 PERMITTED PRINCIPAL USES.

Provided such uses are served by a public water system and a central sanitary sewage system and can meet all of the requirements for a R-1C District specified in Article 9.

1. Single-family detached dwellings.
2. Two-family detached dwellings, not to exceed one (1) building per lot or parcel.
3. Adult Foster Care Family Home. *Amended 8-2016*
4. Adult Foster Care Small Group Home (1-6). *Amended 8-2016*
5. Adult Foster Care Small Group Home (7-12) provide it complies with the requirements in [Section 8.04.10](#), and not to exceed one (1) building per lot or parcel. *Amended 8-2016*

## Section 11.01 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. Two-family dwellings with more than one (1) building per lot or parcel.
2. Multiple-family dwellings, including townhouses (single-family attached dwellings), apartment buildings and row or terraced dwellings, subject to the following additional conditions:
  - a. Such use shall be served by a public water system and a central sanitary sewage system.
  - b. All parking shall be within an enclosed garage integrated into the dwelling structure, or located in the rear yard.
  - c. All setbacks from common property lines of properties within other residential districts shall be not less than one hundred (100) feet.
  - d. All residential structures on the same parcel of land shall be separated from all other structures by not less than fifty (50) feet and shall be located to preserve the privacy of the occupants.
  - e. All parking areas, driveways and general area shall be designed, constructed and landscaped to clearly separate and protect the pedestrian areas from encroachment by motorized vehicles.



ARTICLE 11 – RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

3. Adult Foster Care Small Group Home (7-12) with more than one (1) building per lot or parcel. *Amended 8-2016*

4. Adult Foster Care Large Group Home (13-20) provide it complies with the requirements in Section 11.01.2. *Amended 8-2016*

Section 11.02 AREA REQUIREMENTS.

Minimum land area required for each dwelling unit in the RM District shall be:

Dwelling Unit Size	Land Area* in Square Feet	
	Apartment	Townhouse
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom Unit	5,400	7,200
Four or more bedroom unit	7,200	7,200

\* Land Area shall not include any public right-of-way.

Section 11.03 MINIMUM YARD AND BUILDING REQUIREMENTS.

1. **Minimum yard setback:**

a. Front: Thirty-five (35) feet.

For all properties that front upon a section line road, a setback of one hundred (100) feet as measured from the centerline of the road shall be required.

b. Side: Except as elsewhere provided in this Article, the minimum setback shall be twenty-five (25) feet each side. If there is a right-of-way adjacent to the side yard, the front yard setbacks shall apply.

c. Rear: No structure or appurtenance thereto shall be closer than thirty-five (35) feet from any rear lot line, except as otherwise provided in this Ordinance.

2. Minimum dwelling unit floor area (in square feet):

Dwelling Unit Size	Apartment & Multiplex	Townhouse
Efficiency unit	400	
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom unit	950	1,000

3. **Maximum height of any structure**, except farm and essential service structures:

a. In stories: Two and a one-half (2½).

b. In feet: Thirty-five (35).

4. **Maximum lot coverage** (area of all structures): Thirty (30) percent.



ARTICLE 11 – RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 11.04 SITE REQUIREMENTS.

1. **Landscaping.** All open areas, setbacks and all other portions of the site not used for parking, driveways and buildings shall be covered with a lawn or developed according to a landscape plan approved by the Planning Commission.
2. **Lighting.** Lighting of the site shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and roads.

Section 11.05 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking improvements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

Section 11.06 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 6 of this Ordinance.

1. The following special land uses as provided in Section 9.04, **Professional Office** and **Planned Unit Development**, subject to all of the conditions noted in Section 9.04, except that residential unit densities may be as provided in Section 11.02 for a RM Multiple Family Residential District.
2. **Hospitals, convalescent homes, nursing homes and sanitariums**, provided such activity can also meet the following conditions:
  - a. All such facilities shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds.
  - b. Land on which the activity will be located shall provide direct vehicular access to a regional arterial, or a secondary thoroughfare.
  - c. All structures shall be located not less than one hundred (100) feet from all property lines.
  - d. Access roads and parking facilities shall be designed and constructed to prevent undue glare and noise to adjoining residential district areas.
  - e. The entire land area of the activity shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.
3. **Housing for the elderly or senior citizens**, provided such activity can also meet the following conditions:
  - a. All vehicular ingress and egress shall be directly to a public road designated as a regional or secondary thoroughfare.
  - b. All such housing shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) occupants or less, plus one (1) acre for each additional fifty (50) occupants, and may have common service facilities including, but not limited to, central dining rooms, recreation rooms, central lounge and workshops.



ARTICLE 11 – RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

- c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
  - d. Maximum building height shall be the same as the district in which it is located.
  - e. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any public right-of-way.
  - f. A future parking area to accommodate off-street spaces shall be shown on the site plan, in sufficient number to accommodate the entire project should the units revert to general occupancy (see Section 3.02).
4. **Bed and Breakfast Establishments, subject to the requirements in Section 8.04.16.**

*Amended February 2018*



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

ARTICLE 11A

PUD -PLANNED UNIT DEVELOPMENT DISTRICT

STATEMENT OF PURPOSE

The intent of this district is to permit mixed use developments which may contain a combination of planned residential, commercial and office uses. Such a development may contain a variety of different housing types when undertaken on the basis of an approved overall development plan for the entire area. The Plan should be designed to provide for compatible land use relationships between all uses and various housing types and to minimize all negative impacts on the proposed residential areas from non-residential uses. A PUD may contain commercial and office uses which are intended to serve a market area extending beyond the Township, provided that the need for such facilities is properly documented.

By its nature, the PUD is intended to encourage the development of innovative site planning concepts to achieve the more economical use of existing land resources, the preservation of unique, important or fragile physical features, to promote the efficient delivery of public utilities and services, the provision of useful open space, and provide adequate housing. To achieve this purpose, certain specific bulk, density and area requirements included in this Ordinance may be varied, subject to the approval of a PUD plan by the Planning Commission and the Township Board and, further, subject to the requirements as set forth herein.

This district is intended to accommodate developers with mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve these stated purposes.

Section 11A.00 PERMITTED PRINCIPAL USES.

Residential uses, businesses, service and offices, and commercial uses, or any combination of residential and non-residential uses, may be permitted in a Planned Unit Development, as permitted and regulated by the following Sections of this Ordinance:

1. Single-Family Density Residential, Article 9.
2. Multiple-Family Residential, Article 11.
3. General Office, Article 12.
4. Local Business, Article 13.
5. Planned Shopping Center, Article 14.

Section 11A.01 SPECIAL LAND USES.

Any of the special land uses of the districts cited above may be granted approval by the Township as a special land use, if determined to be in accordance with the provisions of Article 6 of this Ordinance. Such uses shall be regulated by their respective Sections of this Ordinance.

Section 11A.02 PLANNED UNIT DEVELOPMENT REGULATIONS AND STANDARDS FOR APPROVAL.

The following provisions shall apply to all PUD zoning classifications:



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

1. **Ownership.** The entire parcel for which application is made must be made with the written authorization of all property owners.
2. **Establishment, Amendment Procedure.** A PUD zoning classification shall be established, amended or removed pursuant to the procedures set forth in Section 11A.03 of this Ordinance and the additional procedures set forth in this Section.
3. **Standards for Approval.** Based upon the following standards, the Planning Commission may recommend denial or approval and the Township Board may deny or approve the proposed Planned Unit Development:
  - a. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience, or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
  - b. The uses proposed shall be consistent with the Master Plan adopted by the Township.
  - c. Not more than fifty (50) percent of the total project land area shall be used for non-residential purposes, provided, however, the outdoor recreational use and other open space use areas shall not be considered as part of the non-residential use area.
  - d. The PUD zoning shall be warranted by the design and amenities incorporated in the development proposal.
  - e. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The Township may, if deemed appropriate, require for Planned Unit Developments more usable open space than that required by this Ordinance.
  - f. Off-street parking shall be provided sufficient to meet the minimum required by Article 3. The Township may, if deemed appropriate, require for Planned Unit Developments more or less parking than that required by this Ordinance.
  - g. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet at least the requirements of Article 4.
  - h. Vehicular and pedestrian circulation allowing safe, convenient, uncongested and well-defined circulation within and to the district shall be provided.
  - i. Major natural land and water, historical and architectural features of the district shall be preserved.

Section 11A.03 PROCEDURE FOR SUBMITTAL AND APPROVAL.

A person or persons owning or controlling a minimum of one hundred (100) acres of contiguous land may make application to the Township Clerk or the Township Board for consideration under this district. The person or persons applying shall be required to make a preliminary and final submittal of material to the Planning Commission. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability for inclusion in the land use and zoning of the Township and adoption by the Township Board as part of the Zoning Ordinance. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits.

1. **Submission of Preliminary Plans.** A presentation shall be made to the Planning Commission for review and recommendation to the Township Board of the following:



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

- a. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
  - b. A topography map drawn as contours, with an interval of at least two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
  - c. A recent aerial photograph of the area shall be provided (Scale: 1" = 200).
  - d. A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, dwelling unit types and the character of non-residential development being requested; the densities being proposed; a generalized major thoroughfare, traffic and pedestrian circulation plan; sites being reserved for churches, schools and service activities; playgrounds, recreation areas, natural resource areas and other usable open spaces, and areas for the public or residents of the Planned Unit Development (Scale: 1" = 200').
  - e. A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified. This information shall be shown on the topographic map, as provided in subsection 1.b. above.
  - f. A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population, expected number of elementary school children, and providing supporting documentations, such as soil surveys showing the area to be suitable for the proposed development.
  - g. All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Township; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Township may further require the applicant to provide additional information demonstrating the demand for this project and the applicant's capability of undertaking the project. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.
2. **Preliminary Approval.** Upon receipt of an application as a preliminary submittal, the Township Board shall refer such request to the Planning Commission for its report and recommendation. The Planning Commission shall hold a public hearing on the application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time for both a Rezoning and a PUD.
- Amended December 10, 2012*

Following the public hearing and receipt of the Planning Commission's report and recommendation, the Board may approve said application and accompanying plan(s) only upon finding that:

- a. All applicable provisions of this district and this Ordinance have been met. (Insofar as any provision of this district shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this district shall apply to the lands included within a Planned Unit Development District.)



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

- b. Adequate areas have been provided for all utilities, churches, schools, walkways, playgrounds, recreation areas, parking areas and other open space, and areas to be used by the public or by residents of the community. Open spaces and areas shall not include structures or parking areas.
- c. The applicant has provided adequate sanitary sewer, water supply and storm water drainage systems to serve the developments, and that all such proposed utility systems have received preliminary approval from appropriate County or State authorities. In the absence of a Township utility system, all public utilities to serve the site shall be constructed and maintained by the applicant and any successors.
- d. There will be an adequate pedestrian and vehicular circulation system serving the site.
- e. The plan provides for the preservation of natural resources and an efficient and desirable use of the open areas, and the plan is in keeping with the physical character of the Township and the area surrounding the development.
- f. The applicant has made provision, satisfactory to the Board, to assure that those natural resource areas shown on the plan and those areas for use by the public or occupants of the development will be irrevocably committed for that purpose.
- g. Provisions, satisfactory to the Board, have been made to provide for the preservation of natural resource areas and for the financing of any improvements shown on the plan for open space areas and common use areas which are to be included within the development, and that maintenance of such open space is assured by a means satisfactory to the Board.

**3. Approval of Rezoning and Preliminary Plan by Board.**

- a. If the Board shall determine to grant the application and approve the use areas within the preliminary development plan, it shall do so by adopting a resolution so stating and an ordinance amending the zoning map to provide for the mapped PUD Planned Unit Development District.
- b. Any conditions of approval for the preliminary plan, which are required by the Township Board, shall be satisfied by the petitioner or owner prior to subsequent final site plan approval and prior to the issuance of any building permits. The Township Clerk shall keep a special record of all approved PUD development plans and approval conditions.
- c. Once an area has been included within a preliminary development plan for Planned Unit Development and such plan has been approved by the Board, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a Board approved amendment thereto.
- d. Within a period of two (2) years following approval by the Board, final detailed site plans for the entire area embraced within the area approved for development under this district by the Board must be submitted as hereinafter provided. If such site plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the Board and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.

**4. Submission of Final Plans.**

- a. Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development District, a final detailed site plan for a project area of not less than fifty (50) acres shall be submitted to the Board for review and recommendation by the Planning Commission of the following:





ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

- (1) A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets, boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space and any churches, schools or areas to be set aside for the use of the public or by residents within the development (Scale: 1" = 50').
- (2) The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1" - 50').
- (3) Typical floor plans for all principal buildings and structures, including single-family detached dwellings, with a schedule of building types, shall be included in the final plan.
- (4) Approval of each functional use area within a project area shall be based on the area meeting the standards of this Ordinance as to density. To accomplish this standard, an open space of adequate size shall be shown with each project area being presented, said open area or common area not to include parking area. This total land area shall then be used to compute density. Subaqueous or submerged bottom land of lakes or streams shall be excluded in computing the area of a parcel, except that where the lands abutting said lakes or streams are developed in park or open space for the use of residents of the neighborhood, the surface area of said lakes or streams may be used to compute density.
- (5) All other provisions of Article 5, SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES.

**5. Approval of Final Submittal by Planning Commission.**

- a. Approval of each site plan shall be effective for a period of three (3) years. If development in compliance with a final site plan is not completed in this period, further development shall not be approved until the final site plan in question is completed or until completion is extended or waived by the Planning Commission. In reviewing and approving the final site plans, the following conditions shall be set forth.
  - (1) All final PUD site plans shall be subject to the review and approval of the Planning Commission.
  - (2) Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.
  - (3) Before approving of any final, detailed site plan, the Planning Commission shall determine:
    - (a) That all use areas shown upon the development plan for the entire Planned Unit Development District for use by the public or the residents of land within the Planned Unit Development District have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Township.
    - (b) That the final detailed site plan is in conformity with the original preliminary plan previously approved.
    - (c) That the sanitary sewage, public water and storm water drainage requirements of the proposed development have been adequately provided for by the applicant.
  - (4) Provisions satisfactory to the Planning Commission shall be made to provide for the financing of any improvements shown on the site plan for open spaces and common areas which are to be provided by the applicant and that



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

maintenance of such improvements is assured by a means satisfactory to the Planning Commission. The Planning Commission may require that conveyances or other documents be placed in escrow to accomplish this.

Section 11A.04 AREA REQUIREMENTS.

All proposed uses shall comply to the applicable lot area, width and yard requirements specified by the Zoning Ordinance for each respective district within which the use is permitted, unless otherwise modified by the Planning Commission as noted below.

The Township Board, upon a recommendation by the Planning Commission, may modify specific area, placement or height standards to provide some flexibility in the application of these standards. Any approved modification in standards shall be done in conjunction with an approved development plan for the site. Whenever a specific standard is modified, the extent of the change and the basis for it shall be documented as part of the approval.

Section 11A.05 OTHER APPLICABLE REQUIREMENTS.

1. A minimum of twenty (20) percent of the total project area shall be developed for outdoor recreational and open space uses, such as parks, tennis courts, gardens and ballparks; but such areas shall not include space devoted to streets and parking. In calculating open space acreage, the applicant may, at the discretion of the Township, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as part of the PUD approval to use these areas for active or passive recreational purposes.
2. All residential structures shall be located not less than fifty (50) feet from all external PUD property lines and all non-residential structures shall be located not less than one hundred (100) feet from all such lines.
3. All structures shall be designed and located to assure the privacy of all residential uses.
4. The PUD shall be designed, constructed and landscaped to emphasize the basic aesthetic qualities of the project.
5. The proposed plan shall conform to the Township's requirements, and a schedule of development shall be presented demonstrating the feasibility of the proposed plans. Where designated, wetlands are to be encroached upon by the development; negotiations with the State shall be simultaneous with same information and various options being provided the Township. After approval of the plan and at any given time, the relationship of the land area of the residential approved for building permits and under construction shall be at least equal to the overall ratio of non-residential to residential land area for the total development. Land area once used in computing density for one project or use area shall not again be used to compute density in another.

Section 11A.06 SCHEDULING OF CONSTRUCTION.

The physical development of the area must start within three (3) years of the date of approval of the final site plans. The failure to start development shall invalidate the site plan and the sponsor shall then be required to resubmit his plan for review and approval as in the first instance. The entire PUD shall be fully developed and/or platted and recorded within a period not to exceed five (5) years from the date of approval of the initial preliminary plan, with the granting of subsequent one (1) year extensions of the Township Board being permissible.



ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

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Section 11A.07 FEES.

All fees and costs for legal, engineering, planning or other services in review of the site plans and other elements of the Planned Unit Development incurred by the Township shall be paid by the petitioner/developer. Advance deposits shall be required by the Township. If fees and deposits are not made in a prompt and timely manner, all processing shall be halted.





## ARTICLE 12

## O-1, GENERAL OFFICE DISTRICT

## STATEMENT OF PURPOSE

The General Office District is established to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers.

## Section 12.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. All uses permitted for professional offices, plus general and administrative offices.
2. Publicly-owned buildings and public utility offices, but not including outside storage.
3. Retail businesses normally associated with, and complimentary to, office districts, i.e., stationary shops, office supplies and office machine repair.
4. Banks, credit unions and similar uses.
5. Accessory buildings and accessory uses customarily incidental to the above permitted uses. Among such permitted accessory uses (but not limited to such) are a pharmacy, optical store, a store for orthopedic appliances and corrective garments, and a coffee and sandwich shop.

## Section 12.01 MINIMUM YARD REQUIREMENTS.

1. **Lot Area:** Fifteen Thousand (15,000) square feet.
2. **Lot Width:** One Hundred (100) linear feet.
3. **Front Yard:** One Hundred (100) linear feet from the road centerline (No Parking Permitted).
4. **Rear Yard:** Twenty (20) linear feet.
5. **Side Yard:** No side yard may be required along one interior side lot line, except as otherwise specified in the Building Code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than fifteen (15) feet. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than twenty (20) feet shall be provided. Corner lot side yards must equal the setback required for the front yards on the street which they side.

## Section 12.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Twenty-Five (25) feet.
2. **Maximum Lot Coverage:** Forty (40%) percent.

## Section 12.03 SITE REQUIREMENTS.

1. **Landscaping.** All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.



ARTICLE 12 – O-1 GENERAL OFFICE DISTRICT

2. **Lighting.** During office hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and roads.
3. All business, servicing, processing, or storage of commodities, except for off-street parking or loading, shall be conducted within completely enclosed buildings. No business of a primarily drive-in nature shall be permitted.
4. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story or in the basement.
5. The outdoor storage of goods or materials shall be prohibited, irrespective of whether or not they are for sale.
6. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.

Section 12.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking improvements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

Section 12.05 SPECIAL LAND USES.

Any use similar to those uses set forth in this Article may be granted approval by the Planning Commission as a special land use if determined to be in accordance with the provisions of Article 6 of this Ordinance.



## ARTICLE 13

## C-1, LOCAL BUSINESS DISTRICT

## STATEMENT OF PURPOSE

The C-1 Local Business District is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments, so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of marginal strip business development along heavily traveled roads.

## Section 13.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

## 1. Retail Establishments selling goods or merchandise, such as:

*Amended December 10, 2012*

- a. Pharmacies.
- b. Apparel.
- c. Jewelry.
- d. Books.
- e. Food.
- f. Household Appliances, Furniture, etc.

## 2. Personal Service Establishments, such as:

- a. Barber or Beauty Shops.
- b. Tailors.
- c. Locksmiths.
- d. Photo Studios.
- e. Laundry or Dry Cleaning pickup outlets.
- f. Household Appliance Repair Shops, etc.

## 3. Financial Institutions, such as (except drive-thru window):

- a. Banks.
- b. Savings and Loans.
- c. Credit Unions, etc., but excluding drive-thru windows, except as permitted below.



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4. Coin-operated Laundromats and self-service Dry Cleaning Centers.
5. Professional Offices, as earlier defined.
6. Private Service Clubs, with theaters and auditoriums, etc.
7. Radio and Television Studios, but excluding towers for transmission and receiving antennas.
8. Private or Public Parks, Museums and Libraries.
9. Funeral Homes and Mortuaries.
10. Eating and Drinking places, where services are provided to patrons while seated in a building, excluding drive-in, fast-food or carry out establishments.
11. Commercial Assembly Halls where all activities are conducted within an enclosed building provided such uses can also meet the following conditions:
  - a. All buildings, driveways and other activity areas, except parking, shall be located not less than one hundred (100) feet from any property zoned AE, R-1A, R-1B, R-1C, RM or MHP.
  - b. The required bathroom facilities will be permanent, indoor facilities. Use of portable toilets is prohibited.
  - c. Events involving the consumption of alcohol shall comply with all state and federal requirements for such activity.
12. Provided further, the permitted uses, above, shall also meet the following conditions:
  - 1) Provision shall be made for the storage of waste material in a location readily accessible for the removal of such waste and in a container that can be securely covered and properly screened from public view.
  - 2) Parking areas and driveways shall be designed, constructed, and landscaped to clearly identify vehicular access areas and deny vehicular access to all other areas, except that direct vehicular access shall be provided to adjacent local business uses in a manner that will be safe and compatible to the vehicle access areas serving such adjoining uses.
  - 3) The site plan shall be accompanied by a notarized statement signed by the owner of the activity and a licensed waste hauler providing for the daily removal of all putrescible waste material.
  - 4) All buildings, driveways and other activity areas, except parking, shall be located not less than one hundred (100) feet from any property zoned AE, R-1A, R-1B, R-1C, RM or MHP.

*Amended 7.13.2015*

Section 13.01 MINIMUM YARD REQUIREMENTS.

1. **Lot Area** (square feet): Sufficient to accommodate all setbacks and parking together with proposed structure.
2. **Lot Width:** Eighty (80) linear feet.
3. **Front Yard:** One hundred-twenty (120) linear feet from the road centerline of which the first seventy-five (75) feet shall be used as road and/or landscaping and not used for parking.
4. **Rear Yard:** Twenty-five (25) linear feet.





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5. **Side Yard:** Twenty (20) feet. No side yard is required along one of the two interior side lot lines, except as otherwise specified in the Building Code. The other side or any side with building openings (window[s] or door[s]) shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If a side yard borders other than a commercial or manufacturing district, there shall be provided a yard setback of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.

Section 13.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Twenty-five (25) feet.
2. **Maximum Lot Coverage:** Forty (40%) percent

Section 13.03 SITE REQUIREMENTS.

1. **Landscaping.** All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.
2. All business, servicing, processing, or storage of commodities, except for off-street parking or loading, shall be conducted within completely enclosed buildings. No business of a primarily drive-in nature shall be permitted.
3. The outdoor storage of goods or materials shall be prohibited, irrespective of whether or not they are for sale.

Section 13.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking improvements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

Section 13.05 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission as a special land use, if determined to be in accordance with the provisions of Article 6 of this Ordinance.

1. Retail sale of goods and services such as:
  - a. Drive-ins and Drive-thrus, Fast-food and Carry-out Restaurants.
  - b. Drive-thru Financial Institutions.
  - c. Public Garages.
  - d. Hotels, Motels, and other transient accommodations.

Provided further that all such uses can also meet the following conditions:

- 1) Vehicular access shall be arranged to permit safe access to such facility by pedestrians.
- 2) The location and arrangement of such facility shall not unduly disrupt free access to other adjacent uses in the same district.



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- 3) Adequate provision shall be provided for the safe and effective storage and disposal of waste material, with particular emphasis upon putrescible material, with the location of storage facilities clearly identified, properly screened from public view and dimensioned on the site plan.
  - 4) The site plan shall be accompanied by a notarized agreement executed by the owner of the proposed activity and a licensed waste hauler, assuring daily disposal of putrescible waste material, which can be anticipated in quantities requiring such removal.
  - 5) All structures and vehicular access areas shall be located not less than two hundred (200) feet from all residential district property lines, unless the adjacent residential district area is developed into a nonresidential use, in which case the provisions of Section 13.01 for the C-1 District and all other applicable provisions of this ordinance shall apply.
2. Private and Business Schools; Colleges and Universities; Athletic and Sport Clubs; Private Service or Social Clubs; and Theaters and Auditoriums; provided also that such uses can meet the following conditions:
- a. The application for any such use shall provide a schedule of activities showing the number of classes or activities, the number of participants anticipated for each class or activity, and the hours during which such activity or class will take place, to permit an assessment of the number of vehicles or other transportation requirements that can be anticipated, including the requirements resulting from the overlap with succeeding groups, and provide a basis for the determination of the parking and other transportational requirements for the activity by the Planning Commission.
  - b. All uses permitted through this subsection shall also be subject to the provisions of paragraphs 1 through 4 of subsection 13.00.12 above.
3. Retail sale of Gasoline, Petroleum Products, and Other Flammable Material, provided such use can also meet the following conditions:
- a. All gasoline and other similarly flammable material shall be stored in underground tanks approved by the State Fire Marshal.
  - b. Driveways shall be located such that the extension of such driveway to the paved roadway or curblines shall not be closer to the adjacent property line, extended, than twenty (20) feet, nor closer to the corner of the roadway or intersection of the curblines than forty (40) feet, except as otherwise required in this ordinance.
  - c. No bump shop activity, overhaul of engines or transmission, or paint shop activity shall be carried out within this district with the retail use.
  - d. The site plan shall identify the location and dimensions of the storage facility for waste petroleum products and be submitted with a notarized agreement signed by the owner of the activity and a licensed waste hauler providing for the disposition of such waste.
  - e. All uses permitted through this subsection shall also be subject to the provisions of paragraphs 1 through 5 of subsection 13.05.
4. Combined Uses, such that any of the uses heretofore permitted within the C-1 District, may be combined in one building, provided such combination can also meet all of the following conditions:



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- a. All such combination of uses shall be subject to all of the requirements applicable to each use individually, except that the setback requirements shall only apply to the structure and other physically identifiable facilities and shall not be cumulative, and provided, further, that where the parking demand related to each use can be demonstrated to occur at different times, such that there is no overlap of such demand, the smaller parking requirement of the two uses may be reduced up to fifty (50) percent, as determined by the Planning Commission.
5. Residential Use, provided such use can also meet the following conditions:
  - a. Such use shall be subject to the provisions of subsection 9.04.8, Planned Unit Development, except as otherwise provided within this subsection:
    - 1) The project shall be developed:
      - a) As a PUD, consisting of a mix of Residential and C-1 District uses on not less than twenty (20) acres of land; or,
      - b) As a living accommodation for not more than one (1) family unit within a commercial building, provided that at least one member of the family unit residing in said building shall, at all times, be a bonafide, full-time employee of the person or firm operating the business located therein, and provided further, that said living accommodations shall be totally included within the main building and shall be of a size and quality equal to the requirements of the RM District.
    - 2) The residential densities may be as permitted for Multiple Family Dwellings under provisions of Article 11.
    - 3) Not more than fifty (50) percent of the total land area shall be used to determine the maximum number of dwelling units.
6. Veterinary Clinics and Animal Hospitals, provided such use can also meet the following conditions:
  - a. All buildings and structures housing any animal shall be located not less than five hundred (500) feet from any residential district, except that where such use included outdoor animal runs, such runs shall be located not less than one thousand (1,000) feet from any residential district.
7. Churches and Temples; Hospitals, Convalescent and Nursing Homes, and Sanitariums; Nursery Schools and Day-Care Centers; Public Utility Buildings and Uses; and Public, Private, and Parochial Schools; all as identified in Sections 9.04 and 11.06, and subject to all of the applicable conditions noted therein.
8. Commercial Assembly Halls where all activities are conducted within an enclosed building and outdoors provided such uses can also meet the following conditions:
  - a. All buildings, driveways and other activity areas, except parking, shall be located not less than one hundred (100) feet from any property zoned AE, R-1A, R-1B, R-1C, RM or MHP.
  - b. The required bathroom facilities will be permanent, indoor facilities. Use of portable toilets is prohibited.
  - c. Events involving the consumption of alcohol shall comply with all state and federal requirements for such activity.
  - d. Areas on site that allow for outdoor activities shall be identified on the approved site plan and final approval shall clarify issues such as hours of operation, the range of outdoor activities and the use of amplified sound for bands, etc. as part of these outdoor activities. The Planning Commission may impose additional buffering requirements to the site in order to address off-site impacts.
9. Mini-warehouses (self-storage facilities) subject to the following conditions:

*Amended 7.13.2015*



ARTICLE 13 – C-1 LOCAL BUSINESS DISTRICT

- a. The maximum size of the site devoted to such use shall not be more than four (4) acres.
- b. Building setbacks shall comply with district requirements for a principal building.
- c. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
- d. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
- e. Screening shall be in accordance with Section 4.00 Screening Requirements.
- f. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.
- g. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
- h. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 3.02.2.
- i. Principal vehicular access to the site shall be from a county primary road or roadway designated as an Arterial based on Township Master Plan.
- j. Building height shall not exceed one (1) story fifteen (15) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories twenty-five (25) feet.
- k. No single storage building shall exceed five thousand (5,000) square feet.
- l. All storage on the property shall be kept within an enclosed building, unless a properly screened area for outdoor display is authorized by the Planning Commission as part of site plan approval.
- m. The building appearance including size and exterior material shall be aesthetically compatible with the character of the surrounding uses.

*Amended February 2018*



## ARTICLE 14 – C-2 PLANNED SHOPPING CENTER DISTRICT

## ARTICLE 14

## PLANNED SHOPPING CENTER DISTRICT, C-2

## STATEMENT OF PURPOSE

The purpose of this district is to provide for the development of Planned Shopping Centers designed to provide a range of retail goods and services on one site, with adequate provision for off-street parking. It is intended that such districts will be located at the intersection of paved major thoroughfares and accessible from various areas of this community.

## Section 14.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. All permitted uses listed for the C-1 Local Business District and the following retail uses:
  - a. Beverage (including liquor) stores.
  - b. Household Furniture.
  - c. Department Stores.
  - d. Variety Stores.
  - e. Specialty Stores.
  - f. Eating and Drinking establishments, excluding drive-thru and fast-food restaurants.
  - g. Floor Covering and Wallpaper Stores.
  - h. Interior Decorating.
  - i. Pet Shops.
  - j. Photographers.
  - k. Public Utility Offices and Publicly-owned Buildings or Offices.
  - l. Supermarkets or Food Stores.
  - m. Theaters (indoor) and accessory structures and uses customarily incidental to the above permitted uses.
  - n. Accessory structures shall not involve significant storage and, where garages are permitted, they shall be used only for commercial vehicles used in connection with the permitted C-2 business.
2. **Signs.** Signs for individual businesses on individual lots in this district shall be regulated the same as in the C-1 Local Business District. Shopping centers shall have no more than one (1) freestanding identification sign and it shall display on its surface the name of the center or building complex, and it also may include the address numbers. A listing of occupants of the center may be permitted as part of the center freestanding sign by special approval of the Planning Commission within the height and area limits of the permitted sign are twenty-four (24) feet and one hundred ten (110) square feet respectively. Shopping centers may also



ARTICLE 14 – C-2 PLANNED SHOPPING CENTER DISTRICT

have one (1) identification or nameplate wall sign for each individual tenant business. Such wall signs shall be no larger than thirty-two (32) square feet.

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

Section 14.01 MINIMUM YARD REQUIREMENTS.

1. Lot Area: Two (2) acres.
2. Lot Width: Two hundred (200) linear feet.
3. Front Yard: One hundred forty (140) linear feet from the road centerline.
4. Rear Yard: Sixty (60) linear feet.
5. Side Yard: Forty (40) linear feet, each side.

Section 14.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Forty (40) feet.
2. **Maximum lot coverage** is equal to the remainder of the site after all right-of-way, parking and yard space requirements are deducted from the gross site area.
3. All buildings shall be arranged in a group or groups.
4. The distance, at the closest point, between any two (2) buildings or groups of units of attached buildings shall not be less than thirty (30) feet.

Section 14.03 SITE REQUIREMENTS.

1. **Landscaping.** All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.
2. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of fifteen thousand (15,000) square feet of floor area and not less than three (3) of the permitted or special approval uses listed in this Article.
3. **Lighting.** During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.
4. No part of any parking access and/or service area may be located closer than one hundred (100) feet from any property line adjacent to a residential district.



ARTICLE 14 – C-2 PLANNED SHOPPING CENTER DISTRICT

5. Once a setback line has been established for the principal building(s) on the approved site, no buildings or uses shall be allowed between such line and the front or side streets.

Section 14.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking improvements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

Section 14.05 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission, if determined to be in accordance with the provisions of Article 6 of this Ordinance:

1. C-3 District permitted uses developed in harmony with a center plan. No more than twenty (20) percent of all uses may be from the C-3 category.
2. Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment and garden supplies, when the outdoor sales operation is clearly secondary to retail sales taking places within a building.
3. Automobile service center, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of the automobile service center or gas and service station within the C-2 district.
4. Commercial Assembly Halls where all activities are conducted within an enclosed building and outdoors provided such uses can also meet the following conditions:
  - a. All buildings, driveways and other activity areas, except parking, shall be located not less than one hundred (100) feet from any property zoned AE, R-1A, R-1B, R-1C, RM or MHP.
  - b. The required bathroom facilities will be permanent, indoor facilities. Use of portable toilets is prohibited.
  - c. Events involving the consumption of alcohol shall comply with all state and federal requirements for such activity.
  - d. Areas on site that allow for outdoor activities shall be identified on the approved site plan and final approval shall clarify issues such as hours of operation, the range of outdoor activities and the use of amplified sound for bands, etc. as part of these outdoor activities. The Planning Commission may impose additional buffering requirements to the site in order to address off-site impacts.
5. Mini-warehouses (self-storage facilities) subject to the provisions of Section 13.05.9. *Amended 7.13.2015*  
*Amended February 2018*



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ARTICLE 15 – C-3 GENERAL BUSINESS DISTRICT

ARTICLE 15

C-3, GENERAL BUSINESS DISTRICT

STATEMENT OF PURPOSE

The General Business District is intended to permit a wider range of business and entertainment activities than permitted in the Local Business District. The permitted uses would not only serve nearby residential areas, but also customers farther away for types of businesses and services that attract a larger clientele. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such a district with adjacent residential areas. Such district reflects existing shopping concentrations, other commercial uses along major highways, and desired future centers which are needed to serve adequately the future population of the Township.

Section 15.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

1. Permitted and special land uses of the C-1 District.
2. Business service establishments for the repair of office machinery.
3. Office, showroom or workshop of an:
  - a. Artist.
  - b. Craftsman.
  - c. Mechanic.
  - d. Contractor.

Specifically excluding outside storage yards, and all subject to the conditions outlined in Section 13.00.12(1-4).

4. Sale of Guns, excluding gun ranges or other areas designated for shooting.

*Amended December 10, 2012*

6. Commercial Assembly Halls where all activities are conducted within an enclosed building provided such uses can also meet the following conditions:
  - a. All buildings, driveways and other activity areas, except parking, shall be located not less than one hundred (100) feet from any property zoned AE, R-1A, R-1B, R-1C, RM or MHP.
  - b. The required bathroom facilities will be permanent, indoor facilities. Use of portable toilets is prohibited.
  - c. Events involving the consumption of alcohol shall comply with all state and federal requirements for such activity.

*Amended 7.13.2015*

Section 15.01 MINIMUM YARD REQUIREMENTS.

1. **Lot Area** (square feet): Sufficient to accommodate all setbacks and parking together with proposed structure.
2. **Lot Width**: Eighty (80) linear feet.



ARTICLE 15 – C-3 GENERAL BUSINESS DISTRICT

3. **Front Yard:** One hundred twenty (120) linear feet from the road centerline, of which the first seventy-five (75) feet shall be used as road and/or landscaped and not used for parking.
4. **Rear Yard:** Twenty-five (25) linear feet.
5. **Side Yard:** Twenty (20). No side yard is required along one of the two interior side lot lines, except as otherwise specified in the Building Code. The other side or any side with building openings (window[s] or door[s]) shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If a side yard borders other than a commercial or manufacturing district there shall be provided a yard setback of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.

Section 15.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Thirty-five (35) feet.
2. **Maximum Lot Coverage:** Forty (40%) percent.

Section 15.03 SITE REQUIREMENTS.

1. **Landscaping.** All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.
2. **Lighting.** During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.

Section 15.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking improvements shall be provided in accordance with Articles 3 and 4 of this Ordinance.

Section 15.05 SPECIAL LAND USES.

Any use similar to those uses set forth in this Article may be granted approval by the Planning Commission as a special land use, if determined to be in accordance with the provisions of Article 6 of this Ordinance.

1. Amusement Parks.
2. Motor Vehicle or Mobile Home Dealerships.
3. Drive-in Theaters.
4. Bump Shops and Motor Vehicle Repair Services carried out in an enclosed building, provided such uses can also meet the following conditions:
  - a. No such use shall be located less than two hundred (200) feet from any residential district.
  - b. All access to such use shall only be from a regional arterial or a secondary thoroughfare.



ARTICLE 15 – C-3 GENERAL BUSINESS DISTRICT

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- c. The site plan and supporting documents shall show compliance with the requirements listed following Section 16.00, item 11 numbered 1 through 5.
5. Accessory outside storage for permitted retail uses when provided in the side or rear yard.
6. Business with outside storage, including agricultural implements, equipment and machinery, used automobiles, automotive parts, supplies and minor mechanical repair, bicycles, boats and marine supplies, business machines, feed, fuel, hardware, appliances, ice, industrial and residential machinery and tools, motorcycles and mopeds, office equipment, plumbing and heating, radio and television, and trailers, provided the requirements of Section 1.23 Storage and/or Display Lots are met.
7. Indoor gun ranges or other areas designated for shooting. *Amended December 10, 2012*
8. Mini-warehouses (self-storage facilities) subject to the provisions of Section 13.05.9. *Amended February 2018*



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ARTICLE 16 – M-1 LIGHT INDUSTRIAL DISTRICT

ARTICLE 16

LIGHT INDUSTRIAL DISTRICT, M-1

STATEMENT OF PURPOSE

The M-1 Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and industrial operations conducted wholly within a building and whose external, physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts.

Section 16.00 PERMITTED USES SUBJECT TO SITE PLAN REVIEW.

All uses in this district shall be conducted wholly within a building with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking.

1. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses.
2. The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
3. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns
4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
5. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
6. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
7. Laboratories -- experimental, film or testing.
8. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
9. Automobile repair.
10. Existing single family.
11. Sexually Oriented Businesses provided such uses can also meet the following conditions:
  - a. Sexually Oriented Businesses shall comply with the following requirements.
    - i. The use shall be not less than one hundred (100') feet from a parcel zoned AE, R-1A, R-1B, R-1C, or RM. The distance shall be measured on a straight line from the edge of the building or parking lot that is associated with the sexually oriented business to the property line of the closest residential zoned parcel.
    - ii. The use shall not be less than one thousand (1000') feet from another sexually oriented business. The distance shall be measured on a straight line from the edge of the building or parking lot that is associated



ARTICLE 16 – M-1 LIGHT INDUSTRIAL DISTRICT

- with the sexually oriented businesses to the closest edge of the building or parking lot that is associated with the other sexually oriented business.
- iii. Any adult regulated use/building offering material described in the ordinance shall comply with the following performance standards;
    1. Any display of adult oriented material must be shielded from public view.
    2. Access to all adult oriented material is restricted to persons eighteen (18) years of age or older.
    3. Signage is posted in regards to restrictions.
    4. Current license as issued from Lapeer Township is posted in establishment.
  - iv. Operators/Owners of Sexually Oriented Businesses shall complete and obtain a yearly license application accompanied by permit fees as approved by resolution of the Township board. The Township Clerk shall examine each application and verify the following:
    1. All statements made in the application are true.
    2. That the applicant has not engaged in any fraudulent transaction or enterprise.
    3. Nothing in the applicant's proposed activity will violate any provision of the Zoning Ordinance of Lapeer Township or any other federal, state or local law or ordinance.
    4. All applications shall be forwarded to the Lapeer Township Police Chief or designee for an investigation and recommendation on matters pertaining to the public safety, health or welfare. Where the Police Chief's or Designee's investigation requires the determination of good moral character of the applicant, the definition of good moral character shall be in accordance with Act 381 of 1974 (MCL 338.41, et seq., MSA 18.1208(1) et seq.) as amended.
  - v. Sexually Oriented Business Licenses are approved by the Lapeer Township Board and shall run from January 1<sup>st</sup> until December 31.
    1. Licenses are non-transferrable.

*Amended 7.13.2015*

The above uses shall also meet the following conditions:

- (1) There shall be no processing of any food or food product, except as otherwise permitted; or of animal or animal product, excluding products which have been previously prepared and dried for processing into a finished product.
  - (2) Such use shall comply with all of the requirements specified for uses permitted under provisions of subsection 16.05.2.
  - (3) The site plan shall be submitted with a listing by technical and common identification of all flammable or toxic material used in the process.
  - (4) The site plan shall identify the locations and the security measures used to store, use, and dispose of any flammable or toxic material and waste consisting of such waste.
  - (5) An application for special land use approval for any proposed use producing any flammable, toxic, or putrescent waste shall be accompanied by a notarized agreement between the owner of the use and a licensed waste hauler, providing for the safe and adequate disposal of such waste material.
12. Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed cars, trucks, and recreation vehicles, and equipment necessary as an accessory to the principal use, finished and semi-finished manufactured materials produced on the premises provided the following conditions are complied with:
- a. All storage shall begin behind the minimum yard setback requirements.



ARTICLE 16 – M-1 LIGHT INDUSTRIAL DISTRICT

- b. A chain link fence or masonry wall, not less than four (4) feet high nor more than eight (8) feet high, shall enclose the storage area. The height and choice of fence or wall and the requirement of obscuring slats to be used with the fence to most appropriately screen the stored materials from view shall be determined by the Planning Commission.
  - c. It is mutually understood by the property owner and the Planning Commission that whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the Planning Commission.
  - d. The Planning Commission shall also find before granting this approval it will not tend to further:
    - (1) Impair the adequate supply of light and air to adjacent property.
    - (2) Increase the hazard from fire, flood and other dangers to said property.
    - (3) Diminish the market value of adjacent land and buildings.
    - (4) Significantly increase the congestion on the public streets.
    - (5) Otherwise impair the public health, safety, comfort and general welfare.
13. Uses expressly prohibited under this Article include the following:
- a. Junk yards, including the storage of wrecked motor vehicles or mobile equipment.
  - b. Used auto parts and used building materials.
  - c. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.
  - d. Storage of combustible or odiferous materials.
  - e. Incubation, raising, killing or storage of poultry and animals.
14. All uses permitted for professional offices, plus general and administrative offices. *Amended February 2018*
15. Publicly-owned buildings and public utility offices, including outside storage complying with the requirements of Section 16.00.12. *Amended February 2018*

Section 16.01 MINIMUM YARD REQUIREMENTS.

- 1. **Lot Area:** Twenty thousand (20,000) square feet.
- 2. **Lot Width:** Eighty (80) linear feet.
- 3. **Front Yard:** Sixty (60) linear feet. The required front yard space shall remain as open space and used for landscaping with only plant material and an access drive.

Loading space, as specified in Section 3.04 shall be provided in the front, side or rear yard. If loading space is provided in the front yard, an additional setback of fifty (50) feet is required. This regulation shall not be applicable to loading space provided totally within a building or structure.



ARTICLE 16 – M-1 LIGHT INDUSTRIAL DISTRICT

4. **Rear Yard:** Twenty (20) linear feet.
5. **Side Yard:** No side yard is required along one of the two interior side lot lines, except as otherwise specified in the Building Code. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. Where an authorized use is located on a lot contiguous to a residential district, there shall be provided on such lot a yard setback along such residential district of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply.

Section 16.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Fifty (50) feet.
2. **Maximum lot coverage** is equal to the remainder of the site after all right-of-way, parking, and yard space requirements are deducted from the gross site area.
3. The distance, at the closest point, between any two (2) buildings on the same site shall not be less than twenty (20) feet.

Section 16.03 SITE REQUIREMENTS.

1. **Landscaping.** All open area, setbacks, and all other portions of the site not used for parking, driveways, permitted storage and buildings shall be landscaped according to a landscape plan approved by the Planning Commission.
2. **Lighting.** During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences.

Section 16.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking requirements shall be met in accordance with Articles 3 and 4 of this Ordinance.

Section 16.05 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 6 of this Ordinance:

1. All Agricultural Residential District permitted and special land uses when located on a minimum of twenty (20) acres and as otherwise regulated in Article 8.
2. Truck terminals and transfer facilities, railroad marshaling yards, public utility buildings and uses, provided such uses can also meet the following conditions:
  - a. All access to such use shall be directly from a regional arterial, or a secondary thoroughfare.
  - b. Parking areas and driveways shall be designed and constructed to clearly identify vehicular access areas and deny vehicular access to all other areas.





ARTICLE 16 – M-1 LIGHT INDUSTRIAL DISTRICT

- c. All structures, drives, parking areas, outdoor storage areas, and other activity areas shall be separated from all residential districts by a setback of not less than two hundred (200) feet.
  - d. All areas adjacent to a residential district shall be designed, constructed, and landscaped to prevent any adverse effects such as to deny the peaceful enjoyment of such residential district area.
3. Wireless Communication Towers, subject to the requirements of Section 1.31. *Amended: 39-97-3*
4. Retail uses which have a warehouse, or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to: lumber yards, building materials, upholsterer, cabinet maker, outdoor boat, house trailer, automobile or agricultural implement sales, or serve the convenience needs of the manufacturing districts such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic and similar uses as determined by the Planning Commission. *Amended: 39-97-3*
5. Towing Services provided such uses can also meet the following conditions:
- a. A solid fence or wall not less than eight (8) feet in height shall be placed and maintained around all open storage areas.
  - b. An open storage area shall meet the setback requirements of the zoning district that it is located in. *Amended 2017.6.12*
6. Commercial Compost and Yard Waste Operations in compliance with the Lapeer Township Commercial Compost and Yard Waste Ordinance. *Amended Feb. 2019*





ARTICLE 17 – M-2 HEAVY INDUSTRIAL DISTRICT

ARTICLE 17

HEAVY INDUSTRIAL DISTRICT, M-2

PREAMBLE

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

Section 17.00 PERMITTED PRINCIPAL USES.

1. Any permitted uses allowed in the Light Industrial District to be conducted wholly within a building or within a building and/or an area enclosed within a chain link fence with a landscaped front yard and with the side or rear yard used for loading and unloading and parking; the fence shall not be less than six (6) feet high, located not less than seventy-five (75) feet from the front property line or side street property line. Outside of said fence shall be planted a twenty (20) foot greenbelt planting strip which shall be not less than eight (8) feet or more in height to screen view of storage materials and/or activity from the street and adjacent properties.

Section 17.01 MINIMUM YARD REQUIREMENTS.

1. **Lot Area:** Thirty Thousand (30,000) square feet.
2. **Lot Width:** One Hundred (100) linear feet.
3. **Front Yard:** Sixty (60) linear feet. The required front yard space shall remain as open space and used for landscaping with only plant material and an access drive.

Loading space, as specified in Section 3.04 shall be provided in the front, side or rear yard. If loading space is provided in the front yard, an additional setback of fifty (50) feet is required. This regulation shall not be applicable to loading space provided totally within a building or structure.

4. **Rear Yard:** Fifty (50) linear feet.
5. **Side Yard:** Twenty (20) linear feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. Where an authorized use is located on a lot contiguous to a residential district, there shall be provided on such lot a yard setback along such residential district of not less than one hundred (100) feet. Whenever there is an apparent conflict in the application of these provisions, the requirement providing the greater separation shall apply. *Amended: 39-97-3*

Section 17.02 BUILDING REQUIREMENTS.

1. **Maximum Height:** Two (2) stories; Fifty (50) feet.
2. **Maximum lot coverage** is equal to the remainder of the site after all right-of-way, parking, and yard space requirements are deducted from the gross site area.
3. The distance, at the closest point, between any two (2) buildings on the same site shall not be less than thirty (30) feet.



ARTICLE 17 – M-2 HEAVY INDUSTRIAL DISTRICT

Section 17.03 SITE REQUIREMENTS.

1. **Landscaping.** The front setback, as measured from the proposed road right-of-way, shall be maintained as open lawn area. Any remaining area behind the required setback between the lawn area and the building may be utilized as improved off-street parking area.
2. **Lighting.** During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and to prevent glare therefrom into other nearby buildings.

Section 17.04 ENVIRONMENTAL AND OFF-STREET PARKING.

Environmental and off-street parking requirements shall be met in accordance with Articles 3 and 4 of this Ordinance.

Section 17.05 SPECIAL LAND USES.

The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 6 of this Ordinance:

1. All Agricultural Residential District permitted and special land uses when located on a minimum of twenty (20) acres and as otherwise regulated in Article 8 of this Ordinance.
2. Storage of flammable liquids, liquefied petroleum gases, and storage of industrial wastes in bulk.
3. Retail uses which have a warehouse, or which have an industrial character by reason of enclosed outdoor storage requirements or activities such as, but not limited to: lumber yards, building materials, upholsterer, cabinetmaker, outdoor boat, house trailer, automobile or agricultural implement sales, or serve the convenience needs of the manufacturing districts such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic and similar uses as determined by the Planning Commission.
4. Junk yards, provided such use is entirely enclosed within a building or an eight (8) foot obscuring wall and provided further that such use is located at least two hundred (200) feet from any residential use or residential zoning district and one hundred (100) feet from the front property line.
5. Outdoor drive-in theaters possess the unique characteristic of being used only after dark and develop a concentration of vehicular traffic in terms of ingress and egress from their parking area. They shall be permitted in this district only when the site in question is on the interior of this district or abuts M-1 or C-3 Districts. Outdoor theaters shall further be subject to the following conditions:
  - a. The proposed internal design shall receive approval of the Township Engineer as to adequacy of drainage, lighting and other technical aspects.
  - b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from residential streets.



ARTICLE 17 – M-2 HEAVY INDUSTRIAL DISTRICT

- c. All vehicles waiting or standing to enter the facility shall be provided off-street waiting or standing space. No vehicle shall be required to wait or stand in an existing or proposed public right-of-way.
6. All industrial uses not heretofore permitted, provided such uses can also meet the following conditions:
  - a. All access to such use shall be directly from a regional arterial or a secondary thoroughfare.
  - b. All driveway and parking areas shall be designed and constructed to identify clearly all vehicular access areas, and to deny vehicular access to all other areas.
  - c. All yards adjacent to a residential district shall be designed, constructed and landscaped to prevent any adverse effects such as to deny peaceful enjoyment of such residential district area.
  - d. All structures, parking areas, driveways, storage areas and other activity areas shall be located not less than two hundred (200) feet from any residential district property line.
  - e. The site plan shall be submitted with a list of all raw materials, semi-processed material, and/or processed material that will be received, stored, handled, processed, and/or treated within the land use activity being proposed.
  - f. The site plan shall identify the receiving station, processing line, storage locations, waste discharge location, waste storage location, shipping and final disposition location, and the types of equipment used in the processing line.
  - g. The raw material, products, and waste shall be identified as to volume and quantity, and where applicable, the degree and type of toxicity (by technical title and common title), radioactivity, or hazard potential represented by the material and products of the land use.
  - h. The type of and quantity of energy required for the land use activity shall be identified.
  - i. The types and maximum number of employees per shift shall be identified.
7. Special land uses of the M-1 Zoning District, subject to the specific regulations of Section 16.05 for the subject use. *Amended: 39-97-3*
8. Commercial Compost and Yard Waste Operations in compliance with the Lapeer Township Commercial Compost and Yard Waste Ordinance. *Amended Feb. 2019*





ARTICLE 18 – NONCONFORMING LOTS, USES, AND STRUCTURES

ARTICLE 18  
NONCONFORMING LOTS, USES, AND STRUCTURES

Section 18.00 CONTINUED USE PERMITTED.

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

Section 18.01 NONCONFORMING LOTS OF RECORD.

In any district, a building may be erected on any single lot or parcel of record at the effective date of adoption or amendment of this Ordinance, provided the width, depth, and area is not less than one-half ( $\frac{1}{2}$ ) of that required by this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width, depth, or area, as long as reasonable standards can be provided. If two or more lots of record, including one or more nonconforming lots of record are under common ownership, they shall be treated as one zoning lot unless they can be divided in a manner that complies with the applicable lot requirements including width, depth, and area.

Section 18.02 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity. See Figure 18-1 for clarification of what constitutes expansion of a nonconformity.

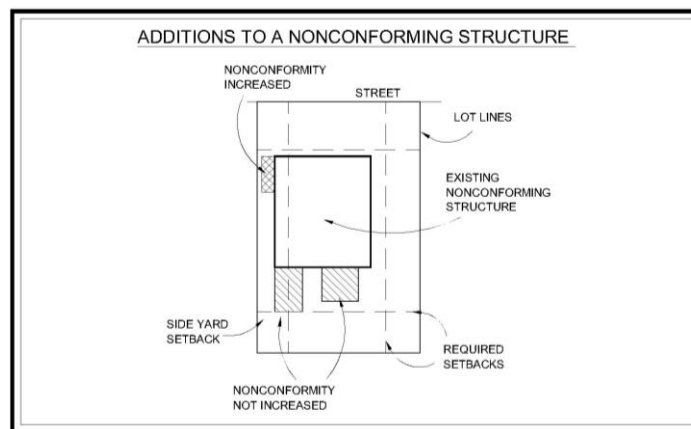


Figure 18-1

2. Should such nonconforming structure be destroyed by any means to an extent of more than seventy five (75%) percent of its fair market value, which is defined as twice the State Equalized Value of the building as recorded in the township's assessing rolls, it shall not be reconstructed except in conformity with the provisions of this Ordinance.



ARTICLE 18 – NONCONFORMING LOTS, USES, AND STRUCTURES

3. Should such nonconforming structure be moved, it shall thereafter be made to conform to the regulations of this Ordinance.

Section 18.03 NONCONFORMING USES.

Where at the time of passage of this Ordinance a lawful use of land or structures exists which would not be permitted by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, the ZBA may hold a public hearing to determine if there is a demonstrated intent to abandon using the standards in Section 18.06. If it is determined that there is a demonstrated intent to abandon the nonconforming use, any subsequent use of such land shall conform to the regulations specified by this Ordinance. If the use changes to a conforming use it may not change back to a nonconforming use. It may change to a less nonconforming use with the approval of the ZBA based on the criteria in Section 18.07 of this ordinance.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
5. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
6. Should structure housing a nonconforming use be destroyed by any means to an extent of more than seventy five (75%) percent of its fair market value, which is defined as twice the State Equalized Value of the building as recorded in the township's assessing rolls, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the use of the structure. However, a structure housing a single-family residence that may be rebuilt even if it is a nonconforming use, no matter the extent of the destruction, provided reconstruction occurs on the previous building foot print, is begun within one year of the destruction and is completed within 2 years.

Section 18.04 NONCONFORMING IMPROVEMENTS.

Zoning provisions dealing with improvements that are not structures, including parking lots and landscaping shall specify how nonconformities shall be addressed in their related articles including Section 4.02 Landscaping Requirements, Section 4.03 Parking Lot Landscaping Requirements, Article 3 – Off-Street Parking and Loading Requirements and Signs, Article 6 – Parking, and Section 4.05 Signs.

Section 18.05 NONCONFORMING USE RECORD.

To be eligible for treatment as a legal nonconformity a lot, structure or use must have been legal when it was established. The Township Board shall provide for a permanent record of existing nonconforming uses as of the date of adoption of this Ordinance. Said record may be compiled by giving property owners the opportunity to record such uses after due notice. The zoning administrator has the authority to review a potential nonconformity identified by a property owner. The zoning administrator shall use documentation such as deeds, surveys, building permit and assessing records, news articles and aerial photography to determine the history of the





ARTICLE 18 – NONCONFORMING LOTS, USES, AND STRUCTURES

nonconformity. A determination by the zoning administrator shall be in writing to the property owner, who shall have the right to appeal the administrative decision as authorized under Article 19 of this ordinance.

Section 18.06 STANDARDS FOR DETERMING ABANDONMENT.

If the township identifies a legal nonconforming use that they believe has been abandoned for at least 12 months, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing, following notice as outlined in Section 6.01 of this ordinance. The ZBA shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors.

1. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
2. Disconnection of utilities.
3. Evidence that the use was relocated to a new site.
4. Evidence of a “going out of business” sale.
5. Signs advertising the business has been removed.
6. The use has been discontinued for twelve (12) consecutive months, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
7. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
8. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
9. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use.

Section 18.07 STANDARDS FOR ALLOWING THE CHANGE IN A NONCONFORMING USE.

A property owner may request approval from the ZBA to change a nonconforming use to another nonconforming use. The ZBA shall hold a public hearing following notice as outlined in Section 6.01 of the zoning ordinance. The ZBA shall approve the request if it determines that the proposed use is not more nonconforming than the current use based on the following:

1. The similarity of zoning districts each use is permitted in and whether they are permitted by right or by special land use (SLU).
2. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust or odors or general intensity of the proposed use.

Section 18.08 REPAIRS AND MAINTENANCE.

1. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 1 year on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 18.09 CHANGE IN OWNERSHIP.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.



## ARTICLE 18 – NONCONFORMING LOTS, USES, AND STRUCTURES

## Section 18.10 STATUS OF USES REQUIRING A SPECIAL LAND USE.

A use established legally without special land use approval which now requires special land use approval due to a text change or rezoning is a nonconforming use until it receives special land use approval. Any existing use approved as a special land use previously under this ordinance shall be deemed a conforming use.

## Section 18.11 CLASS A AND CLASS B NONCONFORMITIES.

Although it is the intent of this ordinance to discourage the continuation of nonconforming uses and structures, it is recognized that the continuation of certain nonconformities may be appropriate. To address these circumstances, the zoning ordinance establishes procedures to allow the Planning Commission to designate specific nonconforming uses or structures as “Class A”. Such uses or structures will have less stringent standards for expansion or resumption.

1. Effect of Class A Designation Disconnection of utilities.
  - a. Class A nonconforming uses may be reestablished if the structure housing it is damaged or destroyed.
  - b. Class A nonconforming uses may be reestablished when otherwise meeting the standards for abandonment of the use. The Class A nonconforming use may not be reestablished if it is replaced with a conforming use.
  - c. Class A nonconforming uses, structures housing nonconforming uses and nonconforming structures may be expanded or improved.
  - d. Class A nonconforming structures may be rebuilt if the structure is damaged or destroyed to any extent.
  - e. Rights granted nonconforming uses and structures listed above are contingent on compliance with any standards imposed by the Planning Commission as part of the Class A designation, including compliance with any approved site plan.
2. Class A Designation Process.
  - a. An applicant for Class A designation shall submit an application to the zoning administrator.
  - b. Notice of a public hearing shall be provided as outlined for special use permits in Section 6.01 of the zoning ordinance.
  - c. The Planning Commission shall hold a public hearing on the Class A designation.
  - d. The Planning Commission shall approve, approve with conditions or deny the request for Class A designation.
  - e. The Planning Commission may impose conditions on an approval. The condition may include compliance with a site plan of the site.
3. Standards for Approval of Class A Designation.

In order to approve a use for Class A designation the use or structure must have been lawful at its inception. In addition, the following criteria shall be used by the Planning Commission in evaluating a use to determine if continuation of the use or structure would be appropriate:

  - a. Continuance of the use or structure does not significantly depress property values of nearby properties.
  - b. Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the ordinance.
  - c. No useful purpose would be served by strict application of the provisions of this ordinance with which the use or structure does not conform.
  - d. The property cannot be reasonably used as currently zoned.
4. Revocation of Class A Designation.
  - a. Revocation of a Class A designation may be initiated by the zoning administrator or the Planning Commission.
  - b. Revocation of Class A designation shall comply with the procedures outlined in Section 18.11.1 of this ordinance.
  - c. Class A designation may only be revoked if the nonconforming use or structure violated a condition of approval.



**ARTICLE 18 – NONCONFORMING LOTS, USES, AND STRUCTURES**

5. Class B Nonconforming Uses or Structures Removal of the equipment or fixtures necessary for the operation of the nonconforming use.

All nonconforming uses or structures, not designated Class A, shall be Class B, nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this ordinance relative to nonconforming uses and structures.

*Article 18 - Amended Feb. 2019*



## ARTICLE 19 – ZONING BOARD OF APPEALS

ARTICLE 19  
ZONING BOARD OF APPEALS

## Section 19.00 ESTABLISHMENT.

There is hereby established a Zoning Board of Appeals as authorized by Article VI Public Act 110 of 2006, as amended. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One (1) member shall also be a member of the Township Board. One (1) member shall also be a member of the Planning Commission. The remaining three (3) members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates. The Zoning Board of Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary. The Township Board member may not serve as Chairperson.

The Township Board shall appoint two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate member may be called as specified in the Zoning Ordinance to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision of a case in which the regular member has abstained for reason of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

*Amended January 14, 2008*

## Section 19.01 APPEALS.

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal any Ordinance provision or any final decision of the Zoning Administrator or the Planning Commission, including Planning Commission decisions as to special land uses and planned unit developments. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall also give notice to owners and occupants of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. Further, the notice of such appeal and hearing shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days prior to such hearing.

*Amended January 14, 2008*

## Section 19.02 APPROVAL OF TEMPORARY STRUCTURES OR USES.

The Zoning Board of Appeals may permit temporary structures and uses for periods not to exceed twelve (12) months, with the granting of twelve (12) month extensions being permissible. The Board of Appeals, in granting permits for temporary structures and uses, shall do so under the following conditions:

1. The granting of the temporary use shall not constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.



ARTICLE 19 – ZONING BOARD OF APPEALS

2. The granting of the temporary use shall stipulate all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements shall be considered.
4. Any temporary uses shall not involve the erection of any capital improvements of a structural nature.
5. The use shall be in harmony with the general character of the area.
6. The Board of Appeals may seek the review and recommendation of the Planning Commission prior to the taking of any action.

Section 19.03 INTERPRETATIONS.

The Zoning Administrator and the Planning Commission are responsible for interpreting this ordinance as part of their responsibility as the primary administrators of the ordinance. They may request the ZBA to interpret provisions of this ordinance as outlined below. In addition, an individual with an interest in a property may request an interpretation related to that property. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this ordinance, whenever an interpretation question arises which has been addressed previously by the ZBA, the earlier interpretation shall apply without requiring further action by the ZBA. The Planning Department shall keep a concise record of all interpretations made by the ZBA to facilitate such reference.

1. The ZBA may classify any activity which is not specifically mentioned in Articles 8 through 16 for any zoning district as a use by right if said classification shall be consistent with the classification of similar uses and with the purpose and intent of each zoning district. In carrying out this interpretation, the ZBA may not interpret a specific use as being included in a broader class of uses if that specific use is listed separately in other zoning districts. The ZBA may not as part of its interpretation power add to the range of uses allowed by special land use in any district.
2. The ZBA may interpret any portion of this ordinance when the zoning administrator is unable to clearly determine its intent or effect.

*Amended January 14, 2008 / Amended August 2017*

Section 19.04 VARIANCES.

The Zoning Board of Appeals shall have the power to vary or modify any Ordinance provision whenever there are practical difficulties imposed on a property owner if the strict letter of the Ordinance is carried out. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured and substantial justice done. The Zoning Board of Appeals will be guided by the following standards in considering all variance requests:

*Amended August 2017*

1. That the property cannot reasonably be used in conformance with Ordinance requirements without the variance.
2. The problem is due to unique circumstances not shared with other property owners.
3. The variance, if granted, would not result in a use that alters the essential character of the area.
4. That the hardship must not be self-created.



Section 19.05 DECISIONS.

The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. No variance may be granted or decision overruled unless at least three (3) members vote in favor thereof. Any variance shall expire twelve (12) months from the date it is granted unless a building permit has been acquired and construction undertaken pursuant to the variance. The Zoning Board of Appeals shall state and provide in writing the decision and all grounds of each decision. Any conditions imposed by the Zoning Board of Appeals 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 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.
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 ensure compliance with those standards.

*Amended January 14, 2008*





ARTICLE 20 – ADMINISTRATION AND ENFORCEMENT

ARTICLE 20

ADMINISTRATION AND ENFORCEMENT

Section 20.00 ZONING ADMINISTRATOR.

The provisions of this Ordinance shall be enforced by the Zoning Administrator or by any other Township official designated by the Township Board.

Section 20.01 DUTIES OF ZONING ADMINISTRATOR.

The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall require that every application for a permit for excavation, construction, moving, or structure alteration or change in type of use or the type of occupancy, be accompanied by a written statement and plans drawn to scale, in triplicate, and showing the following, in sufficient detail, 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 structure 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 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.

Prior to the issuance of a zoning compliance permit and a building permit, all property lines, rights-of-way, easements, and all proposed structures and excavations shall be staked and otherwise physically identified on the site by the applicant, in such a manner deemed necessary by the Zoning Administrator, to determine compliance with all applicable Township ordinances.

If the proposed excavation, construction, moving, or alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a permit. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application, the cause for such disapproval. When required or authorized by the Ordinance, the Zoning Administrator shall refer the application to the Planning Commission, Zoning Board of Appeals, Township Board or other agency for required approvals. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance and a permit issued contrary to the terms of this Ordinance shall be void.

The Zoning Administrator is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either building, structures or land within the Township.

*Amended: 30-95-2*





ARTICLE 20 – ADMINISTRATION AND ENFORCEMENT

Section 20.02 PRIVATE COVENANTS.

The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant, despite possible violations of private covenants or agreements to which the Township is not a party.

Section 20.03 ZONING COMPLIANCE PERMITS.

It shall be unlawful for any person to commence excavation for or construct any building or structure, make any structural changes, or move an existing building or initiate any change in the use of land or buildings without first obtaining a zoning compliance permit. No permit shall be issued for a land use, building use, or construction until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code, and with other applicable codes and ordinances.

Section 20.04 CERTIFICATES OF OCCUPANCY.

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

1. **Certificate.** The Certificate of Occupancy, as required for occupancy or use of new construction or renovation of buildings and structures, in the Building Code, shall also constitute a Certificate of Occupancy under this Ordinance.
2. **Certificate of Accessory Buildings to Dwellings.** Accessory buildings or structures to dwelling shall not require a separate Certificate of Occupancy, but, rather, may be included in the Certificate of Occupancy for the principal dwelling on the same lot, when such accessory buildings or structures are completed at the same time as the principal use.
3. **Temporary Certificates of Occupancy.** The Zoning Administrator shall, upon request, issue a Temporary Certificate of Occupancy for a part of a building or development prior to the completion of the entire building or structure, if the Zoning Administrator determines that the temporary occupancy or use of the completed part shall not materially interfere with or be interfered or endangered by the completion of the remainder of the building or development and that the remainder of the building or development can reasonably be completed within one (1) year from the issuance of the Temporary Certificate of Occupancy and if the person to whom the certificate has been issued shall certify that the remainder of the building or development shall be completed within one (1) year. If, after issuance of such Temporary Certificate of Occupancy for a portion of building or structure, the Zoning Administrator shall determine that the conditions for issuance of such certificate no longer exist or that the building or structure cannot or will not be completed within the time specified above, the Zoning Administrator shall revoke the Temporary Certificate of Occupancy and the person to whom such revoked certificate shall have been issued shall, forthwith upon receipt of notice of such revocation, terminate and abandon or cause the termination or abandonment of such occupancy or use.
4. **Issuance of Final Certificates of Occupancy.** If the Zoning Administrator determines that any zoning violation exists, or that the site plan is not fully complied with, he shall not issue a Final Certificate of Occupancy.

Section 20.05 PLANNING COMMISSION.

The Lapeer Township Planning Commission, as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such commission in accordance with the law and such other duties as are established in this Ordinance.



ARTICLE 20 – ADMINISTRATION AND ENFORCEMENT

In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

Any approval granted by the Planning Commission, under which premises are not used or work is not started within one (1) year, or when such use or work has not been diligently pursued to completion, shall lapse and cease to be in effect.

Section 20.06 FEES.

The Township Board shall establish, by resolution, fees for each of the following:

1. **Inspection and Certification.** 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 by the Township Treasurer in advance of the issuance of such permits or certificates.
2. **Appeals.** Any person appealing under Article 19 of this Ordinance, in all cases, shall pay the established fixed fee, plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.
3. **Reviews.** Fees for the review of site plans, special uses or other matters requiring Township Board, Planning Commission or the Zoning Board of Appeals review under the terms of this Ordinance, shall be paid to cover the cost of such reviews including notice, publication, delivery, administration and professional services.
4. **Rezoning.** Any petition for the rezoning of land requiring an amendment of the Lapeer Township Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.
5. **Other.** Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Township Board, Planning Commission or the Board of Appeals shall be paid by the applicant prior to said resolution or meeting.





ARTICLE 21  
DEFINITIONS

Section 21.00 DEFINITIONS.

For the purpose of this Ordinance, certain terms are herewith defined:

**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, normally and clearly incidental and subordinate to, and devoted exclusively to the main use of the premises.

**ADULT FOSTER CARE FAMILY HOME:** A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than six (6) to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

*Amended 8-2016*

**ADULT FOSTER CARE SMALL GROUP HOME (7-12):** A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least seven (7) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

*Amended 8-2016*

**ADULT FOSTER CARE LARGE GROUP HOME (13-20):** A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

*Amended 8-2016*

**ADULT FOSTER CARE SMALL GROUP HOME (1-6):** A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than six (6) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

*Amended 8-2016*

**AGRICULTURAL USE:** Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail; and other similar enterprises, or uses, and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

**ALLEY:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation, and not more than twenty (20) feet wide.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; or any change which may be referred to herein as "altered" or "reconstructed" (see Structural Alteration).



ARTICLE 21 – DEFINITIONS

**ARTERIAL:** A county primary road or roadway designated as an Arterial based on Township Master Plan. *Amended February 2018*

**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rustproofing and any related activities.

**AUTOMOBILE SERVICE CENTER:** A building with related land area, designed, or used for the retail sale of fuel, lubricant, accessories, and services for motor vehicles, and which may include space and facilities for the servicing, temporary storage, or minor repairs of such vehicles, but specifically excluding automobile repair as defined above.

**BASEMENT OR CELLAR:** A basement is a portion of a building having at least one-half of its height below grade.

**BED AND BREAKFAST:** A part of a single-family residence that provides overnight accommodations. The operation normally provides for a breakfast at no extra cost to its' lodgers and may include the sale of incidentals related to the Bed and Breakfast operation including toiletries, homemade food items such as jams and jellies served at the facility and promotional items such as towels or bathrobes. *Amended: 2017.6.12*

**BERM:** A mound of soil graded, shaped, and improved with landscaping in such a fashion as to be utilized for screening purposes.

**BILLBOARD:** An outdoor sign advertising services or products, activities, persons or events that are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the billboard is located. *Amended: 29-95-1*

**BOARD OF ZONING APPEALS:** The duly appointed Board of Zoning Appeals for Lapeer Township.

**BOARDING HOUSE:** A dwelling where meals, or lodging and meals are provided for compensation to four (4) 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.

**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, tents, awnings, vehicles or portions thereof situated on private property and used for purposes of a building.

**BUILDING, APARTMENT:** A building containing three (3) or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

**BUILDING 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 HEIGHT:** The vertical distance measured from grade to the highest point of the roof surface of a flat roof; to the deck of mansard roofs; and to the mean height level between the eaves and the ridges of gable, hip and gambrel roofs.

**BUILDING LINE:** A line established, in general, parallel to the front street right-of-way line between which it and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

**BUILDING, MULTIPLE:** A building containing three (3) or more dwelling units.

**BUILDING, MULTIPLEX:** A building designed exclusively for occupancy by two (2) or more families living independently of each other. Each dwelling unit shall have a separate main entrance directly to the outside.



ARTICLE 21 – DEFINITIONS

**BUILDING PERMITS:** A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving or alteration of a building.

**BUILDING, SINGLE-FAMILY:** A detached dwelling, including a mobile home, designed for or occupied exclusively by one (1) family.

**BUILDING, TEMPORARY:** A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

**BUILDING, TOWNHOUSE:** A building occupied by three (3) or more families where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.

**BUILDING, TWO-FAMILY:** A building designed for or occupied exclusively by two (2) families living independently of each other.

*Amended: 29-95-1*

**COMMERCIAL ASSEMBLY HALLS:** A use of land and/or buildings to host events including weddings, receptions, parties, open houses and similar events.

*Amended 7.13.2015*

**COMMERCIAL COMPOST AND YARD WASTE OPERATIONS:** A commercial facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost. Amended Feb. 2019

**COMPOST:** A humus-like material, produced from composting, that has been stabilized to a degree that is potentially beneficial to plant growth and usable as a soil conditioner, top soil, growing medium amendment, or other similar uses to buffer the soil pH, improve soil aggregation and tilth, reduce erosion, enhance water infiltration and retention, increase soil porosity and aeration, slow the rate of temperature change in soil, provide food for soil microorganisms, or enhance availability of micronutrients in soils. Amended February 2018

**COMPOSTING FACILITY:** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

*Amended February 2018*

**CONDOMINIUM:**

1. **Condominium Act** means Michigan Public Act 59 of 1978, as amended.
2. **Condominium Subdivision Plan** means the site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirements of Section 66 of the Condominium Act.
3. **Condominium Unit** means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.
4. **Condominium Master Deed** means 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.
5. **Single-Family Detached Condominium** means a condominium unit which is physically separated from any other condominium unit and which is designed and intended for occupancy by a single family.



ARTICLE 21 – DEFINITIONS

**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.

**DENSITY, GROSS:** The quotient of the total number of dwelling units divided by the base site area of a site.

**DENSITY FACTOR:** An intensity measure expressed as the number of units per net buildable site area. It is the density on the buildable portion of a site.

**DRIVE-IN OR DRIVE-THRU ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach for persons to conduct business from within their motor vehicles (e.g., restaurants, cleaners, banks, theaters).

**DRIVEWAY:** See Private Drive/Driveway.

**DUMPSTER:** A trash container that has a hooking mechanism that permits it to be raised and emptied into a sanitation truck.

**DWELLING UNIT:** A dwelling unit is any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, on a non-transient basis, and placed on a permanent foundation, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is 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.

*Amended February 2018*

**EASEMENT:** The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

*Amended:29-95-1/Amended:47-02-1*

**EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room in addition to a bathroom, kitchen, hallways, closets or dining alcove.

**EGRESS:** An exit.

**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.

**ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication transmission lines, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless communication towers and facilities shall not be defined as essential service.

**EXCAVATING:** Excavating shall be the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grades, whichever shall be highest.

**EXTRACTIVE INDUSTRY:** A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and



ARTICLE 21 – DEFINITIONS

removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

*Amended February 2018*

**FAMILY:** One (1) or more persons, not exceeding six (6) in number, living together as a single housekeeping unit. Notwithstanding anything to the contrary contained herein, there shall be no numerical limitation as to the number of persons related by blood, including adopted children, who form a single housekeeping unit. Further, not more than one (1) unrelated person may be included as part of such blood related household. A combination of these groupings, or an excess of six (6) unrelated persons, shall be considered a separate family for the purpose of this Ordinance.

**FAMILY DAY-CARE (7 to 12 persons):** A facility receiving more than six (6), but less than thirteen (13) pre-school or school-age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.

**FARM:** All of the associated land operated as a single unit on which bona fide farming is carried on and which contains at least five (5) acres. Farms may include bona fide greenhouses, nurseries, orchards, poultry farms and apiaries.

**FAST-FOOD RESTAURANT:** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

**FILLING:** The depositing or dumping of any matter onto, or into the ground, except common household gardening.

*Amended: 29-95-1 / Amended: 39-97-3*

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two (2) buildings. In particular, floor area includes: Basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floor has been laid) providing structural head room of seven feet six inches (7'6"). Floor area shall not include: Elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic floor space less than five feet (5') high. Covered, but unenclosed portion of porches, terraces or breezeways shall have their floor area computed as fifty percent (50%) of the actual floor area. Uncovered and unenclosed porches, terraces, or breezeways shall have their floor area computed at twenty-five percent (25%) of the actual floor area.

**FLOOR AREA, USABLE (FOR THE PURPOSES OF COMPUTING PARKING):** That area for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, basements, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior faces of the exterior walls. In no instance shall usable floor area be considered less than 75% of the gross floor area.

**FREEWAY:** A divided highway of not less than two (2) lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by, or as otherwise provided by, the authorities responsible therefore.





ARTICLE 21 – DEFINITIONS

**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 and with a capacity of not more than three (3) motor-driven vehicles. Carports shall be considered as garages.

**GARAGE, STORAGE:** Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**GRADE:** The elevation as determined by the Township Engineer, or the Zoning Administrator.

**HOME OCCUPATION – TIER 1:** An activity carried on by a resident occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, is not offensive, and does not change the character thereof.

*Amended: 1.2021*

**HOME OCCUPATION – TIER 2:** A commercial business operated from a residence or farmstead that involves or supports agricultural activities. Also included are nonagricultural operations considered appropriate in rural areas due to the general low density of residences.

*Amended: 1.2021*

**INGRESS:** Access or entry.

**INTERSTATE HIGHWAY:** A highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the Federal government.

**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 metal 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.

*Amended:29-95-1*

**JUNK YARD:** The term "junk yard" 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, or 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, four (4) months or more old, are kept, for the purpose of breeding, permanently or temporarily boarded, or for sale.

**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. For the purposes of this Ordinance, overhead doors shall be considered loading and unloading areas and shall not be located at the front of a site.

**LOT, CORNER:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. In the case of a corner lot with curved street line, the carrier is that point on the street lot line nearest to the point of intersection of the targets described above.

**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 frontage double lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building 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 both streets.



**LOT, INTERIOR:** A lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT, WATERFRONT:** Any lot that abuts an existing lake or pond shall be considered a waterfront lot. That portion of the lot abutting the lake shall be considered the waterfront setback.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT LINES:** The property lines bounding the lot.

1. **Front Lot Line.** In the case of an interior lot, abutting upon one (1) 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 both streets.
2. **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 gore-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 of rear yard.
3. **Side Lot Line.** Any lot lines 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. *Amended: 29-96-1 Amended: 47-02-01*
4. **Street or Alley Lot Line.** A lot line separating the lot from the right-of-way of a street or an alley.

**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, measured at the two (2) points where the building line, or setback, intersects the side lot lines.

**MARGINAL ACCESS DRIVE:** A service drive that runs parallel to a higher-order street which, for the purpose of safety, provides access to abutting properties and separation from through traffic. May be designed as a residential and/or commercial access drive.

**MEDICAL MARIJUANA DISPENSARY, COMPASSION CENTER OR SIMILAR OPERATION FOR THE CONSUMPTION OF MEDICINAL MARIJUANA** is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than five (5) qualified patients. *Amended: September 13, 2010*

**MINI-WAREHOUSES:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities. *Amended February 2018*

**MOBILE HOME:** A structure transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile Home does not include a recreational vehicle.

**MOBILE HOME PARK:** A parcel of land upon which two (2) or more mobile homes are located or any parcel of land licensed pursuant to the provisions of Act 419 of the Public Acts of 1976.



ARTICLE 21 – DEFINITIONS

**MOTEL/HOTEL:** A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

**NONCONFORMING STRUCTURE:** A nonconforming structure 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 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.

**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 (2) automobiles.

**OFFICE USE:** The use of a building and related lands to carry out a professional practice, such as doctor, lawyer, engineer, etc., or a business consisting of administrative functions and without any retail sale or wholesale of merchandise.

**OPEN AIR BUSINESS USES:** A retail sales activity conducted, in whole, or in part, with display of models, or merchandise, outside an enclosed building.

**OUTDOOR FURNACE CHIMNEY:** Flu or stack that carries off exhaust from an outdoor furnace firebox or burn chamber.

*Amended: March 1, 2012*

**OUTDOOR FURNACE:** a fuel fired boiler or furnace, often fueled by wood, coal, corn, pellets, or other types of fuels, and which is located outside the principal structure it is used to heat and which is intended to provide indoor heat for water and/or air.

*Amended: March 1, 2012*

**PANHANDLE LOT:** A lot which may not be effectively combined or subdivided, the buildable portion of which is located behind other parcel(s) fronting on a public road, but which has a narrow extension, referred to as the access corridor, providing access to the public road.

*Amended: 29-95-1*

**PANHANDLE LOT ACCESS CORRIDOR:** A non-buildable portion of a panhandle lot, exclusive of the front yard, which may only be used to provide access to the buildable portion of the lot.

**PARKING SPACE:** An area for an automobile or motor vehicle, being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the parking of permitted vehicles.

**PERMANENT ROADSIDE STAND:** A permanent building operated for the same purposes as a Temporary Roadside Stand, and shall not be more than one (1) story high nor larger than twenty (20) feet by twenty (20) feet, and must be set back from the nearest highway right-of-way line at least twenty-five (25) feet.

**PLANNED UNIT DEVELOPMENT (PUD):** An integrated and coordinated development of a large tract of land, consisting of various residential land uses, with or without retail sales of goods and services, but excluding manufacturing, wholesale activities, and other uses which are determined detrimental to the development of residentially oriented areas, and which project is developed in accordance with the conditions prescribed in this ordinance.

**PLANNING COMMISSION:** The duly appointed Planning Commission for Lapeer Township.



ARTICLE 21 – DEFINITIONS

**PORCH, ENCLOSED:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PRIVATE DRIVE/DRIVEWAY:** A means of vehicle access serving one (1) property or one (1) dwelling.

**PRIVATE STREET OR ROAD:** A street or road which the landowners of property served by the private road are responsible for its maintenance and which conforms to all requirements of the Lapeer Township Zoning Ordinance.

**PUBLIC GARAGE:** A structure or building, other than a private garage or repair garage, used primarily for the parking and storage of vehicles which is available to the general public for remuneration. *Amended February 2018*

**PUBLIC ROAD:** All public property reserved or dedicated for street traffic.

**PUBLIC UTILITY:** Any person, 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, communication, telegraph, transportation, or water services.

**REGIONAL ARTERIAL:** A traffic artery designated as such in the Township Plan entitled, "Master Plan - Lapeer Township, Michigan," and as amended.

**RESIDENTIAL DISTRICT:** Any zoning district identified as a residential district in this zoning ordinance, from the AE, Agricultural-Estate District, through Single-Family, Multiple Family and including the RMH, Mobile Home Park District. *Amended: 29-95-1*

**RIGHT-OF-WAY:** The right-of-way line shall be the line established by the Lapeer County Road Commission in their right-of-way requirements established for Lapeer Township or the Township's adopted Master Plan.

**SECONDARY STREET OR ROAD:** A road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers. This is the highest order of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

**SECONDARY THOROUGHFARE:** A traffic artery designated as such in the Township Plan entitled, "Master Plan - Lapeer Township, Michigan," as amended.

**SETBACK:** The minimum horizontal distance between the front of the building, excluding steps and unroofed porches and the front street or right-of-way line.

**SEXUALLY ORIENTED BUSINESS:** Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment or retail sales, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".

1. Permitted adult entertainment uses are:

a. An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.



ARTICLE 21 – DEFINITIONS

- b. An adult mini–motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
  - c. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go–go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas." This does not include uses establishments that provide "lap dances" or similar entertainment where the performer and customer come into physical contact.
2. Permitted adult retail uses are:
- a. An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a substantial segment or section devoted to the sale or display of such material.
  - b. An adult novelty store is a use which includes sexually oriented novelties for display or sale.
  - c. Significant Portion.

As used in the above definitions, the phrase "significant portion" shall mean and include:

- 1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
- 2. Is a regular feature of the display, not an annual event.
- 3. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
- 4. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the inventory on display.
- 5. Display.

As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

- 1. Specified Sexual Activities.

As used in the above definitions, the phrase "specified sexual activities" shall mean and include:

- 1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.
- 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;
- 3. Excretory functions as part of or in connection with any of the activities set forth in 1 or 2 above.
- 4. Specified Anatomical Areas.

As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:

- 1. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;
- 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. *Amended 7.13.2015*

**SIGN:** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

**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.

**SIGN, OFF-SITE:** A sign advertising an event, organization, goods, or location, which is on premises other than the lot on which the sign is located.

**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.



ARTICLE 21 – DEFINITIONS

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.

**SINGLE-FAMILY DETACHED DWELLING:** A detached building on a single lot used as a single-family residence. *Amended February 2018*

**SOIL REMOVAL:** Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**SOLAR FARM:** A multiple array of solar panels that collect and convert sunlight into electricity for the purpose of servicing multiple residences or buildings or to supply to the larger electrical grid. *Amended: March 1, 2012*

**SOLAR PANEL:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight. See figure 21-1.

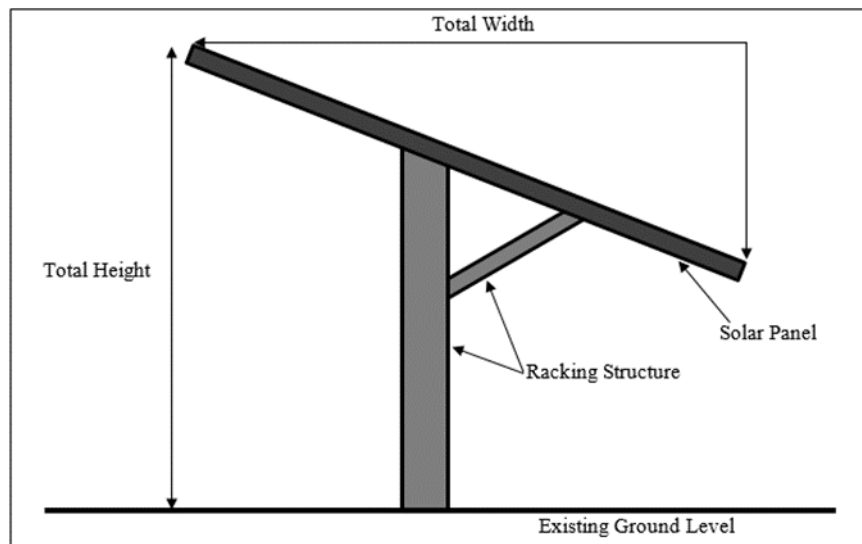


Figure 21-1

**SOLAR SHINGLES:** a roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles. *Amended: March 1, 2012*

**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 is no floor above it, then the space between the floor and the ceiling next above it.

1. A "**Mezzanine**" shall be deemed a full story when it covers more than fifty (50) percent 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.
2. For the purposes of this Ordinance, a **Basement** shall be counted as a story, if over fifty (50) percent of its height is above grade of the building.

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story.



ARTICLE 21 – DEFINITIONS

**STREET:** A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, line, boulevard, highway, road, and other thoroughfare, except an alley.

**STRUCTURE:** Anything 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 structure, 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.

**SURETY BOND:** A certificate or other contractual arrangement between the surety, the principal and the Township whereby the surety agrees to protect the Township if the principal defaults in performing the principal's obligations. *Amended February 2019*

**TEMPORARY ROADSIDE STAND:** A temporary building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity.

**THOROUGHFARE:** A state highway or a roadway designated as a Freeway or Regional Thoroughfare based on the Township Master Plan. *Amended February 2018*

**TOWING SERVICE:** An establishment that provides for the removal of motor vehicles by towing, carrying, hauling, or pushing from public or private property when requested by the vehicle owner or ordered to be impounded to a public or private impound lot. This may also include the temporary storage of vehicles but does not include disposal, permanent disassembly or salvage other than for law enforcement purposes. This service shall not include an "automotive service" use that has a tow truck and repairs vehicles on site. *Amended 2017.6.12*

**TRASH ENCLOSURE:** A structure in which trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

**TRAVEL TRAILER:** A vehicle with or without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty-five feet and shall be no less than 20 feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. *Amended 1.2021*

**USE:** The purpose, or activity, for which land, or the structures on such land are designed, or intended to be occupied, maintained, or carried out, including the accessory structures and uses customarily incidental to such activity, but specifically excluding any accessory residential use, unless permitted by other provisions of this ordinance.

**USEABLE FLOOR AREA:** Usable floor area, for the purposes of computing parking needs for off-street parking spaces, 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 "Usable Floor Area." Measurement of floor area shall be the sum of horizontal areas of all of the floors of a building, measured from the interior faces of the exterior walls. *Amended February 2018*

**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,



ARTICLE 21 – DEFINITIONS

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.

**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 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 official designated by the Township Board to administer and enforce this Ordinance.

**ZONING COMPLIANCE PERMIT:** A permit issued by the Zoning Administrator determining that a proposed use of land complies with the provisions of this Ordinance.







ARTICLE 22  
ORDINANCE APPLICATION

ORDINANCE APPLICATION

The provisions of this Ordinance shall be interpreted to be the minimum requirements for the public safety, health, convenience, comfort, and general welfare. If the provisions of this Ordinance impose a greater restriction upon the use of a building, structure, or premises or require larger open spaces, lot areas, or population density than are imposed by other ordinances, the provisions of this Ordinance shall apply.





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ARTICLE 23  
VIOLATIONS

VIOLATIONS

Section 23.00 PENALTY

Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Lapeer Township Civil Infraction Ordinance, being Ordinance Number 35. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 23.01 NUISANCE PER SE.

Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed subsequent to the passage of this Ordinance, is hereby declared to be a nuisance per se.





ARTICLE 24 – AMENDMENTS

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ARTICLE 24  
AMENDMENTS

AMENDMENTS

The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedures set forth in Public Act 110 of 2006, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, Township Board, or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned, or else have the fee owner of the premises concerned, or else have the fee owner subscribed 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 a fee as established by the Township Board with the Township Treasurer at the time that the petition is filed to cover the costs of processing the petition.

*Amended: 35-96-05  
Amended: January 14, 2008*





ARTICLE 25  
REPEAL OF PRIOR ORDINANCES

REPEAL OF PRIOR ORDINANCES

The former Lapeer Township zoning ordinance adopted on November 2, 1972, and all amendments thereto, are hereby repealed in their entirety.







ARTICLE 26 – SEVERABILITY

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ARTICLE 26  
SEVERABILITY

SEVERABILITY

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



ARTICLE 26 – SEVERABILITY

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ARTICLE 27  
ENACTMENT

ENACTMENT

Section 27.00 ORDINANCE ENACTED.

The provisions of this Ordinance are hereby enacted and declared to be necessary for the preservation of the public health, safety, and welfare of the people of the Township of Lapeer.

Section 27.01 EFFECTIVE DATE.

This Ordinance is hereby given immediate effect as of its date of adoption by the Township Board, being the 22nd day of May, 1986, as authorized by Section 11 of the Michigan Township Rural Zoning Act, PA 184 of 1943.

Section 27.02 CERTIFICATION.

I, Ila M. Burris, Lapeer Township Clerk, do hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the Lapeer Township Board at a meeting held on the 22nd day of May, 1986. I further certify that a notice of adoption of this Ordinance was duly published in the Lapeer County Press on the 28th day of May, 1986.

Ila M. Burris Lapeer Township Clerk

**TOWNSHIP OF LAPEER**

**PLANNING COMMISSION ORDINANCE**

**ORDINANCE NO. 2**

An ordinance to re-authorize the Lapeer Township Planning Commission as previously established by resolution; to enumerate powers and duties of the Planning Commission; to provide for the appointment, term of office, compensation and removal of members; to establish meeting requirements; to provide for the appropriation of funds for the operation of the Planning Commission; and to repeal any ordinance provisions or resolutions in conflict therewith.

**THE TOWNSHIP OF LAPEER ORDAINS:**

**Section 1. Planning Commission Authorization.**

In accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008), the Lapeer Township Planning Commission previously established by resolution is hereby continued, with the powers and duties set forth in this Ordinance.

**Section 2. Membership and Appointment.**

The Planning Commission shall consist of seven (7) members who are qualified electors of the Township. Members shall be appointed by the Township Supervisor with the approval of the Township Board. One (1) of the Planning Commission members shall be an ex-officio member who shall also be a member of the Township Board. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Township Supervisor with the approval of the Township Board. The membership of the Planning Commission shall be representative of important segments of the community, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. No employee of the Township shall be a member of the Planning Commission.

**Section 3. Terms of Office.**

Each appointed member, except the ex-officio member, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting the ex-officio member's term) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the Township Supervisor. Current members shall serve until their current terms expire, unless they are removed in accordance with Section 6 or they resign. The term of office of the Township Board member who serves on the Planning Commission shall correspond to the term of office on the Township Board.

**Section 4. Planning Commission Officers.**

The Planning Commission members shall elect a Chairperson, Vice Chairperson, and a Secretary for terms of one (1) year. The Township Board member may not serve as the Chairperson or the Vice Chairperson.

**Section 5. Compensation and Expenses.**

Members of the Planning Commission shall be compensated for their services and reimbursed for expenses as provided by the Township Board.

**Section 6. Removal for Cause.**

A member of the Planning Commission may be removed by the Township Board, after written charges and a public hearing, for nonfeasance, misfeasance, or malfeasance in office. Failure to disclose a potential conflict of interest as defined in the Bylaws of the Planning Commission shall be considered malfeasance. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance.

**Section 7. Planning Commission Meetings.**

The Planning Commission shall meet each month, if there is business to be conducted. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. The majority of the Commission shall constitute a quorum for the transaction of ordinary business. All questions which shall arise at Planning Commission meetings shall be determined by a vote of the majority of the members present, except for approval of a proposed Master Plan or Master Plan Amendment which shall be by affirmative vote of a majority of all Planning Commission members.

**Section 8. Annual Report and Budget.**

The Planning Commission shall submit an annual report to the Township Board which shall include a proposed Planning Commission budget. The Township Board shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

**Section 9. Statutory and Ordinance Authority.**

The Planning Commission shall have all of the powers and duties set forth in the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which shall include the following:

- a. Preparation of a Township Master Plan and any necessary amendments for recommendation to the Township Board;
- b. Preparation of a Township Zoning Ordinance and any necessary text amendments for recommendation to the Township Board;

- c. Consideration of requested rezonings of property and recommendation to the Township Board;
- d. Hear and decide any requests for special land use approvals;
- e. Review and decide any requests for site plan approval;
- f. Review and decide any requests for private road approval;
- g. Prepare and adopt Bylaws for the Planning Commission;
- h. Perform any other duties as may be assigned to it by the Township Board or pursuant to Township ordinances, Bylaws and records, or State statutes.

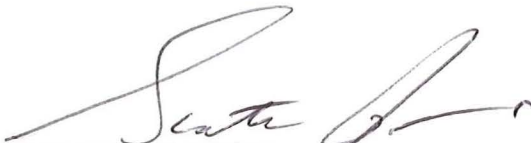
**Section 10. Bylaws and Records.**

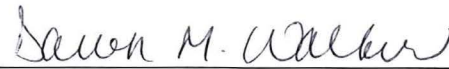
The Planning Commission shall adopt Bylaws for transaction of business. The Commission shall also keep a record of its resolutions, findings, and determinations, all of which shall be public records.

**Section 11. Repeal of Conflicting Provisions.**

All resolutions or ordinance provisions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance was duly adopted by the Lapeer Township Board on the 9th day of March, 2009 and was published in the LA View on the 12th day of March, 2009. This Ordinance shall take effect sixty-three (63) days after said date of publication.

  
\_\_\_\_\_  
Scott Jarvis, Township Supervisor

  
\_\_\_\_\_  
Dawn M. Walker, Township Clerk

PRIVATE ROAD ORDINANCE  
ORDINANCE # 13  
Lapeer Township  
Lapeer, County, Michigan

An ordinance to regulate and establish standards for the approval and construction of private roads outside of recorded subdivisions.

The Township of Lapeer ordains:

Section 1. Short Title:

This ordinance shall be known as the Private Road Ordinance.

Section 2. General Provisions:

- A. This ordinance shall apply to all land which is divided into parcels or lots for residential purposes.
- B. No zoning compliance permit, building permit, or certificate of occupancy shall be issued within the township unless such use or building occupies a parcel or lot which fronts on a public street or a private road improved to the standards of this ordinance. A private drive may be utilized in lieu of frontage on a public or private road, provided the following conditions are met:
  - 1. The private drive provides direct access from the residential lot or parcel to a public road or a private road complying with this ordinance.
  - 2. The private drive is located on a legally valid and recorded easement or other interest in land which is attached to the residential lot or parcel.
  - 3. No private drive shall serve more than one dwelling.
- C. A document describing the private road and the provisions for maintenance shall be recorded with the Register of Deeds and also be provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the appropriate property owners.

Section 3. Standards for Private Roads:

- A. All private road rights-of-way shall be a minimum of 66 feet in width and shall be shown on the land division drawing as an easement for roadway purposes.
- B. Intersecting streets shall be between 75 degree and 90 degree angles at intersections. Minimum radius at intersections shall be 30 feet measured from the edge of the traveled way.
- C. Minimum sight distances shall be 400 feet at intersections with local roads and 600 feet at intersections with primary roads.
- D. Curves shall be constructed so as to have a minimum design speed of 35 miles per hour.



- E. Road grades shall be a minimum of 0.4 percent and a maximum of 6.0 percent.
- F. Surface material shall be removed and excavated for a distance of 24 feet in width, centered on the 66 feet, for the full length of the private road. The completed traveled way shall be a minimum of 24 feet in width.
- G. Roadside ditches shall be at least 33 feet apart, center to center, and shall have a minimum depth of 18 inches from the shoulder elevation and a minimum width of 24 inches.
- H. There shall be a minimum sub-base of compacted material consisting of eight inches of sand and a top four inches of #22A gravel. All trees, stumps brush and the roots thereof shall be entirely removed from within the grading limits of all private roads and shall be disposed of outside of the 66 foot easement area.
- I. Culverts shall be required in all driveways. Culverts shall be a size indicated on the approved construction plans with a minimum size of 12 inches diameter and 20 feet length, 16 gauge corrugated metal pipe. Standard cross road culverts shall be a minimum of 18 inch diameter, 16 gauge corrugated metal pipe.
- J. If such private road be dead-end it shall terminate with a one hundred forty (140) foot diameter turn around, or cul-de-sac, fully graveled, and with all other specifications conforming to the requirements above stated for a private road.
- K. Seeding and Mulching-- All earth excavations and private roads have to conform with the County Drain Commissioner's requirements and a permit should be obtained from him before any excavations are started.

#### Section 4. Review, Inspections, Permits, Fees, and Appeals:

- A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
  - 1. Engineering plans for the proposed private road which comply with Section 3 of this ordinance.
  - 2. Drawings showing all existing and proposed grades, drains, structures, and other significant physical features.
  - 3. A legal description of the property.
  - 4. The proposed maintenance agreement and easement.
- B. The Township Building Inspector shall inspect and approve of the private road improvements prior to issuing any compliance permits for said road. The Township Board may contract with private engineers or the County Road Commission to assist the Building Inspector in determining the acceptability of private road improvements.
- C. The Township Board may establish a fee to cover the cost of review and inspections pursuant to this ordinance. Said fee shall be paid prior to the issuance of any permits.

- D. Permits shall be obtained from the County Road Commission before entrances are constructed onto county right-of-ways.
- E. The Township Board of Appeals shall have jurisdiction to consider appeals for variances or exceptions form this ordinance.

Section 5. Severability Clause:

This Ordinance and each article, section, sub-section, paragraph, sub-paragraph, part, provisions, sentence, word and portion thereof are hereby declared to be severable. If any article, section, sub-section, paragraph, part, provision, stentence, word, and/or portion is adusdged by a Court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 6. Repeal of Conflicting Provisions:

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

Section 7. Effective Date:

This ordinance shall be effective on the 27th day of May 1977, 30 days after publication.

Lapeer Township Board

By Milton Belz  
Milton Belz, Supervisor

Ila M. Burris  
Ila M. Burris, Clerk

Adopted by Board April 7, 1977

# **TOWNSHIP OF LAPEER**

## **LAND DIVISION ORDINANCE**

### **ORDINANCE NO. 20.02**

An Ordinance to provide a procedure for the division of land located within the Township of Lapeer pursuant to the requirements of Public Act 591 of 1996, as amended, being the Michigan Land Division Act.

#### **THE TOWNSHIP OF LAPEER ORDAINS:**

**Section 1. COMPLIANCE.** No land within the township shall be divided without prior review and written approval by the township Supervisor and/or assessor for compliance with this ordinance and the Michigan Land Division Act. No parcels of land divided after March 31, 1997 shall be placed on the township tax roll until compliance has been verified by the township Supervisor and/or assessor. No building or zoning permits shall be issued for parcels of land divided in violation of the ordinance.

**Section 2. LAND DIVISION REQUIREMENTS.** An applicant for land division approval shall provide the township Supervisor and/or assessor with documented proof that the following requirements have been met before any land division can be approved:

- A. A fully completed township application form.
- B. A tentative land division map (to scale) showing:
  - 1. Area of each resulting parcel.
  - 2. Proposed property lines of each resulting parcel.
  - 3. Public utility easements to each resulting parcel.
  - 4. Road accessibility for each resulting parcel.
  - 5. All existing buildings, structures and drives.
- C. Compliance with a depth to width ratio of not more than 4 to 1 for each resulting parcel, except for one parcel retained by the proprietor.
- D. Compliance with the minimum lot width requirements of the township zoning ordinance for each resulting parcel.
- E. Compliance with the minimum lot area requirements of the township zoning ordinance for each land division.
- F. Road accessibility for each resulting parcel by:
  - 1. Public road frontage which meets Road Commission driveway location standards; or
  - 2. Frontage on a private road which complies with Township Ordinances; or
  - 3. A private driveway easement at least sixty-six (66) feet in width which complies with Township Ordinances.

- G. A survey and legal descriptions of each proposed parcel including the parent parcel, prepared by a registered surveyor or engineer. The survey drawings shall include items 1-5 in subsection B above.
- H. The proposed land divisions shall not create more divisions than the number allowed by the Michigan Land Division Act, Public Act 591, of 1996, as amended.
- I. Public Utility easements must be in place from each proposed parcel to existing public utility facilities, if the land division is to be a "development site".

**Section 3. DEVELOPMENT SITE.** For purposes of this ordinance, the term "development site" shall mean any parcel which is used or is intended to be used as a location for a dwelling or other building. The term "development site" shall not include vacant agricultural or forestry land which will not be used as a location for a dwelling or other non-agricultural building.

**Section 4. APPROVAL PERIOD.** The township Supervisor and /or assessor shall have a review period of forty-five (45) days after documents verifying compliance with each of the requirements listed in Section 2 have been submitted to the Supervisor and/or assessor. No property division proposal presented to the township Supervisor and/or assessor after January 1 will appear on the township tax roll until the subsequent tax year.

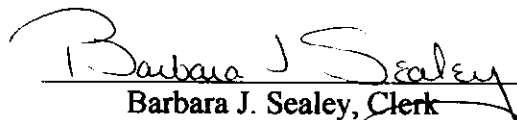
**Section 5. FEES.** The Township Board shall establish a fee for processing land division and parcel combination requests. The fee shall be paid before any division of combination is approved.

**Section 6. VOIDABLE SALE.** The purchaser of any parcel resulting from a land division which violates the Michigan Land Division Act shall have the right to void the sale. If a sale is voided, the Seller shall forfeit all money and other consideration received for the land and shall be liable for any damages sustained.

**Section 7. REPEAL.** The former Lapeer Township Property Division Ordinance 20.01, adopted June 10, 1997, is hereby repealed.

**Section 8. EFFECTIVE DATE.** This Ordinance shall take immediate effect upon its date of publication in a newspaper of general circulation.

The undersigned clerk of the Township of Lapeer hereby certifies that the above Ordinance was adopted by the Lapeer Township board on the 9th day of February, 1998 and was published in *The County Press* on the 18th day of February, 1998.

  
Barbara J. Sealey, Clerk  
Township of Lapeer

# BLIGHT ORDINANCE TOWNSHIP OF LAPEER

## ORDINANCE NO. 28.5

An ordinance to protect the public health; safety and general welfare by eliminating blight within Lapeer Township; to define and prohibit blight; to provide penalties for violation hereof; and to repeal prior ordinances and its amendments.

### THE TOWNSHIP OF LAPEER ORDAINS:

#### ARTICLE I

#### Blight Defined and Prohibited

##### Section 1.1

It is hereby determined that the uses of land described in this Article constitute blight which, if allowed to exist, will result in unsafe, unsanitary and undesirable neighborhoods.

##### Section 1.2

No person shall maintain or permit to be maintained any of the following types of blight upon any premises owned, rented, or occupied by such person:

- (a) The outdoor storage of any junk motor vehicle. The term "junk motor vehicle" shall include any motor vehicle, which is not currently licensed, which has been inoperable for any reason for a period in excess of fifteen (15) days, and which is stored outside of an enclosed building.
- (b) The storage or accumulation of garbage of any kind except domestic refuse originating on the premises and stored in a sanitary manner for a period not to exceed fourteen (14) days. The term "garbage" shall include food waste matter and discarded food containers, as well as any other household refuse. Dumpsters and other large garbage containers shall not be stored within twenty-five (25) feet of any property line. All such dumpsters and containers shall be kept covered and shall be screened from view.
- (c) The outdoor storage or accumulation of junk. Any junk, which is not located within a completely enclosed building, shall be deemed to be stored outdoors in violation of this subsection. The term "junk" shall include machinery parts, motor vehicle parts, tin cans, unused appliances, metal remnants, building debris, or any other cast off material or other material which is not usable for the purposes for which it was manufactured. This subsection shall not apply to farm machinery which is stored on an operating farm and which is being kept for farming purposes. A farm shall be deemed to be a parcel of land containing at least forty (40) acres, of which at least one half is annually harvested.
- (d) The Owners or occupiers of lots within approved sub-divisions / site condominiums and of properties which contain a dwelling that is either vacant or has been foreclosed shall not allow the grass or weeds on those properties to exceed seven (7) inches in height and shall also keep those properties free of fallen or broken trees.
  - 1. For vacant or foreclosed properties containing a dwelling which are not located within an approved sub-division and are larger than one (1) acre, the property owners are only required to maintain a sixty-five (65) foot perimeter around the dwelling that is free of grass or weeds which exceed seven (7) inches in height and free of fallen or broken trees.

2. The requirements of this sub-section shall not apply to any area of land which has been mandated by State law, or has Township approval, to serve as a buffer zone of natural vegetation.
3. The Township will only take action to enforce Section 1.2(d) after a complaint has been received and confirmed by a Township official or designated personnel.

## **ARTICLE II**

### Penalties and Enforcement

#### **Section 2.1**

Any person, firm or corporation who violates any of the provisions of this ordinance will be held responsible for a municipal civil infraction and for creating a public nuisance, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Lapeer Township Civil Infraction Ordinance.

#### **Section 2.2**

If a property owner fails to eliminate blight after notification to eliminate such blight has been sent to the address shown on the Township tax roll, and the Township Board deems such blight to be a danger to the public health or safety, a designated agent of the Township may enter the property and eliminate the blight. The cost of such blight elimination shall be assessed against the property on the next tax roll.

## **ARTICLE III**

### Repeal of Prior Ordinance and Its Amendments

#### **28.3**

The former Lapeer Township Blight Ordinance Amendment, adopted on August 8, 2011 is hereby repealed.

## **ARTICLE IV**

### Enactment and Effective Date

#### **Section 4.1**

This Ordinance was adopted by the Lapeer Township Board at a meeting duly held on the 12<sup>th</sup> day of August 2013 and was published in the LAView newspaper on the 22<sup>nd</sup> day of August 2013. This ordinance shall take effect thirty (30) days after the date of publication.



Scott A. Jarvis  
Lapeer Township Supervisor



Dawn M. Walker, CMC  
Lapeer Township Clerk

# TOWNSHIP OF LAPEER NOISE CONTROL ORDINANCE

Ordinance No. 31.3

An Ordinance to regulate excessive noise which would create a nuisance or disturb the public peace within the Township and to provide penalties for the violation thereof.

## THE TOWNSHIP OF LAPEER ORDAINS:

### Section 1. GENERAL NOISE PROHIBITION

No person shall at any time cause a noise to be created, which by its loud or continuous nature is a nuisance to persons occupying nearby properties.

### Section 2. MOTOR VEHICLES

- A. No motor vehicle which creates excessive noise shall be operated upon the public roads or other public property located within the Township. For purposes of this section, the term "excessive noise" shall be deemed to mean noise louder than that which would be created if the motor vehicle was equipped with a standard muffler system in good working order.
- B. Except in an emergency situation, it shall be unlawful for the operator of any motor vehicle to use an exhaust powered brake or exhaust powered braking system, commonly referred to as a jake brake, within the Township.
- C. The term "jake brake" is defined as a compression release engine brake, which is used to slow down a large vehicle, and when it is activated, it opens exhaust valves in the cylinders, releasing the compressed air trapped in the cylinders.

### Section 3. OFF-ROAD VEHICLES

- A. The term "off-road vehicle" shall include any trail bike, snowmobile, all-terrain vehicle, or other vehicle, which is not licensed for regular use upon the public roads as a motor vehicle.
- B. No off-road vehicle shall be operated within the Township unless it is equipped with a muffler, which effectively prevents loud noises therefrom.
- C. No off-road vehicle shall be operated within 250 feet of a residence unless such residence is occupied by the operator of the off-road vehicle.
- D. No off-road vehicle shall be operated in such a manner as to cause noise audible beyond the boundaries of the property for more than (1) hour per day.
- E. No person under eighteen (18) years of age shall operate an off-road vehicle within the Township unless the person is operating the vehicle on

# TOWNSHIP OF LAPEER NOISE CONTROL ORDINANCE

Ordinance No. 31.3

the property on which the person's residence is located or unless the person is accompanied by an adult.

## Section 4. NIGHT DISTURBANCES

No excessive noise shall be made on any private property within the Township of Lapeer between the hours of 9:00 p.m. and 7:00 a.m. This section shall include noises created by phonographs, radios, stereo equipment, musical instruments, loud parties, and other causes. For purposes of this section, the term "excessive noise" shall be deemed to mean any noise which is audible beyond the property lines of the property on which the noise originates and which is audible beyond such property lines at a level louder than the noise caused by ordinary conversation.

## Section 5. DOGS

No person shall permit any dog, which is harbored on his premises to create a nuisance by loud, frequent or habitual barking, howling, or other noise.

## Section 6. AGRICULTURE AND BUSINESS EXEMPTION

This ordinance shall not apply to noises caused by farm equipment or business operations, which are carried on in an area properly, zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation.

## Section 7. WAIVER

Permission to waive particular provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

## Section 8. PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One Hundred (\$100.00) dollars and not more than Five Hundred (\$500.00) dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Lapeer Township Civil Infraction Ordinance.

## Section 9. SEVERABILITY

This ordinance and the various sections and provisions thereof are hereby declared to be severable. If any section or sub-section is adjudged unconstitutional or invalid, the same shall not affect the validity of the remainder of the ordinance.

## Section 10. FORMER ORDINANCE REPEALED

The former Lapeer Township Ordinance 31.2 as adopted on June 13, 2011 is hereby repealed.



TOWNSHIP OF LAPEER  
NOISE CONTROL ORDINANCE

Ordinance No. 31.3

Section 11. EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of publication in a newspaper of general circulation within the Township.

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance was adopted by the Lapeer Township Board at a meeting held on the 10th day of July, 2017 and was published in the LAView Newspaper on the 13th day of July, 2017. This ordinance shall become effective thirty (30) days after said date of publication.



Scott A. Jarvis, Township Supervisor



Dawn M. Walker, CMC, Township Clerk