

**ZONING ORDINANCE  
TOWNSHIP OF  
COHOCTAH, LIVINGSTON COUNTY,  
MICHIGAN**

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**SUPPLEMENT HISTORY TABLE**

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Amd. No.	Date Adopted	Include/Omit	Supp. No.
Amd. No. 65	1-13-2011	Include	3
Amd. No. 66	5-12-2011	Include	3
Amd. No. 67	8-11-2011	Include	3
Amd. No. 68	5-12-2011	Include	3

Cohoctah Township, (Livingston Co.), Michigan, Zoning  
SUPPLEMENT HISTORY TABLE

Amd. No. 69	1-12-2012	Include	3
Amd. No. 70	9-13-2012	Include	4
Amd. No. 71	9-13-2012	Include	4
Amd. No. 72	12-13-2012	Include	4
Amd. No. 73	12-13-2012	Include	4
Amd. No. 74	3-14-2013	Include	5
Amd. No. 75	5- 9-2013	Include	5
Amd. No. 76	4-10-2014	Omit	5
Amd. No. 77	12- 4-2014	Include	5
Amd. No. 78	5-14-2015	Include	6
Amd. No. 79	5-14-2015	Include	6
Amd. No. 80	5-11-2017	Include	6
Amd. No. 81	5-11-2017	Include	6
Amd. No. 82	7-13-2017	Include	6
Amd. No. 83	11- 9-2017	Include	6
Amd. No. 84	11- 9-2017	Include	6
Ord. No. 1	1-10-2019	Include	7
Amd. of	4-23-2021	Include	7

## ZONING ORDINANCE<sup>1</sup>

### ARTICLE I. TITLE, PURPOSE, ENABLING AUTHORITY AND CONDITIONS OF ENACTMENT

Cohoctah Township, Livingston County, Michigan ordains:

#### **Sec. 1.01. Title.**

This Ordinance shall be known as the Cohoctah Township Zoning Ordinance.

(Ord. of 11-12-1987, § 1.01)

#### **Sec. 1.02. Purpose of this Zoning Ordinance and resolution of intent.**

An Ordinance for the protection of the public health, safety and other aspects of the general welfare of the Township through the establishment in the unincorporated portions of Cohoctah Township, Livingston County, Michigan, of zoning districts for the planned orderly growth and development of the Township within which the

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<sup>1</sup>State law reference(s)—Michigan Zoning Enabling Act, MCL 125.3101 et seq.; township planning, MCL 125.321 et seq.

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proper use of land and natural resources may be encouraged or regulated, and within which zoning district provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of Cohoctah Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest and open space lands, wetlands and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other State laws and State administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and this Ordinance; and to provide for appeals of the provisions of this Ordinance.

(Ord. of 11-12-1987, § 1.02)

### **Sec. 1.03. State legislation enabling authority.**

This Ordinance is adopted pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and when so far as it is applicable, Public Act No. 33 of 2008 (MCL 125.3801 et seq.). Said Public Acts covering township planning (Act 33) and zoning (Act 110) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended from time to time.

(Ord. of 11-12-1987, § 1.03; Amd. No. 80, § 1, 5-11-2017)

### **Sec. 1.04. Enactment declaration.**

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of Cohoctah Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to take effect 30 days after publication upon its passage by the Cohoctah Township Board of Trustees and subsequent publications as required by law.

(Ord. of 11-12-1987, § 1.04)

### **Sec. 1.05. Adoption of this Zoning Ordinance and repeal of present Zoning Ordinance.**

The Cohoctah Township Zoning Ordinance presently in effect in Cohoctah Township and all amendments thereto, are hereby reorganized and amended on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Cohoctah Township Zoning Ordinance and all of its amendments to their full effect.

(Ord. of 11-12-1987, § 1.05)

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**Sec. 1.06. Relationship to adopted Comprehensive Plan.**

The Zoning Map and Zoning Ordinance — the plans and specifications for the future development and redevelopment of the Township — are based upon the adopted Master Plan, as amended, for Cohoctah Township. In particular, the Master Plan components for land use, transportation and public utilities and facilities have been and will continue to be the basis for amending or changing the Zoning Map and Zoning Ordinance in the future.

(Ord. of 11-12-1987, § 1.06; Amd. No. 80, § 2, 5-11-2017)

**ARTICLE II. DEFINITIONS**

**Sec. 2.01. Rules applying to text.**

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure," and "dwelling" includes "residence"; the word "person" includes "corporation," "co-partnership," and "association" as well as an "individual"; the word "shall" is mandatory and directory. All citations to the Public Acts of Michigan and/or MCL shall be construed as followed by the words "as amended." Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. of 11-12-1987, § 2.01)

**Sec. 2.02. Definitions.**

For the purpose of this Ordinance, the following terms and words are defined as follows:

*Accessory Building*—See "Building, Accessory."

*Accessory Use*—See "Use, Accessory."

*Agriculture*—Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

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

*Apartments*—The dwelling units in a multiple-family dwelling as defined herein:

*Efficiency Unit*—A dwelling unit consisting of not more than one room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one room unit.

*One-Bedroom Unit*—A dwelling unit consisting of not more than two rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two room unit.

*Two-Bedroom Unit*—A dwelling unit consisting of not more than three rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three room unit.

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*Three- or-More-Bedroom Unit*—A dwelling unit wherein for each room in addition to the three rooms permitted in a two bedroom unit, and for the purpose of computing density, said three-bedroom unit shall be considered a four room unit, and each increase in a bedroom over three shall be an increase in the room count by one over the four.

*Appeal*—See "Zoning Appeal."

*Automobile Car Wash*—A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

*Automobile Repair*—A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

*Automobile Service*—A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to public on premises, including sale of minor accessories and service for automobiles.

*Basement*—That portion of a building partly below grade, but so located that the vertical distance from grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier-free access to the exterior of the structure and with at least 50 percent of one wall with no grade and two exits which are fire escape routes.

*Bedroom*—A dwelling room used for or intended to be used safely for sleeping purposes by human beings.

*Block*—The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

*Board of Appeals*—See "Zoning Board of Appeals."

*Building*—An independent structure, either temporary or permanent, having a room supported by columns or walls, including sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

*Building, Accessory*—Supplemental building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

*Building Area*—The space remaining after the minimum open space requirements of this Ordinance have been complied with.

*Building, Farm*—Any building or structure, other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of agricultural activities, including the storage or housing of farm implements, produce or farm animals.

*Building Height*—The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

*Building Line*—A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

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*Building, Main*—The building or structure in which the principal use or activity on a lot or parcel takes place.

*Building Permit*—The written authority issued by the County Building Department in conformity with the provisions of the Construction Code Ordinance.

*Building, Principal*—A building in which is conducted the principal use of the premises on which it is situated.

*Building Setback Line*—The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

*Building, Temporary*—See "Use, Temporary."

*Campground*—The uses and activities which take place on a lot or parcel of land for a temporary, short term, not to exceed four weeks at any one period of stay or reservation, resort or recreation purpose.

*Clinic, Animal*—A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

*Clinic, Human*—A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

*Club*—An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

*Commercial*—A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

*Commercial District or Center*—A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

*Common Areas, Uses and Services*—Land areas, improvements, facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

*Community Wastewater Utility System or Systems*—A facility which is owned by a nongovernmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one structure. A complete system includes all sewers, pump stations, head-works, treatment and disposal unit processes, and ancillary items.

*Convalescent or Nursing Home*—A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

*District*—See "Zoning District."

*Drainageway*—An area that serves to drain water from an area to another.

*Drive-in Restaurant*—Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

*Driveway.*

- A. *Driveway, Residential*—A way of at least 12 feet in width that shall serve the residents of one single-family dwelling, or one two-family dwelling.

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- B. *Driveway, Farm Field*—A way of at least 12 feet in width providing access from a public road to serve cultivated fields, timberland or undeveloped land not used for industrial, commercial or residential purposes.
  - C. *Driveway, Commercial*—A way of at least 30 feet in width providing access from a public road right-of-way to land which is used for industrial, institutional or commercial purposes, which must have its traveled surface outside the road right-of-way at least 24 feet in width.

*Dwelling, Farm*—A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

*Dwelling, Group (Group Housing)*—Two or more single-family or multiple-family dwelling structures on a parcel of land under single ownership.

*Dwelling, Mobile Home*—A dwelling unit manufactured in one or more sections, designed for year round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and is installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park. This definition shall include the term "manufactured home" so that the reference to either "mobile home" or "manufactured home" in this Ordinance shall include the other.

*Dwelling, Multiple-Family*—A dwelling structure, or portion thereof, designed for occupancy by two or more families living independently of each other.

*Dwelling, One-Family*—A dwelling structure designed exclusively for occupancy by one family.

*Dwelling, Single-Family*—Single-family dwellings shall meet or exceed the following minimum standards:

- (a) *Construction Standards.* Minimum construction standards for all one-family dwellings shall be pursuant to all applicable State, Federal and/or local laws, codes and ordinances.
- (b) *Unit Size and Dimensions.* Each dwelling unit shall comply with the minimum square footage requirements of the zoning district in which it is located. Each dwelling unit shall have a minimum width on all elevations of 24 feet on the ground floor.
- (c) *Foundation and Anchoring.*
  - (1) Single-family dwellings must be installed on a permanent foundation. At a minimum, this shall include a cement block or poured foundation with cement footings around the complete outside perimeter of the dwelling, or other approved foundation that meets all applicable codes. A basement, in accordance with applicable Township codes, may be substituted for equivalent portions of the foundation. If the foundation or basement does not meet specifications for imposed load capacity, adequate additional support shall be provided.
  - (2) If there is a crawl space, an area of not less than 24 inches in height shall be provided between the bottom of the home and the ground level. The crawl space shall not be utilized for storage purposes.
  - (3) A minimum of two exterior doors must be provided.
- (d) *Roof Design.* The roof of each dwelling unit shall be pitched with a minimum 4:12 slope. The roof must be permanently attached to and supported by the dwelling and not by exterior supports. All dwellings shall have roof drainage systems concentrating roof drainage at collection points. Eaves troughs must be provided where appropriate. Exceptions to roof design and materials may be granted for patios, porches, and sunrooms. Plans shall be furnished to the Zoning Administrator for his or her review as to these requirements.

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- (e) *Sewer and Water Service.* All single-family dwellings shall be served by public sewer and water service, where available, or approved on-site systems in the case where public sewer and water service are not available.
  - (f) [*Storage Area.*] The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in a closet area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which combined storage area shall be no less than 15 percent of the square footage of the interior living area of the dwelling.
  - (g) [*Quality of Additions.*] The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
  - (h) [*Compliance with Codes.*] The dwelling complies with all pertinent building and fire codes. In the case of a dwelling mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
  - (i) [*Mobile Home Parks.*] The foregoing standards shall not apply to mobile homes located in a licensed mobile home park except to the extent required by State and Federal law or otherwise specifically required in the ordinance of Cohoctah Township pertaining to such parks.
  - (j) [*Permits.*] No construction required herein shall be commenced until a land use permit has been issued by the Township of Cohoctah and a building permit has been issued by the Livingston County Building Department.

The definition of dwelling with the above-enumerated standards is also applicable and included in the definition of:

1. Dwelling, farm.
2. Dwelling, group.
3. Dwelling, mobile home.
4. Dwelling, multiple-family.
5. Dwelling, one-family.
6. Dwelling, two-family or duplex.

*Dwelling, Two-Family or Duplex*—A multiple-family dwelling structure designed exclusively for occupancy by two families independent of each other, such as a duplex dwelling unit.

*Dwelling Unit*—Any building or portion thereof or a mobile home having cooking facilities that is occupied wholly as the home, residence or sleeping place of one family either permanently or transiently. In cases 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 hereof relative to a dwelling.

*Entrance Ramp*—Automotive access to a highway.

*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 erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution



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systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

*Excavation*—Any breaking of ground, except farm use, common household gardening and ground care.

*Exception*—See "Zoning Interpretation."

*Exit Ramp*—Automotive exit from a highway.

*Family*—One or two persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

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

*Farm*—Real property used for agriculture or horticulture comprising at least 20 contiguous acres and which may contain other contiguous or noncontiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

*Farming*—See "Agriculture."

*Fence*—A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three feet in height, and is normally used in setting off planting areas and gardens.

*Filling*—The depositing or dumping of any matter into or onto the ground, except common household gardening and general care.

*Filling Station*—See "Automobile Service."

*Floodplain*—That portion of land adjacent or connected to a water body or watercourse that is subject to periodic inundation in accordance with the 100-year flood cycle.

*Floor Area, Gross (GFA)*—The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one-half of the basement height is above the established curb level or finished lot grade and the basement is of interior finished construction similar to the first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

*Floor Area, Usable (UFA)*—The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story area, the usable floor area shall be considered to be only that portion having a clear height of more than 90 inches of headroom.

*Foster Care Home*—A child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. An educational program may be provided, but the educational program shall not be the

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primary purpose of the center. A foster care home could include a maternity home for the care of unmarried mothers under 18 years of age and an agency group home, which is described as a child or adult caring home owned, leased, or rented by a State licensed facility, providing care for not more than 12 children or adults; or homes for mentally retarded or emotionally disturbed children under 18 years of age. A foster care home includes a foster family home and a foster family group home defined and licensed under Public Act No. 116 of 1973 (MCL 722.111 et seq.), and an adult foster care family home defined and licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq.). Foster care homes do not include a hospital licensed under Part 201 of Public Act No. 368 of 1978 (MCL 333.20101 et seq.), or a hospital for the mentally ill licensed under Public Act No. 258 of 1974 (MCL 330.1001 et seq.), or nursing and convalescent care centers.

*Frontage, Street*—See "Road Frontage."

*Garage, Commercial*—Any garage, other than a private garage, available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.

*Garage, Private*—An accessory building, not to exceed the height of the principal structure, used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

*Gas Station*—See "Automobile Service."

*Grade*—A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

*Greenbelt*—A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

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

*Group Housing*—See "Dwelling, Group."

*Group Residential Homes*—See "Foster Care Home."

*Highway*—Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (See also definitions regarding types of roads.)

*Highway, Intercommunity Arterial*—Shall be interchangeable with a local township road as referred to within the Township Master Plan.

*Highway, Regional Arterial*—Shall be interchangeable with a county paved road as referred to within the Township Master Plan.

*Historical Building, Site or Area*—Those parcels and/or uses of land and/or structures whose basic purpose is to:

- A. Safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history;
- B. Stabilize and improve property values in the area;
- C. Foster civic beauty;
- D. Strengthen the local economy; and

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- E. Promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

*Home Business*—See "Home Occupation."

*Home, Motor*—A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

*Home Occupation*—A technical, personal or professional service which takes place in a home or one of its accessory structures or any other use customarily conducted within the dwelling or an accessory structure which is operated and carried on by the inhabitants thereof or with no more than one nonfamily employee which use is generally but not necessarily secondary to the use of the dwelling for dwelling purposes. Such use shall not change the residential character thereof, and shall not endanger the health, safety or welfare of any other persons residing in that area by reason of noise, obnoxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such home occupation, profession or hobby. Such occupation shall not require internal or external alterations of construction features, outdoor storage or signs not customary in residential areas.

*Hospital*—An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel*—A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel.")

*Industrial*—A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those business and service activities that are a normal integral part of an industrial enterprise or area.

*Industrial Park*—A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

*Institutional*—An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public purpose.

*Junk*—All rubbish, refuse, waste material, garbage, including, but not limited to, the following: Waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

*Junkyard*—Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit. The term "junkyard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

*Kennel, Commercial*—Maintaining, confining or the keeping of dogs for sale, boarding, breeding, or training purposes for remuneration excluding, however, the sale of one litter per year. Also, the maintaining and the keeping of more than five dogs over six months of age for any purpose.

*Kennel, Noncommercial*—More than three, but less than six, dogs over six months of age which are maintained or kept for the benefit of the owner without remuneration.

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*Laboratory*—A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

*Lake*—A permanent natural or manmade body of surface water of at least five acres in area.

*Land Use Permit*—See "Zoning Permit."

*Lighting, Source of*—The light bulb or filament that is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of lighting.

*Livingston County Road Commission Specifications for Plat Development*—The then current Livingston County Road Commission Specifications for Plat Development and street construction as the same may be amended from time to time.

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

*Lot*—A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. The term "Parcel" is equivalent to the term "Lot." (Also see "Plat.")

*Lot Area*—The total horizontal area within the lot lines of a lot or parcel.

*Lot, Corner*—A lot where the interior angle of two adjacent sides at the intersection of two roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight road line extended from an interior angle less than 135 degrees.

*Lot Coverage*—That percentage of the lot or parcel covered by the building.

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

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

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

*Lot Line, Front*—In the case of an interior lot, that line separating the lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating the lot from the road that is designated as the front road in the plat and in the application for a zoning permit. In the case of a waterfront lot, the front lot line shall be considered to be the lot line separating the lot from the road.

*Lot Line, Rear*—That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet long farthest from the front line and wholly within the lot.

*Lot Line, Side*—Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot Lines*—The exterior perimeter boundary lines of a lot or parcel.

*Lot of Record*—A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record." (Includes "Parcel of Record.")

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*Lot, Waterfront*—A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

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

*Major Thoroughfare*—Shall be interchangeable with a county paved road as referred to within the Township Master Plan.

*Manufactured Home*—See "Mobile Home."

*Master Plan*—The plan prepared and adopted by the Township Planning Commission and approved by the Township Board in accordance with Public Act No. 33 of 2008 (MCL 125.3801 et seq.) relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form the soundest planning direction for the Township as to how it should grow in order to realize the very best community living environment in the Township.

*Master Right-of-Way Plan*—The current duly adopted Livingston County Road Commission's Street and Highway Right-of-Way Plan or as such may be amended from time to time.

*Mobile Home*—A dwelling unit manufactured in one or more sections, designed for year round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meeting the requirements of the FHA standards of the United States Department of Housing and Urban Development (HUD).

*Mobile Home Park*—A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

*Mobile Home Space or Pad*—Specified area of ground within a mobile home park designed for the accommodation of one mobile home.

*Motel*—A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation. (Also see "Hotel.")

*Motor Court*—See "Motel."

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

*Nonconforming Use*—A 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.

*Nuisance*—An offensive, annoying, unpleasant, or obnoxious thing or practice, such as noise, odor, vibration, glare, dust and smoke; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.

*Nuisance Per Se*—A violation of this Zoning Ordinance.

*Nursing Home*—See "Convalescent Home."

*Occupied*—A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

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*Office*—An enclosed area which has as its primary use rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.

*Office Park*—District or area for office and office-related accessory uses.

*Off-Street Parking*—See "Parking, Off-Street."

*Off-Street Parking Lot*—See "Parking, Off-Street, Lot."

*Off-Street Parking Space*—See "Parking, Off-Street, Space."

*Open-Air Business Uses*—Business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, repair, or rental services.
- B. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement parks or similar recreation uses (transient or permanent).

*Open Space*—A parcel which is permanently set aside for public or private use and will not be developed.

*Open Storage*—A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

*Outdoor Advertising Sign*—See "Sign, Outdoor Advertising."

*Outdoor Wood-Fired Boiler or Furnace*—A boiler, furnace, stove or similar device whose purpose is to provide heat for a dwelling or accessory building by burning wood, corn or other bio-mass and that is designed for long burn times between loading and to hold large amounts of wood, corn or other bio-mass.

*Parcel*—See "Lot."

*Parking, Off-Street*—Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

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

*Parking, Off-Street, Space*—An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

*Parking Space*—A land area of not less than nine by 20 feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

*Pet*—An animal as may commonly be housed within domestic living quarters.

*Planned Unit Development*—A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

*Planning Commission*—The Cohoctah Township Planning Commission.

*Planned Unit Development*—A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township as provided in this Ordinance.

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*Plat*—A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.), commonly referred to as the Land Division Act.

*Pond*—A small body of surface water of less than five acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

*Porch, Enclosed (includes Patio)*—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 (includes Patio and Deck)*—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.

*Practical Difficulties*—See "Zoning Variance."

*Private Road*—See "Road, Private."

*Proprietor*—A natural person, firm, association, partnership, corporation, or combination of any of them that may hold any ownership interest in land whether recorded or not.

*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, communications, telegraph, transportation, water, stormwater collection or wastewater collection and treatment.

*Recreational Vehicle*—A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

*Recreational Vehicle Park (RV Park)*—A family recreation oriented facility for the overnight or short term (not to exceed four weeks at any one period of stay or reservation) parking of travel trailers, recreational vehicles or tents. May also be known as a campground.

*Restaurant*—A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises, whether or not entertainment is offered, and including establishments commonly known as grills, cafes, and nightclubs.

*Right-of-Way, Road*—See "Road Right-of-Way." Includes highway and street right-of-way.

*Road Commission*—The Board of County Road Commissioners of the County of Livingston, State of Michigan, and/or their duly authorized agents.

*Road Frontage*—The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.

*Road, Frontage Access*—A public or private road parallel and providing ingress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

*Road, Hard Surface*—A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

*Road, Minor*—Shall be interchangeable with a local or Township road as referred to within the Township Master Plan.

*Road, Private*—A nonpublic road which is not maintained by the public, which serves more than two lots or parcels and which must meet the requirements of Section 16.44 and Section 16.45 of this Zoning Ordinance.

*Road, Public*—Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

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*Road Right-of-Way*—The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

*Roadside Stand*—A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make it a commercial district land which would otherwise be classified as agricultural or residential, nor shall its use be deemed a commercial activity.

*Sanitary Landfill*—A private or public sanitary landfill that meets all of the requirements of Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.), and the rules promulgated under the Act by the Michigan Department of Environmental Quality.

*Settlement Area*—Those designated portions of the Township known as Cohoctah, Cohoctah Center and Oak Grove.

*Shopping Center*—A combination of two or more commercial retail uses located on a single parcel of land and managed collectively by a single ownership under central administration.

*Shoreline*—The line of demarcation between land and a surface water feature may be:

- A. Established as a matter of record as the mean level elevation of the surface water; or
- B. As determined by the legal establishment of the surface water level elevation by the County.

For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

*Sign*—Any structure or part thereof, any device, declaration, display, illustration, insignia, or any material or thing, illuminated or otherwise that displays, includes or uses any numeral, letter, word, model, banner, emblem, insignia, device, code, mark, or other representation by which anything is made known and/or visible to the general public such as are used to show an individual, firm, profession, or business, event, good, product or service and also any banner, bulbs or other lighting device, streamer, pennant, balloon, propeller, flag, as well as any similar device of any type or kind whether bearing lettering or not.

*Sign, Illuminated* —A sign with a light shining upon its surface from the interior or exterior, but without an electronic background or electronic numbering and/or letters.

*Sign, Outdoor Advertising(also Billboard)*—Is an Off-Site Sign (Off-Premises Sign) as defined in Section 19.02 Definitions.

*Solar energy system*—A means by which solar energy is harnessed to produce energy through means such as photovoltaics (PV) that converts light to electricity or other means to utilize solar energy.

*Solar farm* (sometimes referred to as solar park or solar field)—Is the large-scale application of solar photovoltaic (PV) panels to generate electricity at scale, usually to supply utility or similar companies. The generic expression utility-scale solar is sometimes used to describe this type of project.

*Special Use*—A use that is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

*Special Use Permit*—A permit issued by the Planning Commission after giving notice pursuant to statute for a use that is specified as a special use by this Ordinance.

*Story*—That part of a building included between the surface of one floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.



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*Story, Half*—An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet, six inches.

*Story, Height*—The vertical distance from the top surface of one floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

*Street*—See definitions regarding types of roads.

*Structural Alteration*—Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

*Structure*—See "Building," and in addition any manmade surface feature or designed earth feature other than normal finished grading for drainage purposes.

*Swimming Pool*—Any permanent, nonportable structure or container located either above or below grade designed to hold water to depth greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

*Temporary Building*—See "Use, Temporary."

*Temporary Use*—See "Use, Temporary."

*Tent*—A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, but shall not include those types of small tents used solely for children's recreational purposes.

*Township*—The Township of Cohoctah, Livingston County, State of Michigan.

*Township Board*—The Cohoctah Township Board for the Township of Cohoctah, Livingston County, State of Michigan.

*Township Engineer*—The Engineer retained by the Township Board or any assistant designated to act for him.

*Travel Trailer*—A portable nonmotorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck-mounted campers but does not include mobile homes.

*Unnecessary Hardship*—See "Zoning Variance."

*Use*—The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let or leased for a use or activity.

*Use, Accessory*—A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground, such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

*Use, Agricultural*—Any use permitted in the AR Agricultural Zone in this Ordinance.

*Use, Commercial*—Any use permitted in the S and NSC Districts and Planned Unit Developments (PUD).

*Use, Industrial*—Any use permitted in the LI Light Industrial and Planned Unit Development (PUD) Zones in this Ordinance.

*Use, Institutional*—Any of the public or private organizational uses permitted in this Ordinance.

*Use, Land*—The principal and accessory uses and activities being made of all land areas and buildings and structures located upon a lot or parcel.

*Use, Principal*—The primary or dominant use or activity to which a lot or parcel is put.

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*Use, Public*—Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

*Use, Residential*—Any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) Zones in this Ordinance.

*Use, Temporary*—A use, activity, or building permitted to exist during period of construction of the main building or use, or for special events.

*Variance*—See "Zoning Variance."

*Yard*—The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein. When any yard is adjacent to a public or private road easement or right-of-way, or other easement that provides ingress and/or egress, then that yard or lot line required herein shall be measured from the outer limits of the road right-of-way or easement and the minimum setback shall be 50 feet; provided, however, if any parcel is adjacent to the easement and does not have the right to use such easement, then the regular yard setback(s) shall apply.

*Yard, Front*—The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

*Yard, Rear*—The area extending the full width of the lot between the rear lot line and the nearest point of the main building.

*Yard, Side*—The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

*Zoning Appeal*—An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

*Zoning Board of Appeals*—The Township Zoning Board of Appeals.

*Zoning District*—A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

*Zoning Exception*—See "Zoning Interpretation."

*Zoning Interpretation*—A principal or accessory use permitted within the intent and purpose of this Ordinance only after review of an application by the Zoning Board of Appeals that may include the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this Ordinance in respect to the listed permitted principal and accessory uses are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required.

*Zoning Permit*—A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance. "Zoning Permit" and "Land Use Permit" are used interchangeably in this Ordinance.

*Zoning Variance*—A modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements are present which would preclude the same type of development permitted in the zoning district from being repeated, but, with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term "Variance" shall not include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- A. Practical difficulties means that the dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- B. Unnecessary hardship means that the permitted zoning district uses are so limiting as to result in the impossibility of developing a lot or parcel for any such permitted use purpose because of unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district, or means that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

(Ord. of 11-12-1987, § 2.02; Amd. No. 1, 8-11-1988; Amd. No. 3, 7-12-1990; Amd. No. 9, 12-10-1992; Amd. No. 12, § 1, 11-11-1993; Amd. No. 13, § 1, 12-10-1992; Amd. No. 14-2, §§ 2, 3, 3-11-1993; Amd. No. 29, § 3, 8-8-1996; Amd. No. 31, § 1, 1-9-1997; Amd. No. 39, §§ 5, 10, 11, 12-11-2003; Amd. No. 50, § 1, 9-14-2006; Amd. No. 51, § 1, 1-11-2007; Amd. No. 52, § 2, 1-11-2007; Amd. No. 55, § 5, 3-13-2008; Amd. No. 56, 5-8-2008; Amd. No. 61, § 1, 9-17-2009; Amd. No. 66, § 1, 5-12-2011; Amd. No. 75, § 1, 5-9-2013; Amd. No. 78, § 3, 5-14-2015; Amd. No. 80, §§ 3—13, 5-11-2017; Amd. No. 83, §§ 15—17, 11-9-2017; Amd. No. 84, §§ 1, 2, 11-9-2017)

### **ARTICLE III. GENERAL PROVISIONS**

#### **Sec. 3.01. Establishment of zoning districts.**

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map on file in the office of the Township Clerk, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Article IV	RD	Resource Development District
Article V	WRD	Waterways Resource Development District
Article VI	AR	Agricultural Residential District
Article VII	RR	Rural Residential District
Article VIII	SR	Suburban Residential District
Article IX	S	Settlement District
Article X	NSC	Neighborhood Service Commercial District
Article XI	LI	Light Industrial District
Article XII	MHR	Mobile Home Residential District
Article XXVI	LRR	Limited Recreation Residential

(Ord. of 11-12-1987, § 3.01; Amd. No. 78, § 1, 5-14-2015)

#### **Sec. 3.02. Provisions for Official Zoning Map.**

These districts, so established, are bounded and defined as shown on the map entitled "Zoning Map of Cohoctah Township" adopted by the Township Board, which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

(Ord. of 11-12-1987, § 3.02)

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### **Sec. 3.03. Changes to Official Zoning Map.**

If, in accordance with the procedures of this Ordinance and of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

(Ord. of 11-12-1987, § 3.03)

### **Sec. 3.04. Authority of Official Zoning Map.**

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

(Ord. of 11-12-1987, § 3.04)

### **Sec. 3.05. Interpretation of zoning districts.**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in Subsections A. through E. above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

(Ord. of 11-12-1987, § 3.05)

### **Sec. 3.06. Application and interpretation of regulations.**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each

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permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XXII of this Ordinance and MCL 125.3601 et seq.

(Ord. of 11-12-1987, § 3.06)

### **Sec. 3.07. Scope of regulations.**

- A. Except as may otherwise be provided in Article XV, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Michigan State Construction Code administered for the Township by the Livingston County Building Department.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or if similar to such listed uses. Accessory uses are permitted as listed in the various districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connection with any use, building, or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

(Ord. of 11-12-1987, § 3.07; Amd. No. 1, 8-11-1988)

### **Sec. 3.08. Conformance to other public laws, rules and regulations.**

All uses of land, buildings or structures shall conform to all applicable local, County, State and Federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

(Ord. of 11-12-1987, § 3.08)

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### **Sec. 3.09. Conflicting regulations.**

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance or those contained in lawfully adopted Township, County, State, Federal or other governmental agency rules, regulations, ordinances or laws, the most literal interpretation of the most stringent shall prevail.

(Ord. of 11-12-1987, § 3.09)

### **Sec. 3.10. Zoning not a vested right.**

The fact that any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this Ordinance, and such text and map are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

(Ord. of 11-12-1987, § 3.10)

### **Sec. 3.11. Site plan review procedures.**

For all uses permitted under the provisions or consequences of this Zoning Ordinance, persons applying for a zoning permit shall follow the requirements of Article XX, "Site Plan Review Procedures," except that all farm dwellings, farm buildings, single-family homes located on a single lot or parcel, and their accessory uses, shall only be required to submit a site plan, prepared in accordance with those relevant portions of Article XX, and submitted with the application for a zoning permit.

(Ord. of 11-12-1987, § 3.11; Amd. No. 81, § 1, 5-11-2017)

State law reference(s)—Site plan, MCL 125.3501.

### **Sec. 3.12. Zoning permits in relation to building permits.**

Prior to the issuance of any building permit in Cohoctah Township, it shall be necessary for any applicant for construction to first apply for and obtain a zoning permit from the Zoning Administrator of Cohoctah Township in accordance with the provisions of this Zoning Ordinance.

(Ord. of 11-12-1987, § 3.12)

### **Sec. 3.13. Permitted zoning district uses and other provisions.**

Each zoning district and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations located in other articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article XVI, "Supplemental Regulations;" Article XV, "Nonconforming Land, Building and Structural Uses;" Article XVIII, "Off-Street Parking, Loading and Unloading Requirements;" Article XIX, "Sign Regulations;" and Article XX, "Site Plan Review Procedures." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above articles for applicability.

(Ord. of 11-12-1987, § 3.13)

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**Sec. 3.14. Continued conformance with regulations.**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

(Ord. of 11-12-1987, § 3.14)

**Sec. 3.15. Deleted.**

(Ord. of 11-12-1987, § 3.15)

**Sec. 3.16. Project planning and plan information from other agencies and officials.**

A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than two-thirds of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(Ord. of 11-12-1987, § 3.16; Amd. No. 81, § 2, 5-11-2017)

**Sec. 3.17. Conformance of lots and parcels to the Land Division Act.**

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.), the Land Division Act, the Cohoctah Township Subdivision Development Ordinance and the Cohoctah Township Land Division Ordinance, as adopted and in effect from time to time.

(Ord. of 11-12-1987, § 3.17; Amd. No. 81, § 3, 5-11-2017)

**ARTICLE IV. RD RESOURCE DEVELOPMENT DISTRICT<sup>2</sup>**

**Sec. 4.01. Purpose.**

The purpose of the RD Resource Development District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment, which should not be disturbed except minimally, for natural habitat for wildlife, native flora, natural

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<sup>2</sup>State law reference(s)—Natural Resources and Environmental Protection Act, MCL 324.101 et seq.

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water features, including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Single-family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will remain unserved by public sewer and water systems.

(Ord. of 11-12-1987, § 4.01)

#### **Sec. 4.02. Permitted principal uses.**

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least 20 acres of contiguous land and developed in accordance with the relevant provisions of the AR District.
- B. Nonfarm single-family dwellings, on at least ten acres of contiguous land which can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.
- C. Those uses permitted under the provisions of:
  - 1. Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.) on wetland protection;
  - 2. Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.) on water resources conservation (those sections specific to floodplains); and
  - 3. Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.) on inland lakes and streams.
- D. Public and private conservation areas, including necessary structures, to ensure the preservation of water, soil, forest, wildlife, minerals, and open space, which are located on an area of at least 20 contiguous acres of land.
- E. Essential services as provided in Section 16.19.
- F. Family day care homes as provided in Section 16.41.
- G. Foster care homes housing six or fewer persons as provided in Section 16.41A.
- H. Single-family housing in Open Space and Rural Preservation Developments as provided in Section 16.50.

(Ord. of 11-12-1987, § 4.02; Amd. No. 38, § 2, 11-14-2002)

#### **Sec. 4.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the RD Resource Development District, subject to the provisions of Article XIII, "Special Uses":

- A. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water-related activity sites, extensive passive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least 20 contiguous acres of land.
- B. Public and private areas to preserve natural open space, natural vistas, geological features, archaeological sites and other significant natural and historical features and sites which are located on an area of at least 20 contiguous acres of land.
- C. Public, private or pet cemeteries which are located on an area of at least 20 contiguous acres of land.



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- D. Public and private areas for golf courses, parks, playgrounds, resorts, recreational vehicle parks and swimming pools and court game clubs that are located on at least 20 contiguous acres of land, as provided in Section 13.26.
  - E. Wireless communication structures as provided in Section 13.24.
  - F. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
  - G. Temporary transient amusement enterprises as provided in Section 13.12.
  - H. Sanitary landfills as provided in Section 13.14.
  - I. Extraction of sand, gravel, rock, and minerals which are located on at least 20 contiguous acres of land planned, operated and maintained in accordance with Section 13.15.
  - J. Housing of elderly as provided in Section 13.19.
  - K. Group day care homes as provided in Section 13.22.
  - L. Commercial kennels may be operated and maintained in accordance with Section 13.23.
  - M. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 4.03; Amd. No. 12, § 7, 11-11-1993; Amd. No. 41, § 2, 7-8-2004; Amd. No. 81, § 4, 5-11-2017; Amd. No. 84, § 5, 11-9-2017)

#### **Sec. 4.04. Permitted accessory uses.**

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XIX, "Sign Regulations."
- C. Home occupations and home businesses as provided in Section 16.21 of this Zoning Ordinance.
- D. Private residential swimming pools in conformance with the provisions of Section 16.20 located on the same lot or parcel with the principal residential structure.
- E. Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- H. Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.

(Ord. of 11-12-1987, § 4.04)

#### **Sec. 4.05. Permitted accessory uses with conditions.**

- A. *Roadside Stands.* In the RD Resource Development District each farm may have one roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its

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permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one story in height.
2. The floor area shall not be more than 400 square feet.
3. The stand shall be located no closer than 40 feet from the nearest highway pavement or other traveled surface. In no case shall the stand occupy any part of the right-of-way.

B. *Mobile Homes as Accessory Dwellings.* Mobile homes as accessory dwellings shall be permitted as follows:

1. Permitted on 40 acres or more of land used for agricultural production with the following conditions:
  - (a) The parcel has a principal farm dwelling located on it.
  - (b) The farm parcel is at least 40 acres in area for the first mobile home, and an additional 40 acres for each additional mobile home.
  - (c) The occupants meet either one of the following conditions:
    - (1) Have a family relationship to those persons occupying the principal farm dwelling.
    - (2) A full-time employee of the occupants of the principal farm dwelling and engaged in an agricultural occupation on the farm on which the mobile home is located.
2. Permitted on a single-family residential lot with the following conditions:
  - (a) The lot has a principal single-family dwelling located upon it.
  - (b) The lot is a legal lot of record.
  - (c) The occupants have family relationship to those persons occupying the principal dwelling.
  - (d) The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
3. Mobile homes permitted under Subsections B.1 and B.2 above shall also meet the following additional conditions:
  - (a) Mobile homes used for this purpose shall be limited to only one per single-family residential lot or one for each 40 acres of farm parcel.
  - (b) Mobile homes shall have a minimum dimension of 12 feet in width and 700 square feet of mobile home floor area.
  - (c) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling or on the farm or single-family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
  - (d) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
  - (e) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
  - (f) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions ceases to be met.

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- (g) Prior to the issuance of a zoning permit the owners of the principal use shall post a financial guaranty with the Township in accordance with Section 16.22B for each mobile home for which a permit is sought.
  - C. *Noncommercial Kennels.* Those lots or parcels which are in conformance with this Zoning District can have a maximum of five dogs over six months of age provided the applicant and kennel comply with the conditions set forth in Section 16.46.
- (Ord. of 11-12-1987, § 4.05; Amd. No. 5, § 4, 12-13-1990; Amd. No. 12, § 4, 11-11-1993)

**Sec. 4.06. Dimensional regulations.**

- A. *Lot Area.* A permitted parcel shall have a minimum of 20 acres in area, except as otherwise may be provided in this Ordinance.
- B. *Lot Width.* Minimum of 200 feet at the building setback line.
- C. *Lot Coverage.* Maximum of 20 percent.
- D. *Floor Area.* The minimum first floor area of a one-story dwelling, 960 square feet; and for a two-story dwelling, 700 square feet; and a minimum total of 960 square feet for both stories.
- E. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 50 feet from the road right-of-way line, except as required by the Master Plan for Roads and Highways, whichever is greater.
  - 2. *Side Yards.* Minimum of 20 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 50 feet.
  - 3. *Rear Yard.* Minimum of 50 feet.
- F. *Height Limitations.* Maximum of 35 feet for all dwellings and a maximum of 25 feet for all buildings accessory to dwellings; maximum of 45 feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

(Ord. of 11-12-1987, § 4.06; Amd. No. 30, § 1, 8-8-1996)

**ARTICLE V. WRD WATERWAYS RESOURCE DEVELOPMENT DISTRICT<sup>3</sup>**

**Sec. 5.01. Purpose.**

The purpose of this the WRD Waterways Resource Development District is to provide for the arrangement of land and waterways-related uses that are compatible with the conservation and preservation of large tracts of land and the waters and shoreline which presently have a most desirable natural environment, which should not be disturbed except minimally, for natural land and water habitat for wildlife, native flora, natural water features, including floodways, wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Public access and commercial developments will be encouraged at road access points with the waterways. Single-family homes on exceptionally large lots will be provided for if the spacing of such homes is

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<sup>3</sup>State law reference(s)—Natural Resources and Environmental Protection Act, MCL 324.101 et seq.

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great enough to adequately handle on-site septic tanks and wells. The area will remain unserved by public sewer and water.

(Ord. of 11-12-1987, § 5.01)

**Sec. 5.02. Permitted principal uses.**

- A. Public access areas.
- B. Commercial uses which relate to waterways including:
  - 1. Nonmotorized boat liveries, supplies, repair and service.
  - 2. Boat docks, storage and repair service.
  - 3. Fishing equipment, bait and supply shops.
  - 4. Camping equipment and supply shops.
  - 5. Waterways-related recreation buildings, sites and areas.
  - 6. Trails for hiking, camping, bicycling or horseback riding and the necessary equipment and animal facilities needed to be provided to make the trails useful.
  - 7. Picnic grounds and related shelters and facilities.
  - 8. Swimming and bathing beaches and related facilities.
- C. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least 20 acres of contiguous land and developed in accordance with the relevant provisions of the AR District.
- D. Nonfarm single-family dwellings, on at least ten acres of contiguous land which can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.
- E. Those uses permitted under the provisions of:
  - 1. Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.) on wetland protection;
  - 2. Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.) on water resources conservation (those sections specific to floodplains); and
  - 3. Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.) on inland lakes and streams.
- F. Public and private conservation areas, including necessary structures, to ensure the preservation of water, soil, forest, wildlife, minerals and open space, which are located on an area of at least 20 contiguous acres of land.
- G. Essential services as provided in Section 16.19.
- H. Family day care homes as provided in Section 16.41.
- I. Foster care homes housing six or fewer persons as provided in Section 16.41A.
- J. Single-family housing in Open Space and Rural Preservation Developments as provided in Section 16.50.

(Ord. of 11-12-1987, § 5.02; Amd. No. 38, § 3, 11-14-2002)

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### **Sec. 5.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the WRD Waterways Resource Development District, subject to the provisions of Article XIII, "Special Uses":

- A. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other related activity sites, extensive passive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least 20 contiguous acres of land.
- B. Public and private areas to preserve natural open space, natural vistas, geological features, archaeological sites and other significant natural and historical features and sites which are located on an area of at least 20 contiguous acres of land.
- C. Public, private or pet cemeteries which are located on an area of at least 20 contiguous acres of land.
- D. Public and private areas for golf courses, parks, playgrounds, resorts, recreational vehicle parks and swimming pools and court game clubs that are located on at least 20 contiguous acres of land, as provided in Section 13.26.
- E. Wireless communication structures as provided in Section 13.24.
- F. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
- G. Temporary transient amusement enterprises as provided in Section 13.12.
- H. Extraction of sand, gravel, rock and minerals which are located on at least 20 contiguous acres of land planned, operated and maintained in accordance with Section 13.15.
- I. Housing of elderly as provided in Section 13.19.
- J. Group day care homes as provided in Section 13.22.
- K. Commercial kennels may be operated and maintained in accordance with Section 13.23.
- L. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 5.03; Amd. No. 12, § 8, 11-11-1993; Amd. No. 41, § 3, 7-8-2004; Amd. No. 81, § 5, 5-11-2017; Amd. No. 84, § 6, 11-9-2017)

### **Sec. 5.04. Permitted accessory uses.**

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XIX, "Sign Regulations."
- C. Home occupations and home businesses normal and appropriate to the skills of the occupants of the principal uses located on a lot or parcel in this District as provided in Section 16.21.
- D. Private residential swimming pools in conformance with the provisions of Section 16.20 located on the same lot or parcel with the principal residential structure.

(Ord. of 11-12-1987, § 5.04)

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### **Sec. 5.05. Permitted accessory uses with conditions.**

- A. *Mobile Homes as Accessory Dwellings.* Mobile homes as accessory dwellings shall be permitted as follows:
1. Permitted on a single-family residential lot with the following conditions:
    - (a) The lot has a principal single-family dwelling located upon it.
    - (b) The lot is a legal lot of record.
    - (c) The occupants have family relationship to those persons occupying the principal dwelling.
    - (d) The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
  2. Mobile homes as permitted under Subsection A.1 above shall also meet the following additional conditions:
    - (a) Mobile homes used for this purpose shall be limited to only one per single-family residential lot or one for each 40 acres of a farm parcel.
    - (b) Mobile homes shall have a minimum dimension of 12 feet in width and 700 square feet of mobile home floor area.
    - (c) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single-family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
    - (d) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
    - (e) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
    - (f) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions ceases to be met.
    - (g) Prior to the issuance of a zoning permit the owners of the principal use shall post a financial guaranty with the Township in accordance with Section 16.22B for each mobile home for which a permit is sought.
- B. *Noncommercial Kennels.* Those lots or parcels which are in conformance with this Zoning District can have a maximum of five dogs over six months of age provided the applicant and kennel comply with the conditions set forth in Section 16.46.

(Ord. of 11-12-1987, § 5.05; Amd. No. 5, § 5, 12-13-1990; Amd. No. 12, § 5, 11-11-1993)

### **Sec. 5.06. Dimensional regulations.**

- A. *Lot Area.*
1. Uses permitted in Sections 5.02.A and 5.02.B shall have a minimum of one acre in area, including the facilities to serve trails, but excluding the trails specifically.
  2. A permitted parcel shall have a minimum of 20 acres in area, except as otherwise may be provided in this Ordinance.

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- B. *Lot Width.* Minimum of 200 feet at the building setback line.
  - C. *Lot Coverage.* Maximum of 20 percent.
  - D. *Floor Area.* The minimum first floor area of a one-story dwelling, 960 square feet; and for a two-story dwelling, 700 square feet; and a minimum total of 960 square feet for both stories.
  - E. *Yard and Setback Requirements.*
    - 1. *Front Yard.* Minimum of 50 feet from the road right-of-way line, except as required by the Master Plan for Roads and Highways, whichever is greater.
    - 2. *Side Yards.* Minimum of 20 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 50 feet.
    - 3. *Rear Yard.* Minimum of 50 feet.
  - F. *Height Limitations.* Maximum of 35 feet for all dwellings and a maximum of 25 feet for all buildings accessory to dwellings; maximum of 45 feet for all agricultural buildings, except for grain elevators, silos, and windmills, which shall not exceed 120 feet in height.

(Ord. of 11-12-1987, § 5.06; Amd. No. 2, 4-13-1989; Amd. No. 30, § 2, 8-8-1996)

## **ARTICLE VI. AR AGRICULTURAL RESIDENTIAL DISTRICT<sup>4</sup>**

### **Sec. 6.01. Purpose.**

The purpose of the AR Agricultural Residential District is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

(Ord. of 11-12-1987, § 6.01)

### **Sec. 6.02. Permitted principal uses.**

- A. General farming.
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, annelid and similar types of specialized farming.
- C. Greenhouses and nurseries for trees, shrubs and plants.
- D. Raising and keeping of cattle, horses, and ponies.
- E. Raising and keeping of rabbits, poultry and similar small animals.
- F. On-site production and consumption of food for animals.
- G. Apiaries (beekeeping).

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<sup>4</sup>State law reference(s)—Michigan Right-To-Farm Act, MCL 286.471 et seq.

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- H. Hatcheries.
  - I. Public and semi-public buildings for the housing of public facilities, utilities and services.
  - J. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space.
  - K. Reserved.
  - L. Public areas for forest preserves, game refuges and similar uses on at least 40 acres.
  - M. Cemeteries, public, private or pet, on at least 20 acres.
  - N. Nonfarm single-family dwellings on a lot having a minimum area of ten acres.
  - O. Essential services as provided in Section 16.19.
  - P. Family day care homes as provided in Section 16.41.
  - Q. Foster care homes housing six or fewer persons as provided in Section 16.41A.
  - R. Single-family housing in Open Space and Rural Preservation Developments as provided in Section 16.50.

(Ord. of 11-12-1987, § 6.02; Amd. No. 1, 8-11-1988; Amd. No. 2, 4-13-1989; Amd. No. 38, § 4, 11-14-2002; Amd. No. 40, § 4, 12-11-2003; Amd. No. 43, § 1, 10-14-2004; Amd. No. 56, 5-8-2008)

### **Sec. 6.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the AR Agricultural Residential District, subject to the provisions of Article XIII, "Special Uses":

- A. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
- B. Temporary transient amusement enterprises as provided in Section 13.12.
- C. Sanitary landfill as provided in Section 13.14.
- D. Extraction of sand, gravel, rock and minerals which are located on at least 20 contiguous acres of land planned, operated and maintained in accordance with Section 13.15.
- E. Housing of elderly as provided in Section 13.19.
- F. Group day care homes as provided in Section 13.22.
- G. Commercial kennels may be operated and maintained in accordance with Section 13.23.
- H. Wireless communications structures as provided in Section 13.24.
- I. Permitted public and private institutions for human care, religion, education and other human social purposes.
  - 1. The proposed site for any of the uses permitted in this Subsection shall have at least one property line abutting a paved impermeable hard surfaced public road.
  - 2. Front, side and rear yards shall be set back at least 50 feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
- J. Public and private areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pools, campgrounds, recreational vehicle parks, court game clubs and organizational camping, as provided in Section 13.26.



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K. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 6.03; Amd. No. 1, 8-11-1988; Amd. No. 12, §§ 2, 9, 11-11-1993; Amd. No. 41, § 4, 7-8-2004; Amd. No. 56, 5-8-2008; Amd. No. 81, § 6, 5-11-2017; Amd. No. 84, § 7, 11-9-2017)

**Sec. 6.04. Permitted accessory uses.**

- A. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in this District.
- B. Buildings and structures customarily incidental to single-family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XIX.
- D. Home occupations and home businesses, as provided in Section 16.21.
- E. Private residential swimming pools in conformance with the provisions of Section 16.20.
- F. Farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries.
- I. Grain and feed storage facilities.
- J. Cold and other storage facilities for agricultural products.
- K. Agricultural commercial enterprises, including, but not limited to, seed and other agricultural product sales.

(Ord. of 11-12-1987, § 6.04; Amd. No. 81, §§ 7, 8, 5-11-2017)

**Sec. 6.05. Permitted accessory uses with conditions.**

- A. *Roadside Stands.* In this District each farm may have one roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:
  - 1. The structure shall not be more than one story in height.
  - 2. The floor area shall not be more than 400 square feet.
  - 3. The stand shall be located no closer than 40 feet from the nearest highway pavement or other traveled surface. In no case shall the stand occupy any part of the right-of-way.
- B. *Mobile Homes as Accessory Dwellings.* Mobile homes as accessory dwellings shall be permitted as follows:
  - 1. Permitted on 40 acres or more of land used for agricultural production with the following conditions:
    - (a) The parcel has a principal farm dwelling located on it.
    - (b) The farm parcel is at least 40 acres in area for the first mobile home, and an additional 40 acres for each additional mobile home.
    - (c) The occupants meet either one of the following conditions:
      - (1) Have a family relationship to those persons occupying the principal farm dwelling.
      - (2) A full-time employee of the occupants of the principal farm dwelling and engaged in an agricultural occupation on the farm on which the mobile home is located.

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2. Permitted on a single-family residential lot with the following conditions:
    - (a) The lot has a principal single-family dwelling located upon it.
    - (b) The lot is a legal lot of record.
    - (c) The occupants have a direct family relationship to those persons occupying the principal dwelling.
    - (d) The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
  3. Mobile homes permitted under Subsections B.1 and B.2 above shall also meet the following additional conditions:
    - (a) Mobile homes used for this purpose shall be limited to only one per single-family residential lot or one per each 40 acres of a farm parcel.
    - (b) Mobile homes shall have a minimum dimension of 12 feet in width and 700 square feet of mobile home floor area.
    - (c) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single-family residential lot for the maintenance of proper health, and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
    - (d) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
    - (e) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
    - (f) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions ceases to be met.
    - (g) Prior to the issuance of a zoning permit the owners of the principal use shall post a financial guaranty with the Township in accordance with Section 16.22B for each mobile home for which a permit is sought.
- C. *Noncommercial Kennels.* Those lots or parcels which are in conformance with this zoning district can have a maximum of five dogs over six months of age provided the applicant and kennel comply with the conditions set forth in Section 16.46.

(Ord. of 11-12-1987, § 6.05; Amd. No. 5, § 6, 12-13-1990; Amd. No. 12, § 3, 11-11-1993)

### **Sec. 6.06. Dimensional regulations.**

- A. *Lot Area.* A permitted parcel shall have a minimum of 20 acres in area, except as otherwise may be provided in this Ordinance.
- B. *Lot Width.* Minimum of 200 feet at the building setback line.
- C. *Lot Coverage.* Maximum of 20 percent.
- D. *Floor Area.* The minimum first floor area of a one-story dwelling, 960 square feet; and for a two-story dwelling, 700 square feet; and a minimum total of 960 square feet for both stories.
- E. *Yard and Setback Requirements.*

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1. *Front Yard.* Minimum of 50 feet from the road right-of-way line, except as required by the Master Plan for Roads and Highways, whichever is greater.
  2. *Side Yards.* Minimum of 20 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 50 feet.
  3. *Rear Yard.* Minimum of 50 feet.
- F. *Height Limitations.* Maximum of 35 feet for all dwellings and a maximum of 25 feet for all buildings accessory to dwellings; maximum of 45 feet for all agricultural buildings, except for grain elevators, silos, and windmills, which shall not exceed 120 feet in height.
- (Ord. of 11-12-1987, § 6.06; Amd. No. 30, § 3, 8-8-1996)

## **ARTICLE VII. RR RURAL RESIDENTIAL DISTRICT<sup>5</sup>**

### **Sec. 7.01. Purpose.**

The purpose of the RR Rural Residential District is to provide for single-family housing neighborhoods free from other uses, except those which are normally accessory, and compatible, supportive, and convenient to the residents living within such a district. The size of lots and parcels in this District should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid wastewater disposal.

(Ord. of 11-12-1987, § 7.01)

### **Sec. 7.02. Permitted principal uses.**

- A. Single-family dwellings on a parcel that meets the minimum size requirements of this Ordinance, if on-site water supply and wastewater disposal systems meet the requirements of the Livingston County Health Department.
- B. Existing types of agricultural land, building and structural uses provided they meet the AR District requirements, and those uses permitted in Sections 6.02, 6.03, 6.04 and 6.05.
- C. Essential services as provided in Section 16.19.
- D. Family day care homes as provided in Section 16.41.
- E. Foster care homes housing six or fewer persons as provided in Section 16.41A.
- F. Single-family housing in Open Space and Rural Preservation Developments as provided in Section 16.50.

(Ord. of 11-12-1987, § 7.02; Amd. No. 38, § 5, 11-14-2002; Amd. No. 43, § 2, 10-14-2004)

### **Sec. 7.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the RR Rural Residential District, subject to the provisions of Article XIII, "Special Uses":

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<sup>5</sup>State law reference(s)—Michigan Right-To-Farm Act, MCL 286.471 et seq.

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A. 1. Permitted public and private institutions for human care, religion, education and other human social purposes, as follows:

- (a) Public buildings and structures on at least five acres.
- (b) Public parks, recreational playgrounds and open space subject to the requirements of Section 13.26 except the minimum area shall be ten acres.
- (c) Nonprofit recreation on at least ten acres.
- (d) Religious institutions on at least five acres.
- (e) Health, educational and social institutions on at least ten acres.
- (f) Golf courses and country clubs subject to the requirements of Section 13.26 except the minimum area shall be 40 acres.
- (g) Child care centers on at least two acres.

2. Uses permitted in this Subsection A are subject to the following conditions:

- (a) The proposed site for any of the uses permitted in this Subsection A shall have at least one property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
- (b) Front, side and rear yards shall be set back at least 100 feet, and shall be landscaped in trees, shrubs or grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those fences, walls, and landscaping used to obscure the use from abutting residential lots and parcels.
- (c) Shall meet all other applicable requirements of this Zoning Ordinance.

- B. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
- C. Extraction of sand, gravel, rock and minerals which are located on at least 20 contiguous acres of land planned, operated and maintained in accordance with Section 13.15.
- D. Housing of elderly as provided in Section 13.19.
- E. Group day care homes as provided in Section 13.22.
- F. Commercial kennels may be operated and maintained in accordance with Section 13.23.
- G. Wireless communication structures as provided in Section 13.24.
- H. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 7.03; Amd. No. 12, § 10, 11-11-1993; Amd. No. 41, § 5, 7-8-2004; Amd. No. 81, §§ 9, 10, 5-11-2017; Amd. No. 84, § 8, 11-9-2017)

#### **Sec. 7.04. Permitted accessory uses.**

- A. Normal existing accessory uses to single-family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved special uses.
- C. Customary home occupations and home businesses as provided in Section 16.21.
- D. Private residential swimming pools, in conformance with the provisions of Section 16.20.

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(Ord. of 11-12-1987, § 7.04)

**Sec. 7.05. Dimensional regulations.**

- A. *Lot Area.* A nonfarm single-family residential parcel or lot shall have a minimum of two acres in area. Those parcels of land or lots which are of record at the time of amendment of this Zoning Ordinance, and which otherwise meet all other dimensional requirements of this Zoning Ordinance, shall not be considered to require a variance from the Zoning Board of Appeals so long as said parcel was a legal lot of record in compliance with the requirements of the RR Rural Residential District at the time of amendment of this Ordinance.
- B. *Lot Width.* A minimum lot width of 150 feet at the building setback line.
- C. *Lot Coverage.* Maximum of 30 percent.
- D. *Floor Area.* The minimum first floor area of a one-story dwelling, 960 square feet; and for a two-story dwelling, 700 square feet; and a minimum total of 960 square feet for both stories.
- E. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 50 feet from the road right-of-way, except as otherwise required in Section 7.03.A.2(b) and the Master Plan for Roads and Highways, whichever is greater.
  - 2. *Side Yards.* Minimum of 20 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 50 feet.
  - 3. *Rear Yard.* Minimum of 50 feet.
- F. *Height Limitations.* Maximum of 35 feet for all residential structures; a maximum of 25 feet for all residentially related accessory structures.

(Ord. of 11-12-1987, § 7.05; Amd. No. 23, §§ 1, 2, 2-8-1996; Amd. No. 50, § 4, 9-14-2006; Amd. No. 81, § 11, 5-11-2017)

**ARTICLE VIII. SR SUBURBAN RESIDENTIAL DISTRICT**

**Sec. 8.01. Purpose.**

It is the purpose of the SR Suburban Residential District to provide for single-family residential uses at reasonable nonpollutional densities. It is further the purpose to require lot areas large enough to protect Township groundwaters from excessive pollution due to an overconcentration of septic tank systems, particularly in areas adjacent to water bodies and in areas where groundwaters need to be protected because of on-site or off-site human use.

(Ord. of 11-12-1987, § 8.01)

**Sec. 8.02. Permitted principal uses.**

- A. Single-family dwellings on lots that meet the requirements of Section 8.06.A or 8.06.B.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AR District requirements.
- C. Essential services as provided in Section 16.19.

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- D. Family day care homes as provided in Section 16.41.
  - E. Foster care homes housing six or fewer persons as provided in Section 16.41A.
  - F. Single-family housing in Open Space and Rural Preservation Developments as provided in Section 16.50.
  - G. Two-family dwellings shall be allowed if they meet the requirements of Section 8.06, except minimum lot size shall be one and one-half acres and the lot shall be no less than 150 feet in width. In addition, the requirements of Section 16.56 shall be complied with.

(Ord. of 11-12-1987, § 8.02; Amd. No. 38, § 6, 11-14-2002; Amd. No. 43, § 4, 10-14-2004; Amd. No. 62, § 1, 2-11-2010)

### **Sec. 8.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the SR Suburban Residential District, subject to the provisions of Article XIII, "Special Uses":

- A. 1. Permitted public and private institutions for human care, religion, education and other social purposes, as follows:
  - (a) Public buildings on at least five acres.
  - (b) Public recreational playgrounds subject to the requirements of Section 13.26 except the minimum area shall be ten acres.
  - (c) Nonprofit recreation areas on at least ten acres.
  - (d) Religious institutions on at least five acres.
  - (e) Educational and social institutions on at least ten acres.
  - (f) Golf courses and country clubs subject to the requirements of Section 13.26 except the minimum area shall be 40 acres.
  - (g) Child care centers on at least two acres.
- 2. Uses permitted in this Subsection A are subject to the following conditions:
  - (a) The proposed site for any of the uses permitted in this Subsection A shall have at least one property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
  - (b) Front, waterfront, side and rear yards shall be set back at least 100 feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
  - (c) Shall meet all other applicable requirements of this Zoning Ordinance.
- B. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
- C. Housing of elderly as provided in Section 13.19.
- D. Group day care homes as provided in Section 13.22.
- E. Commercial kennels may be operated and maintained in accordance with Section 13.23.
- F. Wireless communication structures as provided in Section 13.24.

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(Ord. of 11-12-1987, § 8.03; Amd. No. 12, § 11, 11-11-1993; Amd. No. 41, § 6, 7-8-2004; Amd. No. 81, §§ 12, 13, 5-11-2017)

**Sec. 8.04. Permitted accessory uses.**

- A. Normal existing accessory uses to single-family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved special uses.
- C. Customary home occupations and home businesses as provided in Section 16.21.

(Ord. of 11-12-1987, § 8.04)

**Sec. 8.05. Permitted accessory uses with conditions.**

- A. Private swimming pools for use as a part of a single-family dwelling in conformance with the provisions of Section 16.20.

(Ord. of 11-12-1987, § 8.05)

**Sec. 8.06. Dimensional regulations.**

- A. *Lot Area With Public or Common Sewer and Water.* Minimum of 21,780 square feet (one-half acre) with public or common wastewater disposal system and water supply.
- B. *Lot Area Without Public or Common Sewer and Water.* A minimum of one acre in size if a lot is not served by a public or common wastewater disposal system and water supply approved by the County Health Department. Those parcels of land or lots which are of record at the time of amendment of this Zoning Ordinance, and which otherwise meet all other dimensional requirements of this Zoning Ordinance, shall not be considered to require a variance from the Zoning Board of Appeals so long as said parcel was a legal lot of record in compliance with the requirements of the SR Suburban Residential District at the time of amendment of this Ordinance.
- C. *Lot Width.* Minimum of 100 feet for lots under Subsection A of this Section and 120 feet for lots under Subsection B of this Section.
- D. *Lot Coverage.* Maximum of 30 percent.
- E. *Floor Area.* The minimum first floor area of a one story dwelling 960 square feet, and for a two story dwelling 700 square feet and a minimum total of 960 square feet for both stories.
- F. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 50 feet from the road right-of-way line or as required by the Master Plan for Roads and Highways, whichever is greater, and shoreline of any surface water feature, except as otherwise required in Section 8.03.A.2(b) and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency.
  - 2. *Side Yard[s].* Minimum of 20 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 50 feet.
  - 3. *Rear Yard.* Minimum of 50 feet.
- G. *Height Limitations.* Maximum of 35 feet for residential structures; a maximum of 25 feet for all residentially related accessory structures.

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(Ord. of 11-12-1987, § 8.06; Amd. No. 3, 7-12-1990; Amd. No. 23, § 3, 2-8-1996)

## **ARTICLE IX. S SETTLEMENT DISTRICT**

### **Sec. 9.01. Purpose.**

The purpose of the S Settlement District is to encourage the existing settlements of Oak Grove, Cohoctah and Cohoctah Center to function as small concentrations of development and sufficient expansion to continue their purpose of serving their traditional trading area with their commercial establishments and to house those families who have traditionally lived in those areas or are attracted to live in them. In order to carry out this purpose only those uses that are typical of the era in which these three settlements were developed will be permitted to locate in these Districts.

(Ord. of 11-12-1987, § 9.01)

### **Sec. 9.02. Permitted principal uses.**

Permitted principal uses that meet the criteria contained in the purpose in the S Settlement District are as follows:

- A. Single-family dwellings in existing residential and adjacent vacant lots and parcels.
- B. Retail, wholesale and service establishments that meet the criteria contained in the purpose and located among the existing commercially used parcels or vacant lots and parcels adjacent to existing commercially used lots and parcels.
- C. Industrial plants traditional to the District.
- D. Farm implement sales and repair.
- E. Grain elevator.
- F. Essential services as provided in Section 16.19.
- G. Family day care homes as provided in Section 16.41.
- H. Foster care homes housing six or fewer persons as provided in Section 16.41A.

(Ord. of 11-12-1987, § 9.02)

### **Sec. 9.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the S Settlement District, subject to the provisions of Article XIII, "Special Uses":

- A. Public buildings, structures, and areas on at least one acre.
- B. Public parks, playgrounds, and open spaces on at least one acre.
- C. Schools and related facilities on at least two acres.
- D. Libraries on at least one acre.
- E. Post offices on at least one acre.
- F. Organizational and institutional buildings and structures on at least five acres.

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- G. Historical buildings, structures, and areas on at least one acre.
  - H. Monuments on at least one acre.
  - I. Landscape treatments on at least one acre.
  - J. Public improvements of a historical nature on at least one acre.
  - K. Cemeteries on at least one acre.
  - L. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
  - M. Housing of elderly as provided in Section 13.19.
  - N. Group day care homes as provided in Section 13.22.
  - O. Wireless communication structures as provided in Section 13.24.

(Ord. of 11-12-1987, § 9.03; Amd. No. 1, 8-11-1988; Amd. No. 41, § 7, 7-8-2004)

#### **Sec. 9.04. Accessory uses.**

Accessory uses which meet the criteria contained in the purpose in the S Settlement District are as follows:

- A. Accessory structures, buildings and uses customarily incidental to any of the above-named principal permitted uses.
- B. Home occupations and home businesses as provided in Section 16.21.
- C. Signs, fencing, walls, walks and other landscaping improvements and site characteristics.
- D. Private swimming pools for use as a part of a single-family dwelling in conformance with the provisions of Section 16.20.

(Ord. of 11-12-1987, § 9.04; Amd. No. 81, § 14, 5-11-2017)

#### **Sec. 9.05. Standards and requirements.**

- A. Water supply and wastewater disposal facilities which meet the requirements of the County Health Department for on-site, common or public improvements for these purposes.
- B. Submit plans and specifications for the site improvements and all buildings and structures including elevations, to the Planning Commission for its review and approval prior to the issuance of a zoning permit by the Zoning Administrator in accordance with the site plan review procedures and provisions contained in Article XX.
- C. Residential and commercial use of or conversion of existing structures must maintain the existing character and architectural style of such buildings.
- D. All dimensional requirements for building size and height, setbacks, side and rear yards, lot size, lot widths and depths and lot coverage for all new accessory uses or new structures that are customarily incidental to any principal use existing at the time that this Ordinance was enacted shall conform to the traditional existing dimensions particularly on adjacent parcels that exist around the same types of building, structure or area uses found in the District or which can be proved to have historically existed in the District.

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- E. All new development including but not limited to buildings, structures, dwellings, and accessory structures for new developments shall conform to the standards in Subsection D except that setback requirements shall not be less than five feet.
  - F. The plans and specifications for the construction of any structures must be submitted to the Planning Commission for its review and approval prior to the issuance of a zoning permit by the Zoning Administrator to determine compliance with this Section. It is the intent of Subsections D and E of this Section, and the purpose of the S Settlement District in general, to preserve the character of development in this area for those residents who choose to live or work therein. The standards and/or decisions to be made by the Planning Commission in its determination of compliance with this Section, particularly Subsections D and E hereof, are to safeguard the unique historical heritage of the Township by preserving the S Settlement Districts and structures, objects, and areas which reflect elements of the Township's unique cultural, social, economic, political, or architectural history; to stabilize and improve property values and the economy within the S Settlement Districts; and to foster civic beauty and pride. Therefore, an applicant shall submit to the Township sufficient information regarding the proposed structure(s) to enable the Planning Commission to determine if any proposed structure(s) will be grossly dissimilar to the exterior design and appearance of other structure(s) in the surrounding settlement area. A gross dissimilarity in exterior design and/or appearance would have an adverse effect and impact on this District's intent that is to preserve the unique character of the settlement areas. The applicant shall submit to the Township sufficient information to enable the Planning Commission to determine that the proposed structure(s) conform to this Section, and, in particular, Subsections D and E.
  - G. There shall be no Planning Commission review or land use permit required for an accessory structure if the Livingston County Building Department does not require a permit.

(Ord. of 11-12-1987, § 9.05; Amd. No. 1, 8-11-1988; Amd. No. 17, 2-8-1996; Amd. No. 64, § 1, 2-11-2010)

### **Sec. 9.06. Dimensional regulations.**

Dimensional regulations for new lots or parcels created for single-family residential purposes in the S Settlement District shall comply with the following dimensional regulations:

- A. *Lot Area.* Minimum of 30,000 square feet in area, except as otherwise may be provided herein.
- B. *Lot Width.* Minimum of 100 feet at the required building setback line.
- C. *Lot Coverage.* Maximum of 30 percent.
- D. *Yard and Setback Requirements.*
  - 1. *Front yard.* Minimum of 35 feet from the road right-of-way line, except as otherwise required by the Master Plan for Roads and Highways, whichever is greater.
  - 2. *Side yard[s].* Minimum of 15 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 35 feet.
  - 3. *Rear yard.* Minimum of 15 feet.
- E. *Height Limitation.* A maximum of 35 feet from residential structures and a maximum of 25 feet for all residentially related accessory structures.

(Ord. of 11-12-1987, § 9.06; Amd. No. 37, 12-10-1998)

## **ARTICLE X. NSC NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT**

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### **Sec. 10.01. Purpose.**

The NSC Neighborhood Service Commercial District has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day-to-day needs of the residents in the immediate neighborhood.

(Ord. of 11-12-1987, § 10.01)

### **Sec. 10.02. Permitted principal uses.**

The following uses are permitted in the NSC Neighborhood Service Commercial District as long as the use is conducted completely within an enclosed building:

- Arts and crafts merchandising studios.
- Automotive vehicle sales, new and used, including repair.
- Bakeries.
- Barber and beauty shops.
- Bicycle stores.
- Book and stationery stores.
- Car washes.
- Clothing stores.
- Delicatessens.
- Drugstores.
- Dry cleaning and laundry and dry cleaning stores.
- Dry goods and notion stores.
- Educational and social institutions.
- Essential services as provided in Section 16.19.
- Furniture stores.
- Gift shops.
- Hardware and paint stores.
- Household appliance stores.
- Interior decorator shops.
- Jewelry stores.
- Medical and dental offices in complexes that may include:
  - Garment and prosthetic appliance stores.
  - Medical, dental, optical laboratories.
  - Pharmacies.
- Music stores.

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Novelty shops.  
Office supply stores.  
Offices for:  
    Financial institutions.  
    Insurance.  
    Professionals.  
    Real estate.  
Pet stores.  
Photographic studios.  
Professional health care services.  
Public buildings.  
Public service installations.  
Religious institutions.  
Restaurants.  
Self-service laundry and dry cleaning stores.  
Shoe shine and repair shops.  
Sporting goods stores.  
Toy stores.  
Tailor and dressmaker shops.  
Variety stores.  
Veterinary hospitals.  
Miscellaneous:  
    Business management consultants.  
    Business service stores.  
    Consumer credit reporting agencies.  
    Mailing and stenographic services.

(Ord. of 11-12-1987, § 10.02)

### **Sec. 10.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the NSC Neighborhood Service Commercial District, subject to the provisions of Article XIII, "Special Uses":

- A. Drive-in retail and service establishments.
- B. Planned shopping centers for a collective grouping of two or more of the principal uses permitted in this District.

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- C. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
  - D. Automotive gasoline and service stations as provided in Section 13.13.
  - E. Commercial kennels may be operated and maintained in accordance with Section 13.23.
  - F. Wireless communication structures as provided in Section 13.24.
  - G. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 10.03; Amd. No. 12, § 12, 11-11-1993; Amd. No. 41, § 8, 7-8-2004; Amd. No. 84, § 9, 11-9-2017)

#### **Sec. 10.04. Permitted accessory uses.**

- A. Normal accessory uses to all permitted principal uses.
- B. Normal accessory uses to all permitted principal special uses.
- C. Customary home occupations and home businesses in existing single-family homes as provided in Section 16.21.

(Ord. of 11-12-1987, § 10.04)

#### **Sec. 10.05. Dimensional requirements.**

Dimensional regulations in the NSC Neighborhood Service Commercial District are as follows, except as otherwise specified in this Ordinance:

- A. *Lot Area.* Minimum of one acre per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewer and treatment system, in which case the lot or parcel may have a minimum area of 15,000 square feet per principal use. Planned shopping centers shall meet the requirements of Article XIII, "Special Uses," for a collective grouping of two or more of the uses permitted in this District.
- B. *Lot Width.* Minimum of 150 feet at building setback line, when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of 80 feet at building setback line, when public or common water supply and wastewater and treatment systems are directly accessible to the lot or parcel.
- C. *Lot Coverage.* Maximum of 50 percent.
- D. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 50 feet from all road or highway right-of-way lines, except as required by the Master Plan for Roads and Highways, whichever is greater.
  - 2. *Side Yards.* Minimum of ten feet for one side yard, but a minimum total of 25 feet for both side yards.
  - 3. *Rear Yard.* Minimum of 40 feet.
- E. *Height Limitations.* Maximum of 35 feet, except that a detached accessory structure shall not exceed 25 feet.
- F. *Locational Requirements.*

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1. The site shall have at least one property line abutting a major road or highway arterial upon which it fronts and from which it has its most direct vehicular access.
  2. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access. This condition will be waived by the Planning Commission if the Livingston County Road Commission finds an acceleration and deceleration lane is not necessary for public safety, health, and welfare of the citizens and the frontage access road may also be waived if the Livingston County Road Commission finds that it is not necessary for public safety, health, and welfare of the citizens provided that there is sufficient land reserved in the site plan so a future frontage access road can be constructed when the same is recommended by the Livingston County Road Commission.
  3. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 16.23.

(Ord. of 11-12-1987, § 10.05; Amd. No. 1, 8-11-1988; Amd. No. 3, 7-12-1990)

## **ARTICLE XI. LI LIGHT INDUSTRIAL DISTRICT**

### **Sec. 11.01. Purpose.**

It is the intent of the LI Light Industrial District to provide for the development of sites for industrial plants for the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this District to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are not normally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

(Ord. of 11-12-1987, § 11.01)

### **Sec. 11.02. Permitted principal uses.**

- A. The following uses are permitted in the LI Light Industrial District, as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

Commercial freestanding towers.

Commercial garages.

Contractor's establishments.

Grain elevators; storage and retail sales.

Printing and publishing.

Research and development establishments.

Trade and industrial schools.

Warehouse, including mini-warehousing.

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Wholesale trade stores.

- B. There shall also be, as permitted principal uses in the LI Light Industrial District, those existing single-family residential homes, as well as their permitted accessory uses, so that those single-family dwellings which currently exist in the LI Light Industrial District shall no longer be nonconforming uses but shall be permitted principal uses; however, no parcel of land in an LI Light Industrial District shall be further divided for the purposes of allowing or constructing new, additional single-family residential homes in this District. Should any such existing single-family home or accessory structure be destroyed by any means, the same may be reconstructed within one year from the date of destruction, so long as the same type and style of structure is rebuilt in the same location and area of the destroyed structure. Such single-family homes may be used as a family day care home as provided in Section 16.41 or as a foster care home with fewer than six persons as provided in Section 16.41A.

(Ord. of 11-12-1987, § 11.02; Amd. No. 21, § 1, 4-11-1996; Amd. No. 58, § 1, 8-14-2008)

### **Sec. 11.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the LI Light Industrial District subject to the provisions of Article XIII, "Special Uses":

- A. Planned industrial parks for the collective grouping of two or more of the principal uses permitted in the district.
- B. Junkyards as provided in Section 13.08.
- C. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
- D. Temporary transient amusement enterprises as provided in Section 13.12.
- E. Housing of elderly as provided in Section 13.19.
- F. Group day care homes as provided in Section 13.22.
- G. Commercial kennels as provided in Section 13.23.
- H. Wireless communication structures as provided in Section 13.24.
- I. Dry bulk blending plants.
- J. Electrical and electronic equipment manufacturers.
- K. Essential services as provided in Section 16.19.
- L. Fabricated metal products.
- M. Handling of liquid nitrogen and fertilizers.
- N. Jobbing and machine shops.
- O. Metal plating and finishing.
- P. Monument and cut stone manufacturers.
- Q. Outdoor storage.
- R. Plastic products forming and molding.
- S. Processing of machine parts.

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- T. Public service and utility facilities, but only during construction of permanent building and structures, and provided that they are removed immediately upon completion.
  - U. Storage facilities for building materials, indoor and outdoor.
  - V. Storage or transfer warehouses.
  - W. Truck and rail freight terminals.
  - X. Solar farms as provided in Section 13.27.

(Ord. of 11-12-1987, § 11.03; Amd. No. 41, § 9, 7-8-2004; Amd. No. 58, § 2, 8-14-2008; Amd. No. 84, § 10, 11-9-2017)

#### **Sec. 11.04. Permitted accessory uses.**

The following uses are permitted in the LI Light Industrial District when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

Banking.

Caretakers' quarters.

Customary home occupations and home businesses in existing single-family homes as provided in Section 16.21.

Education, library and training facilities.

Medical and health care facilities.

Normal accessory uses to all permitted principal uses.

Office facilities.

Recreation and physical fitness facilities.

Research and experimentation facilities.

Restaurants.

Sales display facilities and areas.

Truck and equipment service, maintenance, repair and storage facilities.

Warehouse and storage facilities.

Work clothing sales and service facilities.

(Ord. of 11-12-1987, § 11.04)

#### **Sec. 11.05. Required conditions for all uses.**

- A. *Access Roads.* All uses shall only have vehicular access via a year round hard surface paved road, including the road system that connects it to the State and Federal designated highway routes.
- B. *Barriers.* All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.



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- C. *Screening.* When adjacent to or across the road from existing residential developments or zoning districts, an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 16.30.
  - D. *Sewage Disposal.* Permitted industrial uses shall be served by a publicly owned and maintained sewer service or sanitary treatment system approved by the County Health Department and that conforms to or exceeds the minimum standards of the Michigan Department of Environmental Quality and the County Health Department.
  - E. *Waste Disposal.* All waste, hazardous and non-hazardous, shall be disposed of in accordance with all State and/or Federal laws, rules and/or regulations governing the disposal of such substances.

(Ord. of 11-12-1987, § 11.05; Amd. No. 82, §§ 1, 2, 7-13-2017)

### **Sec. 11.06. Dimensional requirements.**

Dimensional requirements in the LI Light Industrial District are as follows, except where otherwise specified in this Ordinance:

- A. *Lot Area.* Minimum of two acres per principal use, except where a lot or parcel is served by a publicly owned and maintained or common water supply system and a publicly owned and maintained wastewater disposal and treatment system, in which case the lot or parcel may have a minimum area of 40,000 square feet per principal use.
- B. *Lot Width.* Minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and wastewater disposal and treatment systems are directly accessible to the lot or parcel.
- C. *Lot Coverage.* Maximum of 50 percent.
- D. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 50 feet from all road or highway right-of-way lines, except as required by the Master Plan for Roads and Highways, whichever is greater.
  - 2. *Side Yards.* Minimum of 20 feet for one side yard, but a minimum total of 50 feet for both side yards.
  - 3. *Rear Yard.* Minimum of 50 feet.
- E. *Height Limitations.* Maximum of 40 feet, except that a detached accessory structure shall not exceed 25 feet, except as otherwise provided in this Ordinance.
- F. *Locational Requirements.*
  - 1. The site shall have at least one property line abutting the major road or highway arterial upon which it fronts and from which it has the most direct vehicular access.
  - 2. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or highway arterial upon which the site fronts and from which the site has its most direct vehicular access. This condition will be waived by the Planning Commission if the Livingston County Road Commission finds an acceleration and deceleration lane is not necessary for public safety, health, and welfare of the citizens and the frontage access road may also be waived if the Livingston County Road Commission finds that it is not necessary for public safety, health, and welfare of the citizens

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provided that there is sufficient land reserved in the site plan so a future frontage access road can be constructed when the same is recommended by the Livingston County Road Commission.

3. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures.

(Ord. of 11-12-1987, § 11.06; Amd. No. 1, 8-11-1988; Amd. No. 82, § 3, 7-13-2017)

## **ARTICLE XII. MHR MOBILE HOME RESIDENTIAL DISTRICT<sup>6</sup>**

### **Sec. 12.01. Purpose.**

It is the intent of the MHR Mobile Home Residential District to provide an area in the Township where mobile homes can be located exclusively for the purpose of providing families who prefer this type of housing to conventionally built housing and further to provide for others seeking such housing to assemble in the same District.

(Ord. of 11-12-1987, § 12.01)

### **Sec. 12.02. Permitted principal uses.**

- A. Single-family mobile homes on lots that meet the requirements of Section 12.05.A or 12.05.B.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AR District requirements.
- C. Essential services as provided in Section 16.19.
- D. Family day care homes as provided in Section 16.41.
- E. Foster care homes housing six or fewer persons as provided in Section 16.41A.

(Ord. of 11-12-1987, § 12.02)

### **Sec. 12.03. Permitted principal special uses with conditions.**

The following special uses of land, buildings and structures are permitted in the MHR Mobile Home Residential District, subject to the provisions of Article XIII, "Special Uses":

- A. 1. Permitted public and private institutions for human care, religion education and other human social purposes, are as follows:
  - (a) Public recreational playgrounds on at least ten acres.
  - (b) Nonprofit recreation areas on at least ten acres.
  - (c) Religious institutions on at least five acres.
  - (d) Educational and social institutions on at least ten acres.
  - (e) Child care centers on at least two acres.

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<sup>6</sup>State law reference(s)—Mobile Home Commission Act, MCL 125.2301 et seq.

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2. Permitted principal special uses in this Subsection A are subject to the following conditions:
    - (a) The proposed site for any of the uses permitted in this Subsection A shall have its main access from a public road and the site shall be so planned as to provide all access directly to said road.
    - (b) Front, waterfront, side and rear yards shall be set back at least 100 feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
    - (c) Shall meet all other applicable requirements of this Zoning Ordinance.
  - B. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes, and recreational vehicles as provided in Section 13.10.
  - C. Temporary transient amusement enterprises as provided in Section 13.12.
  - D. Housing of elderly as provided in Section 13.19.
  - E. Group day care homes as provided in Section 13.22.
  - F. Commercial kennels may be operated and maintained in accordance with Section 13.23.
  - G. Wireless communication structures as provided in Section 13.24.

(Ord. of 11-12-1987, § 12.03; Amd. No. 12, § 13, 11-11-1993; Amd. No. 41, § 10, 7-8-2004; Amd. No. 82, § 4, 7-13-2017)

#### **Sec. 12.04. Permitted accessory uses.**

- A. Normal existing accessory uses to single-family housing and existing agricultural uses.
- B. Normal accessory uses to permitted and approved special uses.
- C. Customary home occupations and home businesses, in conformance with the provisions of Section 16.21.

(Ord. of 11-12-1987, § 12.04)

#### **Sec. 12.05. Dimensional regulations.**

- A. *Lot Area With Public or Common Sewer and Water.* Minimum of 15,000 square feet with public or common sewer and water.
- B. *Lot Area Without Public or Common Sewer and Water.* Minimum of 25,000 square feet, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. *Lot Width.* Minimum of 100 feet for lots under Subsection A of this Section and 150 feet for lots under Subsection B of this Section.
- D. *Lot Coverage.* Maximum of 30 percent.
- E. *Floor Area.* The minimum floor area of a mobile home shall be 720 square feet, excluding all additions to the basic mobile home structure.
- F. *Yard and Setback Requirements.*

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1. *Front Yard.* Minimum of 50 feet from the road right-of-way line or as required by the Master Plan for Roads and Highways, whichever is greater, and shoreline of any surface water feature, except as otherwise required in Section 12.03.A.2(b) and unless a greater setback from the waterline is required by the Michigan Department of Environmental Quality or other public agency.
  2. *Side Yards.* Minimum of 15 feet for each side yard, except where a lot or parcel is serviced by public or common wastewater disposal and water supply, in which case a minimum of ten feet for each side yard. Where a parcel abuts a road right-of-way line, the minimum side yard shall be 50 feet.
  3. *Rear Yard.* Minimum of 35 feet.
- G. *Height Limitations.* Maximum of 15 feet for a mobile home structure; a maximum of ten feet for all mobile home residentially related structures.

(Ord. of 11-12-1987, § 12.05; Amd. No. 3, 7-12-1990)

## **ARTICLE XIII. SPECIAL USES<sup>7</sup>**

### **Sec. 13.01. Purpose.**

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which includes permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts, but which, on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

(Ord. of 11-12-1987, § 13.01)

### **Sec. 13.02. Authority to grant permits.**

The Township Planning Commission shall have the authority to grant special use permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance.

(Ord. of 11-12-1987, § 13.02)

### **Sec. 13.03. Application and fees.**

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits and information, and depositing the necessary fee in accordance with the Township schedule of fees with the Township Clerk. No fee shall be required of any governmental body or agency.

(Ord. of 11-12-1987, § 13.03)

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<sup>7</sup>State law reference(s)—Special land uses, MCL 125.3502, 125.3504.

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#### **Sec. 13.04. Data, exhibits and information required in applications.**

An application for special use permit shall contain:

- A. The applicant's name and address in full;
- B. A signed, notarized statement that the applicant is the owner involved or is acting on the owner's behalf. If the applicant is not the owner, the owner must also sign indicating the owner agrees to the application and to be bound by the terms of the special use permit, if granted;
- C. The address of the property involved;
- D. An accurate survey or drawing of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses; and
- E. A statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

(Ord. of 11-12-1987, § 13.04; Amd. No. 80, § 14, 5-11-2017)

#### **Sec. 13.05. Public hearing.**

The Township Planning Commission, after its review and determination that the application is complete, will give notice of the request for a special land use permit in accordance with MCL 125.3502 and schedule a public hearing with notice in accordance with said statute.

(Ord. of 11-12-1987, § 13.05; Amd. No. 1, 8-11-1988; Amd. No. 74, § 1, 3-14-2013)

#### **Sec. 13.06. Required standards and findings for making determinations.**

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

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.

(Ord. of 11-12-1987, § 13.06)

#### **Sec. 13.07. Site plan review.**

If a site plan is disapproved, the applicant is required to wait one year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately

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the same parcel of land. Site plan review will follow the provisions established in Article XX, "Site Plan Review Procedures." This Section shall not be applicable to mobile home parks. Mobile home parks will be subject to a preliminary plan review in accordance with MCL 125.2311

(Ord. of 11-12-1987, § 13.07; Amd. No. 1, 8-11-1988; Amd. No. 80, § 15, 5-11-2017)

State law reference(s)—Site plan, MCL 125.3501.

### **Sec. 13.08. Junkyards.**

In addition to and as an integral part of development, the following provisions shall apply to junkyards:

- A. Junkyards shall be established and maintained in accordance with all applicable statutes of the State of Michigan, and are only permitted in the LI District, provided that such junkyards meet the following conditions:
1. Minimum site of 20 acres.
  2. Maintain a landscaped greenbelt for the entire length of road frontage and a distance along side lot lines necessary to screen the junk in a junkyard from the traveling public and along the entire common property lines with residential properties and along side lot lines across which junk in junkyards is visible from any residential structure in the surrounding area.
  3. The protective screening and greenbelt designed to screen the junk in junkyards from the traveling public and adjacent and nearby homes shall be at least 20 feet wide and no junk shall exceed the height of the screening.
  4. The protective screening and greenbelt shall preserve any existing natural tree and shrub vegetation in the planting strip, and, if sufficient to meet the requirements of Subsection A.6 of this Section, shall not be required to meet those requirements the planting strip lacks.
  5. The protective screening and greenbelt plantings shall be comprised of 50 percent deciduous trees and shrubs and 50 percent evergreens interspersed and planted in spacing so as to provide a visually impenetrable planting screen between the traveling public on public roads adjacent and nearby homes. The plants shall be chosen from the following:
    - (a) All trees and shrubs both deciduous and evergreen recommended for planting in Michigan by the American Nursery and Landscape Association.
    - (b) Evergreen trees and shrubs shall be chosen from, but not limited to, the following:
      - (1) Trees: spruce, pines, cedars and firs;
      - (2) Shrubs: juniper, yew and cedars.
    - (c) Deciduous trees and shrubs shall be chosen from, but not limited to, the following:
      - (1) Trees: crabapple, thornapple, dogwood, birch, and fruit;
      - (2) Shrubs: honeysuckle, viburnum, mockorange, forsythia, and lilac.
  6. Evergreen trees shall be spaced no more than ten feet apart with at least three evergreen shrubs located on the road or home site of the planting strip and spaced no more than three feet apart.
  7. The trees and shrubs planted shall be of sufficient height and size so as to establish a permanent planting screen at least 6½ feet in height within two years from the date of planting.

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8. All of the trees and shrubs shall be maintained in a continuous healthy and growing state and, if any trees die or fail to grow, they shall be replaced as soon as practicable during the next growing season during which plant materials become available.
  9. In lieu of a planting strip, an earth berm at least 6½ feet in height, stabilized with a combination of ground cover, trees and shrubs to prevent its being lowered by erosion, or a combination of a berm and plantings which meet the requirements of Subsection A.7 of this Section and result in a permanent screen at least 6½ feet in height.
  10. In lieu of a planting strip, a solid screen fence or wall, approved by the Township Planning Commission, at least 6½ feet in height and constructed to meet the standards which will ensure its permanency as to remaining in its original alignment and appearance.
  11. No required protective screening and greenbelt shall be located in the required front, side or rear yard setback.
  12. The requirements of this Section shall be presented on a site plan prepared by a competent professional or landscape contractor. The site plan shall be submitted to the Township Planning Commission for its approval.
  13. Access to public roads:
    - (a) Access to a junkyard shall be only by a curb out cut approved by the County Road Commission.
    - (b) All driveways providing access to a junkyard and located between the protective screening and greenbelt and traveled lanes of the public road upon which the junkyard fronts shall be paved with a hard surface constructed of either asphaltic or Portland cement concrete.
    - (c) The requirements of this Subsection A.13 shall be presented on a site plan prepared by a competent professional engineer or pavement contractor.
  14. No fence, wall, hedge, screen, sign, berm, structure, vegetation or planting shall obstruct the view of any motor vehicle operator where a public road and the driveway(s) providing access to junkyards within the triangular areas formed by the intersecting road right-of-way lines, and each edge of each driveway which are located 30 feet from their points of intersection as measured along the road right-of-way line and along each edge of the driveway.

(Ord. of 11-12-1987, § 13.08; Amd. No. 80, § 16, 5-11-2017)

Note(s)—Junkyards near highways, MCL 252.201 et seq.; licensing of secondhand and junk dealers, MCL 445.401 et seq., 445.471 et seq.

### **Sec. 13.09. Mobile Home Parks District.**

- A. *Intent.* The MHP Mobile Home Parks District is established to provide for the harmonious use of mobile home dwellings in a concentrated area to meet the housing needs of the residents. The development of the mobile home park is governed by the provisions of this Ordinance, and also by the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and by the Mobile Home Commission rules promulgated pursuant to Act 96. The mobile home park also shall comply with the Michigan Department of Environmental Quality and Michigan Mobile Home Commission rules for Mobile Home Parks and Seasonal Mobile Home Parks. Compliance with State or Federal requirements does not waive the preliminary plan review and site development requirements enacted by Cohoctah Township, which are contained in Subsections A through E of this Section.
- B. *Permitted Principal Uses.* Permitted principle uses in the MHP Mobile Home Parks District are as follows:

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1. Mobile home park.
  2. Seasonal mobile home park.
- C. *Permitted Accessory Uses.* Permitted accessory uses in the MHP Mobile Home Parks District are as follows:
1. Buildings, structures, and uses customarily accessory to any of the permitted principal uses.
- D. *Special Land Uses.* Special land uses in the MHP Mobile Home Parks District are as follows:
1. Publicly owned buildings.
- E. *General Requirements for MHP Uses.* Mobile home parks and seasonal mobile home parks are subject to the following provisions:
1. *Permits.* It shall be unlawful for any person or corporation to construct, alter, or expand any mobile home park unless preliminary plans are approved and a land use permit is issued by Cohoctah Township. Building permits issued by the County Building Official shall be required for all structures in the park that are not mobile homes. Building permits shall be required also for utility installations, which include plumbing and electricity service inside the park. Approvals are also required from the Director of the Michigan Department of Environmental Quality and the Director of the Michigan Department of Labor and Economic Growth. Township land use permits and County building permits shall not supersede any requirements of the Mobile Home Commission.
- F. *Preliminary Plan.* The developer of a mobile home park shall provide the Cohoctah Township Planning Commission with one copy of the mobile home park preliminary plan prepared pursuant to Section 11 of Public Act No. 96 of 1987 (MCL 125.2311). Copies of the preliminary plan may be submitted simultaneously to the County Health Department, County Drain Commission and County Road Commission. The preliminary plan shall contain the following information:
1. Area and dimensions of the tract of land at a scale of at least one inch equals 100 feet. A north arrow also shall be included;
  2. A location map indicating the relationship of the site to surrounding land uses including the respective zoning of the abutting properties whether separated by roadways or not;
  3. Number, location, and size of mobile home sites and common open space;
  4. Location and capacity of the mobile home park severe weather shelter, if any;
  5. Location and width of roadways, walkways, and parking areas;
  6. Location of water supply system, wastewater treatment facility, and stormwater retention, if applicable; and
  7. Location and usage of permanent service buildings.
- G. *Site Standards.*
1. Mobile home parks shall not be permitted on parcels less than 15 acres in size.
  2. Mobile home parks, like other developments that generate large volumes of traffic, shall have vehicular access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement that shall be recorded in the office of the Livingston County Register of Deeds.
  3. An individual mobile home site shall have a minimum area of 5,500 square feet. The minimum size may be reduced by up to 20 percent, provided that the site shall be at least 4,400 square feet. For each square foot of land gained through the reduction, an amount of land equal to the total area reduction shall be dedicated as open space. In no case shall the open space requirements be less than that required under R 125.1946, of the Michigan Administrative Code.



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4. All roads, streets, and parking areas within the mobile home park shall be in compliance with the Mobile Home Commission Rules, specifically R 125.1920 through and including R 125.1929.
- H. *Public Notice.* The Planning Commission, upon receipt of a properly prepared preliminary plan for a mobile home park, shall advertise a notice of a public hearing in a newspaper with general circulation in the Township, not more than 30 days nor less than 20 days prior to such hearing, and send notice to property owners within one-half mile of the proposed development. If the request is to rezone property for a mobile home park, the rezoning review and public hearing notice are pursuant to the requirements of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- I. *Review Period.* The Planning Commission shall have 60 days from receipt of the preliminary plan from the developer to approve, modify, or disapprove the plan. If the Planning Commission fails to return the plan to the developer within the 60-day period, the plan shall be considered approved.
- J. *Plan Approval.* If the plan is approved by the Planning Commission, the Commission shall instruct the Zoning Administrator to issue a land use permit. The land use permit indicates that the proposed mobile home park complies with Township land use planning policies and zoning regulations. Approvals from the County Health Department, County Drain Commission, and County Road Commission are not to be presumed.
- K. *Plan Disapproval and Tentative Approval.* If the Planning Commission disapproves or grants tentative approval for the preliminary plan, a land use permit will not be issued unless all plan deficiencies are remedied or any approval conditions are met to the satisfaction of the Planning Commission.
- L. *Soil Erosion Permit.* Before commencing any site construction work for the mobile home park, the developer shall apply for and receive a soil erosion and sedimentation control permit from the County Drain Commissioner. The permit may be obtained either before or after the Michigan Department of Labor and Economic Growth issues a plan approval and permit to construct for a mobile home park. However, the soil erosion control permit shall be applied for only after a Township land use permit is issued.
- M. *Building Codes.* All structures and utilities to be erected, constructed, altered, or repaired in a mobile home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Mobile Home Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefor by the appropriate offices. However, a mobile home built prior to June 15, 1976, shall have been constructed to the State of Michigan Standards in effect at that time.
- N. *Certificate of Occupancy.* Before any mobile home can be occupied in the mobile home park, the unit shall be inspected and receive a certificate of occupancy from the County Building Official.
- O. *Improvements and Additions.* A County building permit shall be required before the construction or erection of any attached, fully enclosed, screened or glassed-in porch. A building permit shall be required for any "expandoroom" additions to the principal unit. A building permit shall be required for any detached structure, such as a garage or carport that exceeds 100 square feet in size. A County building permit shall not be required for the construction or erection of porches, canopies, or awnings that are attached to the principal unit and open on three sides.
- P. *On-Site Storage.* The onsite storage of boat trailers, boats, camping trailers, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above-mentioned equipment. Said storage area shall be covered with gravel, asphalt, or similar substances, and shall be screened from view with plant material or manmade screening devices. Common laundry drying areas, trash collection stations, surface-mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or manmade screens.
- Q. *Travel Trailers.* Travel trailers or recreational vehicles shall not be occupied as permanent living quarters in a mobile home park.

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- R. *Off-Site Impacts.* The ownership and/or management of the mobile home park shall notify the Cohoctah Township Board prior to commencing on any mobile home park projects and changes—such as but not limited to site grading and topographic changes, interior road construction, stormwater retention ponds and wastewater treatment facilities—that directly may affect neighboring Township properties. The Township Board shall be notified of any off-site changes.
  - S. *Additions and Alterations.* Project changes that are additions and alterations to the approved master park plans and specifications under which the park was originally constructed, are subject to the Alteration and Modification Rule R 325.3384 of the Michigan Department of Environmental Quality Standards.
  - T. *Performance Bond.* A performance bond for an amount as established by the Township Board shall be posted with the Township Clerk prior to any construction.

(Ord. of 11-12-1987, § 13.09; Amd. No. 1, 8-11-1988)

State law reference(s)—Mobile Home Commission Act, MCL 125.2301 et seq.

### **Sec. 13.10. Temporary mobile homes located outside of mobile home parks, including trailers, motor homes and recreational vehicles.**

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreational vehicle onto any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted in this Section, or as specifically permitted elsewhere in this Ordinance.

- A. Mobile homes, travel trailers, motor homes, and recreational vehicles shall be permitted when located on a farm having 40 acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Planning Commission, who shall issue the permit for one or more mobile home, travel trailer, motor home or recreational vehicle units if they meet the following conditions:
  - 1. The location of each unit is not to be less than 100 feet from any public highway and/or boundary of adjoining property.
  - 2. An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreational vehicle.
- B. Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreational vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that:
  - 1. The location of units meet or exceed the setback requirements for the district where the property is located, and
  - 2. Fresh water supply and sanitary facilities meet the requirements of the Livingston County Health Department.

A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one year.
- C. For parking or storage of mobile homes in RD, WRD, AR, RR, SR, and S Zoning Districts refer to Section 16.27.

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- D. For temporary occupancy of visitor-owned mobile homes and recreational vehicles refer to Section 16.31.
  - E. For use of mobile homes as an accessory use for reasons of health and infirmity, referred to in Section 6.05.B.2.(a)—(d).
  - F. Prior to the issuance of a temporary permit under Section 13.10.B the applicant shall deposit a financial guaranty with the Township in accordance with Section 16.22B.

(Ord. of 11-12-1987, § 13.10; Amd. No. 5, § 3, 12-13-1990; Amd. No. 50, § 3, 9-14-2006)

### **Sec. 13.11. Valid nonconforming use of mobile homes, travel trailers, motor homes or recreational vehicles.**

The use of any mobile home, travel trailer, motor home or recreational vehicle legally placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a valid nonconforming use that may be continued, subject to the provisions pertaining to nonconforming uses contained in Article XV.

(Ord. of 11-12-1987, § 13.11)

### **Sec. 13.12. Temporary transient amusement enterprises.**

The following provisions shall apply to temporary transient amusement enterprises in addition to all applicable regulations in the district in which they are to be located:

- A. All temporary transient amusement uses shall be located on sites large enough so as not to occupy or cover more than 50 percent of the area of a lot or parcel upon which they are located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two roads or highways.
- E. Temporary transient amusement uses are not permitted in any RR, SR, S, or LRR District.

(Ord. of 11-12-1987, § 13.12; Amd. No. 80, § 17, 5-11-2017)

### **Sec. 13.13. Gasoline service stations.**

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located:

- A. *Frontage and Area.* Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. *Setbacks.* Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of 50 feet.

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- C. *Construction Standards.* All vehicle service areas shall be constructed to conform to the following standards:
1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
  2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
  3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
  4. The minimum width of all driveways at the public sidewalk crossing or road line shall be at least 24 feet but not more than 40 feet.
  5. Minimum angle of driveway intersection with the roadway from the curb line to lot line shall be no less than 60 degrees.
  6. The minimum distance of any driveway from any property line shall be at least 20 feet.
  7. The minimum distance between roadway curb cuts shall be no less than 40 feet.
- D. *Lighting.* All lighting shall be installed as specified in Section 16.24 of this Zoning Ordinance.
- E. *Permitted Districts.* Gasoline service stations are only permitted in NSC Districts.

(Ord. of 11-12-1987, § 13.13; Amd. No. 64, § 3, 2-11-2010)

### **Sec. 13.14. Sanitary landfills.**

Sanitary landfills shall:

- A. Only be located in the RD and AR Districts;
- B. Be so located only if planned to be located in the County in accordance with the County Plan prepared in conformance with Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) on solid waste management; and
- C. Have direct access only from an impervious hard surface paved all-weather year round road as defined by the County Road Commission.

(Ord. of 11-12-1987, § 13.14; Amd. No. 1, 8-11-1988)

### **Sec. 13.15. Excavation operations.**

This Section is intended to regulate the use of land for the mining of minerals, primarily sand and gravel. The extraction of oil and gas is not regulated by this Section. This Section is necessary because mining and excavation activities may have a significant effect on the property where the activity is proposed as well as the surrounding area and the Township as a whole. If regulated and operated properly, the community can lessen the damaging effects that can be associated with changes to the topography as well as the loss of natural resources that result from mining and excavation activities. Additionally, proper planning, design, and operation for mining and excavation activities can reduce the safety hazards associated with heavy truck traffic, minimize damage to roadways, and buffer surrounding land uses from potential hazards or negative impacts. The Township recognizes the importance of mineral extraction through mining and excavation activities to the community as well as the need to properly manage this resource within Cohoctah Township. No mining or excavation activities as defined

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herein shall be permitted unless the Township Planning Commission shall first issue a special use permit in accordance with the provisions of this Ordinance. It is the intent of this Ordinance for these regulations to be consistent with the public health, safety, and welfare, and to ensure that lands subject to mining and excavation operations shall be reclaimed and rendered fully suitable for an approved use as provided within the provisions of this Ordinance.

- A. *Definitions.* Mining and excavation activities are defined as the removal from a parcel of land of any earthen resource, including, but not limited to:
1. The excavation or mining of sand and gravel.
  2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
  3. The mining of clay.
  4. The extraction of peat or marl.
  5. The quarrying of stone.
  6. The mining of coal.
- B. *Exempt Activities.* A special use permit is not required for the following activities:
1. While exempted from the special use permit requirements, a land use permit shall be required for any small-scale operation for the extraction of sand, gravel, and related materials which disturbs or removes an amount not to exceed 5,000 cubic yards of material within a one-year period and that shows no appreciable impact on sediment control, stormwater, or other site factors. A land use permit application for a small-scale operation shall be accompanied by a minor plot plan that is submitted at the time a land use permit is requested. Any operation meeting the provisions of this Subsection shall also be required to leave a final grade not steeper than a slope of three-to-one (horizontal-vertical), as well as meet the provisions of Subsection B.8.(a)–(e) set forth below.
  2. Grading and filling in conjunction with commercial, industrial, or residential construction provided valid building and soil erosion and sedimentation control permits have been issued by the proper authorities.
  3. Foundations and building pads for any building or structure, provided that valid building, soil erosion, and sedimentation control permits have been issued by the proper authorities.
  4. Minor landscaping projects provided they do not encroach upon flood-prone areas, protected wetlands, natural drainways, or the County drainage system.
  5. Swimming pool construction provided a valid land use permit has been issued for construction of the pool.
  6. Excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, drain fields, etc.
  7. Excavations or leveling for private drives to provide ingress or egress that have been approved by the Township and the Livingston County Road Commission.
  8. Accessory ponds established in conjunction with a permitted agricultural or residential use which are three-fourths of an acre or less in size, provided:
    - (a) The boundaries of the excavation are wholly within one owner's property.
    - (b) Off-site drainage is not affected.

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- (c) Appropriate Township, County, and State permits as required shall be obtained prior to pond excavation.
  - (d) There shall be a minimum setback from the edge of the excavation to all adjacent dwellings and lot lines of at least 100 feet.
  - (e) There shall be a minimum setback from any septic tank and/or septic waste disposal field of at least 100 feet.
  - (f) If any pond is to exceed three-fourths of an acre in size a land use permit must be obtained and the application for the permit shall contain a plot plan indicating compliance with the terms of this Ordinance.
- C. *Permitted Locations.* Mining and excavation activities shall be permitted in the RD, WRD, AR and RR Zoning Districts in the Township on a parcel that is large enough to meet the setback, buffer and other site requirements herein.
- D. *Permitted Accessory Uses.* The Planning Commission shall determine whether any use customarily incidental to the permitted principal special use shall be allowed as a permitted accessory use.
- E. *Mining and Excavation Area Buffer and Equipment Location Requirements.* Notwithstanding any other minimum yard sizes required by this Ordinance, the following shall apply to mining and excavation activities:
- 1. Mining and excavation activities shall be set back the following minimum distances:
    - (a) From the right-of-way of any public street, private road, or highway, 100 feet;
    - (b) From any adjacent property lines, 100 feet;
    - (c) From an existing dwelling on an adjacent parcel, 200 feet;
  - 2. The Michigan Department of Environmental Quality and Livingston County Soil Erosion Control Officer shall determine the setback from any natural or existing manmade surface water body, watercourse, or wetland;
  - 3. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or right-of-way line of any public road or private road. Wherever practical, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain in order to reduce the visual impact of the plant structure;
  - 4. Storage piles of processed material, topsoil and overburden stripped from mining areas shall not be located closer than 100 feet from any adjacent property line or 100 feet from any public road or private road;
  - 5. There must be a natural or manmade visual barrier adequate to shield or buffer the operation from existing roadways outside the project and adjacent property. The specifics of the visual barriers will be made on an individual site basis depending upon the property where the project is located and the surrounding properties as agreed upon between the applicant and the Township Planning Commission. The natural visual barrier may consist of naturally occurring vegetation. Generally, such barriers shall be five feet in height. Earth berms shall have slopes not in excess of one foot vertical to three feet horizontal, and shall be planted with grass, trees and shrubs. Screen plantings of coniferous or other suitable species shall be at least five feet in height, in rows parallel to the boundary of the property; the spacing of rows and the spacing of trees within rows shall be sufficient to provide effective screening.
- F. *Performance Standards.*

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1. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.
  2. To ensure the safety of motorists and infrastructure, the following criteria shall apply to vehicular congestion, roadway deterioration, debris and dust from truck traffic and any other potential adverse conditions as determined by the Township Planning Commission and appropriate other local or State officials:
    - (a) Existing roadways will be adequately improved to carry the increased truck traffic. The amount of improvement and expected cost will be determined during the site plan review process.
    - (b) There will be no serious impairment to the general level of air and noise quality due to heavy truck traffic, dust, emission and overall air quality. In making such a finding, consideration shall be given to the equipment and methods used to minimize such impacts.
  3. No operation shall be conducted in a manner so as to lower the water table on surrounding properties.
  4. Final grade on site plan shall not be steeper than a slope of three-to-one (horizontal-vertical).
  5. Temporary stockpiling of processed materials, topsoil or overburden, erosion, and similar operational problems shall not constitute a nuisance or hazard to road traffic, pedestrians, or adjoining property. Topsoil stockpiling shall be seeded to prevent wind and water erosion.
  6. All excavations shall use the most current best management practices (BMP) to control erosion and limit the amount of sediment reaching surface water. Existing water table and water quality will be determined and regular monitoring of the quality of the water table and water will be conducted. Such determinations will be performed by a qualified independent soil scientist, soils engineer, hydrologist, hydro-geologist, or geologist regarding the surface water, the level of the water table and the size and location of existing and new water bodies on the site and within one mile of the site. Costs of all such tests and monitoring shall be the responsibility of the permit holder.
  7. The excavation shall be graded in a fashion that will not cause water to accumulate in stagnant pools.
  8. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause the ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
  9. The intensity level of sound shall not exceed 100 decibels (dBA) at the property line. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
  10. The effects of air pollution, noise, and vibrations upon adjacent properties shall be minimized to the greatest extent possible by adequate site design, soundproofing materials, equipment, and buildings designed to accomplish this goal and by the appropriate use of berms, walls, and natural planting screens.
  11. Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
  12. Truck and heavy vehicle traffic related to the excavation operations shall use major thoroughfares for access, wherever possible.

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13. Public streets within 1,500 feet of the exit of the extractive used site shall be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.
  14. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on an approved haul route, as determined by the Township Planning Commission, which minimizes adverse impacts on residential neighborhoods.
  15. The hours of operation shall be set by the Township Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Friday from 7:00 a.m. to 6:00 p.m., Saturday from 8:00 a.m. to 12:00 noon; operations shall be prohibited on legal holidays and Sundays. The Township Supervisor, or his designee, may provide temporary exemptions from hours of operations for an operator who must repair equipment or for public emergencies.
  16. The perimeter area for the mining or excavation activities shall be enclosed by a chain link or similar fence or continuous wall at least six feet high, although the applicant may request the Township Planning Commission to approve an alternate enclosure by screen planting or hedge fence of similar perimeter control capability.
  17. The excavation shall not be used for the disposal of any foreign material, other than clean off-site fill, without prior approval from appropriate Township, County, and State entities.
  18. All work shall be undertaken and completed on a cell-by-cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Township Planning Commission.
  19. Excavated areas shall be reclaimed under the following standards:
    - (a) Vegetation restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
    - (b) When excavation operations are completed, the excavation area shall be graded or backfilled as necessary to produce gently rolling surface that will minimize wind and water erosion and that will be generally compatible with the adjoining area. No graded areas shall be left so that gradients in disturbed earth are steeper than a slope of three-to-one (horizontal-vertical).
    - (c) A layer of arable topsoil a minimum of four inches thick, of a quality approved by the Township, shall be spread over the excavated area, except for exposed rock surfaces, or areas lying below natural water level.
    - (d) Excavation that has created or extended lakes, ponds, or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service or by the Department of Environmental Quality with appropriate approval from one or both agencies. Approval is based upon water body size as established by the above agencies and an application must be sent to both agencies for possible review. At a minimum, any body of water created shall have a minimum depth of ten feet below the average summer level of water in the excavation with the grade not to exceed that specified in Subsection F.19.(b) above.
    - (e) No area shall be left in a manner that will collect or retain stagnant water.
    - (f) Backfill and grading materials shall not be noxious, flammable, or toxic.



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20. Fill and soils shall not be overly compacted and shall be of sufficient quality to be well-drained, nonswelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  21. Excavation shall meet standards and specifications and shall require a permit pursuant to Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994 (MCL 324.9101 et seq.).
- G. *Permit Requirements.* Before granting a permit, the Township Planning Commission shall conduct a public hearing concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be filed with the Township Clerk, accompanied by plans, drawings, and information prepared by appropriate registered professionals, depicting, at a minimum:
1. Name, address, and telephone number of surface owner and mineral rights owner of land from which excavation will take place.
  2. Name, address, and telephone number of operator (person, firm, or corporation who will be conducting the actual excavation).
  3. Location, size, and legal description of the total site area to be excavated. Include legend showing a north point, scale, and date. The extent of the excavation will be designated on the documents accompanying the application.
  4. Location, width, and grade of all easements or rights-of-way on or abutting the area subject to excavation.
  5. A statement from the applicant identifying all other Federal, State, and local permits required, if any.
  6. Proof of liability insurance from the operator.
  7. Notification of any deed restrictions on the property.
  8. Name of financial institution backing the excavation operation.
  9. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of the excavation.
  10. The existing surface water and drainage patterns.
  11. A vertical aerial photograph, enlarged to a scale one inch equals 200 feet, from the original photograph flown at a negative scale no smaller than one inch equals 1,000 feet and certified as flown not earlier than two years prior to the date of the application. The vertical aerial photograph shall cover:
    - (a) All land requested in the permit application.
    - (b) All contiguous land, which will be, or has been, used by the owner or leaseholder applicant for excavation, processing, storage, or other permitted uses.
    - (c) All lands within one-half mile of the proposed planned excavation area.
    - (d) Existing zoning classifications overlaid on all areas shown on the map.
  12. A hydro-geologic report of the proposed excavation site. Such a report shall, at a minimum provide:
    - (a) A detailed description of surface conditions.
    - (b) Depth of water table throughout the planned excavation area.

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- (c) A map depicting the thickness and depths of material to be excavated.
  - (d) An environmental impact study of the proposed excavation, including, but not limited to, the impact of the proposed excavation upon existing area wells.
  - (e) A recommendation of the necessity to install monitoring wells.
13. A discussion of the proposed method of excavation, including, but not limited to:
- (a) The area and amount of material to be excavated in cubic yards.
  - (b) Proposed side slopes and depths for all portions of the excavated area.
  - (c) Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - (d) The time, duration, phasing, and proposed work schedule of the total project.
  - (e) The proposed location of any building, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - (f) Area from which excavation will take place in the first year of operation and likewise for each successive year until operation completion.
  - (g) The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
  - (h) Proposed plans for fencing and signs.
  - (i) Provisions for buffer zones, landscaping, and screening.
  - (j) A detailed list of the type of equipment to be used that is updated annually and submitted to the Township.
  - (k) List of proposed types and uses of explosives, if required, and a proposed plan for all safeguards for their use.
  - (l) A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
    - (1) Physical description of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
    - (2) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
    - (3) Landscape plan for the portion of the property disturbed by excavation.
    - (4) A reuse plan for the site once excavation is complete.
  - (m) Site plan and associated reports shall document the method of compliance with the performance standards of this Ordinance.
  - (n) All means of access to the property shall be from major or secondary thoroughfares.
  - (o) The operator of an excavation operation must require, prior to the exit from the operator's premises, the drivers of all vehicles carrying product to thoroughly clean the license plates of their vehicles, and the failure of drivers to do so shall be a violation of this Section.
  - (p) Such other information as may be reasonably required by the Township to base an opinion as to whether a permit should be issued.

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- H. *Amount of Application Fee.* The amount of the application fee shall be the amount established by the Township Board as established in its schedule of fees. In addition to the application fee, the applicant shall advance to the Township the estimated expenses that will be incurred by the Township with respect to experts retained by it to review and process the application. The permit holder shall ensure that there are adequate funds maintained with the Township in an appropriate escrow account to cover any and all expenses the Township might incur related to administration of the permit including, but not limited to, inspection and monitoring fees. Failure to pay, or maintain, in advance the sums provide for herein shall result in an automatic denial of the permit. Permits issued by the Township Planning Commission shall be for a period of one year expiring on March 31, and such permits may be renewed as herein provided for so long as the permittee complies with all provisions of this Ordinance or other conditions of this permit. The renewal of permits is also conditioned upon the payment of a renewal fee established by the Township Board as well as payment for any and all costs incurred by the Township Board to monitor the operation and compliance with the terms of this Ordinance, the permit, and any extensions, or renewals of the permit. Any application for permit renewal shall require that the applicant advance to the Township the estimated expenses that will be incurred by the Township with respect to experts retained by it to review and process the permit renewal.
- I. *Issuance or Denial.* After reviewing all of the information submitted by the applicant, and such other information as may be in the possession of the Township Planning Commission, the Township Planning Commission shall, at a regular or special meeting, determine whether or not a permit will be issued. The permit shall be issued in the event that the Township Planning Commission shall determine that the issuance of the permit meets the provisions of this Ordinance and the standards in Section 13.06 and that the operation would not detrimentally affect the public health, safety, and general welfare of the citizens of the Township.
- J. *Financial Guarantees for Compliance and Reclamation.*
1. Mining operations shall not commence until a financial guarantee to ensure compliance with the permit, the approved application operational plan and the reclamation plan shall have been filed with the Township Clerk as approved and required by the Township Planning Commission. The form and the amount of the financial guarantee shall be determined by an estimate prepared by the applicant's engineer based upon consideration of the size and scope of the proposed excavation, probable cost of rehabilitating the premises if the applicant or operator defaults under the permit and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all such facts and circumstances surrounding each application. This estimate shall be reviewed by the Township Engineer who shall then make a recommendation to the Township as to the sufficiency of the amount of the estimate prepared by the applicant's engineer. The Township may include in the amount of the financial guarantee estimated expenses including, but not limited to, legal and engineering fees, that the Township could incur through litigation to compel the operator or applicant to comply with the terms of the permit or this Ordinance. The Township Planning Commission, in considering any application to renew the permit, may at its discretion, increase or decrease the amount of the financial guarantee, based upon increased costs, new information, or partial reclamation. The financial guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Planning Commission.
  2. The financial guarantee shall be in the form of cash, or an irrevocable letter of credit, issued by a financial institution licensed to do business in the State, making the Township the beneficiary thereof and the terms of any irrevocable letter of credit are subject to Township approval.
  3. The conditions of such financial guarantee shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit, the financial guarantee shall

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be released for return to the applicant, otherwise the Township shall have the right to use the guarantee to the extent necessary to reclaim the property and to cover all costs incurred by the Township in enforcing and bringing about compliance with the approved permit, including attorney fees, and to otherwise guarantee payment for all other reclamation and enforcement and compliance requirements of the Township.

4. Any financial institution issuing an irrevocable letter of credit in satisfaction of these requirements is subject to approval of the Township Planning Commission. The irrevocable letter of credit shall remain with the Township until the parcel or parcels have been reclaimed, and all the equipment, machinery, materials, buildings, and other commercial improvements removed as required by this Ordinance.
- K. *Other Conditions.* The conditions of any permit issued under this Section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation under such permit.
1. When an operator disposes of his interest in an excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Township may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor operator or owner assumes the obligations of the former operator under the permit as well as the reclamation responsibilities. At that time the permit may be transferred.
  2. The general site plan may be modified at any time by mutual consent of the operator and the Township Planning Commission to adjust to changed conditions or technology or to correct an oversight.
  3. When activities on or use of the area subjected to excavation, or any portion thereof, have ceased for more than one year, as shown by examination of the premises, the operation shall be considered abandoned and a new permit shall be required before additional excavation activities can occur.
  4. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such buildings or structures can be lawfully used in the district in which the same are located.
- L. *Inspections and Conformance.*
1. Excavation operations authorized by permits shall be inspected not less than twice annually to determine compliance with this Ordinance and the permit(s) issued pursuant to this Ordinance.
  2. Any violations shall be reported in writing to the Township. The report shall then be forwarded by the Township to the operator with a request for compliance.
  3. Failure on the part of the operator to correct a reported violation within 30 days after such request is made by the Township shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township of proof of good and sufficient cause by the operating company; otherwise the operator shall be declared to be in violation of this Ordinance and subject to the penalties of both the ordinance and the special use permit approved for the mining and extraction operation.
  4. The Township Board may initiate injunction or other appropriate proceedings to prevent or enjoin any violation of this Section. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law. The use of any land located within the Township in violation of this Section is declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

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(Ord. of 11-12-1987, § 13.15; Amd. No. 1, 8-11-1988; Amd. No. 42, 5-12-2005; Amd. No. 80, §§ 18—20, 5-11-2017)

**Sec. 13.16. Deleted.**

(Ord. of 11-12-1987, § 13.16; Amd. No. 1, 8-11-1988)

**Sec. 13.17. Solar buildings.**

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

(Ord. of 11-12-1987, § 13.17)

**Sec. 13.18. Reserved.**

Editor's note(s)—Amd. No. 67, § 2, adopted August 11, 2011, repealed § 13.18, which pertained to windmills and wind turbines and derived from an Ord. of November 12, 1987.

**Sec. 13.19. Housing of the elderly in detached single-family homes.**

Housing of the elderly aged 55 or older at two per bedroom, up to a maximum of six, per detached single-family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single-family home. The family needs shall be computed at two family members per bedroom. Further, each two bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposes which shall be located within ten feet of the most accessible door of the respective bedroom it is designated to serve.

(Ord. of 11-12-1987, § 13.19)

**Sec. 13.20. Waste disposal.**

All principal uses involving the handling or storage of waste, hazardous and/or non-hazardous, shall be located in the LI Light Industrial District and operated in accordance with all applicable State and Federal laws, rules and regulations governing the disposal of such waste.

(Ord. of 11-12-1987, § 13.20; Amd. No. 80, § 21, 5-11-2017)

State law reference(s)—Hazardous Waste Management Act, MCL 324.11101 et seq.

**Sec. 13.21. Land in multiple zoning districts.**

Any parcel of land that lies in more than one zoning district and is under common ownership and such multiple zoning district was created by the petition of the Township and not resulting from the owner or his predecessor in title requiring multiple zoning districts, then the Township Planning Commission, subject to the provisions of this Article may provide additional uses in either of the zoning districts, which uses shall be determined as follows:

- A. If there is a current use in one district which is either a permitted principal use or a special use, with or without conditions, and the other abutting zoning district (second district) does not provide for the

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same use, the Township Planning Commission may allow the principal or special use of the one district to be expanded into the second district, including accessory structures to the principal use, upon meeting the Zoning Ordinance provisions regarding the principal use or special use of the district that does provide for such use.

(Ord. of 11-12-1987, § 13.21; Amd. No. 2, 4-13-1989; Amd. No. 80, § 22, 5-11-2017)

### **Sec. 13.22. Licensed or registered group day care homes.**

A group day care home licensed or registered under Public Act No. 116 of 1973 (MCL 722.111 et seq.) shall be a permitted principal special use in all residential zoning districts, including those zoned for single-family dwellings, subject to the issuance of a special use permit which shall be issued if the group day care home complies with the following standards:

- A. The group day care home is located not closer than 1,500 feet to any of the following:
  - 1. Another licensed group day care home.
  - 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).
  - 3. A facility licensed under Michigan law offering substance abuse treatment and rehabilitation service to seven or more people.
  - 4. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  - 5. The distance specified in this Subsection A. shall be measured along a street, road, or place maintained by the State, County, or Township of Cohoctah and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
- B. All outdoor play areas shall be enclosed by a fence that is nonclimbable in design and at least 54 inches high.
- C. The property is maintained consistent with the visible characteristics of the neighborhood. There shall not be any equipment located in the front yard.
- D. The group day care home shall not exceed 16 hours of operation during a 24-hour period and shall not operate between the hours of 10:00 p.m. and 5:00 a.m.
- E. The group day care home may have one nonilluminated sign that complies with the standards in Article XIX and shall display only the name and address of the group day care home.
- F. The group day care home shall provide off-street parking for all employees, in a driveway or similar facility common to the particular neighborhood, which is in addition to the off-street parking required for the residence itself.
- G. The group day care home shall be inspected for compliance with these standards and conditions prior to occupancy or use as a group day care home and at least once each year thereafter prior to the anniversary of the issuance of the special use permit.
- H. Group day care homes as defined in Section 2.02 of this Ordinance shall only apply to the bona fide private residence of the operator of the group day care home.

(Amd. No. 3, 7-12-1990; Amd. No. 80, § 23, 5-11-2017)

State law reference(s)—Mandate for this Section, MCL 125.3206.

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### **Sec. 13.23. Commercial kennels.**

A commercial kennel operation shall not be maintained on a parcel less than ten acres in size and shall further be subject to the following conditions:

- A. Dog runs and/or exercise areas designed for that purpose, as well as buildings where the dogs are maintained, shall be located in the side or rear yard only.
- B. Buildings wherein dogs are kept, dog runs and/or exercise areas shall not be located nearer than 200 feet to any adjacent parcel.
- C. Such facilities shall be under the jurisdiction of the Township Planning Commission and a person desiring to have a commercial kennel shall apply to the Township Planning Commission and shall provide to the Township Planning Commission a site drawing and other information sufficient to demonstrate that the conditions set forth herein will be complied with. The issuance or renewal of a permit by the Township Planning Commission shall also be subject to other conditions and requirements of said body as deemed necessary to ensure against the occurrence of any possible nuisance.
- D. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
- E. A wall or fence of a solid nature that obstructs the view around the outside perimeter of the dog runs and/or exercise areas shall be constructed with a height of not less than six feet.
- F. All such kennels shall be operated in conformance with all applicable County, State, and Federal regulations, permits being valid so long as the kennel is in compliance with the terms of the permit and this Ordinance, subject to review annually by the Zoning Administrator for compliance with applicable County, State, and Federal regulations, as well as the conditions of this Ordinance and the special use permit.
- G. Commercial kennels are not permitted in the S Settlement or LRR Limited Recreation Residential Districts.

(Ord. of 11-12-1987, § 13.23; Amd. No. 12, § 14, 11-11-1993; Amd. No. 55, § 3, 3-13-2008; Amd. No. 80, § 24, 5-11-2017)

State law reference(s)—Kennels, MCL 287.270 et seq.

### **Sec. 13.24. Wireless communication structures.**

- A. *Applicability and Preamble.* This Section is adopted and designed to promote the general peace, health, safety and welfare of the residents of Cohoctah Township. The regulations of this Section are intended to conform with the Federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Cohoctah Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the Township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication facilities and wireless communication support structures. Collocation is required in order to ensure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the

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future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and to provide security for removal.

B. *Definitions.*

*Attached Wireless Communications Facilities*—Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

*Collocate*—To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

*Communication Tower or Tower*—A guyed, monopole, or self-supporting tower, constructed as a free-standing structure containing one or more antennae intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

*Equipment Compound*—An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located. Wireless Communication Equipment Storage Facilities or Storage Building has a corresponding meaning.

*Provider*—An entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

*Wireless Communication Antenna or Antennae*—Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals. See Section 16.54.

*Wireless Communications Equipment*—The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. Wireless Communication Facility has a corresponding meaning. Not included in this definition are citizens band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

*Wireless Communications Support Structure*—A structure that is designed to support, or is capable of supporting, wireless communications equipment, including but not limited to a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. Wireless Communication Support Structure or Tower(s) has a corresponding meaning.

C. *Telecommunications Facilities Permit.*

1. *Permit Required.* A wireless communication facility shall require the issuance of a telecommunications facilities permit.
2. *Information Required.* The following information is required for a telecommunications facilities permit:
  - (a) Each applicant for an antenna and/or tower shall provide an inventory of all existing towers, antennas, or sites approved for towers or antennas that are either within the jurisdiction of Cohoctah Township or within one mile of the border thereof, including specific information about the location, height, and type of tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Cohoctah Township; provided, however, that the sharing of



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such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.

- (b) A scaled site plan, not greater than one inch equals 100 feet, clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning; adjacent land uses and zoning, Comprehensive Plan (Master Plan) classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower; specifications of the transmitter and model numbers and any other structures; topography, parking, and any other information deemed by Cohoctah Township to be necessary to assess compliance with this Section.
- (c) Legal description and owner of property of the parent tract and leased parcel (if applicable).
- (d) The setback distance between the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (e) A landscape plan showing specific landscape materials.
- (f) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (g) A notarized statement by the applicant indicating that construction of the proposed tower will accommodate a minimum of five additional antennae arrays equal to that submitted by the applicant and agreeing to allow collocation if a permit is granted.
- (h) For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's structures/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- (i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. The applicant shall provide an affirmative statement as to the need for the proposed tower and why no existing structure will meet the needs of the proposed new tower.
- (j) An environmental impact assessment disclosing any potential impact on local wetlands, floodplains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
- (k) A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs that might result in lower tower heights.
- (l) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure longterm, continuous maintenance to a reasonably prudent standard.
- (m) All tax related information as requested by the Cohoctah Township Assessor's Office for appraisal purposes.
- (n) The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

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3. *Conditions of Approval.* In granting a telecommunications facilities permit, Cohoctah Township may impose conditions that the Township determines are necessary to further the purposes of this Section and/or to minimize any adverse impact of the proposal on adjoining or nearby properties.
  4. *Factors to Consider in Granting a Telecommunications Facilities Permit.* In determining whether to issue a telecommunications facilities permit, the Planning Commission shall review the particular circumstances and facts of each application on its own merits according to Section 13.06. Such factors shall include, but not be limited to, all provisions of this Section and any other Cohoctah Township ordinances not in conflict with this Ordinance, as well as the following factors:
    - (a) Height of the proposed tower.
    - (b) Proximity of the tower to residential structures and residential district boundaries.
    - (c) Nature of uses on adjacent and nearby properties.
    - (d) Surrounding topography.
    - (e) Surrounding tree coverage and foliage.
    - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
    - (g) Proposed ingress and egress.
    - (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection C.5. below.
    - (i) The design of the proposed structure will accommodate collocation of additional users.
  5. *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.* It is the policy of Cohoctah Township that all users should collocate whenever possible on attached wireless communications facilities and wireless communication support structures to help ensure the most economic use of land and to help prevent the proliferation of duplicative services and/or facilities. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Cohoctah Township that no existing tower or structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit to Cohoctah Township sufficient information related to the availability of suitable existing towers, other structures, or alternative technology or the lack of such towers, structures, or technology to enable the Township to determine that collocation is not an available option. The Township may employ specialized experts to review information and materials submitted by the applicant. The applicant shall incur all costs associated with such review and shall submit along with such information a fee to be established by the Township Board to cover such costs. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
    - (a) No existing owners or structures are located within the geographic area that meet applicant's engineering requirements.
    - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
    - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

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- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (f) The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
- D. *General Requirements.* Wireless communication towers or structures shall be subject to the following regulations:
- 1. *Location of Towers or Structures.*
    - (a) Wireless communications shall be a permitted special use in all districts.
    - (b) A tower shall have a minimum setback from all property boundaries and structures equal to 1.1 multiplied by the height of the tower. (Equipment storage facilities or storage buildings erected to service the tower are exempt from this setback requirement.)
    - (c) Accessory buildings must satisfy the minimum zoning district setback regulations.
    - (d) A tower may be allowed on a parcel of land that already has one principal use on the parcel.
  - 2. *Access.* Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles. Roads used for ingress and egress must be constructed according to specifications set forth by the Livingston County Road Commission or Cohoctah Township.
  - 3. *Structural Design and Installation.*
    - (a) The plans for the tower construction shall be certified by a State licensed professional engineer and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers or structures must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission or other governmental agency having jurisdiction.
    - (b) All towers or structures must meet or exceed current standards and regulations of the FAA, the FCC, and other agencies of the State or Federal government with the authority to regulate towers, structures, and antennas. If such standards and regulations are changed, then the owners of the towers, structures, and antennas governed by this Section shall bring such towers, structures, and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers, structures, and antennas into compliance with such revised standards and regulations shall constitute grounds for revocation of the permit and the removal of the tower or antenna at the owner's expense.
    - (c) Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable Local, State, and Federal statutes, regulations, and standards.
    - (d) Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed by applicable building codes for such towers or structures.
    - (e) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

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4. *Lighting.* Towers or structures shall not be artificially illuminated, except as required by the FCC, FAA, or local building codes.
  5. *Design.*
    - (a) Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
    - (b) The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
    - (c) At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
    - (d) If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
    - (e) All utility wiring going to the tower shall be placed underground.
  6. *Fencing and Landscaping.*
    - (a) *Fencing.* The tower and appurtenant apparatus building shall be secured by fencing a minimum of eight feet in height. All towers must be equipped with an anticlimbing device to prevent unauthorized access.
    - (b) *Landscaping.* The fencing and apparatus building shall be screened with a landscaped strip at least 20 feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth by the Township. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible. In some cases, such as towers or structures sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case Cohoctah Township may waive the landscaping requirements of this subsection.
  7. *Employees.* No employee shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
  8. *Site Plan Required.* The applicant shall submit a preliminary and final site plan in accordance with Article XX and include details of tower lighting required and approved by the Federal Aviation Administration.
  9. *Franchises.* Owners and/or operators of towers, structures, or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Cohoctah Township prior to final site plan approval.
  10. *Engineering Certification.* Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a State of Michigan licensed professional engineer.
  11. *Not Essential Services.* Towers, structures, and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

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12. *Cessation of Operation.* The Township shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower facility above and below ground three feet deep, within 180 days of cessation of operation. The Township reserves the right to request evidence of ongoing operation at anytime after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Section, that is not operated for a continuous period of 180 days shall be deemed abandoned. Failure to remove an abandoned antenna or tower with 120 days of receipt of a notice from Cohoctah Township requesting such removal shall be grounds for Cohoctah Township to remove said tower or the antenna at the owner's expense. If there are two or more users of a single tower, this provision shall not take effect until all users cease using the tower.
  13. *Division of Property.* The division of property for the purpose of locating a facility is prohibited unless all requirements of the Township ordinances are met.
  14. *Advertising.* The facility shall not be used for advertising purposes and shall contain no signs or lighting except to identify the provider and emergency telephone numbers and as may be required by the Federal Aviation Administration.
  15. *Security.* In order to ensure removal of the wireless communication structure, in the event of abandonment or cessation of operation, Cohoctah Township may require that security be posted prior to issuing a land use permit for uses as specified in the telecommunications facilities permit in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the telecommunications facilities permit, including the removal of the facility as provided herein.
  16. *Description of Security.* The application shall include a description of the security to be posted at the time of applying for a land use permit for the facility to ensure removal of the facility when it has been abandoned or is no longer used, as provided herein. The security shall be in the form of cash or a letter of credit, together with an agreement in the form approved by the Township providing for removal of the facility as described herein. The application shall include an estimate of the cost of removal of the facility, certified by a licensed engineer for the Township's use in determining the security to be posted if a permit is granted.
- E. *Exempt Uses.* Facilities that are designed for providing wireless internet services involving a municipal organization for free, or for a reduced fee, are exempt from the requirements of this section 13.24.
- F. *Permitted Uses.*
- (1) Notwithstanding the foregoing provisions, wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Ordinance if all of the following requirements are met:
    - (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
    - (b) The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.
    - (c) The proposed collocation will not do any of the following:
      - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or ten percent 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 collocation.
      - (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

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- (d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
  - (2) Wireless communications equipment that meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (d) is a permitted use of property if it receives special land use permit approval under subsections (3) to (6).
  - (3) An application for special land use permit approval of wireless communications equipment described in subsection (2) shall include all of the following:
    - (a) A site plan as required under this Zoning Ordinance, including a map of the property and existing and proposed buildings and other facilities.
    - (b) Any additional relevant information that is specifically required by this Zoning Ordinance.
  - (4) After an application for a special land use permit approval is filed with the Township Planning Commission, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the Planning Commission makes that determination or 14 business days after the Planning Commission receives the application, whichever is first.
  - (5) If, before the expiration of the 14-day period under subsection (4), the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the Planning Commission the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - (6) The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
  - (7) Special land use permit approval of wireless communications equipment described in subsection (2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
- G. *Time Periods.* If the Township requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (1)(a) or for a wireless communications support structure, subsections (4) to (6) apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.

(Ord. of 11-12-1987, § 13.24; Amd. No. 41, § 1, 7-8-2004; Amd. No. 54, § 1, 3-13-2008; Amd. No. 57, §§ 1—3, 11-13-2008; Amd. No. 72, §§ 1—3, 12-13-2012; Amd. No. 80, § 25, 5-11-2017)

### **Sec. 13.25. Community wastewater utility systems.**

The Township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that any community wastewater utility system will be designed, constructed,

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operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents.

Community wastewater utility systems or "systems" as used in this section means a facility which is owned by a nongovernmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one single-family residential dwelling. A complete system includes all sewers, pump stations, head-works, treatment and disposal unit processes, and ancillary items.

- A. *Procedure.* Community wastewater utility systems are reviewed and approved by the State Department of Environmental Quality, Livingston County Health Department, Livingston County Drain Commissioner (LCDC) as well as the Township. The review and approval process may occur concurrently with the Township's site plan review process. However, the final site plan shall not be approved by the Township Board until a special use permit, as required by this Section, has been approved. Furthermore, no construction on the system shall occur until the other agencies have given their respective approvals of the system.
- B. *Application Requirements.*
  - 1. The following items shall be submitted with the completed and signed application for a special land use permit:
    - a. A general location map showing the proposed systems and the development in relationship to prominent geographical features such as roads, rivers, lakes, and residential development(s).
    - b. Legal description of the overall development and system site.
    - c. A description of how the placement of the system will minimize odor and noise dispersal to neighboring properties.
    - d. Drawings prepared under the direction of a licensed professional surveyor and/or a certified professional engineer licensed to practice in the State of Michigan, accurate to a scale of no more than 100 feet to one inch and showing the following information:
      - i. Elevations of the site mapped with a maximum contour interval of two feet.
      - ii. All components of the proposed system, including but not limited to pump stations, tanks, treatment units, drainfields, and buildings.
      - iii. The location of soil borings or test pits. Soil boring logs shall also be attached along with a description of the general nature of the subsurface soils in the development and system, including the depth to groundwater, permeable strata, and confining layers.
      - iv. The means of vehicle access to the system.
      - v. The method of stormwater management with flow arrows showing the direction of stormwater runoff and the points of discharge from the development.
      - vi. The method of nearby wells, existing and future structures, drains, water mains, and other utilities in and adjacent to the subject property, including the nearest municipal sanitary sewer within five miles of the proposed development.
      - vii. The location of nearby surface water, wetlands, and floodplains.
      - viii. Any proposed screening, buffering, or landscaping.

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- ix. Adjacent land uses and zoning designations.
      - x. The source of water supply and its isolation from the proposed treatment and disposal system, along with the general direction of groundwater flow.
      - xi. The location of all existing water supplies with[in] 500 feet of the project boundary along with the direction of groundwater flow.
    - e. Other information deemed necessary by the Township to make the determination required by this Ordinance.
  - 2. The applicant shall provide the following documents upon filing an application for a special land use permit:
    - a. Information required by Section 3.2 of the Township's General Ordinance No. 1 for Community Wastewater Utility Systems.
    - b. Livingston County Department of Public Health (LCDPH): Permit for the final disposal system and/or treatment systems, as applicable.
    - c. Michigan Department of Environmental Quality, Water Division (MDEQ): Part 41 Construction Permit.
    - d. MDEQ, Water Division, < 10,000 gallons/day: Part 22 Notification (R323.2211 a).
    - e. MDEQ, Water Division, 10,000—20,000 gallons/day: Part 22 Discharge Permit (R323.2216).
    - f. Livingston County Drain Commissioner: Soil Erosion Permit.
    - g. A list of all conditions placed on the subject community wastewater utility system as noted by the agencies listed in a—e above.
- C. *General Requirements.*
- 1. Community wastewater utility systems shall serve only single-family residential uses.
  - 2. Community wastewater utility systems proposed as part of a planned unit development (PUD) district shall not serve nonresidential uses.
  - 3. Systems shall be limited to 10,000 gallons/day. Larger systems may be considered at the discretion of the Township and the Livingston County Drain Commissioner (LCDC).
  - 4. The community wastewater utility system shall be designed to permit the ultimate connection to a municipal sanitary sewer. Measures to accomplish this may include blind tees, plugs, stubs, and sleeves placed strategically to allow for future connection to a municipal system.
  - 5. The density of a residential development utilizing a community wastewater utility system shall not be increased over what is otherwise permitted by the underlying zoning districts.
  - 6. The system shall be designed so that all developable sites within the proposed development are connected to the system. The design engineer may submit a request to exclude a specific number of sites from connecting to the system and shall include specific reasons as to why these sites are not to be connected (i.e., MDEQ or LCDPH requirements).
  - 7. The system shall be designed for a service life of at least 20 years.
  - 8. No construction or installation of a system shall be permitted between November 1 and April 15 without the written consent of the LCDC.
  - 9. The reserve field associated with the system shall be fully prepared by the developer during the initial installation process.



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10. If a utility building is to be provided as a part of the system, the minimum dimensions are to be 12 by 12 feet by eight feet clear internal height.
  11. A system shall be restricted to a single development project and shall not provide service to other properties and/or development projects.
  12. The area devoted to a system shall not be used to satisfy open space required by any other provisions of this Ordinance.

D. *Locational Requirements.*

1. Community wastewater utility systems are permitted by special use permit in the AR Agricultural Residential, RR Rural Residential, SR Suburban Residential, S Settlement, or LRR Limited Recreation Residential Districts.
2. Systems shall not be allowed on unplatted or nonsite condominium land developments.
3. The system shall be located on an area of land not encumbered by easements that are not related to the system itself.
4. A single paved access drive shall be provided from the system to a road within the proposed development.
5. No system may be placed within a 100-year floodplain.
6. All aboveground and belowground components of the system shall comply with all setbacks of the particular zoning district where the system is located.
7. In so much as is possible, community wastewater utility systems shall be located in an isolated area of the residential development.
8. Community wastewater utility systems shall not be located within any required greenbelt.
9. All aboveground and belowground appurtenances associated with a system shall be located within the boundaries of the proposed development.
10. The point of discharge of a system shall be located a minimum of:
  - a. Fifteen hundred feet from another approved system.
  - b. Two thousand feet from an established public wellhead protection area.
  - c. Two hundred feet from a wetland, or from the ordinary high-water mark of any body of water.
11. The following minimum setbacks shall apply to the final disposal area for both active and reserve areas and to all aboveground appurtenances associated with a system.
  - a. Three hundred feet from any residential dwelling or property line shared with an adjacent property.
  - b. Ten feet from parking or pavement.

Note that the Planning Commission may increase any of the minimum distances noted in items 10 and 11 above should the Planning Commission find that there is reasonable potential that the system would become a nuisance to nearby residents or uses, as applicable.

E. *Site Requirements.*

1. The proposed system shall comply with all site development requirements for the particular district in which it is located.

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F. *Buffering Requirements.*

1. Buffer zones shall comply with the requirements of Section 16.30.
2. All portions of the lot containing the community wastewater utility system shall be landscaped with a combination of trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 16.30 and any Township design standards then in effect. The Planning Commission may require additional landscaping to be installed on the site to ensure that the character of the residential neighborhood is maintained.
3. Aboveground structures shall be screened using a combination of, but not limited to the following, landscaping, berms, decorative or solid fence, or masonry wall. At its discretion, the Planning Commission may require additional landscaping to screen any aboveground structure.

G. *Performance Standards.*

1. Service of the system shall occur during daylight hours except in those cases where immediate, or emergency service is required, and then service may occur at any time.
2. All vegetation and/or landscaping on the lot containing the community wastewater system shall be maintained so as to preserve the character of the surrounding residential uses. This may include, but is not limited to, mowing and annual plantings.
3. All above ground structures shall be tamperproof.

H. *Development Standards.*

1. All building and/or appurtenances associated with a system shall be harmonious in appearance with the surrounding structures in the development for which it is designed to service.
2. No adverse environmental conditions such as noise, air pollution, obnoxious odors lighting or other nuisance shall be permitted.
3. Outdoor storage shall be expressly prohibited for any system.
4. Community wastewater utility systems shall provide adequate off-street parking for operators as well as adequate loading/unloading space for service vehicles.

I. *Effect of Approval.*

1. If a system is approved by the Township, said approval shall, under no circumstances, be construed or interpreted as an acknowledgement or representation that the Township will take control of the system at some point in the future.
2. Prior to final approval the applicant shall sign a statement acknowledging that the Township will not accept responsibility for, or take control of, the system without a separate, subsequent action by the Township following a public meeting held for the purpose of deliberating and approving such an action.

(Amd. No. 52, § 1, 1-11-2007; Amd. No. 80, §§ 26—29, 5-11-2017)

**Sec. 13.26. Outdoor commercial recreation.**

Outdoor commercial recreation uses shall include, but need not be limited to, the following: Golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pools, campgrounds, recreational vehicle park, court game clubs and organizational camping.

- A. *Locational Requirements.* Outdoor commercial recreational uses are permitted by special use permit in the Agricultural Residential District.

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B. *Site Requirements.*

1. The site shall be located on a public road.
2. Minimum site area shall be three acres for miniature golf courses, golf driving ranges, swimming pools and court game clubs.
3. Ten acres for historical places and parks.
4. Twenty acres for all other listed outdoor commercial recreation uses.
5. Minimum lot width shall be 600 feet.

C. *Buffering Requirements.*

1. No building shall be located within 100 feet of a lot line.
2. Front, side and rear yards shall be at least 80 feet. The first 50 feet of such yards shall not be used for off-street parking and shall be landscaped.
3. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five-foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land. The Planning Commission may allow other suitable screening in place of a wall if it determines the substitute screening would be appropriate for the area.
4. Any side and/or rear yards required in [Subsection] C.2. above that are adjacent to land zoned or used for residential purposes shall be landscaped or otherwise buffered as determined by the Planning Commission to reduce noise, visibility and other impacts upon the residentially zoned or used land by the special use.
5. The parcel shall be separated from any adjacent property that is zoned or used for residential purposes by a perimeter fence.

D. *Performance Standards.*

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and, where applicable, passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the parcel where the use is located.
4. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the County Sheriff and Livingston County Road Commission with respect to the proposed project.
5. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent streets.
6. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
7. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
8. Outside storage shall be screened.
9. Landscaped areas shall be maintained in a healthy condition pursuant to Section 6.13.
10. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

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11. In no case shall a recreational accessory use exist separately from the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
  12. Accessory commercial activities shall be limited to those necessary to serve only the patrons of the facility.
  13. Not more than 65 percent of the land area shall be covered by recreational uses.
  14. No temporary sanitary facility or trash receptacle shall be located within 200 feet of an existing dwelling.
  15. All sanitary facilities shall be designed and constructed in strict conformance with Livingston County Health Department regulations.
  16. Adequate trash receptacles, and disposal, shall be provided, as needed throughout the site.
  17. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
  18. In the case of camping facilities:
    - (a) Each campsite shall contain a minimum of 1,500 square feet.
    - (b) Each campsite shall be set back from any right-of-way or lot line at least 80 feet.
    - (c) A common use area shall be provided at a rate of 500 square feet per campsite.
    - (d) There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
    - (e) At least one telephone shall be provided in the facility available for public use in case of an emergency.
    - (f) Maximum density for campgrounds shall be 15 campsites per acre.
    - (g) No more than one permanent residence shall be allowed in a campground, which shall only be occupied, by the owner, manager or an employee.
    - (h) Separate toilet and bathing facilities shall be provided for each sex that meets the requirements of the state of Michigan or Livingston County Health Department. If the applicant relies upon compliance with either State or County requirement, proof of such compliance shall be provided to the Township prior to commencement of the use.
    - (i) Each campsite shall have a picnic table and designated place for fires.

(Amd. No. 79, § 1, 5-14-2015)

### **Sec. 13.27. Solar farm.**

Solar farms shall only be allowed in those districts where their use is specified as a principal special use with conditions, shall consist of a minimum of two acres and shall be subject to the following requirements:

- A. The owner of a solar farm shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
- B. Prior to the installation, the property owner shall submit a site plan as required by Article XX to the Planning Commission that includes where and how the solar farm will connect to the power grid along with the following additional information:

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1. All power transmission lines from the solar farm system to any building or other structure shall be located underground.
  2. There shall be a greenbelt screening any solar farm system and equipment associated with the system from any adjacent residences or residentially zoned property. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen.
  3. The solar farm system must be fenced in with at least a six-foot chain link fence, have a minimum setback from all property lines of 50 feet and a minimum setback of 100 feet from any residences on adjacent properties.
  4. No part of the solar farm system shall exceed the height limitations of the zoning district in which it is located.
  5. In the event a solar farm system has been abandoned (meaning not having been in operation for a period of one year), the system shall be removed by the property owner within six months from the date of abandonment.
- C. No solar farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property owner to install an interconnected customer-owned generator to the grid.
- D. To ensure proper removal of a solar farm energy system when it is abandoned, any application for approval of a new solar farm energy system shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit; in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township.
- E. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure(s).

(Amd. No. 84, § 4, 11-9-2017)

## **ARTICLE XIV. PLANNED UNIT DEVELOPMENT<sup>8</sup>**

### **Sec. 14.01. Purpose.**

The intent of Planned Unit Developments (PUDs) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent

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<sup>8</sup>State law reference(s)—Planned Unit Development, MCL 125.3503.

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with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

(Ord. of 11-12-1987, § 14.01)

### **Sec. 14.02. Permitted principal and accessory uses.**

PUD Districts shall be overlay districts in the zoning districts in which they are located and the following provisions, regulations and restrictions shall apply:

A. *Principal Permitted Uses.*

1. All principal permitted uses allowed in the RR and SR Residential Districts on parcels of at least 20 acres.
2. All principal permitted uses allowed in the NSC Commercial Districts on parcels of at least five acres.
3. All principal permitted uses allowed in the LI Light Industrial District on parcels of at least ten acres.

B. *Accessory Uses.*

1. Accessory buildings and uses customarily incidental to the above-named permitted uses.
2. Signs—See Article XIX, "Sign Regulations."

C. *Special Uses.*

1. Recreational activity centers.
  - (a) Golf courses.
  - (b) Nature preserves.
  - (c) Swimming pools.
  - (d) Tennis or racquet club.
  - (e) Utility structures and equipment necessary for the operation thereof (excluding outdoor storage).

(Ord. of 11-12-1987, § 14.02; Amd. No. 71, § 1, 9-13-2012; Amd. No. 82, § 5, 7-13-2017)

### **Sec. 14.03. General provisions.**

- A. *Continuing Applicability of Information on Approved Site Plans.* The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plans and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD District shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.

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- B. *Construction.* No construction, grading, tree removal, soil stripping, or other site improvements or change shall commence, and no permit shall be issued therefor, on a lot with, or under petition for, a PUD District classification, until the requirements of this Article have been met.
  - C. *Performance Bonds.* Performance bonds will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the project engineer or architect, Township Engineer, public agency or PUD engineer.

(Ord. of 11-12-1987, § 14.03)

#### **Sec. 14.04. Preapplication conference.**

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Zoning Administrator, who shall set a date for the conference and shall inform the Township Board and Planning Commission members of the conference and invite their attendance. The Township Zoning Administrator shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
- C. Statements made in the conference shall not be legally binding commitments.

(Ord. of 11-12-1987, § 14.04; Amd. No. 82, § 6, 7-13-2017)

#### **Sec. 14.05. Site plan requirements.**

- A. A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XX, "Site Plan Review Procedures."
- B. The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD District request for recommendation to the Township Board with respect to this requirement.
- C. To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per 24-hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

(Ord. of 11-12-1987, § 14.05)

#### **Sec. 14.06. Administrative review procedure.**

- A. An application for a PUD District shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a PUD or execution of a binding or conditional sales

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agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.

- B. The application shall be filed with the office of the Township Clerk, who shall transmit the application and the site plan to the Township Planning Commission. The application shall be filed at least ten business days prior to the first Planning Commission meeting at which it will be reviewed to determine if it is complete.
- C. The Township Planning Commission shall hold a public hearing on the completed application and site plan. The public hearing shall be held, and notice shall be given, as provided in MCL 125.3103.
- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 14.07.
- E. The Planning Commission shall undertake its review and consideration of the application and site plan, and shall submit a report thereon, to the Township Board within 65 days after it has found the application to be complete. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the Livingston County Health Department, Livingston County Road Commission and Livingston County Drain Commission.
- F. At the time of making its recommendations to the Township Board, the Planning Commission shall also transmit the application to the Livingston County Planning Department who shall conduct its review and send its comments to the Township Board.
- G. The Township Board shall review the application and site plan and the Township and County Zoning Officials' reports thereon, and shall approve, approve with conditions, deny, or table for future consideration the application and site plan. Changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a PUD proposal.
- H. If the application and site plan are approved by the Township Board, the applicant and all owners of record of all property included within the PUD shall sign a statement that the approved application and area plan shall be binding upon the applicant and owners of record or their assigned agents and upon their heirs, successors, and assigns, unless future changes are mutually agreed to by any future Township Board and future applicant and owners of record or the assigned agents or their heirs, successors and assigns.

(Ord. of 11-12-1987, § 14.06; Amd. No. 1, 8-11-1988; Amd. No. 82, §§ 7—10, 7-13-2017)

### **Sec. 14.07. Supplementary development standards and regulations.**

The following requirements expand upon and/or are in addition to the requirements detailed in Article XX, "Site Plan Review Procedures." They shall, in all cases, be adhered to by developments in a PUD District.

A. *District Location and Minimum Size.*

- 1. All development in this District shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of PUD Districts.



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2. All development in this District shall be restricted to sites having access from a hard surfaced roadway that is accepted and maintained by the Livingston County Road Commission except that developments proposed for the RR Rural Residential District do not have to have access from a hard surfaced road.

B. *External and Internal Circulation and Access.*

1. Access points to a PUD shall be located no less than 540 feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than 270 feet from either side lot line of the parcel.
2. Each lot or principal building shall have internal vehicular access from a public road or private road approved by the Township Board.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. As property is developed as a PUD District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to nonmotorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to nonmotorized vehicular use.
5. Standards of design and construction for public and private roads may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public and private roads shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in Subsection B.5. If private roads are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the roads suitable for public acceptance.

C. *Open Space Regulations.*

1. A land, water or land/water area constituting not less than 25 percent of the total land area, or land area, plus no more than 300 feet into or no more than one-half the width or distance across a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The development shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions that shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.

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2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
  3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
  4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
  5. The Township Board may require, upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

D. *Landscaping and Parking.*

1. The parking and loading requirements set forth in Article XVIII, pertaining to off-street parking, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than 20 feet in width shall be required when a freestanding physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

E. *Utilities.*

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board.
2. All development will be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate County or State agencies must be presented to the Planning Commission before action can or will be taken on any PUD request. Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions that shall provide for participation in maintenance costs by each owner of the Planned Unit Development served by such a system.
3. Each site shall be provided with adequate storm drainage. Open drainage courses and stormwater retention ponds may be permitted.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of streetlights may be required of developments in the PUD District. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

F. *Site Design, Layout and Density Criteria.*

1. All density requirements shall be completed on a total gross area basis, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the

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shoreline, or where such water areas are proposed for construction by the applicant, 50 percent of the total water area to be constructed may be included in density calculation, but in no case shall the included surface water area exceed 20 percent of the total land area of the PUD or any single or combination of phases of the PUD.

3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
  4. All principal buildings and all accessory buildings or structures shall be located at least 100 feet from any exterior public roadway right-of-way line, private road and/or area to be platted.
  5. The outdoor storage of goods and materials shall be prohibited in the PUD District.
- G. *Legal Mechanisms to Ensure Facility and Open Space Maintenance.*
1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
  2. Where a home owners association (HOA) or an association of commercial establishments (ACE) or association of industrial establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
    - (a) The HOA, ACE, or AIE shall be established before any building or structure in the PUD is sold or occupied.
    - (b) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
    - (c) Restrictions shall be permanent.
    - (d) The HOA, ACE, or AIE shall be made responsible for liability.
    - (e) Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.
- H. *Project Phasing.*
1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted.
  2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

(Ord. of 11-12-1987, § 14.07; Amd. No. 82, § 11, 7-13-2017)

### **Sec. 14.08. Standards for review.**

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

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- A. The proposed development shall conform to the Township Master Plan or any part thereof, or shall represent land use policy that, in the Planning Commission's opinion, is consistent with the adopted Township Master Plan.
  - B. The proposed development shall conform to the intent and all regulations and standards of a PUD District.
  - C. The proposed development shall be adequately served by public facilities and services such as: highways, roads, sidewalks, streetlights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
  - D. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
  - E. The applicant shall have made provisions to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
  - F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the surrounding area.
  - G. The mix of housing unit types and densities, and the mix of residential and nonresidential uses, shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
  - H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use will not adversely affect adjacent and surrounding area lands and uses.
  - I. The proposed development shall create a minimum disturbance to natural features and land forms.
  - J. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
  - K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD where applicable.

(Ord. of 11-12-1987, § 14.08; Amd. No. 82, § 12, 7-13-2017)

#### **Sec. 14.09. Amendments to site plans.**

Preliminary and final site plan may be amended in accordance with the process detailed in Section 20.11.

(Ord. of 11-12-1987, § 14.09)

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**Sec. 14.10. Subdivision plats.**

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

(Ord. of 11-12-1987, § 14.10)

**Sec. 14.11. Extension of time limits.**

Time limits set forth in Article XX, "Site Plan Review Procedures," may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

(Ord. of 11-12-1987, § 14.11)

**Sec. 14.12. Performance guarantees.**

Performance guarantees shall be provided in accordance with Section 20.16.

(Ord. of 11-12-1987, § 14.12)

**Sec. 14.13. Violations.**

Violations shall be dealt with in the manner detailed in Section 20.17.

(Ord. of 11-12-1987, § 14.13)

**ARTICLE XV. NONCONFORMING LAND, BUILDING AND STRUCTURAL USES<sup>9</sup>**

**Sec. 15.01. Purpose.**

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that nonconformities shall not be unreasonably enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures shall be subject to the conditions and requirements set forth in this Article.

(Ord. of 11-12-1987, § 15.01)

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<sup>9</sup>State law reference(s)—Nonconforming uses, MCL 125.3208.

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### **Sec. 15.02. Continuance of nonconforming uses.**

- A. *Structural Changes.* The building that is nonconforming shall not be structurally changed or enlarged unless the resultant changed, altered or enlarged building conforms to the provisions of this Ordinance for the district in which it is located except as provided.
- B. *Repairs.* Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.
- C. *Alterations and Improvements.* Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.
- D. *Prior Construction Approval.* Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two years after the issuance of the building permit.

(Ord. of 11-12-1987, § 15.02)

### **Sec. 15.03. Restoration of damage.**

Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, provided that the structure housing the nonconforming use has not been more than 50 percent destroyed as measured by the usable cubic space previously existing in said structure.

(Ord. of 11-12-1987, § 15.03)

### **Sec. 15.04. Discontinuance or abandonment.**

Whenever a nonconforming use has been discontinued for one year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

(Ord. of 11-12-1987, § 15.04)

### **Sec. 15.05. Reversion to a nonconforming use.**

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

(Ord. of 11-12-1987, § 15.05)

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**Sec. 15.06. Displacement of a conforming use.**

No nonconforming use shall be extended to displace a conforming use.

(Ord. of 11-12-1987, § 15.06)

**Sec. 15.07. Change to another lesser nonconforming use.**

The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced.

(Ord. of 11-12-1987, § 15.07)

**Sec. 15.08. Illegal nonconforming uses.**

Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.

(Ord. of 11-12-1987, § 15.08)

**Sec. 15.09. Changes in zoning district.**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

(Ord. of 11-12-1987, § 15.09)

**Sec. 15.10. Elimination of nonconforming uses.**

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

(Ord. of 11-12-1987, § 15.10)

**Sec. 15.11. Nonconforming lots and parcels.**

- A. Notwithstanding limitation imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances that may be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner.
- B. If two or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of

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the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said lots or parcels shall be used or occupied which does not meet width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

- C. Notwithstanding Subsection B of this Section, any lot of record prior to December 25, 1987, that does not meet the requirements for lot width and area as established by this Ordinance, then such lot or parcel shall be considered a nonconforming lot or parcel and any permitted use in the district in which the parcel is located may be erected thereon; provided, however, that such lot or parcel which was of record must be at least one acre in size. In no event shall any such lot or parcel which was of record, and which is greater than one acre but less than ten acres in size, be hereafter divided unless such subsequent division meets the width and area requirements stated in this Ordinance.

(Ord. of 11-12-1987, § 15.11; Amd. No. 33, § 1, 6-12-1997)

## **ARTICLE XVI. SUPPLEMENTAL REGULATIONS**

### **Sec. 16.01. Purpose.**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located.

(Ord. of 11-12-1987, § 16.01)

### **Sec. 16.02. Deleted.**

(Ord. of 11-12-1987, § 16.02)

### **Sec. 16.03. Deleted.**

(Ord. of 11-12-1987, § 16.03)

### **Sec. 16.04. Area limitations.**

In conforming to land and yard requirements, no area shall be counted as accessory to more than one dwelling or main building.

(Ord. of 11-12-1987, § 16.04)

### **Sec. 16.05. Dwelling lots or sites.**

Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

(Ord. of 11-12-1987, § 16.05)



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## Sec. 16.06. Accessory building provisions.

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings may be located in any yard, except in the required front and side yard setbacks.
- C. An accessory building shall not exceed three times the gross floor area of the main building in the AR, WRD, and RD Districts, and in all other districts the accessory building shall not exceed the gross floor area of the main building.
- D. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than 15 feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- E. No detached accessory building in all zoning districts shall exceed 25 feet in height.
- F. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.
- G. A permit to construct an accessory building to a single-family residential dwelling on a lot or parcel prior to the construction of the single-family dwelling may be issued by the Planning Commission upon proper application and subject to the following conditions:
  1. The single-family residential dwelling must be completed and the certificate of occupancy issued no later than two years from the date of issuance of the permit for the accessory building.
  2. No more than one accessory building shall be allowed under said permit and the applicant shall submit a copy of the proposed floor plan of the residential dwelling indicating the total square footage which the dwelling will consist of.
  3. The accessory building shall be used for no other purpose than the storage of personal property belonging to the owner(s) of the lot or parcel and shall not exceed 960 square feet in size.
  4. The permit shall only be issued to the owner of the lot or parcel who will also be the occupant of the completed single-family residential dwelling.
  5. There shall be no outside storage during the term of the permit and after the completion of the dwelling outside storage will only be allowed in conformance with the terms of this Ordinance.
  6. The applicant shall post with the Township Clerk a financial guarantee as determined by the Township Board in its schedule of fees and costs in cash, certified check or money order payable to the order of the Township to ensure compliance with the terms of the Zoning Ordinance, the permit referred to herein, and the completion of the single-family residential dwelling. In the event the applicant fails to comply with the terms of the permit, the terms of the Zoning Ordinance during the time of the permit, or fails to complete the single-family residential dwelling in the applicable time, then the financial guarantee, at the Township's sole discretion, shall be forfeited and applied toward any and all expenses incurred by the Township in enforcing

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the Ordinance, which could include seeking injunctive relief for the removal of the accessory building; or applied to other expenses incurred by the Township as a result of the violation of the terms of the permit, the Zoning Ordinance, or the failure to complete the home within the prescribed time period. The financial guarantee will be returned after the applicant has obtained a certificate of occupancy within the time period required hereunder and after authorization by the Planning Commission for the return of the financial guarantee after finding the applicant is in compliance with the permit and the Zoning Ordinance.

7. Absolutely no commercial storage or commercial activity of any kind shall occur on the premises or within the accessory building.
8. The accessory building shall not be used for human habitation at any time.
9. The applicant, as part of the permit application, shall submit a detailed plot plan and ensure that sufficient information is provided with the land use permit application to enable the Planning Commission to determine that the construction of the accessory building and the single-family residential dwelling will be in complete compliance with the requirements of the Zoning Ordinance especially in regard to setbacks, building size, building location, etc.
10. A permit for an accessory building that exceeds 960 square feet shall not be issued until the single family dwelling has reached the stage of construction where all windows and doors are installed and the roofing and exterior of the dwelling have been completely finished.

(Ord. of 11-12-1987, § 16.06; Amd. No. 14-1, § 1, 12-9-1993; Amd. No. 16, § 1, 9-9-1993; Amd. No. 43, § 4, 10-14-2004; Amd. No. 68, §§ 1, 2, 5-12-2011; Amd. No. 78, § 2, 5-14-2015)

#### **Sec. 16.07. Use of yard space.**

No required yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided, however, that a side or rear yard or driveway may be used for the parking of passenger automobiles in active service. No outdoor storage or parking of commercial vehicles shall be permitted unless such vehicle is necessary to the function of the permitted use of the premises on which it is located or necessary to an occupation of an occupant of the premises, provided that such vehicle be parked entirely within a driveway, side or rear yard or completely enclosed within a structure. The location, parking, disposition, storage, deposit, repair, or dismantling in whole or in part of junked or inoperative vehicles, machinery, secondhand building materials, or other discarded, disused or rubbish-like materials or structures are not permitted in any yard.

(Ord. of 11-12-1987, § 16.07; Amd. No. 10, § 1, 5-13-1993)

#### **Sec. 16.08. Lot-building relationship.**

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one principal building and its permitted accessory structures located on each lot.

(Ord. of 11-12-1987, § 16.08)

#### **Sec. 16.09. Accessory building as dwelling.**

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

(Ord. of 11-12-1987, § 16.09)

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**Sec. 16.10. Basement as dwelling.**

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Michigan State Construction Code.

(Ord. of 11-12-1987, § 16.10)

**Sec. 16.11. Damaged buildings and structures.**

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within 12 months from the date of the occurrence of the damage.

(Ord. of 11-12-1987, § 16.11)

**Sec. 16.12. Deleted.**

(Ord. of 11-12-1987, § 16.12)

**Sec. 16.13. Access to a public road or highway.**

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied, except where access to a public road or way is provided by a public or private easement or other right-of-way no less than 20 feet in width.

(Ord. of 11-12-1987, § 16.13)

**Sec. 16.14. Frontage on public or private road or highway.**

- A. In any zoning district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way that meets all of the requirements for road construction specified by the Livingston County Road Commission, or upon a legal, existing private road recognized by the Township, or upon a private road that meets the requirements of Sections 16.44 and 16.45. The minimum road frontage for all lots in all districts shall be 120 feet, except for settlement districts, or when public sewer or water become available, then lot frontage on such roads shall not be less than 80 feet; however, all commercial developments shall have the required frontage on a public road right-of-way.
- B. A single lot or parcel which lacks the road frontage specified in Subsection A above may be served by a private driveway, provided that the easement for the driveway is a minimum of 66 feet in width, and said driveway must meet the minimum requirements specified in Section 16.39 of this Zoning Ordinance.

(Ord. of 11-12-1987, § 16.14; Amd. No. 9, 12-10-1992; Amd. No. 29, § 1, 8-8-1996; Amd. No. 31, § 2, 1-9-1997)

**Sec. 16.15. Visibility at intersections.**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points

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which are 30 feet distant from the point of intersection, measured along the road right-of-way lines or as required by the County Road Commission, whichever is greater.

(Ord. of 11-12-1987, § 16.15)

**Sec. 16.16. Road closures.**

Whenever any road, alley or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

(Ord. of 11-12-1987, § 16.16)

**Sec. 16.17. Height regulations.**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, the Michigan Aeronautics Commission, other public authorities having jurisdiction and any regulations established by authorized State, County and Township agencies and the provisions of Public Act No. 23 of 1950 (Ex. Sess.) (MCL 259.431 et seq.), the Airport Zoning Act.

(Ord. of 11-12-1987, § 16.17)

**Sec. 16.18. Deleted.**

(Ord. of 11-12-1987, § 16.18)

**Sec. 16.19. Essential services.**

- A. Essential services shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical, communication, steam, or water transmission or distribution systems or collection, supply or disposal systems, including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service shall be used for human occupancy.
- B. The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the SR Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

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(Ord. of 11-12-1987, § 16.19)

**Sec. 16.20. Swimming pools.**

Private pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than 20 feet between the adjoining property line and outside of the pool wall.
- B. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located less than 50 feet from any front lot line.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- E. No swimming pool shall be located in an easement.
- F. For the protection of the public, all yards containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.
- G. If the swimming pool is elevated above grade level by at least four feet and has a folding stairway or self-locking gate, no fencing is required.

(Ord. of 11-12-1987, § 16.20)

**Sec. 16.21. Home occupations.**

Home occupations shall be permitted in all detached single-family residential dwellings and include such customary home occupations as hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales, professional offices and other similar occupations, and other home occupations legally operating in detached single-family homes at the time of adoption of this Zoning Ordinance.

- A. The nonresidential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than 25 percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no more than one employee other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure that will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.

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- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two square feet in area in an RR, SR, or S District. Ten square feet in area shall be permitted in the AR District and such sign is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. A home occupation may be conducted in an accessory structure only in compliance with the following:
1. In an accessory structure, or that portion of the accessory structure, that does not exceed 50 percent of the gross floor area of the principal structure.
  2. In an accessory structure located on the same parcel as the principal structure provided the home occupation use is being conducted by a person residing in the principal structure as their primary residence.
- J. Medical Marihuana. The purpose and intent of this Ordinance is to allow for the controlled medical use of medical marihuana pursuant to Initiated Law 1 of 2008, MCL 333.26421, as may be amended from time to time. The only use allowed in Cohoctah Township under Initiated Law 1 of 2008 is as set forth herein. No other use of medical marihuana, express or implied, is allowed except as set forth below.
1. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Article, shall be allowed as a home occupation. Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana 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 marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana 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 must be located outside of a 1,000-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
    - c. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
    - d. Not more than five qualifying patients shall be assisted with the medical use of marihuana.
    - e. All medical marihuana shall be contained within the main building 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. For purposes of this subsection, a "main building" means either the residential dwelling of the primary

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caregiver or patient, or the accessory structure located on the same parcel as the residential dwelling of the primary caregiver or patient.

- f. 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 cultivation, growing or harvesting of marijuana are located.
- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

(Ord. of 11-12-1987, § 16.21; Amd. No. 69, § 1, 1-12-2012; Amd. No. 81, §§ 15, 16, 5-11-2017; Amd. of 4-23-2021 )

### **Sec. 16.21B. Deleted.**

(Ord. of 11-12-1987, § 16.21B; Amd. No. 1, 8-11-1988; Amd. No. 14-2, §§ 4, 5, 3-11-1993)

### **Sec. 16.22A. Temporary buildings and structures.**

Temporary buildings and structures are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings and structures shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit a financial guaranty with the Township in accordance with Section 16.22B.

(Ord. of 11-12-1987, § 16.22A; Amd. No. 5, § 1, 12-13-1990)

### **Sec. 16.22B. Financial guaranty.**

Whenever this Ordinance requires the posting of a financial guaranty prior to the issuance of a permit for a temporary building or structure, or as may otherwise be required by this Ordinance, the applicant shall deposit with the Township Clerk, as the financial guaranty, a cash deposit in such amount as is determined by the Township Board's schedule of fees, charges and expenses for such permits and as may be amended from time to time.

(Ord. of 11-12-1987, § 16.22B; Amd. No. 5, § 2, 12-13-1990)

### **Sec. 16.23. Truck-lifted or transported solid waste receptacle areas.**

All truck-lifted or transported solid waste receptacle areas shall be enclosed by a six-foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and to prevent children and pets from having access to these areas. Receptacle areas shall be located in either the side or rear yard only.

(Ord. of 11-12-1987, § 16.23)

### **Sec. 16.24. Exterior lighting.**

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts, and shall

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also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five.

(Ord. of 11-12-1987, § 16.24)

### **Sec. 16.25. Driveway entrances and gates.**

In driveway entrances, gateway structures, including, but not limited to, walls, columns and gates, marking driveway entrances to private or public uses may be permitted and may be located in a required yard, except as provided in Section 16.15, "Visibility at intersections," provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

(Ord. of 11-12-1987, § 16.25)

### **Sec. 16.26. Frontage service roads; ingress and egress for uses on major thoroughfares.**

In order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to all uses permitted in NSC, and LI Districts fronting on major intercommunity and local arterials as defined and designated, except for existing developments and uses located upon lots and parcels of record and single lots and parcels described by metes and bounds on file with the County Register of Deeds.

- A. Connection service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this Subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two driveways that meet the requirements of this Ordinance for commercial driveways as defined in Section 2.02, shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be lessened or eliminated by the Planning Commission where the applicant shows the needs of a particular use do not require it and that traffic hazards will not be increased if these requirements are lessened or eliminated.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this Subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust-free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.

(Ord. of 11-12-1987, § 16.26; Amd. No. 81, §§ 17, 29, 5-11-2017)



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**Sec. 16.27. Parking and storage of recreational vehicles and boats.**

Outdoor parking and storage of not more than three motorhomes, truck campers, travel trailers, and boats on residential lot and parcels in RD, WRD, AR, RR, SR, S, and LRR Zoning Districts shall be permitted provided that such units shall be completely within the side or rear yard unless completely enclosed within a structure.

(Ord. of 11-12-1987, § 16.27; Amd. No. 1, 8-11-1988; Amd. No. 81, § 18, 5-11-2017)

**Sec. 16.28. Temporary uses.**

Temporary use of an existing land site, building or structure may be permitted in any district upon approval of the Planning Commission, and upon finding that the location of such an activity will not adversely affect public health, safety and general welfare in the district in which it is to be temporarily located. All temporary uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary uses may be granted a permit on the basis of compliance with the criteria stated in Article XX, "Site Plan Review Procedures."

(Ord. of 11-12-1987, § 16.28; Amd. No. 44, § 1, 3-10-2005)

**Sec. 16.29. Fences and other protective barriers.**

- A. The erection, construction, or alteration of all fences or other types of protective barriers shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in RD, WRD, and AR Districts are exempt from the provisions of this Section, except when required for specific principal or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences that are not specifically required otherwise under the regulations for the individual zoning districts shall conform to the following requirements:
  - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land in the rear yard in excess of eight feet in height. No fence shall hereafter be erected along, or parallel to, the side lot line dividing lots or parcels of land in excess of six feet in height. Fences in front yards shall meet the requirements as provided in Subsection D.4 of this Section.
  - 2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence and electric current or charge in said fences are prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or communication towers or where ever deemed necessary in the interests of public safety.
  - 3. In an LI District, no fence shall exceed 12 feet in height.
  - 4. Fences on all lots in an RR, SR, S, LRR or NSC District that extend toward the front of the lot, past the front line of the main building, shall not exceed four feet in height.
  - 5. No fence or structure shall be erected, established, or maintained on any corner lot that will obstruct the view of a vehicle approaching the intersection or otherwise not comply with the requirements of Section 16.15.

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(Ord. of 11-12-1987, § 16.29; Amd. No. 39, §§ 3, 4, 12-11-2003; Amd. No. 81, §§ 19, 20, 5-11-2017)

### **Sec. 16.30. Walls and protective screening.**

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where an NSC and LI District abuts directly upon an AR, RD, WRD, RR, SR, and S residentially zoned Districts, or residentially used property in any district, a landscaped greenbelt as defined below shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall at least six feet but not more than eight feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than 20 feet in width which is planted and maintained with evergreens such as spruce, pines or firs from five to six feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five years of approval of the site plan or development by the Township. The remainder of the landscaped area that is not planted with the aforementioned stock shall be in a well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.
- B. Required walls shall be located on, but not extend beyond, the property line, unless otherwise approved by the Planning Commission. Such walls may, upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district that abuts a residential district whenever the affected owners also agree. When vehicles or open-air displays generally exceed a five-foot height, said wall shall be increased to a height not exceeding ten feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is approved by the Planning Commission as part of site plan approval.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small, dispersed openings that do not collectively exceed 20 percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Planning Commission as part of site plan approval.

(Ord. of 11-12-1987, § 16.30; Amd. No. 81, §§ 21, 22, 5-11-2017)

### **Sec. 16.31. Temporary dwellings.**

- A. *Recreational Vehicles as Temporary Dwellings.* Travel trailers, motor homes and recreational vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner for the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within 14 days after the date of arrival. The property owner or lessee shall present with the application a written agreement to furnish the occupants of the travel trailer, motorhome or recreational vehicle with sanitary facilities for approval by the Township. A "Temporary Permit" may only be issued to one travel trailer, motorhome or recreational vehicle at a time in any one location and shall be valid for a maximum period of 30 days. Extensions of time shall not be permitted and the travel trailer, motorhome or recreational vehicle shall be removed from the property on or before the 30th day of the permit period or the applicant will be responsible to the Township for any and all costs

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incurred by the Township in having the travel trailer, motor home or recreational vehicle removed from the property.

- B. *Temporary Dwellings.* A temporary dwelling permit may be issued by the Zoning Administrator and Township Supervisor to permit a mobile home to be placed on the property upon written application of the property owner to allow the construction of a new, single-family dwelling, or necessary repair when the original dwelling is destroyed or rendered not habitable by fire, collapse, explosion, natural disaster or weather event. A temporary dwelling permit issued under this Section shall expire one year from the date of its issuance. An extension not to exceed one year may be issued by the Planning Commission, upon good cause being shown. The temporary dwelling must be located to comply with all setbacks in the district where it is located, must obtain any required permits from other state or county regulatory agencies and the owner must post a financial guarantee as required by Section 16.22B of this Ordinance.

(Ord. of 11-12-1987, § 16.31; Amd. No. 50, § 2, 9-14-2006; Amd. No. 81, § 23, 5-11-2017)

### **Sec. 16.32. Building grades.**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

(Ord. of 11-12-1987, § 16.32)

### **Sec. 16.33. Moving buildings.**

Buildings may not be moved into or relocated within the Township unless the building design and construction are compatible with the general architectural character of other structures located in the relocation area.

(Ord. of 11-12-1987, § 16.33)

### **Sec. 16.34. Television satellite receiving dishes.**

All television satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district.

(Ord. of 11-12-1987, § 16.34)

### **Sec. 16.35. Use of financial guarantees to temporarily delay construction requirements.**

If, in the judgment of the Planning Commission, during the course of site plan review procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such delay to a specific future date upon the applicant showing good cause and reason for such delay; provided, however, that the applicant/owner shall submit to the Township Board a financial guarantee in a sufficient amount as determined by the Planning Commission to ensure that if the construction being delayed isn't completed that the Township Board may, in its discretion, contract to have such work completed and use the financial guarantee to pay for such work. The financial guarantee shall be paid at the time of issuance of the zoning permit and shall remain in effect until the requirements delayed are fully completed and approved by the Zoning Administrator.

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(Ord. of 11-12-1987, § 16.35; Amd. No. 81, § 24, 5-11-2017)

State law reference(s)—Performance guaranty, MCL 125.3505.

**Sec. 16.36. Pets.**

Small, domesticated household pets, except dogs, such as cats and birds, may be kept on any lot or parcel, but are limited to three in number.

(Ord. of 11-12-1987, § 16.36; Amd. No. 81, § 25, 5-11-2017)

**Sec. 16.37. Noncommercial domestic animals.**

Large domestic animals which are used essentially for pet, contest, riding, educational or other special purposes as individual animal specimens are permitted in RD, WRD, AR, RR and SR Districts at the rate of two per five acres for the first two animals and one acre for each additional animal. For each acre above 40 acres, three additional animals per acre are permitted. The land used to meet the minimum acreage requirements must be owned by the same person.

(Ord. of 11-12-1987, § 16.37; Amd. No. 38, § 7, 11-14-2002)

**Sec. 16.38. Deleted.**

(Ord. of 11-12-1987, § 16.38)

**Sec. 16.39. Driveway requirements.**

- A. *Other Than Single-Family Residential Uses.* Each principal use structure, for other than single-family residential purposes, shall have its own separate driveway access from the road upon which it fronts which shall be constructed to comply with the standards of the current Livingston County Road Commission Specifications for Driveways, as the same may be amended from time to time.
- B. *Single-Family Residential Use.* Any driveway that serves a single-family residential dwelling shall be constructed at least 12 feet in width back to at least the required front yard line and shall also meet the following specifications:
  - 1. All organic material shall be removed from the driveway for at least the 12-foot minimum width and length requirement.
  - 2. A minimum of six inches of sand shall be installed over the entire minimum required width and length of the driveway.
  - 3. The sand shall then be capped with a minimum of six inches of processed gravel, or better.
- C. *Shared Single-Family Driveways.* A single driveway may service two single-family residential dwellings; however any such driveway shall be constructed to, and meet, the following additional requirements:
  - 1. A 66-foot easement for ingress, egress, utilities, drainage, public and emergency vehicles shall be created to serve the parcels upon which the two single-family residential dwellings will be constructed.
  - 2. The driveway which shall service the residential dwellings shall have its minimum traveled width equal to or exceeding 20 feet, located as near as possible to the center of the 66-foot easement and it shall extend to the beginning of the last parcel that will use the driveway.

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3. The construction of the driveway shall meet or exceed the following specifications:
    - a. All organic material shall be removed from the driveway for at least the 20-foot minimum width requirement.
    - b. Upon removal of the organic material an inspection must be conducted by the Township Zoning Administrator.
    - c. After the Zoning Administrator has approved the above inspection then a minimum of six inches of sand shall be installed over the entire minimum required width of the driveway.
    - d. The sand shall then be capped with a minimum of six inches of processed gravel, or better.
    - e. All drainage must be installed and maintained in accordance with the specifications of the Township depending upon the soil and related conditions for each project. Upon inspection, in the event the Township Zoning Administrator, or other authorized official, believes there are problems with the soil and/or drainage conditions, the Township may require an inspection and recommendation from the Township Engineer at the applicant's expense. The cost of such inspection shall be paid prior to approval of the driveway inspection or before the issuance of a certificate of zoning ordinance compliance.
    - f. The then-applicable standards of the Livingston County Road Commission shall be met for all portions of the driveway or easement area within the public road right-of-way.
  4. The parties shall also prepare a road maintenance agreement to be submitted to the Township Attorney for approval that shall provide for perpetual (nonpublic) maintenance of the drive which road maintenance agreement shall contain, at a minimum, the following provisions:
    - a. A method of initiating and financing the private drive to keep it in a reasonably good and useable condition.
    - b. A method of apportioning the costs of maintenance and improvement.
    - c. A means of enforcing payment thereof through assessment and lien and other means available to insure the payment thereof.
    - d. The road maintenance agreement shall also provide that it is binding upon not only the current owners but all future owners, their heirs, successors and assigns. The easement and road maintenance agreement shall be recorded with the Livingston County Register of Deeds, a copy of the recorded easement and maintenance agreement shall be filed with the Township Clerk and the driveway must be completed in accordance with the standards and requirements set forth within this section prior to the issuance of a land use permit for any dwelling to be served by said private driveway.

(Ord. of 11-12-1987, § 16.39; Amd. No. 29, § 2, 8-8-1996; Amd. No. 53, §§ 1, 2; Amd. No. 81, § 26, 5-11-2017)

#### **Sec. 16.40. Lot or parcel width to depth ratio.**

All lots or parcels created after the adoption of this Ordinance, created by either platting, lot splitting, land contract, lease hold or any other legal means, shall have a lot or parcel depth which does not exceed four times the average width of the lot or parcel.

(Ord. of 11-12-1987, § 16.40)

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**Sec. 16.41. Licensed or registered family day care homes.**

A family child care home licensed or registered under Public Act No. 116 of 1973 (MCL 722.111 et seq.) shall be considered a principal, permitted residential use of property for the purposes of this Zoning Ordinance in all residential zoning districts, including those zoned for single-family dwellings and shall not be subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

A family day care home that is defined in Section 2.02 of this Ordinance shall mean, include and refer to a family child care home as stated above and shall apply only to the bona fide private residence of the operator of the family child care home.

(Amd. No. 3, 7-12-1990; Amd. No. 81, § 27, 5-11-2017)

State law reference(s)—Mandate for this Section, MCL 125.3206.

**Sec. 16.41A. Foster care homes housing six or fewer persons.**

A foster care home housing six or fewer persons licensed or registered under Public Act No. 218 of 1979 (MCL 400.701 et seq.) or Public Act No. 116 of 1973 (MCL 722.111 et seq.) shall be considered a principal, permitted residential use of property for the purposes of this Zoning Ordinance in all residential zoning districts, including those zoned for single-family dwellings, and shall not be subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

- A. Foster care home as defined in Section 2.02 of this Ordinance shall apply only to the bona fide private residence of the operator of the foster care home.

State law reference(s)—Mandate for this Section, MCL 125.3206.

**Sec. 16.42. Water supply and wastewater disposal facility standards and requirements.**

- A. Water supply and wastewater disposal facilities in all districts shall meet the requirements of the County Health Department for on-site, common or public improvements and be in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies.
- B. Developments that contain lake shores, wetlands or stream banks must maintain a minimum environmental buffer zone of at least 25 feet between the lake shore, wetland, or stream bank and any principal or accessory structure, public or private roadway, or driveway unless a greater setback is required by this Ordinance, State law, local or Federal law or regulation. The buffer zone shall be maintained in its natural state and be protected from activity that could significantly alter its ecological integrity, balance or character.

(Amd. No. 3, 7-12-1990)

State law reference(s)—Local government authority to provide and regulate water and sewer service, MCL 324.4301 et seq.

**Sec. 16.43. Deleted.**

(Ord. of 11-12-1987, § 16.43; Amd. No. 13, § 2, 12-10-1992; Amd. No. 39, §§ 1, 2, 12-11-2003)

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## Sec. 16.44. Development upon private road.

A person, firm, association, partnership, corporation, or a combination of any of them, seeking to split, separate, divide or combine any parcel or tract of land or lots or any combinations thereof, for the purpose of selling or leasing for more than one year, or for building development where the resulting splits, divisions or combinations will not be owned by the same person, and the same is not being done pursuant to procedures under the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, wherein the division, splitting or combination of parcels or lots shall result in lots or parcels that have frontage upon a road not accepted or maintained by the public, shall comply with all applicable terms of this Zoning Ordinance and the following conditions:

- A. All lots or parcels which have frontage upon a private road, or where ingress and egress to any such lot or parcel to a public road is by means of a private road, shall be subject to and have recorded a road maintenance agreement, easement agreement and deed restrictions which shall run with all such lots or parcels and which shall provide for perpetual private (nonpublic) maintenance of such road or roads. Such documents shall contain, at a minimum, the following provisions:
1. A method of initiating and financing such road or roads to keep them in a reasonably good and usable condition.
  2. An acceptable method of apportioning the costs of maintenance and improvement as well as a means of enforcing payment thereof through assessment and other means available to ensure the payment thereof.
  3. A notice that no public funds of any kind will be used to build, repair, or maintain the private road. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified herein and assess all owners of parcels on the private road for the improvements, plus an administrative fee in such amount as the Board shall deem appropriate which shall not exceed 25 percent of said expenditures.
  4. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary. Easements shall also be reserved for all necessary utilities, drainage, ingress and egress as deemed necessary by the Township Planning Commission.
  5. A provision that the owners of any and all property using such road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include, but not necessarily be limited to, use by family, guests, invitees, trades persons and others bound to or returning from any of the properties having a right to use the road.
  6. A provision which acknowledges that the Township has no responsibility or obligation regarding construction, repair, improvement, or maintenance as to said private road or as regards ingress or egress to any lots or parcels utilizing such road and further providing that the Township shall be indemnified and held harmless and released from any and all claims, causes of action, damages, etc., in any way related thereto.
  7. A provision which restricts parking on the traveled portion of the street and/or road right-of-way, as well as any cul-de-sac, to only licensed passenger vehicles or service vehicles. This provision shall also prohibit the parking or storage of any unlicensed vehicle or any other object, part, machinery, or piece thereof in the traveled portion of the road or the road right-of-way or cul-de-sac, and shall further provide that any violation shall result in the offending object being removed at the owner's expense and further provide for assessment of any and all such costs or expenses incurred in the object's removal being assessed against the property in accordance with

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Subsection A.2 above, or allow for the collection of such costs through an appropriate legal action.

8. A provision that requires that the road will receive chloride or other suitable dust-control application no fewer than two times per year.
  9. Prior to recording, the road maintenance agreement, easement agreement and deed restrictions shall be submitted to the Planning Commission for review by the Planning Commission and the Township Attorney for compliance with the terms and conditions of this Zoning Ordinance.
- B. There shall be no structures erected or commencement of construction on a private road until all appropriate permits and approvals for the road have been obtained from the appropriate authorities.

(Ord. of 11-12-1987, § 16.44; Amd. No. 9, 12-10-1992; Amd. No. 35, § 5, 6-11-1998)

### **Sec. 16.45. Specifications for construction and development of streets and drives within private residential developments.**

- A. *Purpose.* The purpose of this Section is to provide standards and specifications for the construction and development of streets and drives within a private residential development within the Township of Cohoctah; to contribute to and promote the general safety, health, and welfare of the public utilizing the streets, drives, and buildings within a private development. This Section will establish standards to allow for access by emergency vehicles and to assist in the organized flow of pedestrian and vehicular traffic within a private development. The Zoning Ordinance is not meant to supersede any part of Act No. 288, Public Acts of 1967 (MCL 560.101 et seq.), as amended.
- B. *Street and Road Right-of-Way Requirements.*
1. All developments adjacent to a County or public road shall have a minimum right-of-way width along said road which conforms to the current Master Right-of-Way Plan adopted by the Livingston County Board of County Road Commissioners.
  2. All points of ingress and egress from any parcel of land within a development to a County or public road shall comply with the terms of this Ordinance to promote adequate provision for traffic safety.
  3. All streets and roads within a development shall have a minimum right-of-way width of 66 feet.
  4. Any alley in the rear of any lot or parcel shall have a minimum width of 33 feet.
  5. Greater right-of-way widths may be required by the Township whenever it is deemed necessary in the interest of public health, safety, and general welfare.
  6. All road intersections shall have a minimum radius of 20 feet at the right-of-way line.
  7. The street right-of-way shall be of uniform width and the use of so-called eyebrows, elbows or like designs will not be permitted.
  8. All proposed streets shall have horizontal curves of not less than 230-foot radius.
  9. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development, which lot or parcel fronts upon the cul-de-sac.
  10. Any cul-de-sac shall have a radius of 80 feet and a finished surface radius of 66 feet.
  11. Any island in a cul-de-sac shall have a radius not to exceed 36 feet.



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12. In addition to the 80-foot radius for a cul-de-sac, there shall also be provided an additional grass easement that shall contain no shrubs, plantings, or structures of any kind for an additional width of five feet around the entire perimeter of the cul-de-sac.
  13. Road surfacing requirements.
    - (a) Any private roads constructed in accordance with this Ordinance shall have a hard surface in accordance with Section 16.45 D.9.(a)(1)—(4) if the road meets any one of the following conditions:
      - (1) The private road provides ingress/egress to an existing paved road.
      - (2) The private road is located in an SR Suburban Residential District, RR Rural Residential District, S Settlement District or LRR Limited Recreation Residential District.
      - (3) The number of parcels in a development will exceed ten in number.
    - (b) There shall be no requirement of hard surfacing the roads as set forth above and the road may be gravel-surfaced in accordance with Subsection D.9(b) of this Section under the following conditions:
      - (1) No parcel in the development shall be less than ten acres in size and the private road does not provide ingress or egress to a paved road. The creation of any development that has at least one parcel whose minimum size is less than ten acres will require a paved private road.
      - (2) The development does not have more than 15 parcels that either abut the private road and/or have access to the private road.
      - (3) Developments under Section 16.50, Open Space and Rural Preservation Developments, located in the AR, RD, or WRD Districts, provided there are no more than four parcels that can use the road for access to a public road, unless the private road derives its ingress and egress from a paved public road, in which case the private road must be paved.

In the event that at any time any of the existing parcels are to be partitioned or further subdivided so that the total number of potential residential dwellings or parcels using the private road exceeds ten, the road must be brought up to the current requirements and specifications of this Ordinance for hard surfacing. The developer, prior to selling any lot or parcel, will be required to restrict each parcel by recording an affidavit of restrictions in the office of the Livingston County Register of Deeds whereby the owner of any parcel or building site that has access to the private road will be responsible for all costs associated with bringing the road up to the requirements of this Ordinance for hard surfacing, if such owner of a parcel or building site seeks to split or otherwise take any action that would result in more than ten parcels or ten residential dwellings having access to the private road.

The Cohoctah Township Planning Commission and Zoning Administrator shall not authorize the construction and/or further partition of any parcels along the private development if that division creates an 11th parcel or building site which will utilize said private road, unless the road meets all the requirements of this Zoning Ordinance pertaining to hard surfacing requirements.

C. *Preliminary Plans.*

1. The proprietor shall file with the Township a preliminary plan sealed by a licensed engineer, containing all information required for site plan review in Article XX. The drawing shall be at a scale not less than one inch equal to 200 feet. The drawing shall show the street and alley layout, proposed future streets,

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- lot or parcel dimensions, rivers, natural watercourses, County drains, sewers, and abutting property owners in sufficient detail on topographic map to enable a determination of whether the location might influence the layout of the development. Existing section and quarter section lines are to be shown on the layout.
2. The preliminary plan referred to above shall contain a location map (not smaller than one inch equal to 500 feet) to show the location of the proposed development with respect to roads, creeks, rivers, watercourses, wetlands, and railroads.
  3. The street layout shall match the pattern established by adjacent roads and streets and any existing public roads, streets, or alleys that terminate at the boundaries must be connected with the road and street system of the proposed development. The layout of roads, streets, and alleys in the proposed development shall provide a continuous circuit for travel, except when, in the opinion of the Planning Commission, the lands within the development are limited in area or subject to a natural barrier. In such cases, the Planning Commission may approve a road right-of-way design that provides access to a public highway at one location. If in the judgment of the Planning Commission, a cul-de-sac is necessary, the lot layout shall be designed so that not more than four lots or parcels will have frontage on the cul-de-sac. The Planning Commission reserves the right to reject any development showing unnecessary cul-de-sacs in a proposed street layout. Nine copies of the preliminary plan must be filed with the Township Clerk for consideration by the Planning Commission. Two additional copies shall be filed with the Township Engineer for his review. These plans shall be filed at least 21 days prior to the meeting date for which the proprietor requests consideration. Notice of approval shall be made on the copy retained by the Township Clerk. If rejected, the reasons for rejection and any requirements for approval shall be given in writing to the proprietor. Upon approval of the final site plan for the development by the Township, the engineer for the proprietor may proceed with the road and drainage plan.
  4. Failure by the proprietor to begin construction of streets according to approved plans on file with the Township within one year from date of approval shall void the approval and a new preliminary plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission in its standards and specifications for street construction and development.
- D. *Roads, Streets, and Drainage Plan.* The road, street, and drainage plan shall be prepared by the engineer for the proprietor and shall consist at a minimum of the following:
1. The centerline of the road shall be constructed on the centerline of the right-of-way.
  2. The centerline profile shall be scaled at one inch equal to 100 feet horizontal and one inch equal to ten feet vertical, showing the existing ground elevation and proposed grades. The minimum sight distance at all internal street intersections of the development shall be 300 feet measured so that the height of the eye at the normal stopping point at the intersection measured three feet nine inches above the surface shall be able to see an object located four feet six inches above the surface of the road way. The minimum sight distance at all existing County highway intersections with any proposed streets shall be 600 feet using the same measurements.
  3. The minimum grade on any street shall be 0.5 percent. The maximum grade on any street shall be 5.0 percent.
  4. A standard parabolic vertical curve shall be used at all changes in grade. No vertical curve of less than 100 feet or less than 40 times the algebraic difference in percent of grades will be used.
  5. All proposed streets shall have horizontal curves of not less than 230-foot radius.
  6. All topsoil shall be removed from the roadbed between the ditches. All unsuitable materials shall be removed from the roadbed between the ditches.

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7. All stones, fences, and other deleterious material within the street right-of-way shall be removed. Trees shall be removed as directed by the Township Engineer.
  8. All fill and backfill within the right-of-way shall meet the current Michigan Department of Transportation specifications.
    - (a) The subgrade must be inspected and certified by the proprietor's engineer prior to the placement of any fill material and/or road structural section.
  9. Road cross section specifications; testing and analysis.
    - (a) Hard surface requirements. The proposed road cross section shall have a 30-foot finished roadway width, shoulder to shoulder, with a minimum of seven inches compacted gravel base, 30 feet wide, and a minimum of six inches compacted porous subbase. In addition to this, an approved bituminous surface three inches thick (220# per square yard), is required. The minimum width of this paved surface shall be 22 feet. Alternate full depth sections of asphalt, soil cement or concrete may be recommended by the engineer for the proprietor in lieu of the porous base. The alternate design must be approved by the Township Engineer.
      - (1) Gravel base material shall meet the Michigan Department of Transportation Specifications 22-A.
      - (2) The porous subbase material shall meet the Michigan Department of Transportation Specifications for Class II Granular Material.
      - (3) Specifications for a bituminous material (mix design must be approved by the Township Engineer):
        - a. Prime coat—Michigan Department of Transportation Standard Specifications MC 30 or MC 70 and T-2 and T-3.
        - b. Paving materials—Michigan Department of Transportation Specifications No. 4.11 or 4.12.
      - (4) Specifications for concrete pavement (mix design must be approved by the Township Engineer):
        - a. All materials shall conform to the Michigan Department of Transportation current specifications No. 4.14.
    - (b) Gravel surface requirements. The proposed road cross section shall have a 26-foot finished roadway width, shoulder to shoulder, with a minimum of seven inches compacted gravel base, 26 feet wide, and a minimum of six inches compacted porous subbase.
      - (1) Gravel base material shall meet the Michigan Department of Transportation Specifications 22-A.
      - (2) The porous subbase material shall meet the Michigan Department of Transportation Specifications for Class II Granular Material.
    - (c) During construction of the private road, the petitioner must perform the following testing and inspections shall be performed:
      - (1) Underground utilities (where applicable).
        - a. The petitioner's engineer shall have a representative on-site at all times during the installation of the underground utilities (culvert, sewer and water main) to observe the underground utility installation and verify the use of property construction methods with the exception of those utilities to be owned and

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operated by the Township. The results of these inspections and observations should be documented in the petitioner's engineer's daily reports.

- b. Compaction (or density) testing shall be performed once every 250 feet per lift of trench backfill or once per lift on pipe runs less than 250 feet with more if failing tests warrant.
- c. The backfill of catch basins, inlets, manholes, valve boxes, etc., within the influence of the roadbed shall be placed in accordance with the requirements for structural backfill as called for in the current Michigan Department of Transportation Standard Specifications for Construction.

(2) Subgrade.

- a. The proposed location of the road shall be identified by placement of surveying stakes. The stakes shall indicate the horizontal location and grade of the proposed road.
- b. The road subgrade shall be visually inspected by the petitioner's engineer to verify that the road is in the correct location and the subgrade is trimmed to the proper grade and slope. The subgrade inspection should also confirm that the subgrade is free from rutting and soft spots before placing any subbase material. The visual inspection shall consist of "proof-rolling" the subgrade. The results of this inspection shall be documented in the petitioner's engineer's daily reports.

(3) Subbase.

- a. A gradation analysis shall be performed on the subbase material to confirm that the material meets the gradation requirements for the approved subbase material. Gradation analysis tests shall be performed at a frequency of not less than once every 1,500 cubic yards of subbase material.
- b. Compaction (or density) testing of the subbase material shall be performed at a frequency of not less than once for every 200 feet of roadway with more if failing tests warrant.
- c. The grading and slope of the subbase material shall be checked and documented with a frequency of not less than every 100 feet of roadway.
- d. The bottom grade and width of the roadside ditches (if provided) shall be checked and documented with a frequency of not less than 100 feet of ditch. The locations and elevations of the culvert inverts shall be documented.
- e. A visual inspection of the subbase material shall be performed and documented to verify that the subbase is free from rutting and soft spots before placing any base material.

(4) Aggregate base.

- a. A gradation analysis shall be performed on the aggregate base material to confirm that the material meets the gradation requirements for the approved aggregate base materials. Gradation analysis tests shall be performed at a frequency of not less than once every 1,500 cubic yards of aggregate base material.

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- b. Compaction (or density) testing of the aggregate base material shall be performed at a frequency of not less than once for every 100 feet of roadway with more if failing tests warrant.
  - c. The grading and slope of the aggregate base material shall be checked and documented with a frequency of not less than every 100 feet of roadway.
- (5) Bituminous pavement.
- a. The petitioner's engineer shall issue a written "permit to place" for each section of aggregate base material suitable to place the bituminous pavement material. This "permit to place" shall verify that the bituminous pavement will not be placed on any frozen aggregate base material or frost when cold weather is a concern. The petitioner's engineer shall have a representative on-site at all times during the bituminous paving operations.
  - b. The petitioner's engineer shall verify and document that the bituminous mix design meets the approved construction plan requirements.
  - c. For roads with concrete curb and gutters, the petitioner's engineer shall verify and document that the concrete mix design for the curb and gutters meets the approved construction plan requirements. Tests for slump, air entertainment, temperature (for both concrete and ambient air) and compressive strength (for seven-day and 28-day) shall be performed at a rate of one set of tests for every 1,500 feet of curb and gutter or one set of tests per day for each day that the curb and gutter is installed.
  - d. Extraction tests shall be performed on the bituminous material at a minimum frequency of once every 1,000 tons of bituminous material placed but not less than once a day or once per mixture type. The extraction test may be replaced by visual inspection and submittal of plant extraction test results for small projects with less than 400 tons of bituminous material per project.
  - e. Density tests shall be performed on each lift of bituminous pavement. The control density for each bituminous mixture shall be determined.
  - f. The ambient air temperature shall be documented for each day that bituminous material is placed. The temperature of the bituminous mixture shall be documented for each truck load.
  - g. The final grade of the road centerline and the concrete curb and gutters (when provided) shall be documented at a frequency of not less than once every 100 feet of roadway. The transverse slope of the final pavement shall be documented every 100 feet of roadway.
- (d) At the completion of the private road construction (including final restoration and sign installation), the following items shall be submitted to the Township Engineer for final acknowledgment:
- (1) One set of reproducible "conforming to construction records" (or as-built) drawings of the completed private road. The culvert, sewer and water main locations, materials, sizes, invert elevations and slopes shall be indicated. The manhole and catch basin locations with the rim elevations should also be indicated. The bottom elevation of the catch basins or inlets should be shown. The grades and slopes of the road shall be shown. Each set of "conforming to construction records" drawings shall have the original stamp and signature of the petitioner's registered professional engineer.

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- (2) Copies of all the inspection reports (including the daily reports) the test results, the engineer's "permit to place" the bituminous pavement materials, and the engineer's certifications of the mix designs and the suitability of the road subgrade and subbase material shall be submitted.
  10. Roadside slopes shall be one on four and ditches shall be 24 inches deep, below shoulder grade, and two feet wide on the bottom. Back slopes shall be one on three or flatter if possible.
  11. The crown of the finished grade surface shall be two inches.
  12. Concrete curb and gutter or an approved asphalt curb may be installed as part of the development road construction. The minimum width of such construction shall be 26 feet face-to-face of curb.
  13. Drainage easements, 20 feet in width, shall be furnished where required to provide surface runoff with the development. Releases from the abutting property owner shall be furnished where required by the Planning Commission. Drains within easements shall be enclosed underground storm drainage facilities unless specifically approved to the otherwise by the Planning Commission.
  14. Ditches adjacent to existing County roads shown upon the plans shall be constructed or cleaned out to the Livingston County Road Commission specifications as in Subsection D.10. above to provide drainage excepting where lot access is to internal streets within the development only, then minimum drainage will be accepted as approved by the Township Engineer. In such case where drainage is obstructed at boundaries of the development area, ditches adjacent to existing County roads beyond the development area shall be cleaned out to provide drainage.
  15. Drainage facilities and all other disturbed areas shall be fertilized, mulched, and seeded and/or sodded and shall meet Michigan Department of Transportation Specifications. Erosion will not be tolerated.
  16. Drainage culverts.
    - (a) Corrugated metal pipe shall meet the current American Association of State Highway Officials designations M-36.
    - (b) Reinforced concrete pipe shall meet the current American Society for Testing Materials design C 76.
  17. Utilities shall be located and installed in accordance with plans approved by the Township Engineer.
  18. Prior to issuance of a certificate of Zoning Ordinance compliance, the proprietor shall install or pay the Livingston County Road Commission to furnish and install any and all road name signs and all signs necessary for traffic control. Such signs shall conform to the standard used by the Livingston County Road Commission.
  19. When the street and drainage construction plans are completed, three copies thereof shall be filed with the Township for forwarding to the Township Engineer for approval. The applicant will be advised in writing of approval or disapproval within 30 days after receipt of these construction plans.
- E. *Financial Requirements and Responsibilities.*
1. Financial requirements for guaranteeing construction of street and drainage improvements shall be equal to at least 100 percent of the proprietor's engineer's estimate of the cost of street and drainage improvements. This estimate is to be approved by the Township Engineer and shall bear the seal of registration of the proprietor's engineer. One of the following sureties may be used for this requirement:
    - (a) Cash deposit.
      - (1) Cash.

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- (2) Certified check payable to Cohoctah Township.
    - (b) Escrow agreement.
      - (1) Escrow agreement shall be furnished in form acceptable to the Township Planning Commission and Township Attorney.
      - (2) Escrow agreement shall be for a two-year period.
    - (c) Irrevocable bank letter of credit.
      - (1) Bank must be approved by the Township Planning Commission.
      - (2) Payable to Cohoctah Township upon draft authorized by the Township Board.
      - (3) Shall be for a two-year period.
      - (4) Letter of credit in form approved by Township Planning Commission and Township Attorney.
  2. Contingency fund in the amount of ten percent of the approved proprietor's engineer's estimate of cost of street and drainage improvements shall be required to guarantee that the proprietor shall reconstruct any damaged street improvement, replace any unsatisfactory condition, make final clean-up of street and drainage system, and correct unforeseen deficiencies after construction is complete. This fund will be held for a period of one year after date of final approval of street and drainage improvements by the Planning Commission. One of the following sureties may be used.
    - (a) Cash deposit.
      - (1) Cash.
      - (2) Certified check payable to Cohoctah Township.
    - (b) Escrow agreement.
      - (1) An escrow agreement shall be furnished in a form acceptable to the Township Planning Commission and Township Attorney.
      - (2) Escrow agreement shall be for a one-year period.
      - (3) May be included in escrow agreement form mentioned in Subsection E.1(c) above.
    - (c) Irrevocable bank letter of credit.
      - (1) Bank must be approved by the Township Planning Commission.
      - (2) Payable to Cohoctah Township upon draft authorized by the Township Board.
      - (3) Shall be for a one-year period.
      - (4) Letter of credit in form approved by Cohoctah Township Planning Commission and Township Attorney.
  3. Inspection fee in the amount of three percent of the approved proprietor's engineer's estimate of cost of street and drainage improvements shall be paid by cash or certified check payable to Cohoctah Township. This fee is to cover administrative costs and inspections incurred and authorized by Cohoctah Township relative to the development. Such inspections shall not relieve the proprietor's engineer of any of his obligations, but are to verify the conformance of construction and conditions with the specifications.
  4. If street and drainage improvements are not completed in an acceptable condition within two years after the approval by the Planning Commission, the proprietor will be held in default and all sureties

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shall be forfeited to Cohoctah Township and procedures will be taken to have street and drainage improvements completed.

5. The fees and financial requirements set forth herein must be paid or otherwise provided to the Township prior to commencing any construction and prior to the issuance of the land use permit.

F. *Final Inspection and Approval.*

1. After all streets, roads, alleys, and drains are completed, the proprietor shall furnish the Township with a letter requesting an inspection and with a certificate of completion from his engineer. The engineer for the proprietor shall certify, over his professional seal, that he has personally supervised and inspected all construction and that all street improvements and drainage facilities have been constructed in accordance with the approved construction plans, specifications set forth herein and the specifications of the Livingston County Road Commission and that the surfacing materials have been tested and approved and that test reports are on file with the Township.
2. The Township Engineer will provide final inspection for street and drainage improvements after receiving the items listed in Subsection F.1 above. If the construction is complete and acceptable, the Township Planning Commission will notify the proprietor of its approval and direct the Zoning Administrator to issue a certificate of Zoning Ordinance compliance.
3. If the construction is not complete and acceptable, the proprietor's engineer will be notified as to the deficiencies. The Township Engineer will re-inspect these deficiencies upon notification by the proprietor's engineer that the deficiencies have been corrected to meet the standards required herein. When the construction is complete and acceptable, the Planning Commission will proceed as in Subsection F.2 above.
4. The Township Planning Commission will not grant approval for the private road construction unless the Township Engineer has conducted the inspections and given the necessary approvals as required by Section 16.45.D.9.

- G. *Validity.* Each provision, requirement, regulation, or restriction established by these standards and specifications for street and road development or any amendments or additions thereto is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments or additions thereto as a whole or any other part thereof, except as to the particular part so declared to be invalid.

(Ord. of 11-12-1987, § 16.45; Amd. No. 9, 12-10-1992; Amd. No. 34, §§ 1—3, 6-12-1997; Amd. No. 35, §§ 1—4, 6—8, 6-11-1998; Amd. No. 39, §§ 7—9, 12-11-2003; Amd. No. 78, § 4, 5-14-2015; Amd. No. 81, § 28, 5-11-2017)

### **Sec. 16.46. Noncommercial kennels.**

Noncommercial kennels may be located in those zoning districts where they are permitted as an accessory use provided they meet the following conditions:

- A. Dog runs and/or exercise areas designed for that purpose, as well as buildings where the dogs are maintained, shall be located in the side or rear yard only.
- B. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any building on an adjacent parcel and shall not be located in any required front, side, or rear yard setback area.
- C. All such kennels shall be operated in conformance with all applicable County, State, and Federal regulations; permits being valid no longer than one year.



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- D. Such facilities shall be under the jurisdiction of the Township Planning Commission and a person desiring to have a noncommercial kennel shall apply to the Township Planning Commission and shall provide to the Township Planning Commission a site drawing and other information sufficient to demonstrate that the conditions set forth herein will be complied with. The issuance of a permit by the Township Planning Commission shall also be subject to other conditions and requirements of said body as deemed necessary to ensure against the occurrence of any possible nuisance.
  - E. A noncommercial kennel may be maintained on a nonconforming lot existing at the time of the enactment of this Ordinance provided there shall be a minimum lot size of one acre for the first three dogs and one additional acre for each additional dog up to a maximum of five dogs and shall also be in compliance with the above conditions.
  - F. Noncommercial kennels are not permitted in the S District.

(Ord. of 11-12-1987, § 16.46; Amd. No. 12, § 6, 11-11-1993)

**Sec. 16.47. Reserved.**

(Ord. of 11-12-1987, § 16.47)

**Sec. 16.48. Wildlife and exotic animals.**

- A. *Animals Excluded.* Except as otherwise provided in this Ordinance, it is unlawful for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy, sell, or exchange exotic or wild animals, including but not limited to the following:
  - 1. Venomous cold-blooded reptiles and other cold-blooded animals or reptiles that, if in contact with humans, are capable of inflicting fatal injury to the average person;
  - 2. All poisonous animals;
  - 3. Cats (wild family, including but not limited to bobcat, cheetah, cougar, jaguar, ocelot, leopard, lion, lynx, mountain lion, panther, puma, and/or tiger);
  - 4. Nondomesticated carnivores including, but not limited to, bears, wolves, coyotes, fox, and hybrid wolf-dog cross breeds;
  - 5. Raccoons, weasels, ermine, otters, badgers, beavers, and wolverines;
  - 6. Poisonous spiders, venomous or poisonous insects;
  - 7. Proboscidea (elephants);
  - 8. Perissodactyla (rhinoceros family).
- B. *Exceptions.* Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, duly licensed and/or permitted, nature preserves, circuses, and bona fide licensed scientific, medical, or research facilities are excepted from this Section.
- C. *Enforcement.* This Section shall be enforced by the Township Zoning Administrator or such person as may be appointed by the Township Board in accordance with the provisions of Section 21.07.

(Amd. No. 28, § 1, 3-14-1996)

State law reference(s)—Endangered species protection, MCL 324.36501 et seq.; wildlife conservation, MCL 324.40101 et seq.

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## Sec. 16.49. Multiple principal buildings upon a parcel of land.

As set forth in Section 16.05, more than one principal building structure may be located on a parcel of land subject to approval by the Planning Commission following the site plan review as required by Article XX and upon compliance with this Section. In determining whether to approve the applicant's site plan under this Section, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, and Township Engineer regarding the adequacy of the site plan, deed restrictions, master deed, if any, utility systems and streets, overall development layout and design and compliance with all the requirements of Public Act No. 59 of 1978 (MCL 559.101 et seq.), if the proposed project is a condominium.

### A. *Definitions.*

*Condominium Act*—Public Act No. 59 of 1978 (MCL 559.101 et seq.).

*Condominium Area*—A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

*Condominium Project*—A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

*Condominium Subdivision Plan*—Drawings and information prepared and required pursuant to Section 66 of the Condominium Act (MCL 559.166) and such other information as required by this Ordinance.

*Condominium Unit*—That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In a condominium project in which the condominium units shall be building sites, then in those instances, the term "Condominium Unit" shall be consistent with the term "Lot" in this Zoning Ordinance.

*Consolidating Master Deed*—The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

*Contractible Condominium*—A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

*Conversion Condominium*—A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act (MCL 559.171).

*Expandable Condominium*—A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

*Front Yard Setback*—The distance between the road right-of-way line and the condominium dwelling.

*Master Deed*—The condominium document as described and required by Section 8 of the Condominium Act (MCL 559.108) as approved by the Planning Commission to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

*Mobile Home Condominium Project*—A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

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*Rear Yard Setback*—The distance between the rear yard area line and the condominium dwelling.

*Side Yard Setback*—The distance between the side yard area line and the condominium dwelling.

B. *Information requested.* A person, firm or corporation intending to develop a project which is intended to consist of more than one principal building or structure upon a parcel of land shall provide to the Township the following information with respect to the project concurrent with submission of an application for site plan review:

1. The name, address and telephone number of:
  - (a) All persons, firms or corporations with an ownership interest in the land on which the project will be located together with a description of the nature of each such entity's interest (i.e., fee owner, land contract vendee, optionee, etc.).
  - (b) All engineers, attorneys, architects or registered land surveyors associated with the project.
  - (c) The developer or proprietor of the project.
2. The legal description of the land on which the project will be developed as well as the appropriate tax identification numbers.
3. The amount of acreage of the land on which the project will be developed.
4. The purpose of the project (i.e., residential, commercial, industrial, etc.).
5. Approximate number of units for the project.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

The above information shall be kept updated until such time as a certificate of occupancy and a certificate of Zoning Ordinance compliance have been issued.

C. *Site Plans; Information Required.*

1. Prior to commencement of any construction, grading, etc., the project shall undergo site plan review in accordance with Article XX and shall also include the following information:
  - (a) A survey plan of the project that shall include any and all streets, roads, alleys, if any, floodplains and exterior project boundaries.
  - (b) A flood plan when appropriate.
  - (c) A site plan showing the location, size, shape, area and width of all building sites.
  - (d) A utility plan showing all sanitary sewer, water, and storm sewer lines, and any easements granted to an entity other than developer or co-owners association for installation, repair and maintenance of all utilities. To the maximum extent possible, all utility lines should be located in the street right-of-way and developer shall ensure that easements are reserved for public water and sewer mains which are sufficient to allow for installation of such mains. Such easements and their sufficiency shall be approved by the Township Engineer and the Township Attorney.
  - (e) Any and all streets or roads within the project shall be public roads constructed in accordance with Livingston County Road Commission specifications in effect at the time governing public roads or in accordance with Sections 16.44 and 16.45 governing private roads. All roads shall be hard surfaced in compliance with said Section 16.45 but the waiver provision of Section 16.45.B.13(b) shall not be applicable.

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- (f) A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities approved by the County Drain Commission.
  2. If the proposed project is a condominium project then the information to be provided to the Planning Commission shall be the condominium subdivision plan prepared in compliance with MCL 559.166, in addition to the above.
  3. After submittal of the condominium plan and bylaws for recording as part of the master deed, the proprietor shall furnish to the Township and the County Register of Deeds a copy of the condominium subdivision plan prepared in compliance with MCL 559.166 and this Ordinance.
  4. Once the Planning Commission has granted approval of the plan and a land use permit has been issued, any expansion, conversion, or alteration of the project whether to additional land or otherwise shall require site plan review and approval pursuant hereto and Article XX.
- D. *Monuments Required.* All projects that consist in whole or in part of building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this Subsection.
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  2. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
  3. Monuments shall be located in the ground at all angles in the boundaries of the project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the project and at the intersection of alleys with the boundaries of the project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and, if the project is a condominium project, at the intersection of all limited common elements and all common elements.
  4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
  5. If a point required to be monumented is on a bedrock outcropping, a steel rod at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
  6. All required monuments shall be placed flush with the ground where practicable.
  7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
  8. The Township Board of the Township of Cohoctah may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposit with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Cohoctah, whichever the Township selects, in an amount as established by the Cohoctah Township Board in its established schedule of fees. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

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- E. *Documentation of State and County Approval.* The developer or proprietor of the project shall provide to the Township appropriate documentation establishing that appropriate State and County approvals have been received regarding the fresh water system for the proposed project and regarding the wastewater disposal system for the proposed project.
  - F. *Conformity to Water and Sewer Regulations.* If the parcel of land is within a Township sanitary sewer district, then the developer, contractor, and/or owner must make provisions to immediately hook into the Township sanitary sewer system and otherwise be in full compliance with the Township's Wastewater Collection and Treatment System Ordinance. In the event the parcel of land is within the sewer district and the sewers are not immediately available to that parcel of land, the developer, contractor and/or owner must make provisions in the design and construction of the building/structure for future connection into the Township sanitary sewer system which shall include sanitary sewer mains and house connections to be installed and capped. If and when the sanitary sewer becomes available, each dwelling must hookup to the sewer.
  - G. *Minimum Distance Between Principal Buildings.* There shall be maintained a minimum distance of 70 feet between principal buildings.
  - H. *Location and Conformity of Certain Dwelling Units.* Any development which shall consist in whole, or in part, of dwelling units attached to one another shall be located only in an SR District and shall comply with all of the requirements and standards of said district unless specifically allowed otherwise under this Section. All developments which consist solely of detached one-family dwelling units shall be located only in a RR or SR District and shall comply with all of the requirements and standards of the district in which they are located unless specifically allowed otherwise under this Section.
  - I. *Size and Number of Building Sites for Certain Projects.* In the event a project will include recreational space or open space for park, environmental preservation, or other aesthetic reasons, then the project may provide for building sites smaller in area than that required by the zoning district in which it is located; provided, however, under no circumstances shall the project contain more building sites than would be allowed if there was no such open space. In computing the number of building sites allowable in relation to the overall acreage of the project, the area comprising the streets, roads, parking area, lakes, rivers, streams, wetlands, etc., within the project shall not be included in determining the number of building sites in the project.
  - J. *Conformity to Ordinance Regulations for Building Site Divisions and Boundary Relocations.* Any proposed division of individual building sites shall conform to the requirements of this Ordinance for minimum width, area, and building setback requirements and shall be approved by the Zoning Administrator. In the event of any proposed relocation of boundaries of any building site or sites, as described in Section 48 of the Condominium Act (MCL 559.148), such relocation shall comply with all setback requirements of this Ordinance for the district in which the project is located and shall be approved by the Zoning Administrator.
  - K. *Documentation to be Submitted to Planning Commission.* The developer and/or proprietor of the project shall furnish to the Planning Commission, for its review and approval, copies of any and all documents establishing easements for ingress, egress, public utilities, etc., as well as those documents creating maintenance agreements or other contracts between property owners and/or residents in the project pertaining to roads or common areas, any restrictive covenants and/or deeds pertaining to the property and, if applicable, a master deed and exhibits A and B thereto, which are kept on file in the office of the Township Clerk.
  - L. *Regulations for Television, Telephone, Utilities, etc.* Public utilities and driveways shall be located in accordance with the rules of the Livingston County Road Commission then in effect. The underground work for utilities shall be stubbed to the building site boundary line. The developer shall make arrangements for all television service to be placed underground entirely throughout the development

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area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the appropriate utility for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of construction in compliance with all applicable Federal, State and local laws and regulations. Cable television facilities, if any, shall be constructed in accordance with applicable State, Federal and local regulations or ordinances. All drainage and underground utility installations that traverse privately owned property shall be protected by easements granted by the developer.

- M. *Street Name Signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Livingston County Road Commission.
- N. *Water System Appurtenances Provided.* When a proposed development is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the developer.
- O. *Compliance With Federal and State Law.* All condominium projects shall comply with Federal and State statutes and local ordinances.
- P. *Encroachment Prohibited.* Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act (MCL 559.140), shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- Q. *Payment of Fees.* The developer shall be responsible for payment of all fees related to review of the condominium project and all documents and information submitted in regard thereto for approval by the Township as required herein in accordance with the fee schedule established by the Cohoctah Township Board. All approvals must be granted and payment of all fees made before a certificate of Zoning Ordinance compliance will be issued.

(Amd. No. 32, § 1, 4-10-1997)

State law reference(s)—Condominium Act, MCL 559.101 et seq.

### **Sec. 16.50. Open Space and Rural Preservation Development District.**

- A. *Intent.* The intent of the Open Space and Rural Preservation Development District is to permit residential development that results in an enhanced living environment through the preservation of open space. The provisions set forth in this Section offer an alternative to traditional subdivisions and encourage innovative and livable housing environments through both permanent dedication of open space and a planned reduction of individual lot area requirements. The Open Space and Rural Preservation Development District is established as an overlay district in those districts in the Township that allow single-family residential housing as a permitted principal use and therefore is not permissible in the MHR, LI, and NSC Districts. The Open Space and Rural Preservation Development District is also not allowed in the S Settlement District.
- B. *Scope.* For purposes of this Section, an Open Space and Rural Preservation Development is defined as a single-family residential development in which dwelling units are placed together in one or more clusters within a defined area that is within the proposed single-family residential development. The dwelling units must be accompanied by designated open space that is permanently protected from development.
- C. *Objectives.* The following objectives shall be considered in the review of any application for an Open Space and Rural Preservation Development:

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1. To provide a more environmentally sensitive residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and similar natural features.
  2. To preserve a traditional rural character to the land use pattern in the Township and protect environmentally sensitive lands from the disruptive effects of traditional subdivision and single-family developments.
  3. To provide a more efficient and aesthetic use of open space by allowing developers to reduce the required minimum lot sizes and increasing the residential density in exchange for permanently preserving open space.
  4. To allow a more flexible and economical residential layout, street and utility design.
  5. To ensure the permanent preservation of open space, agricultural lands, rural lands and natural resources.
  6. To encourage the use of Township land in accordance with its character and adaptability.
  7. To encourage innovation and greater flexibility in the design of residential developments.
  8. To ensure compatibility of design and use between neighboring properties.
  9. To encourage a less sprawling form of development, thus preserving open space as undeveloped land.

The regulations set forth herein are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Section is not intended as a device for ignoring the zoning regulations of the Township, the standards set forth herein, or the planning concepts upon which the Zoning Ordinance has been based. The regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards and the Township Comprehensive Plan.

D. *Review Considerations.* The applicant must present a proposal for residential development that addresses the following:

1. *Recognizable Benefits.* An Open Space and Rural Preservation Development shall result in a recognizable and substantial benefit to the residents of the development and to the overall quality of life in the Township.
2. *Minimum Project Size.* The minimum size of an Open Space and Rural Preservation Development shall be ten acres of contiguous land.
3. *Open Space.* The proposed development shall maintain a minimum 50 percent of the gross area of the site as dedicated open space as a separate parcel held in common ownership, with evidence of a plan for perpetually preserving the open space. Documents shall be presented and ultimately approved by the Township Planning Commission that bind all successors and future owners in fee title to open space commitments made as a part of the proposal.
4. *Unified Control.* The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Open Space and Rural Preservation plan.
5. *Limited Division Option.* For a property owner of at least ten acres, who desires to retain ownership and control of the dedicated open space, an option is available to allow for the retention of ownership and control rather than allowing all division owners the right to use the dedicated open space. This

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option is available only if the property owner agrees to apply for a division or divisions that would result in the creation of no more than a total of two single-family homes. The property owner would still be required to create a division for the dedicated open space but the open space could continue to be owned by the property owner subject to compliance with the requirements otherwise imposed herein upon the dedicated open space.

E. *Principal Permitted Uses.*

1. Detached single-family residential dwelling units.
2. The growing and harvesting of crops, fruits and vegetables.
3. Accessory uses and buildings incidental to the principal permitted uses.
4. The keeping of animals shall not be allowed in open space within the development.

F. *Design Standards.* A proposed Open Space and Rural Preservation Development shall comply with the following project design standards:

1. *Location of Development.* An Open Space and Rural Preservation Development may be proposed for those parcels within the Township that meet the minimum size requirement established in this Section and that allow for single-family residential dwelling units as a permitted principal use in the zoning district where the property is located.
2. *Base Zoning Regulations.* Unless specifically modified by the Planning Commission as provided in this Section, all Zoning Ordinance requirements for the underlying zoning district and other Township regulations shall remain in full force, except for minimum lot area.
3. *Open Space Requirements.*
  - (a) An Open Space and Rural Preservation Development shall maintain a minimum of 50 percent of the gross area of the site as dedicated open space held in common ownership.
  - (b) The dedicated open space shall not include any land area that is devoted to a residential dwelling and its appurtenant minimum lot size, an accessory use, vehicle access, vehicle parking, or a roadway. No building or structure will be permitted to be placed, or erected, within the dedicated open space. Except for farm-related implements, the use of motor-driven vehicles or recreational means of travel shall not be allowed if the use of same is detrimental to the peaceful enjoyment of the development or the dedicated open space. A minimum of 25 percent of the dedicated open space shall consist of useable upland area. In determining the minimum useable land, regulated or non-regulated wetlands, lakes, submerged lands or floodplain areas shall not be included. In the event of a disagreement between the Township and an applicant over whether an area of land constitutes wetland, it shall be the applicant's responsibility to prove its position through the use of a duly qualified expert at the applicant's expense.
  - (c) Dedicated open space may include any land area that is devoted to recreation, conservation, or agricultural uses. If open space areas of significance are determined by the Planning Commission, a condition of approval may require that the Open Space and Rural Preservation Development plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
  - (d) The dedicated open space shall be set aside by the developer through an irrevocable conveyance or covenant appurtenant to the open space that is found acceptable to, and approved by, the Planning Commission, such as:
    - (1) Recorded deed restrictions;
    - (2) Covenants that run perpetually with the land;



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- (3) Conservation easement established in accordance with Part 21, Subpart 11, of Public Act No. 451 of 1994 (MCL 324.2140 et seq.), as amended;
  - (4) Other legal means found to be adequate by the Planning Commission.

Such conveyance or covenants shall ensure that the open space will be protected from all forms of development, except for those uses as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

- (1) Indicate the allowable uses of the dedicated open space as approved by the Planning Commission.
- (2) Require that the dedicated open space be maintained by those parties who have an ownership interest in the open space. Such documents shall also contain adequate language providing for a means by which the costs of such maintenance will be paid as well as means to enforce such provisions.
- (3) Ensure that all residents have access to the open space for use of the open space and prohibit interfering with the use of the open space by residents and their guests.

4. *Dwelling Density.*

- (a) Lots may vary in size but in no case shall they be less than one acre in size, including drives and access easements. The front, rear and side yard setbacks of a lot shall meet all Township standards for the zoning district where the property is located. The overall density for the single-family dwelling units shall be based upon a density no greater than one dwelling unit per 2½ acres. The density shall be based upon the gross parcel area.
- (b) Dwelling units shall be grouped so that open space within a development is at least 50 percent of the gross area of the site. Whenever possible, dwelling units should contain rear yards that are contiguous to the open space. Any parcel that does not have any lot line that is contiguous with the open space shall have an easement reserved for access to the open space.
- (c) Open space shall be at least 100 feet wide and shall be protected with an irrevocable conveyance or covenants found acceptable to the Planning Commission.

5. *Location of Lots.*

- (a) Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
  - (1) Utilize the most suitable soils for subsurface septic disposal.
  - (2) Sited in a manner least likely to block or interrupt scenic vistas, as seen from public roadways.
  - (3) To the greatest extent possible, building envelopes, or building sites, shall be proposed in such a manner as to avoid being composed of wetlands or hydric soils.
  - (4) Otherwise situated so as to meet the purpose and intent of this Ordinance.

6. *Regulatory Flexibility.* To encourage flexibility and creativity consistent with the Open Space and Rural Preservation Development concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot and bulk standards as a part of the approval process, except as otherwise provided herein. These departures from the requirements shall not increase the number of dwelling units for the development beyond the density established herein. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of

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Appeals. No part of an Open Space and Rural Preservation Development plan may be appealed to the Zoning Board of Appeals.

7. *Landscaping and Buffering.*

- (a) All dwellings and accessory structures shall be no less than 50 feet from lakes, ponds, streams and wetlands. The 50-foot area shall be part of the dedicated open space and shall not be in private ownership.
- (b) Existing public roadway frontage shall be preserved as much as possible or practical in the required setback area as required by the zoning district where the development is located through the use of native plants and trees between the roadway and any dwellings and/or accessory structures in the development. The Planning Commission may require the planting of additional screening to help provide buffering when there are insufficient native plants and trees to accomplish this goal.
- (c) The Planning Commission may require landscaping or natural vegetative cover as a buffer between the side and rear yards of dwellings and their related accessory buildings in an Open Space and Rural Preservation Development and adjacent single-family homes not in the development, if such buffering would assist in meeting the goals and objectives of this Ordinance.

G. *General Requirements.*

- 1. An Open Space and Rural Preservation Development shall require the submission of a concept plan (a conceptual drawing, not a full site plan) that identifies buildable land areas, proposed open space, unique features and residential lots that are based on the minimum lot sizes of the open space designation.
- 2. Final approval of an Open Space and Rural Preservation Development proposal shall not require, nor shall it be construed as, an amendment to the Zoning Ordinance. All improvements and uses of the site shall be in conformity with the approved Open Space and Rural Preservation Development site plan and comply fully with any conditions imposed by the Township Planning Commission.
- 3. The applicant shall record an affidavit with the Livingston County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved Open Space and Rural Preservation Development plan unless an amendment is approved by the Township Planning Commission. In addition, all deed restrictions and easements shall be subject to approval by the Township Planning Commission and Township Attorney and shall be duly filed with the County Register of Deeds after approval. Copies of these recorded documents shall be presented to the Township.
- 4. Following final approval of the Open Space and Rural Preservation Development site plan, a land use permit may be obtained in accordance with Section 21.04. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State or Federal permits.
- 5. Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the appropriate action to obtain compliance with the Zoning Ordinance. Each and every property owner shall also be responsible for insuring the open space is maintained in accordance with the approved final plan or be subject to the appropriate action to obtain compliance with the Zoning Ordinance.
- 6. The Planning Commission may require that a performance guarantee, in accordance with this Article, be deposited with the Township to ensure completion of improvements.
- 7. Prior to the issuance of any land use permits, the developer shall pay to the Township any and all fees as established by the Township Board related to compliance with this Ordinance, including, but not

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limited to, reimbursing the Township for all costs incurred by the Township in reviewing the Open Space and Rural Preservation Development plan and any other fees duly adopted by the Cohoctah Township Board in its schedule of fees.

8. In the event that the project involves lands that include regulated wetlands, or if the Township Planning Commission believes that it is in the best interest of furthering the goals of this Ordinance to determine the wetlands on property which is proposed for an Open Space and Rural Preservation Development, it shall be the responsibility of the applicant/developer to employ the necessary and appropriate person or persons to locate and determine the boundaries of the wetlands on the property and to pay the costs thereof.
- H. *Project Standards for Approval.* In considering any application for approval of an Open Space and Rural Preservation Development site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article XX, as well as the following standards and requirements:
1. The overall design and land uses proposed in connection with an Open Space and Rural Preservation Development shall be consistent with the intent of the Open Space and Rural Preservation Development concept, as well as with specific design standards set forth herein.
  2. Open space should include irreplaceable natural features located on the parcel, such as, but not limited to, stream beds, wetlands, significant stands of trees, and individual trees of significant size. The protection of these natural features shall comply with all applicable environmental protection laws and regulations.
  3. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
  4. The Open Space and Rural Preservation Development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
  5. The proposed Open Space and Rural Preservation Development shall comply with all applicable Federal, State and local regulations.
  6. Compliance with the requirements of the provisions of this Section.
  7. Prior to final approval by the Planning Commission, the proposed divisions for the application shall be submitted to the Township Assessor for conditional approval of the proposed divisions under the Township's Land Division Ordinance.
- I. *Scheduled Phasing.* If a project is proposed for development in phases, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Open Space and Rural Preservation Development and the residents of the surrounding area.
- J. *Revision of Approved Plans.*
1. The developer may apply for changes or revisions to an approved Open Space and Rural Preservation Development plan by submitting a request to the Planning Commission following proper application under appropriate site plan review procedures outlined in Article XX, including any appropriate supporting information, subject to a finding by the Planning Commission of all of the following:
    - (a) Such changes will not adversely affect the initial basis for granting approval;
    - (b) Such changes will not adversely affect the overall Open Space and Rural Preservation Development in light of the intent and purpose of such development as set forth in this Section; and

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(c) Such changes shall not result in the reduction of open space area as required herein.

(Amd. No. 38, § 1, 11-14-2002; Amd. No. 44, § 2, 3-10-2005; Amd. No. 47, § 1, 2-9-2006; Amd. No. 71, § 2, 9-13-2012; Amd. No. 73, § 1, 12-13-2012)

State law reference(s)—Open space preservation, MCL 125.3506.

### **Sec. 16.51. Traffic Impact Assessment.**

A. The Planning Commission may require a Traffic Impact Assessment (TIA), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development, which includes a land area of five acres or more or a building over 50,000 square feet, or when permitted uses could generate either a 30 percent increase in average daily traffic, or at least 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day, before approving a required site plan or making a decision upon a request for Planned Unit Development approval. Trip generation figures must come from the most recent version of Trip Generation published by the Institute of Traffic Engineers, or any local trip generation rates either published or approved by the Michigan Department of Transportation. At their discretion, the Planning Commission may accept a TIA prepared for another public agency.

(Amd. No. 46, 12-8-2005; Amd. No. 81, § 30, 5-11-2017)

### **Sec. 16.52. Agricultural tourism.**

(1) *Definitions.*

- a. "*Agricultural Tourism, Ag-tourism and/or agri-tourism* means the practice of visiting an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purposes of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.
- b. *Value-added agricultural product* means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, educational presentation, activities and tours.
- c. *Agricultural products* include, but are not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture, herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- d. *Agriculturally related products* means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.
- e. *Non-agriculturally related products* means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

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- f. *Agriculturally related uses* means those activities that predominantly use agricultural products, building or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
  - g. *Non-agriculturally related uses* means activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc. and are subject to special use permit.
  - h. *Farm Market/On-farm market/roadside stand* means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
  - i. *Seasonal* means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
  - j. *Seasonal sign* means a sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.
- (2) *Permitted principal uses.* General and specialized farming or agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, for the storage or preservation of said crops, or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcels or in any building or structure on such parcels.
- a. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation.
  - b. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site.
  - c. Seasonal U-pick fruits and vegetables operations.
  - d. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
  - e. Food sales/processing, processing any fruits/produce.
  - f. Uses b. through e. listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained:
    - 1. Value-added agricultural products or activities such as education tours or processing facilities, etc.
    - 2. Bakeries selling baked goods containing produce grown primarily on site.
    - 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
    - 4. Petting farms, animal display, and pony rides.
    - 5. Wagon, sleigh and hayrides.
    - 6. Nature trails.
    - 7. Open air or covered picnic area with restrooms.
    - 8. Educational classes, lectures, seminars.
    - 9. Historical agricultural exhibits
    - 10. Kitchen facilities, processing/cooking items for sale.

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11. Gift shops for the sale of agricultural products and agriculturally related products. Such shops may also offer for sale non-agriculturally related products such as antiques or crafts but only as an accessory to the agriculturally related products.
- (3) Permitted principal special uses with conditions.
- a. Bed and breakfast.
  - b. Restaurant operations related to the agricultural use on the site.
  - c. Non-agriculturally related uses listed as permitted uses in the district where the property is located but which include any of the following ancillary uses may require a special use permit.
    1. Small-scale entertainment (e.g., car show, art fair).
    2. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.

(Amd. No. 55, § 1, 3-13-2008)

### **Sec. 16.53 Water drainage.**

No development of any parcel of property, whether platted or not, shall occur that results in, or will or could result in, the increase of the flow of water onto adjacent property that is not owned by the person who is developing the subject parcel.

(Amd. No. 55, § 4, 3-13-2008)

### **Sec. 16.54. Wireless antenna or antennae.**

Wireless communication antenna shall be considered a permitted accessory use when placed on, or attached to, any legally existing structure, except a residential dwelling, in any zoning district provided that any such antenna shall not extend more than 20 feet above the tallest portion of the structure on or to which it is attached. Furthermore, the height of any such antenna at its tip shall not exceed 200 feet from the surface of the ground unless:

- a. (1) The antenna is located on a lawfully existing or approved communication tower or wireless communication facility; or
  - (2) It is located on a structure which has received a height variance.
- b. If a wireless communication antenna requires an accessory equipment storage structure, it shall not be greater than 15 feet in height and shall meet all zoning requirements. If the structure is located within a residentially zoned district then its exterior finish shall be compatible with any adjacent residential structure.
- c. All wireless communication antenna shall be designed to blend into or meet the aesthetic character of the principal structure where it is located taking into consideration the location of the wireless communication antenna and the line of sight angle and distance from the road right-of-way and any neighboring uses.
- d. No accessory equipment structure or area shall be allowed in any rights-of-way.
- e. The Planning Commission may require the structure on which the wireless antenna or antennae is located to be fenced and/or have an anti-climbing device if the Planning Commission finds that the

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structure poses a potential hazard or attractive nuisance to the health, safety, or welfare of the general public.

- f. The installation of a wireless communication antenna in any zoning district must be reviewed and approved by the planning commission. The application shall contain information sufficient to allow the planning commission to determine that the wireless communication antenna will meet the requirements of this zoning ordinance.

(Amd. No. 57, § 4, 11-13-2008)

### **Sec. 16.55. Outdoor wood-fired boilers or furnaces.**

No person shall install an outdoor wood-fired boiler or furnace until they have submitted an application for a land use permit. A permit for an outdoor wood-fired boiler or furnace will be issued by the Zoning Administrator upon receipt of the completed land use application that includes a drawing and indicating all of the following:

- A. The boiler or furnace shall be for the purpose of heating a dwelling and/or accessory structure on the same lot or parcel.
- B. The lot or parcel shall be a minimum of two acres in size.
- C. The boiler or furnace shall be located no closer than 40 feet to any other structure.
- D. The boiler or furnace shall be located a minimum of 50 feet from any property line and shall not be allowed in any front yard.
- E. An area of at least five feet in diameter around the boiler or furnace shall be kept free of ignitable vegetation and debris.
- F. The boiler or furnace shall not be used to burn refuse or junk.

(Amd. No. 61, § 2, 9-17-2009)

### **Sec. 16.56. Two-family dwellings.**

Two-family dwelling units may be permitted in the SR Suburban Residential Districts subject to the standards and conditions outlined in this ordinance, and specifically here:

- 1. The total square footage of the living area for each family shall consist of at least 960 square feet.
- 2. Except as stated above, the parcel shall comply with all other requirements for the SR District.
- 3. The structure shall be compatible with single-family dwellings located within the surrounding neighborhood.
- 4. Screening shall be provided along any adjacent property lines that are used or zoned for single family residential housing with evergreens or shrubs that are at least four feet in height at the time of planting and spaced to provide a continuous screen at maturity. Any such screening shall not create a vision hazard at a road intersection or driveway.
- 5. An accessory building of at least 100 square feet shall be provided for each family for storage.
- 6. Outdoor trash receptacles shall be stored on property so as to not be visible from the street or residences on parcels adjacent to the two-family dwelling.
- 7. Owners of the two-family dwellings shall be responsible for insuring that the dwellings and their yard areas are maintained in compliance with the requirements and provisions of the zoning ordinance.

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(Amd. No. 62, § 2, 2-11-2010)

Editor's note(s)—Amd. No. 62, adopted February 11, 2010 added § 16.56, two-family dwellings as § 16.55.  
Editorially changed to § 16.56.

## **Sec. 16.57. Wind energy systems.**

### **A. Definitions.**

*Ambient* means the sound pressure level exceeded 90% of the time or  $L_{90}$ .

*ANSI* means the American National Standards Institute.

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

*Decibel* means the unit of measure used to express the magnitude of sound pressure and sound intensity. IEC means the International Electrotechnical Commission. ISO means the International Organization for Standardization.

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

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

*Rotor* means 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.

*Shadow flicker* means 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 but not limited to a window at a dwelling.

*Sound pressure* means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

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

*Wind energy system* means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also *On-site wind energy system*.

*Wind site assessment* means 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. On-site wind energy systems.** An on-site wind energy system is a permitted accessory use that shall meet the following standards:

1. Designed to primarily serve the needs of a home, farm, or small business.
2. Shall have a tower height of 65 feet or less.
3. Property set-back: The distance between an on-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.



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The area of the required setback shall not extend into any right of way or easement.

4. Sound pressure level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. 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).
  5. Construction codes, towers, and interconnection standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site 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 wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
  6. Safety: An On-site 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 feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 15 feet for a wind energy system employing a horizontal axis rotor.
  7. Mechanical and related components: All mechanical, electrical or other components of the system shall either be enclosed within a building or a fenced in area and any such enclosure shall be secured with a locking mechanism.
- C. *Land Use Permit application requirements.* In addition to the standard information required on a Land Use Permit application form, applications for an on-site wind energy system shall also include the following information/documentation:
1. A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the on-site wind energy system, lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, public and private streets, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.
  2. The proposed number, type, and total height of the on-site wind energy system to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
  3. Documented compliance with the noise requirements set forth in this Ordinance.
  4. Documented compliance with applicable Township, County, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  5. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  6. A description of the methods that will be used to perform maintenance on the system and the procedures for lowering or removing the system in order to conduct maintenance.
  7. Verification that the on-site wind energy system shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

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8. Other relevant information as may be reasonably requested by the Township.
- D. *Permit exception.* A wind energy system with turbine blades less than six feet in diameter or whose total height excluding the blades is less than 15 feet shall be exempt from the permit requirements of this section.
- (Amd. No. 67, § 1, 8-11-2011)

**Sec. 16.58. Solar energy systems.**

- A. *General Requirements.* All solar energy systems, whether ground mounted or roof mounted, are subject to the following general requirements:
1. A solar energy system must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
  2. Solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- B. *Roof Mounted Solar Energy Systems.* Roof mounted solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
1. Solar panels erected on a building shall not extend beyond the peak of the roof.
  2. Roof mounted panels must be installed with a minimum of a three-foot setback from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
- C. *Ground Mounted Solar Energy Systems.* Ground mounted, also known as, free-standing, solar energy systems (other than those defined as solar farms) shall be considered an accessory use in all zoning districts, subject to the following requirements:
1. Prior to installation, the property owner shall submit a descriptive site drawing of the solar energy system to the Zoning Administrator. This drawing shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road rights-of-way. This site drawing must be drawn to scale.
  2. The solar energy system shall not exceed the maximum building height for adjacent accessory buildings, but, in no case, the top of the system shall not be more than 25 feet above the ground.
  3. The solar energy system shall not be installed in the front yard.
  4. All power transmission lines from the solar energy system to any building or other structure shall be located underground.
  5. There shall be a greenbelt screening of any such solar energy systems and equipment associated with the system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence may be used.
  6. The solar energy system must meet the minimum setbacks of the zoning district in which it is located.
  7. In the event the solar energy system has been abandoned (meaning not having been in operation for a period of one year), the system shall be removed by the property owner within six months from the date of abandonment.

(Amd. No. 84, § 3, 11-9-2017)

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**Sec. 16.59. Prohibition of recreational marihuana establishments.**

- A. *Title.* This ordinance shall be known as and may be cited as the Cohoctah Township Prohibition of Recreational Marihuana Establishments Ordinance.
- B. *Definitions.* Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.
- C. *No Marihuana Establishments.* Cohoctah Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.
- D. *Violations and Penalties.*
  - 1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
  - 2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
  - 3. Each day during which any violation continues shall be deemed a separate offense.
  - 4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
  - 5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

(Ord. No. 1 , §§ I—IV, 1-10-2019)

Editor's note(s)—Ord. No. 1 , §§ I—IV, adopted Jan. 10, 2019, did not specify manner of inclusion, hence, codification as § 16.59 was at the discretion of the editor.

**ARTICLE XVII. ENVIRONMENTAL CONSERVATION PROVISIONS<sup>10</sup>**

**Sec. 17.01. Purpose.**

In order to carry out this purpose, these provisions shall apply to the SR, RR, WRD, RD, LRR and any other Districts to be designated by the Township Board upon recommendation of the Planning Commission.

(Ord. of 11-12-1987, § 17.01; Amd. No. 81, § 31, 5-11-2017)

**Sec. 17.02. Natural environment.**

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act No. 451 of 1994 (MCL 324.101 et seq.), the Natural

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<sup>10</sup>State law reference(s)—Natural Resource and Environmental Protection Act, MCL 324.101 et seq.

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Resources and Environmental Protection Act. The Planning Commission may request an Environmental Impact Statement as may be permitted by either Federal or State law.

(Ord. of 11-12-1987, § 17.02)

### **Sec. 17.03. Natural resources.**

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important nonrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

(Ord. of 11-12-1987, § 17.03)

### **Sec. 17.04. Lakes, ponds, rivers, streams, watercourses and drainageways.**

In order to conserve or wisely use the lakes, ponds, rivers, streams, watercourses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all zoning districts no river, stream, watercourse or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all zoning districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of:
  - 1. Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.) on inland lakes and streams;
  - 2. Part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.) on shorelands protection and management;
  - 3. Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.) on soil erosion and sedimentation control.

The provisions of Part 305 of Public Act No. 451 of 1994 (MCL 324.30501 et seq.) on natural rivers, and State administrative rules adopted by the Michigan Department of Environmental Quality are hereby made a part of this Ordinance.

(Ord. of 11-12-1987, § 17.04)

### **Sec. 17.05. Floodplains.**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining floodplain areas.

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(Supp. No. 7)

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- C. No building shall be located within a designated floodway. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boathouses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

(Ord. of 11-12-1987, § 17.05)

State law reference(s)—Soil Conservation Districts Law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; plat requirements for subdivision within or abutting floodplain, MCL 560.138; conditions for approval of subdivision within floodplain, MCL 560.194.

### **Sec. 17.06. Wetlands.**

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be wetlands in Cohoctah Township and are subject to the provisions of this Ordinance as follows: All wetlands in Cohoctah Township are hereby subject to the provisions of Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.) on wetlands in order to encourage the proper use and development of the wetlands.

(Ord. of 11-12-1987, § 17.06)

### **Sec. 17.07. Environmentally sensitive areas.**

- A. *Designation of Environmentally Sensitive Areas.* Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as areas of environmental sensitivity, including, but not limited to:
1. Rare or valuable ecosystems.
  2. Significant undeveloped agricultural, grazing or watershed areas.
  3. Forests and related lands that require long stability for continuing renewal.
  4. Scenic or historical roads/areas, including burial grounds.
  5. Such additional areas as may be determined by the Federal government, the State of Michigan or the County.
- B. *General Requirements for Environmentally Sensitive Areas.* All zoning permit applications in environmentally sensitive areas, regardless of size, and in addition to (or as part of) any other applicable portions of this Section, shall demonstrate that the proposed development will not adversely affect the environment, quality of the property and the surrounding area by means of the following:
1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
  2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Livingston County Health Department and/or the Michigan Department of Environmental Quality, whichever has jurisdiction, and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc. and any other applicable State or Federal law.
  3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:

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- (a) Clearcutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
  - (b) Selective cutting which removes not more than 40 percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
  - (c) More than 40 percent of the tree coverage may be removed only as such action is recommended by a State Forester, or a private forester registered by the State and approved by the Planning Commission.
  - (d) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. *Site Plan.* The applicant shall have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such manner as to:
- 1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  - 2. Determine whether the true intent on State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing ordinance or statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. *Special Cases.* In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, such proposal may be required to conform to the provisions of both this Article and those of Article XX, "Site Plan Review Procedures."

(Ord. of 11-12-1987, § 17.07; Amd. No. 81, § 32, 5-11-2017)

## **ARTICLE XVIII. OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS**

### **Sec. 18.01. Purpose.**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as trafficways which are intended to be limited to moving automotive vehicles.

(Ord. of 11-12-1987, § 18.01)

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## Sec. 18.02. Off-street parking requirements.

In all districts there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single-family and two-family dwellings.
- B. Outdoor parking of motor vehicles, in all residential districts, except in the AR, WRD, and RD Districts, unless the parcel is more than five acres in area, shall be limited to passenger vehicles, one nonresidential type recreational vehicle per dwelling unit, and not more than one commercial vehicle of the light delivery type, not to exceed one ton single front and single rear axle, per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all residential districts, except as the RD, WRD and AR District parking space requirements for all types of vehicles may be provided either in garages or covered or outdoor parking areas conforming with the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be as follows:
  1. For 90 degree or perpendicular parking the aisle shall not be less than 20 feet in width.
  2. For 60 degree parking the aisle shall not be less than 18 feet in width.
  3. For 45 degree parking the aisle shall not be less than 13 feet in width.
- D. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten feet in width and 80 feet in length.
- E. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
  1. All off-street parking may be located in any yard but shall not be closer than ten feet to any property line or any road right-of-way, whichever is greater, except as otherwise required in this Ordinance. No off-street parking shall be permitted in any required front yard in a residential zoning district.
  2. All off-street parking areas shall be drained so as to prevent any increase on drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
  3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.

4. Any off-street parking area providing space for five or more vehicles shall be located at least 20 feet from and be effectively screened on any side that adjoins or faces property adjoining a residential lot or institution by a wall, berm, fence, or compact evergreen planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single-family and duplex residential driveways.
  6. Combined parking facilities are allowed when two or more uses occur on one property or when a building on one property contains two or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- F. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
1. **Floor Area.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service storage, installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
  2. **Places of Assembly.** In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one seat being equal to three square feet for standing and seven square feet for sitting.

(Ord. of 11-12-1987, § 18.02)

**Sec. 18.03. Use of parking areas.**

No commercial repair work, servicing or selling of any kind shall be conducted in any parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

(Ord. of 11-12-1987, § 18.03; Amd. No. 82, § 13, 7-13-2017)

**Sec. 18.04. Off-street parking space requirements.**

The minimum required off-street parking spaces are set forth as follows:

	<i>Use</i>	<i>Parking Space Requirements</i>
1.	Automobile or Machinery Sales and Service Garages	One space for each 200 square feet of showroom floor area, plus two spaces for each service bay, plus one space for each employee working during maximum employment hours.
2.	Banks, Business and Professional Offices	Two parking spaces for each 200 square feet of floor area, plus one parking space for each employee during maximum employment hours.



3.	Barber Shops and Beauty Parlors	Two spaces for each chair, plus one space for each employee working during maximum employment hours.
4.	Boarding and Lodging	One parking space for each bed.
5.	Bowling Alleys	Five parking spaces for each alley, plus one space for each employee working during maximum employment hours.
6.	Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls Other Than Schools	One space for each three seats, or for each three persons permitted in such buildings as determined by the State Fire Marshal.
7.	Clinics	Four spaces for each doctor, plus one space for each employee working during maximum employment hours.
8.	Convalescent or Nursing Home, Orphanage or Similar Use	One parking space for each two beds, plus one space for each employee, including nurses, working during maximum employment hours.
9.	Drive-in Banks, Cleaners and Similar Businesses	Five parking spaces, except that automatic teller facilities shall require four parking spaces, plus one parking space for each employee working during maximum employment hours.
10.	Drive-in Eating Establishments Without Inside Seating	Ten parking spaces, plus one parking space for each 20 square feet of floor area and one parking space for each employee working during maximum employment hours.
11.	Dwelling (Multiple-Family)	Two parking spaces per dwelling unit, plus one additional space for each four dwelling units and one space for each employee working during maximum employment hours.
12.	Dwellings (Single-Family and Two-Family)	Two parking spaces for each family dwelling unit.
13.	Funeral Homes and Mortuaries	Four spaces for each slumber room or one space for each 50 square feet of gross floor area, whichever is greater, plus one space for each fleet vehicle and one space for each employee during maximum employment hours.
14.	Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One space for each 400 square feet of floor area, plus one parking space for each employee working during maximum employment hours.
15.	Gasoline Filling and Service Stations	One parking space for each repair and service stall, plus one space for each employee working during maximum employment hours.
16.	General Office Building	One parking space for each 400 square feet of gross floor area, plus one parking space for each employee working during maximum employment hours.
17.	Hospitals	One space for each bed, plus one space for each employee working during maximum employment hours.

18.	Hotels, Motels, Lodginghouses, Tourist and Boarding Homes	One space for each living unit, plus one space for each employee working during maximum employment hours.
19.	Libraries, Museums, Post Offices	One parking space for each 800 square feet of floor area, plus one parking space for each employee working during maximum employment hours.
20.	Livestock Auction	One parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
21.	Manufacturing, Fabricating, Processing and Bottling Plants	One space for each employee working during maximum employment hours.
21A.	Mobile Home Parks	Two spaces per home site plus one space per every three home sites for visitors.
22.	Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Nightclubs and Private Clubs	One parking space for each three customer seats, plus one parking space for each employee working during maximum employment hours.
23.	Retail Stores	One parking space for each 150 square feet of floor area, plus one space for each employee working during maximum employment hours.
24.	Roadside Stands	Five parking spaces, plus one parking space for each 25 square feet of floor area.
25.	Schools; Private or Public Elementary and Junior High Schools	One space for each employee working during the maximum employment hours in the building and on the grounds, plus one space for each 30 students of maximum enrollment capacity.
26.	Self-Service Laundry or Dry Cleaning Stores	One space for each two washing and dry cleaning machines plus one space for each employee working during maximum employment hours.
27.	Senior High School and Institutions of Higher Learning, Private or Public	One parking space for each employee plus one for each five students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
28.	Supermarket, Self-Service Food and Discount Stores	Two spaces for each 200 square feet of floor area, plus one space for each employee working during maximum employment hours.
29.	Wholesale Establishments and Warehouses	One space for each 400 square feet of floor area, plus one space for each employee working during maximum employment hours.
30.	If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Planning Commission.	
31.	For agricultural tourism and seasonal agriculturally related uses	One space for each 150 square feet of retail area and one space for every 300 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
32.	For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as	All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.

	road side stands, u-pick operations and agricultural mazes.	
33.	For uses permitted by special use permit under section 16.52	Parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
34.	All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.	
35.	Unpaved parking areas shall not be located in required front, side or rear setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.	
36.	The Planning Commission may alter the parking requirements for agricultural tourism and seasonal agriculturally related uses upon a showing by the applicant of a demonstrated need and good cause for other requirements.	

(Ord. of 11-12-1987, § 18.04; Amd. No. 44, § 3, 3-10-2005; Amd. No. 55, § 2, 3-13-2008)

**Sec. 18.05. Off-street loading and unloading requirements.**

In connection with every use, except single-family, two-family and multiple-family dwelling unit structures, there shall be provided, on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit for the establishment or enlargement of use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten feet in width, 80 feet in length, and, if a roofed space, be not less than 15 feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard, except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six feet in height.
- E. When two or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, and lighted and shall have appropriate bumper or wheel guards where needed.

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- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which it is located.
  - I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one additional loading-unloading space.
  - J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Planning Commission.

(Ord. of 11-12-1987, § 18.05)

## **ARTICLE XIX. SIGN REGULATIONS<sup>11</sup>**

### **Sec. 19.01. Purpose and intent.**

The construction and alteration of outdoor signs shall be regulated so that such signs by reason of their size, location, or manner of display will not endanger public health and safety, hinder the safe flow of traffic, obstruct vision, or disrupt the rural atmosphere of the Township. The intent of this section is to:

1. Ensure that signs are located, designed, constructed, installed, and maintained in a manner that protects life, health, property, and the public welfare;
2. Reduce visual distractions and obstructions to motorists and thereby maintain or improve traffic safety;
3. Enhance the appearance and economic value of the community by regulating the size, type, location, design and maintenance of signs;
4. Preserve the existing and desired character of the Township, as identified in the Township's adopted Master Plan;
5. Prevent visual blight and protect the desired aesthetic qualities of the Township by preventing visual clutter, and protecting views;
6. Regulate the light emitted by signs to protect the Township's natural, existing, and desired dark skies;
7. Keep in harmony the sign location, scale, color, lettering, materials, texture and depth to be consistent with the architecture of the building and relate to the features of the building they are located on and the area they are located within; and
8. Protect and preserve the constitutional rights to free speech under the first amendment.

(Ord. of 11-12-1987, § 19.01; Amd. No. 83, § 1, 11-9-2017)

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<sup>11</sup>State law reference(s)—Highway Advertising Act, MCL 252.301 et seq.

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## Sec. 19.02. Definitions.

*Abandoned Sign*—A sign that no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such a sign is displayed.

*Billboard*—See "Off-Site Sign."

*Business District*—A group of two or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

*Canopy or Marquee Sign*—Any sign attached to or constructed within or on a canopy or marquee.

*District*—Zoning district as established by the Cohoctah Township Zoning Ordinance.

*Electronic Display Sign*—A sign with an electronic background or electronic numbering and letters.

*Freestanding Sign*—A sign permanently anchored in, or on, the ground, that stands on its own, having one, and not more than two faces or surfaces upon which announcements, declarations, displays, etc., may be placed. In the case of a two-faced sign, the faces, or surfaces, shall be constructed back-to-back.

*Height of Sign*—The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

*Identification Sign*—See "On-Site Sign."

*Off-Site Sign(Off-Premises Sign)*—A sign other than an on-site sign.

*On-Site Sign(On-Premises Sign)*—A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

*Outdoor Advertising Sign*—See "Off-Site Sign."

*Portable Sign*—Any sign not permanently attached to the ground or a building.

*Sign*—Any structure or part thereof, any device, declaration, display, illustration, insignia, or any material or thing, illuminated or otherwise that displays, includes or uses any numeral, letter, word, model, banner, emblem, insignia, device, code, mark, or other representation by which anything is made known and/or visible to the general public such as are used to show an individual, firm, profession, or business, event, good, product or service and also any banner, bulbs or other lighting device, streamer, pennant, balloon, propeller, flag, as well as any similar device of any type or kind whether bearing lettering or not.

*Temporary Sign*—A sign that is intended to be displayed for a limited period of time.

*Wall Sign*—A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

*Window Sign*—A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

(Ord. of 11-12-1987, § 19.02; Amd. No. 83, § 2, 11-9-2017)

## Sec. 19.03. General sign regulations.

The following regulations shall apply to all signs in Cohoctah Township:

A. *Illuminated Signs.*

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1. *RR, SR, S, LRR and NSC Districts.* Only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residentially used or zoned property.
  2. *In LI District.* Indirectly or internally illuminated signs are permitted provided such sign is so shielded as to prevent direct light rays from the light source from being visible from the public right-of-way or any adjacent residentially used or zoned property.
- B. *Measurement of Sign Area.* The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back, parallel to one another, and less than 24 inches apart, the area of the sign shall be the area of one face.
- C. *Height of Signs.* No freestanding sign shall exceed a height of 25 feet.
- D. *Setback Requirements for Signs.* Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of one-half the required yard requirements.

(Ord. of 11-12-1987, § 19.03; Amd. No. 20, 2-8-1996; Amd. No. 82, §§ 14, 15, 7-13-2017)

#### **Sec. 19.04. Signs permitted in all districts.**

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within Cohoctah Township:

- A. Signs that direct traffic movement onto or within a property and that do not contain any type of advertising, and that do not exceed nine square feet in area for each sign. Any such sign shall be located on the lot or parcel behind the road right-of-way line.
- B. One church announcement sign shall be permitted on any site that contains a church, regardless of the district in which it is located, except the announcement sign shall not exceed 25 square feet in area nor a height of six feet and shall be set back a minimum of ten feet from the road right-of-way line.

(Ord. of 11-12-1987, § 19.04; Amd. No. 83, § 3, 11-9-2017)

#### **Sec. 19.05. Prohibited signs.**

- A. *Miscellaneous Signs and Posters.* Tacking, pasting, or otherwise affixing of signs or posters visible from a public way located on the walls of buildings, barns or sheds, or on trees, poles, posts, or fences is prohibited.
- B. *Banners.* Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 19.10G, pertaining to temporary signs.
- C. *Swinging Signs.* Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- D. *Moving Signs.* Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a nonstationary or unfixed condition shall be permitted.
- E. *Abandoned Signs.* Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.

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- F. *Unclassified Signs.* The following signs are prohibited:
1. Signs that imitate an official traffic sign or signal or that could be confused with or construed as a traffic control device or that could interfere with the safe flow of traffic.
  2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstruct the view in any direction at a road intersection.
  3. Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
- G. *Intermittent Flashing Signs.* Intermittent flashing illuminated portable signs are prohibited in all zoning districts.

(Ord. of 11-12-1987, § 19.05; Amd. No. 1, 8-11-1988; Amd. No. 83, §§ 4, 5, 11-9-2017)

### **Sec. 19.06. Permitted signs in RD, WRD, and AR Districts.**

- A. Each sign advertising the type of farm products grown on the farm premises shall not exceed 16 square feet in area. Each farm is permitted two signs.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed 32 square feet in area and eight feet in height.

(Ord. of 11-12-1987, § 19.06; Amd. No. 20, 2-8-1996)

### **Sec. 19.07. Permitted signs in RR, SR, S, LRR, and NSC Districts.**

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple-family building development, and each NSC business. Each sign shall not exceed 25 square feet in area. One additional sign advertising for a rental residential development may be placed on each public road frontage of the rental residential development provided that such sign shall not exceed nine square feet and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. In NSC Districts, one identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed 25 square feet in area and eight feet in height.
- C. In RR, SR, S, and LRR Districts, one identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed 16 square feet in area and five feet in height.

(Ord. of 11-12-1987, § 19.07; Amd. No. 60, §§ 1, 2, 2-19-2009; Amd. No. 82, §§ 16, 17, 7-13-2017; Amd. No. 83, § 6, 11-9-2017)

### **Sec. 19.08. Permitted signs in LI Districts.**

On-site canopy or marquee signs, wall signs, and freestanding signs are allowed in LI Districts, subject to the following:

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Subsection B, are subject to the following:

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1. Each developed lot or parcel shall be permitted at least 80 square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two square feet of sign area for each one linear foot of building length that faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No freestanding identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed 24 square feet in area.
  2. Each developed lot or parcel shall be permitted two exterior on-site signs, one wall and one freestanding. For every developed lot or parcel which is located at the intersection of two collector or arterial roads or highways as classified in the Comprehensive Plan, three exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Subsection A.1.
- B. Signs permitted for a shopping center or other integrated group of stores, commercial buildings, office buildings or industrial buildings not subject to Subsection A are subject to the following:
1. Each shopping center or commercial district shall be permitted one freestanding identification sign for each collector or arterial road or highway, as classified in the Cohoctah Township Master Plan, that it faces. The sign area shall be determined as one square foot for each one linear foot of building that faces on a public road. The maximum area for each freestanding sign shall be 200 square feet. Tenants of a shopping center shall not be permitted individual freestanding identification signs.
  2. Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one square foot for each one linear foot of building frontage occupied by the business not to exceed 25 square feet. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than 25 square feet in area.
- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than 25 percent of the total window areas of the floor level on which displayed or exceed a total of 200 square feet for any one building. If window signs occupy more than 25 percent of said window area or exceed a total of 200 square feet for any one building, they shall be treated as exterior signs and shall conform to Subsections A.1 and B.2.
- D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten percent of the total sign area and further provided that the total area of the sign does not exceed 30 square feet.
- E. In addition to the provisions of Subsections A and B above, an automobile service station may have one additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of an On-Site Sign. Said sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight square feet in area.

(Ord. of 11-12-1987, § 19.08; Amd. No. 82, § 18, 7-13-2017; Amd. No. 83, §§ 7—10, 11-9-2017)



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### **Sec. 19.09. Outdoor advertising signs.**

- A. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in LI Districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot where such a sign is located. Outdoor advertising signs shall also be subject to the following requirements:
1. Where two or more outdoor advertising signs are located along the frontage of a road or highway, they shall not be less than 1,000 feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed 20 degrees.
  2. The total surface area, facing the same direction, of any outdoor advertising sign shall not exceed 300 square feet. Signs may be single-faced or double-faced and shall contain no more than two faces or panels.
  3. Outdoor advertising signs shall not exceed 20 feet in height from ground level. The permitted height may be increased to 40 feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge construction, and/or similar conditions obstruct views of the sign.
  4. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.

(Ord. of 11-12-1987, § 19.09; Amd. No. 20, 2-8-1996)

### **Sec. 19.10. Temporary signs.**

Unilluminated, on-site temporary signs may be erected in accordance with the regulations of this Article.

- A. In all districts, after final site plan approval of the project, one sign for each public road frontage advertising a residential or commercial development shall be permitted that does not exceed 25 square feet in area. Each sign shall be removed within one year after the sale of 70 percent of all lots, units or buildings within the project
- B. Temporary direction signs, not exceeding three square feet in area and four in number, showing a direction arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Such signs shall not exceed five feet in height and must be removed at the end of the open house.
- C. Temporary on-site signs for any event or function, the maximum size of the sign area shall not exceed 25 square feet. Signs must be removed within seven days after the event ends. If building-mounted, signs shall be flat wall signs and shall not exceed six feet in height. Signs shall meet the setback requirements of Section 19.03D.
- D. In RR, SR, S, LRR and NSC Districts, one temporary on-site sign, located on the property, and not exceeding nine square feet in area, shall be permitted. In the LI Districts, one sign of this type shall be permitted, provided it does not exceed 25 square feet in area and meets the setback requirements of Section 19.03D. If any such lot or parcel has multiple street frontage, then one additional sign is permitted provided it meets the requirements of this Section but under no circumstances shall more than two signs be permitted on any lot or parcel. All such signs shall be removed within seven days following the conclusion of reason for the sign.

(Ord. of 11-12-1987, § 19.10; Amd. No. 26, 2-8-1996; Amd. No. 82, § 19, 7-13-2017; Amd. No. 83, §§ 11, 12, 11-9-2017)

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### **Sec. 19.11. Exempted signs.**

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political signs provided they shall be removed within seven days after the date of the election for which the sign was posted.
- C. Signs when carved or etched into stone, concrete, metal or similar material, or made of other permanent type construction, and made an integral part of a structure.
- D. Yard or garage sale signs not exceeding six square feet and displayed only on days of such sales.
- E. Signs for crop identification purposes on land used for agriculture.

(Ord. of 11-12-1987, § 19.11; Amd. No. 83, §§ 13, 14, 18, 11-9-2017)

### **Sec. 19.12. Nonconforming signs.**

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for 90 days or longer.

(Ord. of 11-12-1987, § 19.12)

### **Sec. 19.13. Permits and fees.**

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Township Clerk, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 19.04, 19.06, 19.07, 19.08, 19.09 and 19.10 shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
  - 1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
  - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  - 3. The address of the property.
  - 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  - 5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site; foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.

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- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. Said sign permit may be extended for a period of 30 days upon request by the applicant and approval of the Planning Commission.
  - E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

(Ord. of 11-12-1987, § 19.13)

#### **Sec. 19.14. Removal of signs.**

Signs erected or maintained in violation of this Ordinance shall be removed.

(Ord. of 11-12-1987, § 19.14)

### **ARTICLE XX. SITE PLAN REVIEW PROCEDURES<sup>12</sup>**

#### **Sec. 20.01. Purpose.**

The purpose of this Article is to establish uniform requirements of procedure for all developments in Cohoctah Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both the developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a zoning permit and the starting of construction.

(Ord. of 11-12-1987, § 20.01)

#### **Sec. 20.02. Developments requiring site plan approval.**

The following land, building and structural uses require site plan approval:

- A. All principal uses and their accessory uses in all districts unless otherwise exempted by Section 20.03.
- B. All special uses and PUDs and their accessory uses in all districts.
- C. All condominium projects in all zoning districts.
- D. All subdivision developments in all zoning districts.
- E. Open space and rural preservation developments as provided in Section 16.50.

(Ord. of 11-12-1987, § 20.02; Amd. No. 3, 7-12-1990; Amd. No. 15, § 1, 12-9-1993; Amd. No. 38, § 8, 11-14-2002; Amd. No. 40, § 1, 12-11-2003)

#### **Sec. 20.03. Developments not requiring site plan approval.**

The following do not require site plan approval:

- A. Single-family home and its accessory uses in the RD, WRD, AR, RR, SR, and MHR Districts.

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<sup>12</sup>State law reference(s)—Site plan, MCL 125.3501.

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- B. General or specialized farming and their accessory uses and roadside stands in the RD, WRD, AR, RR, and SR Districts.

(Ord. of 11-12-1987, § 20.03; Amd. No. 15, § 2, 12-9-1993; Amd. No. 40, §§ 2, 3, 12-11-2003)

#### **Sec. 20.04. Role of the Zoning Administrator.**

The Zoning Administrator shall not issue a zoning permit for construction of, or addition to, any use until a final site plan has been approved by the Township Planning Commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Planning Commission and a zoning permit has been issued for it.

(Ord. of 11-12-1987, § 20.04)

#### **Sec. 20.05. Site plan approval required prior to starting construction or use of land.**

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as provided in this Article.

(Ord. of 11-12-1987, § 20.05)

#### **Sec. 20.06. Preliminary conference on proposed site plan.**

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project that the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting. The fee must be paid before the meeting will be scheduled.

(Ord. of 11-12-1987, § 20.06; Amd. No. 82, § 20, 7-13-2017)

#### **Sec. 20.07. Preliminary site plan requirements.**

- A. *Application.* Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least seven copies of a preliminary site plan drawing(s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission.
- B. *Information Required for Review.* The Planning Commission shall, in writing, waive any site plan requirements it considers to be clearly unnecessary for substantial review. The Planning Commission, at its option, may schedule a public hearing for site plan review. The information to be required for site plan review shall include the following:
  1. *Date, North Arrow and Scale.* The scale shall be not less than one inch equals 20 feet for property under three acres, and at least one inch equals 100 feet for sites three acres or more.
  2. *Statistical Data.* Statistical data shall include the type of development, the number of structures, the number of subunits per structure, the size of each unit, the total area involved, the percent of area being developed, the percent of area used for structures and the percent left undeveloped. The statistical data shall also include the name of the public school district serving the site.

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3. *Location and Height of Existing and Proposed Structures.* The location and height of all existing and proposed structures on the property being developed and within 500 feet of the property boundary lines shall be shown. In the cases where protective screening is required, the initial and longterm effect of the screening shall be identified. If there are no adjoining residential structures, this requirement may be waived.
  4. *Property Lines.* All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
  5. *Location and Dimensions; Existing and Proposed Drives, Sidewalks, Etc.* The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas and open space recreation areas.
  6. *Vehicular Traffic and Pedestrian Circulation.* Vehicular and pedestrian circulation features within the site and within 1,000 feet of the development site shall be shown.
  7. *Location of Proposed Landscaping.* The location of all proposed landscaping, greenbelts, separation berms, fences and walls shall be shown. It shall also show any topographical alterations or changes in natural terrain including drainage patterns. See also Section 16.29.
  8. *Size and Location of Existing and Proposed Utilities.* Size and location of existing and proposed utilities and easements, including proposed connections to public sewer or water supply system. If on-site systems for wastewater treatment are proposed, the size and location of drain fields shall be noted.
  9. *Location Map.* A location map indicating the relationship of the site to the surrounding land uses including respective zoning of the abutting properties whether separated by roadways or not.
  10. *Drainage Facilities.* The location and size of all existing and proposed surface water drainage features and changes that might affect the drains shall be shown. The data shall include the percent coverage of impervious surfaces and the means to control stormwater flow. Identification of any floodplain within the site or on property adjacent thereto shall be shown.
  11. *Contour Intervals.* Topographic contours shall be shown at two-foot intervals, referenced to USGS datum.
  12. *Project Detail and Specific Use.* The detail of the specific uses of a project under consideration for a special use permit must be included and may become part of the permit. Alterations of the plans and concepts made after approval by the Planning Commission will constitute a change in the project and may require a complete renewal of the site plan process in the sole discretion of the Planning Commission.
  13. *Undisturbed Areas.* Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground so as to be obvious to construction personnel.
  14. *Registered Designer Required.* The drawings, engineering estimates and special cost estimates must contain the signature and/or seal of a registered engineer, architect, or landscape architect for all commercial, industrial, PUD, platted residential and condominium developments.
  15. *Other Information.* All information required under Section 21.04.B.1 through and including 9.
  16. *Traffic Impact.* A Traffic Impact Assessment may be required as provided in Section 16.51.
- C. *Planning Commission Action.* The Planning Commission shall study the preliminary site plan and shall approve, approve with conditions or deny the preliminary site plan. If denied, the Planning Commission shall set forth the conclusions of its findings and the reasons for its denial. The Planning Commission shall have 65 days from the meeting at which it first reviewed the completed plan within which to make a decision on the application. The time may be extended upon a written request by the applicant and approved by the Planning Commission or by mutual agreement between the Planning Commission and the applicant.

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- D. *Effect of Approval.* Approval of preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission may, with appropriate conditions attached, authorize issuance of a conditional land use permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.) on soil erosion and sedimentation control. The Zoning Administrator's issuance of a conditional land use permit is subject to the petitioner acquiring a grading permit through the County Drain Commission or its agents.
- E. *Expiration and Extension of Approvals.* Approval of a preliminary site plan shall be valid for a period of six months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six-month extension may be granted upon written request of the applicant and approval of the Township Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a zoning permit has been obtained for development shown on the approved final site plan within that time period.

(Ord. of 11-12-1987, § 20.07; Amd. No. 1, 8-11-1988; Amd. No. 4, 10-11-1990; Amd. No. 46, 12-8-2005; Amd. No. 82, § 21, 7-13-2017)

### **Sec. 20.08. Final site plan requirements.**

- A. *Application.* Following approval of a preliminary site plan, the applicant shall submit seven copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.
- B. *Information Required for Review.* Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.
- C. *Planning Commission Action.*
1. The Planning Commission shall study the final site plan and shall approve, approve with conditions or deny the final site plan. If denied, the Planning Commission shall set forth the conclusions of its findings and the reasons for its denial. The Planning Commission shall have 65 days from the meeting at which it first reviewed the completed plan within which to make a decision on the application. The time may be extended upon a written request by the applicant and approved by the Planning Commission or by mutual agreement between the Planning Commission and the applicant.
  2. Upon the Planning Commission's approval of the final site plan, the applicant and owner(s) of record, and the Chairman of the Planning Commission and Township Clerk or their designated replacement, shall sign the approved plan. The Planning Commission shall transmit one signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and to the applicant. If the final site plan is disapproved the Planning Commission shall notify the applicant in writing of such action and the reasons for it.
- D. *Effect of Approval.* Approval of a final site plan authorizes issuance of a zoning permit. Approval shall expire and be of no effect after six months following approval by the Planning Commission, unless a zoning permit is applied for and granted within that time period. Approval shall expire and be of no effect one year following

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the date of approval unless authorized construction has begun on the property in conformance within the approved final site plan.

- E. *Appeal by Applicant.* The applicant may appeal the decision of the Planning Commission on all matters pertaining to the provisions of this Zoning Ordinance, but not the use of land, buildings or structures, to the Zoning Board of Appeals within ten days of the date of the decision of the Planning Commission on the final site plan.

(Ord. of 11-12-1987, § 20.08; Amd. No. 82, § 22, 7-13-2017)

### **Sec. 20.09. Criteria for site plan review.**

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to ensure that they conform to the following criteria:

- A. *Preservation of Natural Environment.* Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- B. *Relations of Proposed Land, Building and Structural Uses To Environment.* Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
- C. *Drives, Parking and Circulation.* Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
- D. *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If practical, stormwater shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.
- E. *Utility Service.* Electric power and telephone distribution lines shall be underground. Any utility installations remaining aboveground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- F. *Advertising Features.* The size, location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Article XIX, "Sign Regulations."
- G. *Special Features.* Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent

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their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

- H. *Additional Requirements.* All other standards and requirements of this Article must be met by site plans presented for review, including but not limited to:
1. That the proposed development conforms to all regulations of the zoning district in which it is located.
  2. That the plan meets the specifications of Cohoctah Township or Livingston County for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by all appropriate State and Local authorities or their approval has been assured.
  3. That soils not suited to development will be protected or altered in an approved manner as determined by the Planning Commission.
  4. That the proposed development will not cause soil erosion or sedimentation problems.
  5. That the proposed development properly respects floodways and/or floodplains on or in the vicinity of the subject property.
  6. That outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.
  7. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
  8. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
  9. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
  10. That the plan provides for proper expansion of existing public streets serving the site, where applicable.
  11. That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- I. *Landscaping, Screening Requirement.* The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained in accord with any use to which they are appurtenant.
- J. *Screening Specification for Development.* The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening, etc., as otherwise required.
- K. *Site Clearing.* Adequate assurances are received so that clearing the site of topsoil, trees and other natural features before the commencement of building operations will occur only in those areas approved for the placement of physical improvements.
- L. *Retention of Flood and Other Bodies of Water.* The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.



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- M. *Soil and Subsoil Conditions.* The soil and subsoil conditions are suitable for excavation, and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.
  - N. *Preservation of Natural Features.* The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.
  - O. *Location of Natural Features.* The location of natural features and the characteristics of site topography have been considered in the designing and siting of all physical improvements.

(Ord. of 11-12-1987, § 20.09; Amd. No. 4, 10-11-1990)

### **Sec. 20.10. Modification of procedure.**

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

(Ord. of 11-12-1987, § 20.10)

### **Sec. 20.11. Amendment of an approved site plan.**

A site plan may be amended upon application and in accordance with the procedure provided in Section 20.07, for a preliminary site plan, and Section 20.08, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

(Ord. of 11-12-1987, § 20.11)

### **Sec. 20.12. Modification during construction.**

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission in writing of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

(Ord. of 11-12-1987, § 20.12)

### **Sec. 20.13. Phasing of development.**

The applicant may, at his discretion, divide the proposed development into two or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase may be submitted for approval.

(Ord. of 11-12-1987, § 20.13)

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**Sec. 20.14. Inspection.**

The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission, in writing, when a development for which a final site plan was approved does not pass inspection with respect to the approved final site plan, and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

(Ord. of 11-12-1987, § 20.14; Amd. No. 1, 8-11-1988)

**Sec. 20.15. Fees.**

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

(Ord. of 11-12-1987, § 20.15)

**Sec. 20.16. Performance guarantees.**

Security in the form of cash or an irrevocable letter of credit whose terms are subject to approval by the Township, may be required of the applicant after a final site plan is approved and prior to issuance of the zoning permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for all costs of such work by appropriating funds from the deposited security and may also reimburse the Township for any expenses the Township incurred due to the applicant's failure to provide the improvements.

(Ord. of 11-12-1987, § 20.16; Amd. No. 82, § 23, 7-13-2017)

State law reference(s)—Performance guaranty, MCL 125.3505.

**Sec. 20.17. Violations.**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

(Ord. of 11-12-1987, § 20.17)

## **ARTICLE XXI. ADMINISTRATION AND ENFORCEMENT**

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### **Sec. 21.01. Purpose.**

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

(Ord. of 11-12-1987, § 21.01)

### **Sec. 21.02. Administration.**

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Public Act No. 33 of 2008 (MCL 125.3801 et seq.), the Michigan Planning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the Michigan Zoning Enabling Act, and this Zoning Ordinance. The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

(Ord. of 11-12-1987, § 21.02; Amd. No. 82, § 24, 7-13-2017)

### **Sec. 21.03. Duties of Zoning Administrator and Township Clerk.**

A. Duties of the Zoning Administrator are as follows:

1. Receive and review all applications for zoning permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
2. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
3. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall include the owner's name, location of property and intended use for each permit.
4. Maintain written records of all actions taken by the Zoning Administrator.

B. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and Text and keep it current.

(Ord. of 11-12-1987, § 21.03; Amd. No. 77, § 1, 12-4-2014)

### **Sec. 21.04. Zoning permit.**

A. *Requirements.* A zoning permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. The administrative coordination of zoning permits issued by Cohoctah Township and building permits by the Building Inspector shall be in accordance with Section 3.12.

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2. The construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public, or semipublic purposes except that a zoning permit shall not be required for a single-family residential accessory building or an agricultural accessory building if said building shall not require the issuance of a building permit by the Livingston County Building Department. If said proposed building requires a building permit to be issued by the Livingston County Building Department, then a zoning permit shall be required by Cohoctah Township prior to the issuance of a building permit by the Livingston County Building Department.
  3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a zoning permit.
- B. *Application for a Permit.* Application for a zoning permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:
1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
  2. The location of the proposed construction, upon the parcel(s), lot(s), or acreage affected.
  3. The dimensions, height and bulk of structures, including signs.
  4. The nature of the proposed construction, alteration, or repair and the intended use.
  5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
  6. The present use of any structure affected by the construction or alteration.
  7. The yard, open area and parking space dimensions, if applicable.
  8. The proposed plan and specifications of off-street parking spaces, if applicable.
  9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.
  10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a zoning permit after payment of the required fee.

- C. *Voiding of Permit.* Any zoning permit granted under this Article shall be null and void unless the development proposed:
1. Has been completed within one year from the date of granting the permit.
  2. The permit holder may apply for a one-year extension of the permit, and the permit may be extended for an additional one-year by the Zoning Administrator, upon a finding of good cause as to why the development has not been completed in the time required by this ordinance. A permit for which an extension was granted may receive an additional one year extension upon a finding of good cause by the Zoning Administrator that sufficient circumstances exist to justify such an extension.
- D. *Fees, Charges, and Expenses.* The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such cost,

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charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.

- E. *Inspection.* The construction or usage affected by any zoning permit shall be subject to the following inspections:
1. At time of staking out of building foundation or location of structure.
  2. Upon completion of the construction authorized by the permit.
  3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval by issuing a certificate of zoning compliance [at] the time of inspection if the building or proposed construction meets the requirements of this Ordinance.
  4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for reinspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator, by issuing a certificate of occupancy.
  5. Should a zoning permit holder fail to comply with the requirements of the Zoning Ordinance at any inspection stage, or at any other time, the Zoning Administrator shall have authority to cancel the permit and shall cause notice of the cancellation of the permit to be securely and conspicuously posted upon, or affixed to, the construction that is not conforming to the Ordinance requirements. Such posting shall be considered as service of actual notice to the permit holder of cancellation of the permit and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper and timely notice to the Zoning Administrator of the time for inspection shall automatically cancel a permit, and require the issuance of a new permit before construction may proceed.

(Ord. of 11-12-1987, § 21.04; Amd. No. 6, 6-13-1991; Amd. No. 18, 2-8-1996; Amd. No. 64, § 2, 2-11-2010; Amd. No. 82, § 25, 7-13-2017)

### **Sec. 21.05. Violations.**

Any buildings or structures, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained, changed, or used in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

(Ord. of 11-12-1987, § 21.05; Amd. No. 82, § 26, 7-13-2017)

### **Sec. 21.06. Penalties.**

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof shall be fined, upon conviction, not more than \$500.00, together with the cost of prosecution, or shall be punished by imprisonment in the County Jail for not more than 90 days for each offense, or may be both fined or imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, or any owner or owners

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of real estate within the district in which such buildings, structures or land use is situated, may institute injunction, mandamus abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

(Ord. of 11-12-1987, § 21.06)

### **Sec. 21.07. Enforcement procedure.**

In addition to the enforcement actions provided in Section 21.04.E, the following additional enforcement procedures may be applicable in the instances of violations of:

- A. Provisions of this Zoning Ordinance;
- B. Approved special uses;
- C. Approved Planned Unit Developments;
- D. Approved site plans; or
- E. Decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:
  - 1. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a Notice of Zoning Ordinance Violation to the owners and occupants of the lot or parcel upon which the zoning violation has occurred. This Notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
    - (a) Date and location of each violation observed by the Zoning Administrator.
    - (b) Names and addresses of the owners and occupants.
    - (c) Specific section of the Zoning Ordinance that has been violated. If more than one violation, list each violation and each section violated.
    - (d) Length of time allowed before further prosecution of the violation.
  - 2. Failing compliance by the owners and occupants by specified date in Subsection E.1. above, the Zoning Administrator shall issue a Second Notice of Zoning Ordinance Violation.
  - 3. Failure to comply with the procedures outlined in Subsections E.1 and 2 above shall then upon recommendation of the Zoning Administrator result in the issuance of a Notice of Show-Cause Hearing by the Board for those parties interested in the violations.
  - 4. Failure to comply with the procedure of Subsections E.1—3 above shall then result in the issuance of a Show-Cause Hearing, Finding and Order by the Township Board. The Show-Cause Hearing, Finding and Order form shall indicate the findings of fact about the violation by the Township Board, the Board's conclusions and its order for compliance with the Zoning Ordinance with respect to each violation.

(Ord. of 11-12-1987, § 21.07; Amd. No. 82, § 27, 7-13-2017)

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**Sec. 21.08. Protection from personal liability.**

Township Board of Trustees members, Planning Commission members, Zoning Board of Appeals members, Zoning Administrators and any other Township officials or employees charged with administrative and enforcement duties and responsibilities under provisions of this Zoning Ordinance are hereby protected from all personal liability for damages to persons or property resulting from the carrying out of their duties and responsibilities and while acting within the scope of his or her authority. In accordance with section 8 of Public Act No. 170 of 1964 (MCL 691.1408), any civil or criminal charges brought against any of the aforementioned Township officials and employees in the conduct of their duties and responsibilities and while acting within the scope of his or her authority shall be defended by a legal representative of the Township until final adjudication of the charges have been concluded and decided upon. If a judgment for damages is awarded against any of the aforementioned Township officials and/or employees as a result of a civil or criminal charge for personal injuries or property damage, caused while carrying out their duties and responsibilities under the provisions of this Zoning Ordinance, the Township shall pay, negotiate or do whatever is necessary to arrive at a settlement in order to abate the charges and satisfy the judgment.

(Ord. of 11-12-1987, § 21.08; Amd. No. 82, § 28, 7-13-2017)

**ARTICLE XXII. ZONING BOARD OF APPEALS<sup>13</sup>**

**Sec. 22.01. Establishment.**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 601 et seq. of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), Michigan Zoning Enabling Act, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

(Ord. of 11-12-1987, § 22.01)

**Sec. 22.02. Membership and terms of office.**

The Zoning Board of Appeals shall consist of five members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of his or her office; the second member shall be a member of the Township Board, elected by the Township Board for the term of his or her office; and the other three members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three years, provided that no elected officer of the Township or any employee of the Township Board may serve simultaneously as the elected member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.

- A. The Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate member may be called to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two or more consecutive meetings of the Zoning Board of Appeals or

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<sup>13</sup>State law reference(s)—Zoning Board of Appeals, MCL 125.3601 et seq.

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for a period of more than 30 consecutive days. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons 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.

(Ord. of 11-12-1987, § 22.02; Amd. No. 2, 4-13-1989)

**Sec. 22.03. Rules of procedure, majority vote.**

The Board shall adopt its own bylaws or rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

(Ord. of 11-12-1987, § 22.03)

**Sec. 22.04. Meetings.**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

(Ord. of 11-12-1987, § 22.04)

**Sec. 22.05. Public meetings and minutes.**

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, together with the record of the vote of each member of the Board, by name, and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

(Ord. of 11-12-1987, § 22.05)

**Sec. 22.06. Powers and duties.**

The Zoning Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance, except as otherwise provided in this Ordinance.

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Planning Commission or Zoning Administrator in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance.



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1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
  2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special use permit is required.
  3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan for such district.

(Ord. of 11-12-1987, § 22.06)

### **Sec. 22.07. Variances.**

As required by MCL 125.3103, when a request for variance has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for variance upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing, to be given.

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  1. That special conditions and circumstances exist which are unique to the land, land use, structure or building in the same zoning district so as to present such a unique situation that a precedent will not be established for other properties in the district to also ask the same or similar change through the zoning appeal procedure.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.
  3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same zoning district.
  4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the zoning district in which it is located by the applicant for the variance requested.
- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

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- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
  - E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 21.06.
  - F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.

(Ord. of 11-12-1987, § 22.07)

### **Sec. 22.08. Voiding of and reapplication for variances.**

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one year after the granting of such variance.
- B. No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

(Ord. of 11-12-1987, § 22.08)

### **Sec. 22.09. Procedure for appeal.**

- A. *Appeals, How Taken.* Appeals shall be taken as provided in MCL 125.3604 and the application, any supporting information, and required fee shall be submitted within 21 days after the date of the order, requirement, decision or determination for which the appeal is being sought.
- B. *Who May Appeal.* Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. *Fee for Appeal.* A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. *Effect of Appeal.* An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. *Hearing by the Zoning Board of Appeals; Request; Notice; Hearing.* When a request for appeal has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be given as required by MCL 125.3604.
- F. *Representation at Hearing.* During a hearing, any party or parties may appear in person or by agent or by attorney.

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G. *Deciding Appeals.* The Zoning Board of appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the situation and, to that end, shall have all the powers of the Zoning Administrator, Township Board or Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in writing and contain a complete record of the findings and the determination of the Zoning Board of Appeals shall be set forth in the record. Any persons having an interest affected by such decision shall have the right to appeal to the Circuit Court as provided in MCL 125.3606.

(Ord. of 11-12-1987, § 22.09; Amd. No. 65, § 1, 1-13-2011; Amd. No. 82, § 29, 7-13-2017)

## **ARTICLE XXIII. AMENDING THE ZONING ORDINANCE<sup>14</sup>**

### **Sec. 23.01. Changes and amendments.**

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

(Ord. of 11-12-1987, § 23.01)

### **Sec. 23.02. Procedures.**

The procedures for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act of 2006 (MCL 125.3101 et seq.), as the same may be amended from time to time. A petition, together with a completed signed application, and fees, shall be filed with the Township Clerk. The Clerk shall review the petition and application as to form and, when it is complete, shall transmit same to the Township Planning Commission for review and report. Thereafter, the Township shall establish a date to conduct a public hearing before the Planning Commission on the petition as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as the same may be amended from time to time. Such public hearing procedure shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

(Ord. of 11-12-1987, § 23.02; Amd. No. 50, § 5, 9-14-2006)

### **Sec. 23.03. Notice of hearing.**

The Clerk shall cause to provide a notice of public hearing for any proposed amendment to this Ordinance in the manner as is provided by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as the same may be amended from time to time.

(Amd. No. 50, § 6, 9-14-2006)

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<sup>14</sup>State law reference(s)—Amendments or supplements to Zoning Ordinance, MCL 125.3202.

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#### **Sec. 23.04. Information required.**

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

(Ord. of 11-12-1987, § 23.04)

#### **Sec. 23.05. Steps in making a change.**

Steps in making a change to this Zoning Ordinance are as follows:

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes Notice of Hearing.
- C. Planning Commission holds a hearing, makes a decision on whether to recommend approval or denial regarding the application, transmits that decision to the County Planning Commission and to the Township Board.
- D. After receiving the County zoning recommendations, the Township Board either enacts or rejects the proposed change as an Ordinance amendment, and publishes the text of the change in the newspaper, if enacted.

(Ord. of 11-12-1987, § 23.05; Amd. No. 1, 8-11-1988; Amd. No. 80, §§ 30, 31, 5-11-2017)

#### **Sec. 23.06. Findings of fact required.**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within 100 days of the filing date of the petition. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

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- D. Effect of approval of the petition on adopted development, policies of Cohoctah Township and other government units.
  - E. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Cohoctah Township, or of other civil divisions where applicable.
  - F. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Plan.
  - G. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
  - H. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(Ord. of 11-12-1987, § 23.06; Amd. No. 1, 8-11-1988; Amd. No. 46, 12-8-2005; Amd. No. 48, §§ 2—4, 5-11-2006; Amd. No. 80, § 32, 5-11-2017)

### **Sec. 23.07. Conditional Rezoning of Land.**

*Intent.* It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be offered by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act of 2006 (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. Therefore, as an alternative to a rezoning amendment as described in this Article, Cohoctah Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with the Michigan Zoning Enabling Act of 2006 (MCL 125.3101 et seq.). If a property owner submits an offer for conditional rezoning as provided within this Section then the procedure for the proposed conditional rezoning of land shall follow the standards and procedures as noted below.

- A. *Amendment Procedure.* The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to this Article except as otherwise modified by this Section.
- B. *Procedures and Standards for Proposed Rezoning Requests.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. In addition to the procedures as provided in this Article, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests:
  - 1. A conditional rezoning request must be voluntarily offered by the owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. The offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan set forth below, when required, and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.

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2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  3. Conditional rezoning shall not alter any of the various zoning requirements for the use in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article XXII of this Ordinance.
  4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property and the area adjacent to the property for which rezoning is requested.
  5. Conditional rezoning shall not grant, or be considered as, a grant of special land use approval. The process for review and approval of special land uses must follow the provisions of Article XIII of this Ordinance.
  6. All conditions offered by a landowner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
  7. In addition to the informational requirements provided for in Section 23.04 of this Ordinance the applicant must provide a conditional rezoning site plan to show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land when such a site plan would assist the Township in reviewing and acting upon the conditional rezoning request. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
  8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. *Township Board Review.* After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors set forth in Section 23.06 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the Michigan Zoning Enabling Act of 2006 (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- D. *Approval.*
1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this Section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

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2. The statement of conditions shall:
    - (a) Be in a form recordable with the Livingston County Register of Deeds and in a manner acceptable to the Township Board.
    - (b) Contain a legal description of the land to which it pertains.
    - (c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
    - (d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
    - (e) Contain a statement acknowledging that the statement of conditions shall be recorded by the Township with the Livingston County Register of Deeds.
    - (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
  3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Township Clerk shall maintain a listing of all lands rezoned with a statement of conditions.
  4. The approved statement of conditions shall be filed by the Township with the Livingston County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions
- E. *Compliance with Conditions.*
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  2. No permit or approval shall be granted under this Section for any use or development that is contrary to an applicable statement of conditions.
- F. *Time Period for Establishing Development or Use.* Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits, must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board for the following:
1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

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2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- G. *Reversion of Zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in MCL 125.34054. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
  - H. *Subsequent Rezoning of Land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification, or rezoned to the same zoning classification but with a different statement of conditions or no statement of conditions; whether as a result of a reversion of zoning pursuant to Subsection G above, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to exist. The Township Clerk shall record with the Livingston County Register of Deeds a notice that the statement of conditions is no longer in effect.
  - I. *Amendment of Conditions.*
    1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the statement of conditions.
    2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
  - J. *Township Right to Rezone.* Nothing, in the statement of conditions or in the provisions of this Section, shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act of 2006 (MCL 125.3101 et seq.).
  - K. *Failure to Offer Conditions.* The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

(Amd. No. 48, § 1, 5-11-2006; Amd. No. 80, § 33, 5-11-2017)

## ARTICLE XXIV. SEVERABILITY

### Sec. 24.01. Severance clause.

Sections of this Ordinance shall be deemed to be severable and should any section, subsection, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

(Ord. of 11-12-1987, § 24.01)

## ARTICLE XXV. EFFECTIVE DATE OF ORDINANCE



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**Sec. 25.01. Effective date of Ordinance.**

This Ordinance, or any amendment, shall become effective when it is published, or when a summary of each section or amendment is first published following passage by the Township Board of the Township of Cohoctah according to the effective date stated in the publication.

Made and passed by the Township Board of the Township of Cohoctah, Livingston County, Michigan on this \_\_\_\_\_.

- A. Date of Adoption by Township Board: July 12, 2007.
- B. Adoption Notice Published: July 26, 2007.
- C. Effective Date: August 3, 2007.

(Ord. of 11-12-1987, § 25.01; Amd. No. 80, § 34, 5-11-2017)

**ARTICLE XXVI. LRR LIMITED RECREATION RESIDENTIAL**

**Sec. 26.01. Purpose.**

The purpose of the LRR Limited Recreation Residential District is to recognize the area in the Township that includes the unique area where the Nazarene Church campground is located which was originally established as a summer recreation, campground, single family residence, and meeting area for church related purposes. It includes not only camping facilities but also some very limited residential housing and ancillary facilities meant to assist campers, visitors and the small number of people who reside in the campground as well as church related purposes. It is the intent of this Ordinance to not only allow the area of the church to continue its current uses, but to provide in the future for uses in this District that are consistent with its current and past character. The area where this District is located is rural in nature, the roads aren't designed or maintained for uses that would significantly increase traffic, and any future development must be consistent with the surrounding properties so as not to be overly burdensome to existing infrastructure or to negatively affect or impact the surrounding area.

(Amd. No. 70, § 1, 9-13-2012)

**Sec. 26.02. Permitted principal uses.**

Permitted principal uses that meet the criteria contained in the purpose in the Limited Recreation Residential District are as follows:

- A. Single family residences.
- B. Campgrounds.
- C. Places of assembly.

(Amd. No. 70, § 1, 9-13-2012)

**Sec. 26.03. Accessory uses.**

- A. Recreational amenities such as bike paths, pedestrian trails, athletic fields, beach areas and similar or related facilities.
- B. Uses accessory to the permitted principal uses.

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(Supp. No. 7)

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(Amd. No. 70, § 1, 9-13-2012)

#### **Sec. 26.04. Dimensional regulations.**

Dimensional regulations for new lots, parcels or new construction created for permitted single family residential purposes in the LRR Limited Recreation Residential District shall comply with the following dimensional regulations:

- A. *Lot Area.* Minimum of 30,000 square feet, except as may otherwise be provided herein.
- B. *Lot Width.* Minimum of 100 feet at the required building setback line.
- C. *Lot Coverage.* Maximum of 30%.
- D. *Yard and Setback Requirements.*
  - 1. *Front Yard.* Minimum of 35 feet from the road right-of-way line.
  - 2. *Side Yard[s].* Minimum of 15 feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be 35 feet.
  - 3. *Rear Yard.* Minimum of 15 feet.
- E. *Height Limitation.* A maximum of 35 feet for principal structures and a maximum of 25 feet for accessory structures.

The dimensional regulations are established the same as the S Settlement District because this is the zoning district this area used to be.

(Amd. No. 70, § 1, 9-13-2012)

#### **Sec. 26.05. Replacement or modification of existing structures.**

- A. The land, structures and uses existing at the time of this amendment have been in existence for many years, most of the structures predate the original ordinance. Accordingly, they don't meet most ordinance requirements and compliance with applicable construction standards or health department requirements is unknown. Hereafter, no alteration, enlargement, or replacement of a structure that would require a building permit from the Livingston County Building Department shall be permitted that doesn't meet the dimensional or other requirements of Section 26.03.

(Amd. No. 70, § 1, 9-13-2012)

#### **Sec. 26.06. Requirements.**

- A. The plans and specifications for the construction, enlargement or alteration of any structures must be submitted to the Planning Commission for its review and approval prior to the issuance of a zoning permit by the Zoning Administrator to determine compliance with this Section.
- B. There shall be no Planning Commission review or zoning permit required for an accessory structure if the Livingston County Building Department does not require a permit.

(Amd. No. 70, § 1, 9-13-2012)

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(Supp. No. 7)

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## ZONING COMPARATIVE TABLE ORDINANCES

This table gives the location within this Zoning Ordinance of those ordinances adopted since November 12, 1987, that are included herein.

Ordinance/Amended Number	Date	Section	Section this Zoning Ordinance
	11-12-1987(Ord.)	1.01—1.06	1.01—1.06
		2.01, 2.02	2.01, 2.02
		3.01—3.17	3.01—3.17
		4.01—4.06	4.01—4.06
		5.01—5.06	5.01—5.06
		6.01—6.06	6.01—6.06
		7.01—7.05	7.01—7.05
		8.01—8.06	8.01—8.06
		9.01—9.06	9.01—9.06
		10.01—10.05	10.01—10.05
		11.01—11.06	11.01—11.06
		12.01—12.05	12.01—12.05
		13.01—13.21	13.01—13.21
		13.23, 13.24	13.23, 13.24
		14.01—14.13	14.01—14.13
		15.01—15.11	15.01—15.11
		16.01—16.14	16.01—16.14
		16.15	16.14
		16.16—16.21	16.16—16.21
		16.21B	16.21B
		16.22A	16.22A
		16.22B	16.22B
		16.23—16.40	16.23—16.40
		16.43—16.47	16.43—16.47
		17.01—17.07	17.01—17.07
		18.01—18.05	18.01—18.05
		19.01—19.14	19.01—19.14
		20.01—20.17	20.01—20.17
		21.01—21.08	21.01—21.08
		22.01—22.09	22.01—22.09
		23.01, 23.02	23.01, 23.02
		23.04—23.06	23.04—23.06
		24.01	24.01

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		25.01	25.01
Amd. No. 1	8-11-1988		2.02
			3.07
			6.02, 6.03
			9.03
			9.05
			10.05
			11.06
			13.05
			13.07
			13.09
			13.14—13.16
			14.06
			16.21B
			16.27
			19.05
			20.07
			20.14
			23.05, 23.06
Amd. No. 2	4-13-1989		5.06
			6.02
			13.21
			22.02
Amd. No. 3	7-12-1990		2.02
			8.06
			10.05
			12.05
			13.22
			16.41, 16.42
			20.02
Amd. No. 4	10-11-1990		20.07
			20.09
Amd. No. 5	12-13-1990	1	16.22A
		2	16.22B
		3	13.10
		4	4.05
		5	5.05
		6	6.05
Amd. No. 6	6-13-1991		21.04
Amd. No. 9	12-10-1992		2.02
			16.14
			16.44, 16.45
Amd. No. 13	12-10-1992	1	2.02
		2	16.43
Amd. No. 14-2	3-11-1993	2, 3	2.02

Cohoctah Township, (Livingston Co.), Michigan, Zoning  
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		4, 5	16.21B
Amd. No. 10	5-13-1993	1	16.07
Amd. No. 16	9- 9-1993	1	16.06
Amd. No. 12	11-11-1993	1	2.02
		2	6.03
		3	6.05
		4	4.05
		5	5.05
		6	16.46
		7	4.03
		8	5.03
		9	6.03
		10	7.03
		11	8.03
		12	10.03
		13	12.03
		14	13.23
Amd. No. 14-1	12- 9-1993	1	16.06
Amd. No. 15	12- 9-1993	1, 2	20.02, 20.03
Amd. No. 17	2- 8-1996		9.05
Amd. No. 18	2- 8-1996		21.04
Amd. No. 20	2- 8-1996		19.03
			19.06
			19.09
Amd. No. 23	2- 8-1996	1, 2	7.05
		3	8.06
Amd. 26	2- 8-1996		19.10
Amd. 28	3-14-1996	1	16.48
Amd. 21	4-11-1996	1	11.02
Amd. No. 29	8- 8-1996	1	16.14
		2	16.39
		3	2.02
Amd. No. 30	8- 8-1996	1	4.06
		2	5.06
		3	6.06
Amd. No. 31	1- 9-1997	1	2.02
		2	16.14
Amd. No. 32	4-10-1997	1	16.49
Amd. No. 33	6-12-1997	1	15.11
Amd. No. 34	6-12-1997	1—3	16.45
Amd. No. 35	6-11-1998	1—4	16.45
		5	16.44
		6—8	16.45
Amd. No. 37	12-10-1998		9.06
Amd. No. 38	11-14-2002	1	16.50

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		2	4.02
		3	5.02
		4	6.02
		5	7.02
		6	8.02
		7	16.37
		8	20.02
Amd. No. 39	12-11-2003	1, 2	16.43
		3, 4	16.29
		5	2.02
		7—9	16.45
		10, 11	2.02
Amd. No. 40	12-11-2003	1, 2	20.02, 20.03
		3	20.03
		4	6.02
Amd. No. 41	7- 8-2004	1	13.24
		2	4.03
		3	5.03
		4	6.03
		5	7.03
		6	8.03
		7	9.03
		8	10.03
		9	11.03
		10	12.03
Amd. No. 43	10-14-2004	1	6.02
		2	7.02
		4	8.02
			16.06
Amd. No. 44	3-10-2005	1	16.28
		2	16.50
		3	18.04
Amd. No. 42	5-12-2005		13.15
Amd. No. 46	12- 8-2005		16.51
			20.07
			23.06
Amd. No. 47	2- 9-2006	1	16.50
Amd. No. 48	5-11-2006	1	23.07
		2—4	23.06
Amd. No. 50	9-14-2006	1	2.02
		2	16.31
		3	13.10
		4	7.05
		5, 6	23.02, 23.03
Amd. No. 51	1-11-2007	1	2.02

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Amd. No. 52	1-11-2007	1	13.25
		2	2.02
Amd. No. 53		1, 2	16.39
Amd. No. 54	3-13-2008	1 Added	13.24E.
Amd. No. 55	3-13-2008	1 Added	16.52
		2 Added	18.04 31.—18.04 36.
		3	13.23B.
		4 Added	16.53
		5	2.02
Amd. No. 56	5- 8-2008		2.02
		Rpld	6.02K.
		Added	6.03J.
Amd. No. 57	11-13-2008	1, 2	13.24B.
		3	13.24D.6.
		4 Added	16.54
Amd. No. 58	8-14-2008	1	11.02A.
		2	11.03
Amd. No. 60	2-19-2009	1	19.07B.
		2 Added	19.07C.
Amd. No. 61	9-17-2009	1	2.02
		2 Added	16.55
Amd. No. 62	2-11-2010	1 Added	8.02G.
		2 Added	16.56
Amd. No. 64	2-11-2010	1 Added	9.05G.
		2	21.04C.
		3	13.13C.4.
Amd. No. 65	1-13-2011	1	22.09A.
Amd. No. 66	5-12-2011	1	2.02
Amd. No. 67	8-11-2011	1 Added	16.57
		2 Rpld	13-18
Amd. No. 68	5-12-2011	1, 2	16.06
Amd. No. 69	1-12-2012	1 Added	16.21J.
Amd. No. 70	9-13-2012	1 Added	26.01—26.06
Amd. No. 71	9-13-2012	1	14.02
		2	16.50A.
Amd. No. 72	12-13-2012	1—3	13.24
Amd. No. 73	12-13-2012	1 Added	16.50H.7.
Amd. No. 74	3-14-2013	1	13.05
Amd. No. 75	5- 9-2013	1	2.02
Amd. No. 77	12- 4-2014	1	21.03A.3.
Amd. No. 78	5-14-2015	1	3.01
		2	16.06C.
		3	2.02
		4	16.45.B.13.
Amd. No. 79	5-14-2015	1 Added	13.26

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Amd. No. 80	5-11-2017	1	1.03
		2	1.06
		3—13	2.02
		14	13.04B.
		15	13.07
		16	13.08A.13.
		17	13.12E.
		18	13.15J.2.
		19	13.15J.3.
		20	13.15J.4.
		21	13.20
		22	13.21A.
		23	13.22A.3.
		24	13.23G
		25	13.24D.16.
		26	13.25C.11.
		27	13.25D.1.
		28	13.25D.4.
		29	13.25G
		30	23.05B
		31	23.05C
		32	23.06F
		33	23.07
		34	25.01
Amd. No. 81	5-11-2017	1	3.11
		2	3.16
		3	3.17
		4	4.03D
		5	5.03
		6	6.03J
		7	6.04D
		8 Added	6.04K
		9, 10	7.03A.1.
		11	7.05B
		12, 13	8.03A.1.
		14 Added	9.04D
		15	16.21G
		16	16.21J.1.
		17	16.26C
		18	16.27
		19	16.29D.2.
		20	16.29D.4.
		21	16.30B
		22	16.30C
		23	16.31A



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		24	16.35
		25	16.36
		26	16.39
		27	16.41
		28	16.45E.1.
		29 Rpld	16.26G
		30 Rpld	16.51B
		31	17.01
		32	17.07B.2.
Amd. No. 82	7-13-2017	1	11.05D
		2	11.05E
		3	11.06A
		4	12.03A.2.
		5	14.02A.3.
		6	14.04A
		7	14.06B
		8	14.06C
		9	14.06E
		10	14.06F
		11	14.07A.2.
		12	14.08A.
		13	18.03
		14	19.03A.1.
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		28	21.08
		29	22.09G.
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		4	19.05A
		5	19.05F.1.
		6	19.07A.
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		8	19.08B.1.
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		18 Added	19.11E
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		3 Added	16.58
		4 Added	13.27
		5 Added	4.03M
		6 Added	5.03L
		7 Added	6.03K
		8 Added	7.03H
		9 Added	10.03P
		10 Added	11.03X
Ord. No. 1	1-10-2019	I—IV Added	16.59
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### STATE LAW REFERENCE TABLE

This table shows the location within this Zoning Ordinance, either in the text or notes following the text, of references to the Michigan Compiled Laws.

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324.36501 et seq.	16.48
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