

ENACTING CLAUSE

The Township of Oceola, County of Livingston, State of Michigan, ordains;

**ARTICLE 1
TITLE AND PURPOSE**

SECTION 1.01 SHORT TITLE

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

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community and a wholesome, serviceable and attractive Township by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that facilitate adequate provisions for increased safety in traffic and transportation; that provide for adequate and efficient vehicular parking, transportation systems, parks, parkways, recreation, schools, public buildings housing, light, energy, air, water supply, sewage disposal, sanitation and other public service and facility requirements; that lessen congestion, disorder and danger which often inherent in unregulated Township development and reduce hazards to life and property; that prevent overcrowding of land and undue concentration and congestion of population, transportation systems and other public facilities; that assist in carrying out a Master Plan of the Township; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends.

In order to more effectively protect and promote the public health, safety and general welfare and to accomplish the aims and purposes of the master plan, the Township is divided into districts of such number, shape and area, and of such common unity of purpose, and adaptability of use, that are deemed most suitable to provide for the best general civic use, carry out this Ordinance, protect the common rights and interests within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, places of residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

**ARTICLE 2
DISTRICTS**

SECTION 2.01 DISTRICTS

The Township is hereby divided into the following districts, which shall be known by the following symbols and names, respectively:

- AR** Agricultural Residential District
- RR** Rural Residential District
- R-1** Residential District
- R-2** Residential District
- R-3** Residential District
- MHP** Manufactured Housing Parks
- RM** Residential Multiple Family District
- PUD** Planned Unit Development
- CR-1** Commercial Recreational District
- CR-2** Commercial Recreational District
- C** Commercial District
- OS** Office Service District
- M-1** Industrial District

SECTION 2.02 MAP AND BOUNDARIES

The boundaries of these zoning districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the Township. The Zoning Map attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.

SECTION 2.03 DISTRICT BOUNDARIES INTERPRETED

- A. Unless otherwise shown by dimensions from street lines or other designated lines, the zoning district boundary lines follow lot lines or the center lines of the streets or alleys or such lines extended and the corporate limits of the Township.
- B. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals, according to rules and regulations which may be adopted by the Zoning Board of Appeals.

SECTION 2.04 ZONING OF STREETS AND ALLEYS

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

The boundary line of districts affected by vacation of a right-of-way shall remain at the centerline of the vacated right-of-way. If this conflicts with the affected lot boundary line, the district line shall follow the nearest boundary line of the lots created at the time of vacation.

SECTION 2.05 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of Article 13, General Provisions.

ARTICLE 3
AGRICULTURAL RESIDENTIAL DISTRICT

SECTION 3.01 STATEMENT OF PURPOSE

The purpose of the Agricultural Residential District is to provide an area to retain the rural atmosphere and quality of life for very low density, large lot residential development while accommodating agricultural production and services which benefit the agricultural community, This district is also intended to protect vital natural resources, such as high quality groundwater, floodprone areas, substantial wetlands, and major wooded areas, thereby encouraging the use of lands in accordance with their character and adaptability and preventing the improper use of land. Proper development patterns in Agricultural Residential Districts will prevent otherwise unnecessary tax expenditures for roads, storm drainage, and utilities and protect the public health in areas where it is not likely that public water and sewer services will be provided. The permitted uses and densities of developments in the Agricultural Residential District are necessary to protect the health, safety, and welfare of the public and to not overly burden the road system. Non-agricultural or non-residential uses may be permitted by special use permit if it is determined that such use(s) is compatible with the immediate and general area.

SECTION 3.02 PERMITTED USES

The following and no other uses shall be permitted in all AR Agricultural Residential Districts:

- A. Farms and farm buildings.
- B. Single family detached dwellings
- C. Horse riding stables - minimum size 20 acres. The number of horses kept at a riding stable shall not exceed one per acre.
- D. Home occupations as defined in Article 20.
- E. Home storage of equipment incidental to an occupation (which is regularly used off the premises) by the occupants of the premises. The equipment shall be located behind the front yard setback line.
- F. Non-commercial kennels.
- G. State licensed residential facilities that provide residential services for 6 or fewer persons, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- H. Family day care homes

- I. Public elementary schools, intermediate schools or high schools, offering courses in general education.
- J. Municipal buildings and uses. Outdoor storage shall be screened from view off-site.
- K. Accessory buildings customarily accessory to single family dwellings, subject to Section 13.16.

SECTION 3.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by issuance of a special use permit as provided for in Article 17, after review and approval of a site plan as required by Article 19:

- A. Veterinary offices and facilities.
- B. Public utility buildings. Outdoor storage shall be screened from view off-site.
- C. Campgrounds - minimum size 20 acres.
- D. Day camps - minimum size 10 acres.
- E. Parochial and private elementary schools, intermediate schools, high schools, and/or schools or colleges offering courses in general education, not operated for profit. All such facilities shall be architecturally compatible with the existing or intended single family residential character.
- F. Churches, subject to Section 13.51.
- G. Roadside produce markets.
- H. Gravel pits and quarries.
- I. Cemeteries.
- J. Commercial kennels.
- K. Storage structures (non-commercial) pursuant to Section 13.37.
- L. Other uses which the Township Planning Commission determine to be consistent with the Statement of Purpose of this District.

- M. Well drilling, environmental drilling, and environmental consulting operations, subject to the following conditions:
1. Minimum site size shall be 3 acres.
 2. Minimum frontage shall be 200 feet.
 3. Frontage shall be on a major thoroughfare.
 4. Minimum separation between driveways shall be 500 feet.
 5. Equipment storage shall be setback at least 150 feet from the front property line with no outdoor storage of equipment and supplies (not enclosed within a building) visible from the road. All outdoor storage shall be screened from any residential used property.
 6. There shall be no storage of any hazardous or contaminated material(s) on site, except that cleaning solvents, fuels and similar products used in maintaining equipment may be stored subject to all such products being stored in compliance with all Fire Marshal and applicable health, safety and environmental regulations. The quantities of materials stored shall not exceed that customary for equipment maintenance.
 7. There shall be no on-site cleaning of equipment utilized for any environmental drilling, excavation, or cleanup operation.
 8. Outdoor advertising shall be limited to (1) sign not exceeding 32 square feet in area.
 9. Accessory buildings shall be setback a minimum of 50 feet from any residentially used property.

N. Bed and Breakfast Facilities:

1. A bed and breakfast facility shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation. The facility must comply with the minimum dwelling unit floor area required for the AR District.
2. The minimum size of rental room shall be 120 square feet.
3. The minimum size for manager/owner living quarters shall be 450 square feet.
4. A common room or area for guest relaxation is required.
5. The owner shall show proof that the facility has been inspected and approved by the Fire Marshal.
6. There shall be no separate cooking facilities for the bed and breakfast operation, other than those that serve the principal residence. Food may be served only to those persons who rent a room in, or the residents of, the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.
7. One off-street parking space shall be provided for each rental room in addition to the 2 off-street spaces required for the single family dwelling.
8. Bathrooms must be furnished for guestrooms at a ratio of not less than 1 bathroom per 2 rental rooms.
9. The premises (including corner lots) may be permitted a maximum of 1 advertising sign not exceeding 24 square feet in area.
10. Approval of the Livingston County Health Department is required if other than a continental breakfast is served.
11. The maximum stay at a bed and breakfast facility shall be 10 continuous days.

- O. Wireless communication support structures, subject to the provisions of Section 13.27.
- P. Group day care homes subject to the requirements of Section 13.38.
- Q. Day care centers.

SECTION 3.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in Agricultural Residential Districts:

- A. **Maximum Lot Coverage.** The maximum lot coverage shall be 15%.
- B. **Minimum Lot Area.** The minimum lot area shall be 50,000 square feet exclusive of road right-of-way.
- C. **Lot Dimensions.**
 - 1. The minimum lot width shall be 120 feet.
 - 2. The minimum lot depth shall be 150 feet.
 - 3. The minimum lot frontage shall be 120 feet on a public or private road (see Section 13.46 for exception).
 - 4. Any lot less than 10 acres in area shall have a depth that is not greater than 4 times its width.
- D. **Maximum Height.** The maximum height of buildings or structures shall be 2.5 stories or 35 feet, except for buildings or structures used in bonafide agricultural operations.
- E. **Minimum Setbacks.**
 - 1. The minimum building setbacks shall be:
 - Front: 70 feet
 - Side: 20 feet
 - Rear : 50 feet
 - 2. All accessory farm buildings and structures for uses other than those customarily associated with the dwelling shall be located not less than 100 feet from any dwelling on an adjacent lot.
 - 3. Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.
- F. **Building Requirements.**
 - 1. The minimum floor area per dwelling unit excluding any garage, shall be 960 square feet.
 - 2. The minimum roof overhang on the eaves shall be not less than 4 inches each, and a minimum roof pitch shall be not less than 3 on 12.

SECTION 3.05 RIGHT TO FARM

The Right to Farm all land is recognized to exist as a natural right and is a permitted use within Agricultural Residential Districts. The Right to Farm, as it is used in this Section, includes the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors, numerous farm laborers, and the application of natural and chemical fertilizers, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds, dairy, fowl and livestock. The foregoing uses and activities included in this Section, when reasonable and necessary for farming and livestock or fowl production and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays, at night and in the day; and the noise, odors, dust and fumes that are caused by them are also specifically permitted as part of the exercise of this right. It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted, is more than offset by the benefits from farming to the neighborhood and community, and to society in general, by the preservation of open space, the beauty of the countryside and clean air, and by the preservation of continuance of farming operations in Oceola Township as a source of agricultural products for this and future generations.

ARTICLE 3A
RR RURAL RESIDENTIAL DISTRICT

SECTION 3A.01 STATEMENT OF PURPOSE

The Rural Residential District is intended as a district primarily for single-family dwellings on large lots which do not require public services such as public water and public sanitary sewer facilities. The specific intent of this Article is to establish high standards of residential development in a rural environment. Development in this district may be clustered using the Residential Planned Unit Development (RPUD) of the Zoning Ordinance, subject to meeting the requirements of Article 8A, which encourages the preservation of open space.

SECTION 3A.02 PERMITTED USES

The following and no other uses shall be permitted uses in all RR Rural Residential Districts:

- A. Single-family detached dwellings.
- B. Accessory buildings customarily associated with single family dwellings, subject to Section 13.16.
- C. Home occupations as defined in Article 20.
- D. Swimming pools, subject to the provisions of Section 13.28.
- E. State-licensed residential facilities that provide residential services for 6 or fewer persons, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- F. Family day care homes.
- G. Public elementary schools, intermediate schools or high schools offering courses in general education.
- H. Municipal buildings and uses, without outdoor storage.

SECTION 3A.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the issuance of a special use permit as provided for in Article 17, after review and approval of a site plan as required by Article 19:

- A. Public utility buildings, but not including storage yards, provided that such facilities and uses are not injurious to the surrounding neighborhood. They must conform with the spirit and purpose of this ordinance and blend in with existing single family buildings in the vicinity.
- B. Publicly owned and operated , libraries, parks, parkways, and recreational facilities. All such facilities shall be architecturally compatible with the existing or master planned single family residential character.
- C. Churches, subject to Section 13.51.
- D. Storage structures (non-commercial) pursuant to Section 13.37.
- E. Group day care homes, subject to the requirements of Section 13.38.
- F. Parochial and private elementary schools, intermediate schools, high schools, and/or schools or colleges offering courses in general education, not operated for profit. All such facilities shall be architecturally compatible with the existing or intended single family residential character.

SECTION 3A.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in the Rural Residential District unless a residential development is part of a Residential Planned Unit Development:

- A. **Maximum Lot Coverage.** The maximum lot coverage shall be 20 percent.
- B. **Minimum Lot Area.** The minimum lot area shall be 50,000 square feet, exclusive of road right-of-way.
- C. **Lot Dimensions.**
 - 1. The minimum lot width shall be 120 feet.
 - 2. The minimum lot depth shall be 150 feet.
 - 3. The minimum lot frontage on a public or private road shall be 120 feet.
- D. **Minimum Setbacks:**
 - 1. The minimum building setbacks shall be:
 - Front:
 - a. 70 feet on an unpaved public or private road or on a paved public road carrying over 2,000 vehicular trips per day;

- b. 35 feet on a public or private paved road primarily serving a residential development or a neighborhood.
- c. When a lot is on a corner of an unpaved and a paved road, the lot shall have 2 front yards, 70 feet from an unpaved or higher volume paved road and 35 feet from a lower volume paved road.

Side: 20 feet (each side)

Rear: 35 feet

- 2. Accessory buildings and structures customarily accessory to single family dwellings, shall be subject to the location requirements of Section 13.16.
 - 3. Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.
- E. **Maximum Height.** The maximum height of buildings or structures shall be 2.5 stories or 30 feet.
- F. **Building Requirements.**
- 1. The minimum floor area per dwelling unit excluding any garage is 1,400 square feet.
 - 2. The minimum roof overhang on the eaves of not less than 4 inches each, and the minimum roof pitch shall be not less than 3 on 12.

ARTICLE 4
R-1 RESIDENTIAL DISTRICT 1

SECTION 4.01 STATEMENT OF PURPOSE

The Residential District 1 is intended as a district to accommodate single family dwellings on moderately large lots without the availability of municipal water and sanitary sewer and single family dwellings on lots which are served by municipal sanitary sewer and/or water facilities. This district is designed to establish high standards of residential occupancy in both a rural and suburban environment.

SECTION 4.02 PERMITTED USES

The following and other uses shall be permitted in all R-1 Residential Districts:

- A. Single-family detached dwellings.
- B. Accessory buildings housing permitted animals not customarily permitted within a dwelling, which shall be located not less than 100 feet from any lot line and not less than 100 feet from any dwelling.
- C. The keeping of horses (equine) provided that there is a minimum of 5 acres for 1 to 3 horses and 1 additional acre for each additional horse.
- D. Swimming pools, subject to the provisions of Section 13.28.
- E. Accessory buildings and structures customarily accessory to single family dwellings, subject to Section 13.16.
- F. Home occupations as defined in Article 20.
- G. Agricultural crop production and raising of animals for home use.
- H. State licensed residential facilities that provide residential services for 6 or fewer persons, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- I. Family day care homes.
- J. Public elementary schools, intermediate schools or high schools offering courses in general education.

SECTION 4.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the issuance of a special use permit as provided for in Article 17, after review and approval of a site plan as required by Article 19.

- A. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, provided that such uses are not injurious to the surrounding neighborhood and conform with the spirit and purpose of this ordinance. All such buildings shall be architecturally compatible with buildings in the vicinity.
- B. Publicly owned and operated libraries, parks, parkways, and recreational facilities. All such buildings shall be architecturally compatible with the existing or master planned single family residential character.
- C. Churches, subject to Section 13.51.
- D. Raising of agricultural animals for other than home use.
- E. Storage structures (non-commercial) pursuant to Section 13.37.
- F. Group day care homes subject to the requirements of Section 13.38.
- G. Golf courses, subject to the use being part of an RPUD.
- H. Parochial and private elementary schools, intermediate schools, high schools, and/or schools or colleges offering courses in general education, not operated for profit. All such facilities shall be architecturally compatible with the existing or intended single family residential character.

SECTION 4.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in the Residential District 1:

- A. **Minimum Lot Area.** The minimum lot area shall be 1 acre without sanitary sewer or 30,000 square feet with sanitary sewer, exclusive of road right-of-way.
- B. **Maximum Lot Coverage.** The maximum lot coverage shall be 30 percent.
- C. **Lot Dimensions.**
 - 1. The minimum frontage of a lot on any public or private road and the minimum lot width as measured at the front yard setback line, shall not be less than 120 feet. (See Section 13.46 for exception).

2. The lot depth shall not be greater than 4 times its width.

D. Maximum Height and Building Requirements.

1. The maximum building height shall not exceed 2.5 stories nor exceed 30 feet.
2. The minimum roof overhang on the eaves shall be 4 inches each, and the minimum roof pitch shall be not less than 3 on 12.
3. The minimum floor area per dwelling unit shall be 1,200 square feet if one story; 960 square feet on the first floor and total of 1,200 square feet if 2 stories or greater.

E. Minimum Setbacks.

1. The minimum building setbacks shall be:
Front: 70 feet
Side: 20 feet
Rear : 50 feet
2. Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.

ARTICLE 5
R-2 RESIDENTIAL DISTRICT 2

SECTION 5.01 STATEMENT OF PURPOSE

The Residential District 2 is intended as a district in which the principal use of the land is for single-family dwellings. The specific intent of this Article is to establish high standards of residential occupancy in a suburban type setting and to discourage any land use which would generate traffic on minor or local streets other than normal traffic to service single-family residences on those streets.

SECTION 5.02 PERMITTED USES

The following and no other uses shall be permitted in all R-2 Residential Districts

- A. Single-family detached dwellings.
- B. Swimming pools, subject to the provisions of Section 13.28.
- C. Accessory buildings and structures customarily accessory to single family dwellings, subject to Section 13.16.
- D. Home occupations, as defined in Article 20.
- E. State licensed residential facilities that provide residential services for 6 or fewer persons, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- F. Family day care homes.
- G. Public elementary schools, intermediate schools or high schools, offering courses in general education.

SECTION 5.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by issuance of a special use permit as provided for in Article 17, after review and approval of a site plan as required by Article 19.

- A. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage

yards, provided that such uses are not injurious to the surrounding neighborhood and conform with the spirit and purpose of this ordinance. All such buildings shall be architecturally compatible with single family buildings in the vicinity.

- B. Two-family dwellings.
- C. Publicly owned and operated libraries, parks, parkways, and recreational facilities. All such buildings shall be architecturally compatible with the existing or master planned single family residential character.
- D. Churches, subject to Section 13.51.
- E. Golf courses, subject to the use being part of an RPUD.
- F. Municipal buildings and uses. Outdoor storage yards shall not be permitted.
- G. Storage structures (non-commercial) pursuant to Section 13.37.
- H. Group day care homes subject to the requirements of Section 13.38.
- I. Parochial and private elementary schools, intermediate schools, high schools and/or schools or colleges offering courses in general education not operated for profit. All such facilities shall be architecturally compatible with the existing or intended single family residential character.

SECTION 5.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS.

The following dimension restrictions apply to uses in the Residential District II:

- A. **Minimum Lot Area.** The minimum lot area, exclusive of road right-of-way, shall not be less than 30,000 square feet without sanitary sewer and 20,000 square feet with sanitary sewer exclusive of road right-of-way.
- B. **Maximum Lot Coverage.** The maximum lot coverage shall be 30%.
- C. **Lot Dimensions.**
 - 1. The minimum frontage of a lot along any public or private road and the minimum lot width as measured at the front yard setback line, shall be 120 feet without sanitary sewer and 100 feet with sanitary sewer, with the exception of those lots set forth in 5.04 F.

2. The lot depth shall not be greater than 3 times its width.

D. Maximum Height and Building Requirements.

1. The maximum building height shall not exceed 2.5 stories nor exceed 30 feet in height.
2. The minimum roof overhang on the eaves shall be not less than 4 inches each, and the minimum roof pitch shall be not less than 3 on 12.
3. The minimum floor area of each dwelling unit shall be 960 square feet.

E. Minimum Setbacks.

1. The minimum building setbacks shall not be less than the following:
Front: 70 feet
Side: 20 feet
Rear: 50 feet
2. Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.

F. Lot Dimension Exceptions. Notwithstanding the above, lots in the following locations shall be allowed to be used for single family development, provided that the following dimensional requirements are met.

1. Lots recorded in the Howell Lake Manor Subdivision as of 12/01/02 which are a minimum of 60 feet in width.
2. Platted lots or parcels or lots of record as of 12/01/92 in the Oakwoods Country Club, Oakcrest Beach, or Howell Lake Oak Grove subdivisions which are 80 feet in width.
3. Platted lots or parcels or lots of record in the Oakwoods Country Club, the Oakcrest Beach, the Howell Lake Manor or the Howell Lake Oak Grove subdivisions, shall be subject to the following minimum yard setbacks for a single family dwelling:

Front: 25 feet
Side: at least one – 15 feet
total of two – 20 feet
Rear: 40 feet

G. Emergency Vehicle Access. A minimum 15 foot clear pathway to the back of the lot for emergency vehicle access must be provided on each lot or parcel.

- I. **Detached Garage Setbacks.** Detached garages shall be placed behind the front building line of the dwelling, except that on a lake front lot in the Residential District 2, a detached garage may be located on the street side of the dwelling. On a lakefront lot in the Residential District 2, the minimum front yard setback for the garage shall be 10 feet or the average of the garage setbacks on the lots on either side of the garage, on the same side of the street, whichever is greater. The averaged front setback standard shall apply only to detached garages, not to outbuildings or to garages attached to the dwelling. All other requirements of this ordinance shall continue to apply.

ARTICLE 6
R-3 RESIDENTIAL DISTRICT 3

SECTION 6.01 STATEMENT OF PURPOSE

The Residential District 3 is intended as a district which permits 1 and 2 family dwellings. This District is designed to provide for compatible land uses in a denser environment which is served by municipal sanitary sewer and/ water facilities as well as to discourage any land use which would generate traffic on minor or local streets other than normal traffic to service the residences on those streets.

SECTION 6.02 PERMITTED USES

The following uses are permitted in all R-3 Residential Districts:

- A. Single-family detached dwellings.
- B. Swimming pools, subject to the provisions of Section 13.28.
- C. Accessory buildings, provided that they shall be located as required in Section 13.16.
- D. Home occupations as defined in Article 20.
- E. State licensed residential facilities that provide residential service for 6 or fewer persons, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- F. Family day care homes.
- G. Public elementary schools, intermediate schools or high schools, offering courses in general education.

SECTION 6.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the issuance of a special use permit as provided for in Article 17, after a review of a site plan as required by Article 19:

- A. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, provided that such uses are not injurious to the surrounding neighborhood and conform with the spirit and purpose of this ordinance. All such buildings shall be architecturally compatible with single family buildings in the vicinity.

- B. Two-family dwellings.
- C. Publicly owned and operated libraries, parks, parkways, and recreational facilities. All such buildings shall be architecturally compatible with the existing or master planned single family residential character.
- D. Churches, subject to Section 13.51.
- E. Parochial and private elementary schools, intermediate schools, high schools and/or schools or colleges offering courses in general education, not operated for profit. All such facilities shall be architecturally compatible with the existing or intended single family residential character.
- F. Community recreation buildings, publicly owned and operated.
- G. Municipal buildings and uses. Outdoor storage yards shall not be permitted.
- H. Storage structures (non-commercial) pursuant to Section 13.37.
- I. Group day care homes, subject to the requirements of Section 13.38.
- J. Golf courses, subject to the use being part of an RPUD.

SECTION 6.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in Residential District 3:

- A. **Minimum Lot Area.** Minimum lot area shall be 12,000 square feet per one family dwelling and 20,000 square feet per 2 family dwelling, exclusive of road right-of-way. All other uses shall have a minimum lot area of 20,000 square feet, unless a larger minimum area is specified in this Ordinance. All parcels and lots must be served by sanitary sewer.
- B. **Maximum Lot Coverage.** Maximum lot coverage shall not exceed 30%.
- C. **Lot Dimensions.**
 - 1. Minimum frontage of a lot on any public or private road and the minimum lot width as measured at the front yard setback line, shall not be less than 80 feet for a 1 family dwelling unit or 120 feet for a 2 family dwelling. All other uses shall have frontage of not less than 120 feet.
 - 2. The lots depth shall not be greater than three (3) times its width.

D. Maximum Height and Building Requirements.

1. Maximum building height shall not exceed 2.5 stories nor exceed 30 feet.
2. The minimum roof overhang on the eaves shall be 4 inches each and the minimum roof pitch shall be not less than 3 on 12.
3. Minimum floor area of each dwelling unit shall be 960 square feet.

E. Minimum Setbacks.

1. Minimum building setbacks shall be:

Front: 35 feet
Side: 10 feet
Rear: 50 feet
2. Corner lots and lots that abut more than 1 street shall have a front yard along each street and shall provide the required front yard setback from each street.

SECTION 6.05 DISTRICT PROVISIONS

The following restrictions and regulations apply to uses in the Residential District 3:

- A. Approved public sewer and water systems shall be required. A public sewage treatment system is required and must be operated to comply with the sewage disposal standards as set forth in Section 13.03, General Provisions.
- B. Changes in water quality and quantity of site discharge and run-off shall be mitigated on site unless adequate, approved public facilities are available.
- C. Paved roads with curbs and gutters shall be required

ARTICLE 7
MHP DISTRICT MANUFACTURED HOUSING PARKS

SECTION 7.01 STATEMENT OF INTENT

The MHP, Manufactured Housing Parks District is intended to provide for the location and regulation of manufactured housing parks as an affordable housing alternative where appropriate and consistent with the general character of Oceola Township. It is intended that manufactured housing parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in accordance with the following criteria:

- In areas that are designated for higher densities as outlined in the Oceola Township Land Use Plan.
- On sites adjacent to existing manufactured housing parks and parcels zoned MHP zoning classification.
- On sites with direct vehicular access to a paved thoroughfare.
- In areas where public sanitary sewer and water supply is available with sufficient capacity to serve the residents and to provide fire protection capabilities.
- On sites outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured housing parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured housing parks meet the development and site plan standards established by this Article for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

These specific standards reflect the nature of Oceola Township in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These standards encourage development which complements and protects the investment on adjacent properties, and promotes preservation of important natural features.

Since the characteristics and impacts of a manufactured housing park typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which interrupts and intercepts the continuity of the local street and utility systems, manufactured housing parks are not considered compatible with other types of single-family neighborhoods. Therefore, manufactured housing parks are intended to serve as a transitional use between residential and nonresidential districts, similar to the multiple family districts.

SECTION 7.02 PERMITTED USES

In all areas zoned MHP, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- A. Manufactured housing parks.
- B. Adult care and child care facilities that provide care for up to six (6) individuals.
- C. Essential services provided there is no building or outdoor storage yard.
- D. Uses and structures accessory to the above, subject to the provisions in this Section. Permitted accessory uses and structures include, but are not necessary limited to: parks, open space, and recreation facilities for the use of residents and their guests; one (1) office building for the exclusive purpose of manufactured housing park business; utility and storage buildings for use of residents; garages and carports; and signs.

SECTION 7.03 USES BY SPECIAL PERMIT

The following uses may be permitted subject to: the conditions specified for each use in Article 17, Special Use Permits; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Section; and the provisions set forth in Article 17, Special Use Permits.

- A. Mini-warehouses, subject to the provisions in Section 13.37, General Provision Standards.
- B. Adult care and child care facilities that provide care for more than six (6) individuals.

SECTION 7.04 DEVELOPMENT STANDARDS AND REQUIREMENTS.

- A. **Preliminary Plan Review.** Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the applicant and Planning Commission shall follow the procedures and requirements in Article 19, Site Plan Review, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

Applicants may request to meet with Township staff, including any consultants designated by the Township Board of Trustees, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conferences shall constitute approval of any application.

B. **Minimum Requirements.** Manufactured housing parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements.

1. General Authority. Manufactured housing parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured housing parks. Application for permit to construct a manufactured housing park shall be submitted to the Michigan Department of Consumer and Industry Services. The Department of Consumer and Industry Services is the agency charged with licensing of manufactured housing parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.
2. Codes. All structures and utilities to be constructed, altered, or repaired in a manufactured housing park shall comply with all applicable codes of the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured housing unit built prior to June 15, 1976 which otherwise meets HUD certification requirements and standards for construction including A.N.S.I. code requirements shall be permitted. All structures and improvements to be constructed shall have a building permit issued therefore by the County Building Inspector prior to construction.
3. Parcel Size. The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
4. Site Size. The manufactured housing parks shall be developed with sites having a minimum size of five-thousand-five-hundred (5,500) square feet per manufactured housing unit. This square foot minimum for any one site may be reduced twenty percent (20%) provided that the individual site shall be equal to at least four-thousand-four-hundred (4,400) square feet. For each square foot of land

gained through the reduction of a site below the required standard, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the open space required by this Section and under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. However, in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

5. **Dimensional Requirements.** Manufactured housing units shall comply with the following minimum distances and setbacks:

- a. For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes. For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
- b. Ten (10) feet from a parking space of an adjacent home site.
- c. Ten (10) feet from an attached or detached structure or accessory structure of an adjacent home that is not used for living purposes.
- d. Fifty (50) feet from any permanent community-owned structures.
- e. One hundred (100) feet from any baseball, softball, or similar recreational field.
- f. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured housing units and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured housing park.
- g. Seven (7) feet from a parking bay off a home site.
- h. Seven (7) feet from a common pedestrian walkway.
- i. All manufactured housing units and accessory buildings shall be set back not less than ten (10) feet from any park boundary line. A fifty (50) foot set back shall be required from right-of-way lines of abutting streets and highways.
- j. Forty (40) feet from the edge of any railroad right-of-way.

6. **Building Height.** Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.
7. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:
 - a. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - b. One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - c. The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Environmental Quality.
 - d. Cul-de-sacs, where proposed shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - e. Adequate sight distance shall be provided at all intersections.
 - f. The main entrance to the park shall have access to a public thoroughfare.
 - g. All roads shall be clearly marked with appropriate identification and traffic control signs.
 - h. All roads shall be hard-surfaced and may be constructed with curbs and gutters.
8. **Parking.**
 - a. All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
 - b. In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
 - c. Off-street parking in accordance with Article 15.01 of this ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.

- d. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
 - e. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. 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 man-made screens.
9. **Sidewalks.** If a developer provides sidewalks, then the sidewalks shall be designed, constructed and maintained for safe and convenient movement from all home sites to principal buildings within the community and connected to the public sidewalks outside the community. A sidewalk system shall be in compliance with both of the following requirements:
- a. If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973, being §125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for persons with disabilities.
 - b. Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided or common sidewalk, if provided.
10. **Accessory Buildings and Facilities.**
- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.

- b. Site-built buildings within a manufactured housing park shall require all applicable permits. Site plan approval shall be required prior to construction of any on-site building within a manufactured housing park, except for storage sheds or garages for individual manufactured housing units; and garages require a building permit.
 - c. No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. Storage structures need not be supplied by the owner or operator of the manufactured housing park.
 - d. Except for developments with travel trailers or recreational vehicles in existence prior to adoption of this ordinance, travel trailers or recreational vehicles shall not be occupied as living quarters in a manufactured housing park.
 - e. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
11. **Open Space.** Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:
- a. A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space shall be provided.
 - b. Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.
12. **Landscaping and Screening.**
- a. Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot wall or a densely planted landscaped greenbelt. In addition a landscaped buffer shall be provided along the public road frontage of any manufactured housing park. Manufactured home developments abutting vacant or non-residential developments shall not require screening.

1. If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
2. If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least three (3) feet at maturity. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

- b. Landscaping Adjacent to Rights-of-Way. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Oceola Township:

<u>Type</u>	<u>Requirements</u>
<u>Deciduous street tree(e.g. Red or Norway Maple, Linden, Ash)</u>	<u>1 per 40 lineal feet of road frontage</u>
<u>Deciduous or evergreen shrubs</u>	<u>1 per 3 lineal feet of road frontage</u>

- c. Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
- d. Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.
13. **Canopies.** Canopies and awnings may be attached to any manufactured housing unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.
14. **Waste Dumpsters.** If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste dumpsters:

- a. Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Dumpsters shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.
- b. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
- c. Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

15. **Signs.**

- a. Each manufactured housing park shall be permitted one entrance sign per vehicle entrance on private property in compliance with corner clearance provisions and shall not exceed thirty-six (36) square feet in area and a height of six (6) feet above grade. All signs shall be located no closer than ten (10) feet to any property line or right-of-way.
- b. Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

16. **Water and Sewer Service.** All manufactured housing parks shall be served by public water and sewage systems, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewerage system.

17. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.

18. **Underground Wiring and Utilities.** All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they do

not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

19. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
20. **School Bus Stops.** School bus stops shall be located in an area that is acceptable to the local school district and the manufactured housing park developer.
21. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.
22. **Manufactured Housing Unit Sales.** The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.
23. **Prohibitions.** No manufactured housing unit shall be used for any purpose other than as a single family dwelling except as otherwise provided in this ordinance. This section shall not be construed to prohibit the temporary use of a manufactured housing unit located within an approved community as an on-site sales office or for display as a model home.
24. **Operational Requirements.**
 - a. Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services. The Building Official shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Corporation and Land Development Bureau, Michigan Department of Consumer and Industry Services. No individual manufactured housing site shall be occupied

- b. until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse shall require a building permit prior to construction and a Certificate of Occupancy prior to use.
- c. Violations. Whenever, upon inspection of any manufactured housing park, the Building Official finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
- d. Inspections. The Building Official or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

Adopted: 01/15/2004 Effective: 01/21/2004

ARTICLE 8
RM RESIDENTIAL-MULTIPLE FAMILY DISTRICT

SECTION 8.01 STATEMENT OF PURPOSE

The Residential-Multiple Family District is designed to permit higher density residential use of land with various types of multiple dwellings and related uses. These areas shall be located only on major public thoroughfares. The purpose of this section is to encourage use of various types and sizes of residential units to meet the needs of different age, income, and family groups in the community.

SECTION 8.02 PERMITTED USES:

The following and no other shall be deemed Residential-Multiple Family uses and permitted in all Residential-Multiple Family Districts.

- A. Apartments, up to ten (10) units per acre.
- B. Duplexes, whether owner occupied or rental.
- C. Convalescent and Nursing homes.
- D. Condominiums, up to seven (7) units per acre.
- E. State licensed residential facilities, but not including adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
- F. Family day care homes.
- G. Group day-care homes subject to the requirements of Section 13.38.
(E-G Amended 9/6/2007, Effective 9/19/2007)

SECTION 8.03 DISTRICT PROVISIONS

The following restrictions and regulations apply to uses in Residential-Multiple Family Districts.

- A. Sewage disposal shall conform to the standards set forth in Section 13.03, General Provisions.
- B. Off-street parking shall be provided pursuant to Article 15.

- C. Safe ingress and egress to the site shall be required, including deceleration lanes and/or center turn lanes, if necessary.
- D. All signs shall conform to the standards in Section 13.26.
- E. Changes in water quality and quantity by site discharge run-off shall be mitigated on site unless public facilities are available.
- F. The site shall be established and maintained with landscaping consistent with the natural site qualities and functional needs.
- G. Outside trash storage shall be in covered containers within screened areas.
- H. Lot size and boundary lines shall be set as to adequately serve the functional needs of the site and safety considerations.
- I. All interior streets shall be paved, curbed, and dedicated to Livingston County.
- J. All condominiums shall provide at least one (1) garage space per unit.

SECTION 8.04 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in Residential-Multiple Family Districts.

- A. No Residential-Multiple Family Districts shall be established on less than five (5) acres of land.
- B. Minimum lot size shall be 45,000 square feet net of setback requirements.
- C. Minimum building size (floor area) --1400 square feet, minimum unit size (floor area) --300 square feet; except convalescent homes may rent rooms of a minimum of 90 square feet if other amenities are provided.
- D. Setback building lines:
 - Front - 70 feet
 - Side - 50 feet
 - Rear - 50 feet
- E. Maximum building height-2 stories.
- F. Minimum frontage of 120 feet on a hard surface public road.

SECTION 8.05 SITE PLAN APPROVAL

All uses in the Residential -Multiple Family District shall require site plan approval, as provided in Article 19 of this ordinance.

Effective 4/19/84

ARTICLE 8A
RPUD RESIDENTIAL PLANNED UNIT DEVELOPMENT

SECTION 8A.01 PURPOSE

The Residential Planned Unit Development (RPUD) is an optional development provision which provides a list of "overlay" zoning standards which apply to the respective "underlying" district. For properties approved for the RPUD designation, these RPUD standards replace the lot area, lot width, set back requirements, and other related regulations of each respective zoning district.

The RPUD provisions are intended as a design option, aimed at permitting flexibility in the regulation of land development, encouraging innovation in land use and variety of design of structures, preserving significant natural and historical features and open space, promoting efficient layout of public utilities, minimizing adverse traffic impacts, encouraging development of convenient recreational facilities, and encouraging the use and improvement of existing sites when the uniform regulations contained in other zoning districts do not afford adequate protection and safeguards for the site or its surrounding areas.

The RPUD provision and its standards are intended to accommodate development on sites with significant natural, historical, and architectural features and on sites which exhibit difficult development constraints, provide opportunities to mix compatible land uses or housing types, allow for the clustering of residential units to preserve common open space and natural features, or to accomplish a particular development or land use objective identified by the Township, or the property owner and agreed to by the Township.

In order to encourage RPUD developments on specific properties, the RPUD provision relaxes or waives one or more of the requirements of the underlying zoning district. RPUD also allows a developer to mix compatible uses or residential types on a single property, cluster structures to reduce development costs, and enhance marketability through the preservation of natural features and unique design.

SECTION 8A.02 APPLICATION AND PROCESS

Upon a recommendation by the Planning Commission and approval by the Township Board, a RPUD overlay district may be applied to any existing residential district, with the exception of the MHP Manufactured Housing Parks District. Upon approval of the final development plan and the RPUD agreement by the Township Board, the Official Zoning Map shall be annotated for the land area involved so that RPUD overlay is clearly shown on the map. In addition, the Township shall maintain a current list of all approved RPUD projects, showing the approval date, the time by which project construction must begin, and the time that the approval period for the final RPUD plan expires. (Amended 9/6/2007, Effective 9/19/2007)

SECTION 8A.03 USES PERMITTED

Compatible residential, commercial, and public uses may be combined when the underlying zoning district is residential or agricultural. Both permitted uses and special uses of the underlying zoning district may be proposed for the RPUD.

SECTION 8A.04 MINIMUM PROJECT AREA

In an effort to advance the goal of good land use planning, the Township may propose or consider a parcel of any size for the RPUD process, if it advances development objectives consistent with the goals of the Township Land Use Plan.

When a RPUD proposes a mixture of residential uses and commercial/office uses, the Township Board, with the input from the Planning Commission, may allow for a maximum of five percent (5%) of the gross site area for commercial/office use. Whenever the Township Board thinks that more commercial area would be beneficial to the Township and the surrounding area, it may permit additional area for commercial and/or office use. However, in no case shall the area planned for commercial/office development exceed ten percent (10%) of the gross site area. Golf courses and club houses shall not be considered as commercial use. However, accessory facilities such as driving ranges and miniature golf shall be considered as commercial uses.

SECTION 8A.05 PROJECT OWNERSHIP

The land proposed for a RPUD project may be owned or controlled by either a single person, a corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation. The proposed RPUD site shall be capable of being planned and developed as one integral unit.

SECTION 8A.06 COMMON OPEN SPACE

A minimum of forty percent (40%) of the land developed in any RPUD project shall be reserved for common open space and recreation facilities. Driveways, roadways, parking lots, existing or proposed rights-of-way, and easements for overhead transmission lines shall not be considered as open space. A minimum of one (1) active recreation area consisting of between 20,000-30,000 square feet shall be provided for developments containing between fifteen (15) and fifty (50) single family detached dwelling sites, between twenty (20) and seventy (70) townhouses, or between twenty-four (24) and eighty-five (85) apartments. This area is intended for a variety of active outdoor activities such as soccer, baseball, football as well as spontaneous activities, like picnics and neighborhood gatherings. It is also intended to accommodate more structured outdoor activities such as a variety of court sports. Therefore; each area shall have topographic and drainage features that permit such activities. The areas shall be prepared for use by grading and seeding and available (weather permitting) for use not later than thirty (30) days after twenty-five (25) percent of the units in each phase have been built. Additional active recreation areas of the same size shall be provided for each additional fraction of the above specified ranges of units. (Example: developments containing between fifty-one (51) and one hundred (100) single family units would require another active recreation area of the same size.) For residential developments which do not meet the minimum numerical thresholds stated in this section, the quantity and quality of active recreation area and facilities will be approved by the Township.

As a general guide, all housing sites should be designed so as to abut, have convenient access to, or have a view shed of common open space. Passive recreation areas should be massed so as to provide for wildlife, flora, and fauna experiences. The open space should contain significant natural areas such as woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15% (fifteen percent), significant views, natural drainage ways, water bodies, uplands, meadows, flood plains, regulated or non-regulated wetlands or natural corridors that connect wildlife habitats which would be in the best interest of the Township to preserve. If the site lacks existing natural features, the development should attempt to create significant woodland features such as perimeter buffer plantings. Passive recreation areas which are primarily limited to buffer strips at the perimeter of the developments are not considered as meeting the intent of this provision. However, walking, jogging, and bicycle trails may be designed into the development as supplements to the larger recreation areas. All open space provisions will be negotiated by the Township as part of the RPUD process.

The intent of this section is to articulate the goal that active and passive recreation areas are valuable assets which add to the quality of life for the residents of Oceola Township and should be made integral parts of the proposed housing developments in the community.

The required amount of common open space reserved under RPUD shall either be held in corporate ownership, as part of a Township approved nature conservancy, or by the owners of the project. The time at which control of open space shall pass from the corporate ownership to the owners of the project shall be specified in the master deed. The responsibility for the maintenance of all open spaces shall be specified by the developer in the RPUD agreement with the Township.

The Planning Commission and the Township Board may include the following open space restrictions by prohibiting the following:

- A. Dumping or storing of any material or refuse;
 - B. Activity that may cause risk of soil erosion or threaten any living plant material;
 - C. Cutting or removal of identified plant material except for the removal of dying or diseased vegetation.
 - D. Use of motorized off-road vehicles;
 - E. Use of some or all pesticides, herbicides or fertilizers within and adjacent to wetlands.
- Furthermore, the Planning Commission and the Township Board may require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and that a plan for the maintenance of the open space be submitted as part of the application process. In the event the developer or respective association fails to remove or abate a public nuisance, on any portion of the RPUD site, Oceola Township in its sole discretion, may remove or abate the public nuisance and recover its costs plus documented administrative expenses by attaching a lien against the development.

ARTICLE 8A.07 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all RPUD projects. Appurtenances to these systems which can be effectively screened may be

excepted from this requirement if the Township Planning Commission and Township Board find that such exemption will not violate the intent or the character of the proposed RPUD.

SECTION 8A.08 DENSITY DETERMINATION AND DENSITY BONUS

The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.

- A. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in paragraph "B" below), lot width and setbacks as normally required under the zoning ordinance, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality.
- B. The parallel plan shall be prepared with the following minimum lot areas. The parallel plan is only used to determine allowable density for an open space community project. The following parallel plan minimum lot areas incorporate a density bonus for qualifying open space community projects that meet all requirements of this ordinance.
- C. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space community project.

The Planning Commission and the Township Board may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission and the Township Board, that the proposed project exceeds the minimum standards for open space community eligibility.

In order to qualify for development under the optional provisions of this section, all structures within the project, including single family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

OCEOLA TOWNSHIP
REVIEW OF DENSITY
CALCULATIONS FOR A PARALLEL PLAN

<u>R</u>	RESIDENTIAL PLANNED UNIT DEVELOPMENT (FOR CALCULATING MAXIMUM DENSITY OF A PARALLEL PLAN)
	<ul style="list-style-type: none"> - Minimum lot area 40,000 sq. ft. - Minimum lot width 110 ft. - Minimum lot depth – None Maximum length to width ratio – 3 to 1
<u>RR</u>	<ul style="list-style-type: none"> - Minimum lot area 40,000 sq. ft. - Minimum lot width 110 ft. - Minimum lot depth – None Maximum length to width ratio – 3 to 1
<u>R1</u>	<ul style="list-style-type: none"> - Minimum lot area <ul style="list-style-type: none"> Without sewer - 34,500 sq. ft. With sewer - 24,000 sq. ft. - Minimum lot width <ul style="list-style-type: none"> Without sewer - 105 ft. With sewer - 90 ft. Maximum length to depth ratio – 3 to 1
<u>R2</u>	<ul style="list-style-type: none"> -Minimum lot area <ul style="list-style-type: none"> Without sewer - 24,000 sq. ft. With sewer - 16,000 sq. ft. - Minimum lot width <ul style="list-style-type: none"> Without sewer - 100 ft. With sewer - 80 ft. Maximum length to width ratio – 3 to 1
<u>R3</u>	<ul style="list-style-type: none"> -Minimum lot area <ul style="list-style-type: none"> One family - 9,000 sq. ft. Two family - 12,000 sq. ft. - Minimum lot width <ul style="list-style-type: none"> One family - 70 ft. Two family - 100 ft. Maximum length to width ratio – 3 to 1

A variable density bonus of up to five percent (5%) may be allowed at the discretion of the Township Board, based upon a demonstration by the applicant of design excellence in the open space community. In order to qualify for a density bonus, the RPUD project must be served by public sanitary sewer. Projects qualifying for a density bonus shall include at least one of the following elements:

- A. Cleanup of site contamination.
- B. Other similar elements as determined by the Township Board to have similar benefits to

the Township. This may include projects that have proven public benefit such as improving an existing public road.

For projects which are zoned RM Residential Multiple Family, a density bonus of ten percent (10%) will be given as an incentive for using the RPUD process.

SECTION 8A.09 HEIGHT REQUIREMENTS

For each one (1) foot of height over the maximum height allowed by the underlying zoning district, the distance between nonresidential buildings (e.g. churches) and the side and rear property lines of the development shall be increased by one (1) foot. The same shall apply to the distance between nonresidential buildings.

SECTION 8A.10 PARKING

Off-street parking, loading, and service areas shall be provided in accordance with Article 15. However, off-street parking and loading areas for non-residential development shall not be permitted within fifteen (15) feet of any residential use in the RPUD. Shared parking arrangements are encouraged and are subject to review by the Township. In addition, a parking deferment may be granted upon the finding that the imposition of standard parking requirements may be initially excessive.

SECTION 8A.11 PERIMETER YARDS

Each structure in the RPUD which abuts a perimeter property line of the RPUD parcel shall meet a fifty (50) foot setback requirement.

SECTION 8A.12 ARRANGEMENT OF COMMERCIAL USES

When RPUD's include commercial development, commercial structures shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of curb cuts. Suitable planting screens or fences shall be provided on the perimeter of the commercial areas whenever they abut residential components of the RPUD. The site plan for the development shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and Township Board.

SECTION 8A.13 RPUD PROCESS: PRE-APPLICATION MEETING

The developer is encouraged to meet with the Township Supervisor, the Planning Commission Chairperson, and the Township Planner to discuss the concepts of the proposed project before submitting a formal application for RPUD. This allows for a dialogue on the development goals of the Township as expressed in its Land Use Plan.

SECTION 8A.14 CONTENTS OF APPLICATION: PRELIMINARY DEVELOPMENT PLAN

An application of preliminary RPUD plan shall be filed with the Township Clerk by all owners of interest in the property for which the RPUD is proposed. The plan shall contain the following information:

1. Name, address, and phone number of the applicant(s).
2. Name, address, and phone number of registered land surveyor, registered engineer, landscape architect, or land use planner which assisted in the preparation of the preliminary plan.
3. Legal description of the property.
4. Description of existing use(s) and zoning district(s).
5. A vicinity map showing property lines, streets, roads, and uses of adjacent properties so that the Township can initially determine how the proposed development will relate to land use in the general vicinity.
6. A preliminary development plan at a scale of not less than 1"=100' showing topography at not less than two (2) foot contours; location and type of residential, commercial, and industrial land use; layout, dimensions, and names of existing and proposed streets, rights-of-way, and utility easements; parks and community spaces; layout and dimensions of lots and building setbacks; preliminary layout of water, sewer, drainage, electric, natural gas, cable, and telephone; and other information the Township considers necessary.
7. Proposed schedule for the development of the site. If a multi-phase RPUD is proposed, identification of the areas included in each phase. For residential RPUD's, the number, type, and density of proposed housing units within each phase.
8. Evidence that the applicant has sufficient control over the site to initiate the proposed RPUD within eighteen (18) months of receiving final approval. Evidence shall consist of the signature of the application by the deed holder.
9. Any additional graphics or materials requested by the Township to assist the Township in determining the appropriateness of the RPUD such as aerial photography, market studies, impact on the public school system, traffic impacts, impacts on significant, historical, and architectural features, impacts on drainage, preliminary construction costs, preliminary architectural sketches, and preliminary drafts of by-laws and master deeds.
10. A graphic description of how the site proposed for development could be developed under the regulations of the underlying zoning district.

SECTION 8A.15 PUBLIC HEARING BY THE PLANNING COMMISSION

Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold at least one (1) public hearing. The notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the Township not less than fifteen (15) days before the date of the public hearing. Written notice of the public hearing shall be sent by mail or personal delivery not less than fifteen (15) days before the hearing date to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the proposed RPUD and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:

1. Describe the nature of the RPUD request.
2. Indicate the property that is the subject of the RPUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the RPUD request will be considered.
4. Indicate when and where written comments will be received concerning the RPUD request.

Amended 9/6/2007, Effective 9/19/2007

SECTION 8A.16 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION

Within forty-five (45) days after the close of the public hearing, the Planning Commission shall review the preliminary RPUD plan to determine if it is consistent with the intent and purpose of Article 8A; whether the proposed RPUD advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with existing and proposed land uses in the surrounding area justify the deviation from standard district regulations. Approval in principle shall not be construed to endorse the location of uses, configuration of building sites, or layout of infrastructure.

SECTION 8A.17 ACTION BY THE TOWNSHIP BOARD

Within forty-five (45) days after the receipt of the approval in principle by the Planning Commission, the Township Board shall approve, with conditions, disapprove the preliminary development plan, or refer the proposed RPUD back to the Planning Commission for further study. If the application is referred back to the Planning Commission for further study, the Planning Commission shall have forty-five (45) days within which to make its recommendation to the Township Board.

SECTION 8A.18 FORMATION OF RPUD STUDY COMMITTEES

If the Township Board grants approval to the preliminary RPUD plan, the Township shall form an ad hoc RPUD study committee to meet with the applicant and, through a negotiating process, refine the conceptual plan into a more detailed final plan. The committee shall also review drafts of proposed by-laws and master deed of the RPUD. The committee shall consist of at least three (3) members of the Planning Commission and at least two (2) members of the Township Board. The committee may request technical assistance from consultants to assist in evaluating alternative designs for the RPUD.

The ad-hoc study committee shall work with the applicant until it can make a recommendation to the Planning Commission on the disposition of the proposed RPUD. The ad-hoc study committee may recommend that the proposed RPUD development be approved or denied by the Planning Commission. A recommendation by the ad-hoc study committee shall be necessary before an application for preliminary RPUD approval is submitted to the Planning Commission. All ad-hoc study committee meetings shall be open to the public.

SECTION 8A.19 FINAL DEVELOPMENT PLAN

After the Planning Commission receives a recommendation from the ad-hoc committee on approval of the RPUD plan, it shall approve the RPUD plan at this intermediate stage, approve with additional conditions, or deny the RPUD plan. If the plan receives approval or approval with conditions, the applicant may prepare the final development plan. If the Planning Commission denies the RPUD plan, the applicant may petition the Township Board for a decision on the RPUD plan recommended by the ad-hoc study committee. The applicant may prepare the final development plan if the Township Board overrides the Planning Commission's denial by a majority vote of the full Board.

Ten (10) copies of the final development plan shall be submitted and be endorsed by a qualified technical expert. It shall be in substantial conformance with the RPUD plan approved by the ad-hoc study committee and contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, topography, existing natural features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential buildings intensity, and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in phases and a description of the design for the buildings and landscaping; tabulation of the number of acres in the proposed project for the various uses in the RPUD; the number of housing units by type; estimated residential population by type of housing; estimated nonresidential population; and estimated acres given to active and passive open space.

4. Engineering feasibility studies and plans showing water, sewer, drainage, electric, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plans showing the functional use and relationship of buildings, open space, and circulation.
6. Preliminary building plans, including floor plans and exterior elevations within the development.
7. Landscaping plans, prepared by a registered landscape architect.
8. Association by-laws, master deed, deed restrictions, covenants and other legal statements and devices to be used to control the use, development, and maintenance of the land and improvements including those areas which are to be commonly owned and maintained.
9. A statement indicating that, if a part of the proposed development is sold or leased to another party or parties, full compliance with the RPUD agreement and the final development plan will be required and enforced.
10. A description of the process of how information on the master deed and by-laws of the proposed development will be disseminated to prospective buyers. This information shall be disseminated to the prospective buyer not later than at the offer to purchase.

SECTION 8A.20 RECOMMENDATION BY THE PLANNING COMMISSION

Within sixty (60) days after receiving the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved with supplementary conditions, or not be approved.

SECTION 8A.21 CRITERIA FOR EVALUATION BY THE PLANNING COMMISSION

Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

1. The proposed RPUD can be initiated within eighteen (18) months of the date of approval.
2. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed RPUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.
3. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.

4. Any commercial component of the RPUD will be beneficial to the general area and to the population of the proposed development.
5. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the RPUD provisions of the Township Zoning Ordinance.
6. The area surrounding the proposed RPUD can be planned and zoned in coordination and substantial compatibility.
7. The proposed RPUD meets the development goals and objectives of the Township Land Use Plan.
8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 8A.22 ACTION BY THE TOWNSHIP BOARD

Within forty-five (45) days after receipt of the recommendation on the final development plan by the Planning Commission, the Township Board shall approve, approve with supplementary conditions or disapprove the final plan. The Township Board may also refer the final plan back to the Planning Commission for further study. The Township Board shall also approve the final draft of the RPUD agreement if it approves the final RPUD development plan.

SECTION 8A.23 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any RPUD, the Township Board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the final plan is approved, shall be considered a violation of this Ordinance. These conditions may be made part of the RPUD agreement.

SECTION 8A.24 DEVIATIONS FROM APPROVED FINAL RPUD PLAN

Deviations from the approved final RPUD plan may occur only under the following circumstances. After the applicant or property owner notifies the Township Supervisor of a proposed amendment, the Township Supervisor may approve minor changes which do not alter the basic design or conditions of the plan. Minor changes consist of the following:

1. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
2. Square footage of nonresidential buildings may be decreased or increased by up to five percent.
3. Buildings may be moved by no more than ten (10) feet.
4. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
5. Building materials may be changed to those of higher quality.
6. Floor plans may be changed provided the change does not alter the character of the use.
7. Sidewalks or refuse storage stations may be relocated.
8. Internal parking lots may be rearranged which does not affect the number of parking spaces or alter access locations.
9. Changes requested by the Township relative to public safety shall be considered a minor change.

Should the Township Supervisor determine that the requested change to the final RPUD is not minor, resubmittal to the Planning Commission is necessary. If the Planning Commission determines that the change significantly alters the original concept of the project a new submittal showing the change is required.

SECTION 8A.25 RPUD'S APPROVED PRIOR TO THIS ARTICLE

All revisions to final RPUD plans approved prior to the adoption of this Article shall be reviewed and regulated in accordance with this Article. For RPUD applications still in the process of review, these applications may continue to be reviewed under the regulations that were in place at the time the application was made. Once any RPUD application is approved as final, any revisions to the application shall be reviewed and regulated in accordance with this Article.

Amended 11/04/99 Effective 11/10/99

SECTION 8A.26 OPEN SPACE PRESERVATION OPTION

In accordance with PA 110 of 2006, the Michigan Zoning Enabling Act, a developer may choose to utilize the provisions of this section for residential developments in zoning districts that permit two (2) or fewer units per acre without sanitary sewer or three (3) units or fewer per acre with sanitary sewer. The application and review process shall be consistent with Sections 8A.14 thru 8A.22 of this Ordinance. In addition, all other relevant sections of this Article shall apply, excepting that:

1. There shall be a minimum of 50% open space as defined in Section 8A.06 (not including golf course fairways), and
2. No commercial development may be permitted as part of the residential development.

Amended 9/6/2007, Effective 9/19/2007

ARTICLE 8B
CPUD - COMMERCIAL PLANNED UNIT DEVELOPMENT

SECTION 8B.01 PURPOSE

The Commercial Planned Unit Development (CPUD) is an optional development provision which provides a list of "overlay" zoning standards which apply to the respective "underlying" commercial district. For properties approved for the CPUD designation, these CPUD standards replace the lot area, lot width, set back requirements, and other related regulations of each respective commercial zoning district.

The CPUD provisions are intended as a design option, aimed at permitting flexibility in the regulation of land development, encouraging efficiency and innovation in land use and variety in design of structures, promoting efficient layout of public utilities, minimizing adverse traffic impacts, and encouraging the use and improvement of existing sites when the uniform regulations contained in commercial zoning districts do not afford adequate protection and safeguards for the site or its surrounding areas.

The CPUD provision and its standards are intended to accommodate development on sites which may set precedents for other commercial developments within the Township, will have a significant impact upon traffic volumes throughout the area, exhibit difficult development constraints, provide opportunities to mix compatible land uses, or to accomplish a particular development or land use objective identified by the Township.

In order to encourage CPUD developments on specific properties, the CPUD provision relaxes or waives one (1) or more of the requirements of the underlying zoning district. CPUD offers an added degree of flexibility in the density, placement, bulk and interrelation of buildings and uses within commercial zoning districts. CPUD also allows a developer to mix compatible commercial uses, and possibly residential types, on a single property.

SECTION 8B.02 APPLICATION AND PROCESS

Upon a recommendation by the Planning Commission and approval by the Township Board, a CPUD overlay district may be applied to any existing commercial zoning district. Upon approval of the final development plan and the CPUD agreement by the Township Board, the Official Zoning Map shall be annotated for the land area involved so that CPUD overlay is clearly shown on the map.

In addition, the Township shall maintain a current list of all approved CPUD projects, showing the approval date, the time by which project construction must begin, and the time that the approval period for the final CPUD plan expires.

SECTION 8B.03 USES PERMITTED

Compatible commercial, office and public uses may be combined in a CPUD plan. Residential uses proposed in a CPUD plan may be permitted by the Township Board only after the developer

provides detailed rationale on how residential uses meet the objectives of the CPUD provision of the Zoning Ordinance. Both permitted uses and special uses of the underlying zoning district may be proposed for the CPUD.

SECTION 8B.04 MINIMUM PROJECT AREA

The gross area of a tract of land to be developed under CPUD shall be a minimum of five (5) acres, provided that parcels as small as one-half (1/2) acre may be proposed for CPUD on the basis of their potential to meet the intent of the CPUD provision. In an effort to advance the goal of good land use planning, the Township may propose or designate a parcel of any size for the CPUD process, if it advances development objectives consistent with the goals of the Township Land Use Plan.

When a CPUD proposes a mixture of residential uses and commercial or office uses, the Township Board, with input from the Planning Commission, may allow for twenty percent (20%) of the gross site area for residential use. Whenever the Township Board is of the opinion that more residential area would be beneficial to the Township and the surrounding area, it may permit additional area for residential use. However, in no case shall the area planned for residential development exceed thirty-five percent (35%) of the gross site area.

SECTION 8B.05 PROJECT OWNERSHIP

The land proposed for a CPUD project may be owned or controlled by either a single person, a corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation. The proposed CPUD site shall be capable of being planned and developed as one (1) integral unit.

SECTION 8B.06 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all CPUD projects. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission and Township Board find that such exemption will not violate the intent or the character of the proposed CPUD.

SECTION 8B.07 HEIGHT REQUIREMENTS

For each one (1) foot of height over the maximum height allowed by the underlying commercial zoning district, the distance between non-residential buildings and the side and rear property lines of the development that directly abut residentially used property shall be increased by one (1) foot. The maximum height of any building in a CPUD is sixty (60) feet.

SECTION 8B.08 STANDARDS FOR ACCESS MANAGEMENT, PARKING AND LOADING

1. Intent and Purpose. The purpose of this section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable,

though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

2. Application of Standards. The standards of this section shall be applied to the major traffic routes (arterials) identified in the Township's Land Use Plan. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and/or Livingston County. The standards contained in this article shall apply to all uses.
3. Number of Driveways.
 - a. Access to a CPUD shall consist of either a single two-way (2) driveway or a pair of one-way (1) driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
 - b. Where the frontage of a CPUD is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
 - c. Where the CPUD is situated on a corner lot, one (1) access point on each street frontage may be permitted, provided there is a minimum of one-hundred (100) feet of frontage per side. No more than one (1) access point shall be permitted per side for CPUD's located on corner lots unless otherwise provided for within this article.
 - d. Where the CPUD has continuous frontage of over three hundred (300) feet and the developer can demonstrate, using the Institute of Transportation Engineer's Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission and Township Board may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be designed to restrict one (1) or both left turn movements.
 - e. Where the CPUD has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being designed, constructed, and signed for right-turns-in and right-turns-out only.
4. Shared Access, Joint Driveways, Frontage Roads, Parking Lot Connections and Rear Service Drives.
 - a. Shared use of access between two (2) or more property owners or CPUD's is encouraged through use of driveways constructed along property lines, connecting parking lots and construction of on-site frontage roads, and rear service drives, particularly for the following:

- 1) sites within one quarter (1/4) mile of major intersections;
- 2) sites having dual frontage;
- 3) sites where frontage dimensions are less than three hundred (300) feet;
- 4) locations with sight distance problems; and/or
- 5) along roadway segments experiencing congestion or accidents.

In such cases, shared access of some type may be the only access design allowed.

- b. In cases where a site is adjacent to an existing frontage road, a parking lot of a compatible use, or a rear service drive, a connection to the adjacent facility may be required by the Planning Commission and Township Board.
- c. In cases where a site is adjacent to undeveloped property, the site must be designed and constructed to accommodate a future frontage road, parking lot connection, rear service drive, or other means of shared access as determined by the Planning Commission and Township Board.
- d. The developer shall provide the Township with letters of agreement or access easements from all affected property owners.

5. Adequate Sight Distance.

- a. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of "A Policy on Geometric Design of Highways and Streets, 1984," or its latest edition.
- b. The Planning Commission and Township Board may adjust driveway locations where there is a concern regarding adequate sight distance.

6. Driveway Spacing from Intersections and Access Ramps.

- a. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
- b. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 - 1) For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service "C", as defined by AASHTO, for one (1) or more movements) and/or a significant number of traffic accidents (five (5) or more annually), the Planning Commission and Township Board may require that access be constructed along the property line furthest from the intersection.

- 2) For locations within two hundred (200) feet of any signalized or four-way (4) stop intersection, driveways shall be spaced a minimum of one-hundred-fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in/right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
- 3) Driveways shall be spaced a minimum of two hundred (200) feet from the centerline of access ramps of interstate or limited access highways.
- 4) One-hundred (100) feet for locations not addressed by items 6.b.1, 6.b.2, or 6.b.3.

7. Driveway Spacing from Other Driveways.

- a. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
- b. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

<u>Posted Speed Limit (mph)</u>	<u>Minimum Driveway Spacing</u>
<u>25 mph</u>	<u>100 feet</u>
<u>30 mph</u>	<u>125 feet</u>
<u>35 mph</u>	<u>150 feet</u>
<u>40 mph</u>	<u>185 feet</u>
<u>45 mph</u>	<u>230 feet</u>
<u>50 mph</u>	<u>275 feet</u>
<u>55 mph</u>	<u>350 feet</u>

- c. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be one-hundred-fifty (150) feet, excluding when one (1) or both driveways are designed and signed for right-turn-in/right-turn-out only.

8. Driveway Design, Canalized Driveways, Deceleration Lanes and Tapers, Bypass Lanes.

- a. Driveways shall be designed to the standards of Livingston County, except where stricter standards are included herein or by the Township's driveway construction standards.
- b. Driveway Width and Radii.

1. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined minimum throat width of twenty-five (25) feet and a maximum throat width of thirty (30) feet, measured from face to face of curb.
 2. Wherever the Planning Commission and Township Board determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
 3. For one-way paired driveway systems, each driveway shall be twenty (20) feet wide, measured perpendicularly.
 4. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet. Concrete sidewalks shall be continued and/or maintained across driveways.
 5. Driveways shall be designed with a twenty-five (25) foot radii; thirty(30) foot radii shall be required where daily truck traffic is expected.
- c. **Directional Driveways, Divided Driveways and Deceleration Tapers.** Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission and Township Board where they will reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide.

9. Design of Frontage Roads, Rear Service Drives and Parking Lot Connections.

Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following standards:

- a. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
- b. Frontage road access to public streets shall be spaced according to the standards of subsections (6) and (7), above.
- c. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
- d. Parking along or which backs into a frontage road shall be prohibited.
- e. For properties which are currently developed or are adjacent to developed uses, and the standards of (a) through (d) above are determined by the Planning Commission and Township Board to be too restrictive, frontage roads can be defined through

parking lots by raised and/or painted islands, as shown, provided that at least every third-end island is raised.

10. Parking, Loading and Sidewalks.

- a. All parking and loading areas, including driveways, drive lanes, and other access drives shall be paved with either asphalt or concrete, and maintained without large cracks or deterioration of the surface. Masonry pavers are an optional decorative opportunity. All such areas shall also be curbed and guttered with concrete curbs six (6) to eight (8) inches high and concrete gutters twelve (12) inches wide.
- b. Parking for outlet parcels must be located behind buildings or to the sides.
- c. Loading areas and docks shall be placed on the side or rear of buildings, shall be perpendicular to the buildings, and be screened in accordance with this article.
- d. Sidewalks are required at all building entrances and within all road rights-of-way abutting a CPUD, and must be constructed of concrete, exposed aggregate or decorative pavers, and must be a minimum width of five (5) feet. Building sidewalks should connect to parking areas in the most direct manner. Sidewalks within rights-of-way shall extend across driveway aprons and connect to parking areas or building sidewalks where possible.

SECTION 8B.09 STANDARDS FOR ARCHITECTURE AND BUILDING MATERIALS

The purpose and intent of the following architectural and site design standards is to evaluate proposed buildings and site improvements during the review of a CPUD to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of the Township's Land Use Plan and Zoning Ordinance.

All facades of proposed buildings within a CPUD which front upon or are visible from a public right-of-way shall be subject to the following standards for building form, architectural details and features, building materials, windows, and signs.

1. Building mass, height, bulk and width-to-height ratios must be similar in scale and in proportion to other buildings within the immediate area, unless existing buildings do not meet the standards of this article as determined by the Planning Commission and Township Board.
 - a. An uninterrupted length of a single building facade shall not exceed one-hundred (100) feet for all buildings. Recesses, off-sets, angular forms, or other features shall be used to provide a changing and varying facade. Vertical elements such as towers, cupolas, and chimneys are recommended.

- b. Windows shall be recessed and include visually-obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the facade. Solid walls of glass are not permitted.
 - c. Main entrances shall be emphasized with doors larger than required by the applicable building code(s) and framing devices such as deep overhangs, recesses, peaked roof forms, porches, or arches.
2. Buildings shall possess architectural variety, but shall be constructed of similar but not identical materials and entrances, to other buildings within the immediate area of the subject site, unless the Planning Commission or Township Board determines other building materials and forms are acceptable, or that existing buildings do not meet the standards of this article. Buildings shall enhance the Township's character and appearance as determined by the Planning Commission and Township Board.
- a. Pitched roof forms (gable, hip, shed) with overhanging eaves between four (4) inches of vertical rise to twelve (12) inches of horizontal run and twelve (12) inches of vertical rise to twelve (12) inches of horizontal run are recommended. Standing seam metal roofs and flat roofs may also be permitted. Mansard, mock mansard, or barrel roofs are not permitted. Dormer windows are recommended. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines should be incorporated into roof lines along building facades greater than one-hundred (100) feet. Roof top mechanical equipment must be screened by the roof form.
 - b. Building facades greater than one-hundred (100) feet shall contain architectural features, details and ornaments such as arches, roof cornices, contrasting courses of material or color, stone or ceramic accent tiles, water tables, molding, colonnades, columns, pilasters, detailed trim, brick bands, cornices or porches. All sides of a building shall be similar in design, details, and materials. Elements such as wall clocks, decorative light fixtures, and door or window canopies are also recommended. Canopies should be of metal or canvas, vinyl canopies are not recommended. All commercial or office buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for commercial or office buildings, except for those originally constructed for single-family residential purposes.
 - c. Main entrances to buildings should be emphasized with larger doors and framing devices shall incorporate devices such as deep overhangs, recesses, peaked roof forms, canopies, overhangs, raised parapets over the door, archways, awnings, porches, display windows, accent colors, and details such as tile work, moldings, pedestrian-scale lighting, and distinctive door pulls.
 - d. Natural or traditional colors shall be used for the main portions of building facades and roof forms. Bright or fluorescent colors are permitted for trim, accent, and other decorative architectural features only. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.

3. Building materials must be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, or beveled wood siding, and each building facade must contain approximately two-thirds (2/3) of these materials. Approximately one-third (1/3) of building facades may contain the following materials, which should be used for decorative features or accents only: glass, unless used as windows; reflective glass; exterior insulation finish systems (EIFS); vinyl, aluminum, or steel siding; or similar synthetic or highly-reflective materials. Building facades not facing public rights-of-way may also contain these materials and pre-cast concrete or plain masonry block.
4. Front facades shall contain windows equal to approximately one-quarter (1/4) of the area of the facade. The approximate size, shape, orientation and spacing of windows should match that of buildings within five-hundred (500) feet, unless the Planning Commission or Township Board determines other sizes, shapes, orientation, and spacing are acceptable. In multiple story buildings, facade windows above the first story shall have tinted glass.
5. Wall or building signs with separate, individual letters with internal illumination are permitted. Monument-type ground signs are permitted with a maximum height of eight (8) feet, and a maximum area of sixty-four (64) square feet. The frame of monument-type ground signs must be of the same material as the building's construction. Any illuminated window signs must be approved by the Planning Commission and Township Board.

The following signs are prohibited in a CPUD: box or panel signs; pole or pylon signs; roof signs; projecting signs; billboards.

SECTION 8B.10 STANDARDS FOR LIGHTING

1. Interior site and parking lot lighting should provide illumination adequate for security. Lighting must be no greater than one (1) foot candle at any property line with a maximum intensity of ten (10) foot candles at any point within the site.
2. Details for light fixtures must be submitted with an application for a CPUD. Decorative light fixtures similar in design to those used throughout the CPUD or the adjoining area are recommended. "Shoe box" style light fixtures may be used for lighting to screen the light element from view. In addition, fixtures must be directed downward and cannot be angled in any manner.
3. Pole-mounted overhead lighting must be used for parking lots, as opposed to building-mounted lighting. Where required by the building code, building-mounted lighting may be used to illuminate rear doors and loading and unloading areas. Glare from light fixtures may not extend past a development's property line onto other properties or rights-of-way.

4. The design of exterior building illumination should avoid exposed light fixtures. Flashing or moving lights are not permitted and any neon lighting must be approved as part of the CPUD by the Planning Commission and Township Board.

SECTION 8B.11 STANDARDS FOR LANDSCAPING AND SCREENING

1. Intent and Purpose. The intent of this article is to establish minimum standards for the design, installation, and maintenance of landscaping within CPUD's along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetic qualities, development quality, and stability of property values, privacy, and the overall character in the Township. The standards of this article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.

The landscaping standards of this article are considered the minimum necessary to achieve this intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

2. Requirements And Timing of Landscaping
 - a. Plan Required. A landscaping plan shall be included with any application for a CPUD. A separate landscaping plan shall be submitted at a minimum scale of one (1) inch equals forty (40) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.
 - b. Installation and Inspection. Wherever this article requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other landscaping. The Township Board may require a performance guarantee to cover the cost of landscaping prior to issuing a certificate of occupancy. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of concrete curbs and gutters. Landscaped areas shall be elevated above the pavement to a minimum height of six (6) inches to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after the developer provides a performance bond to ensure installation of required landscaping in the next planting season.

An inspection of plant materials will be conducted by the Township within three (3) months of written notification of installation to release the performance guarantee.

- c. Plant Material Standards. It is the intent of this article that an interesting and thoughtful mixture of plants shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this article. These standards may be varied by the Planning Commission and Township Board when these established minimums will not serve the purpose and intent of this article.
3. Plant Quality. Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
4. Plant Size Specifications.
 - a. Trees. Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this article.
 - i. Deciduous Trees. Two and a half (2 1/2) inch caliper minimum measurement at four (4) feet off the ground, with a minimum eight (8) feet in height above grade when planted.
 - ii. Evergreen Trees. Eight (8) feet in height, with a minimum spread of three (3) feet and the size of the bur lapped root ball shall be at least ten (10) times the caliper of the tree measured six (6) inches above grade.
 - iii. Deciduous Ornamental Trees. One (1) inch caliper minimum at three (3) feet off the ground, with a minimum height of six (6) feet above grade when planted.
 - b. Shrubs. Minimum twenty-four (24) inches high above planting grade.
 - c. Hedges. Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
 - d. Vines. Minimum of thirty (30) inches in length after one (1) growing season.
 - e. Ground Cover. Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
 - f. Grass. Planted in species normally grown as permanent lawns in southeast Michigan. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.
 - g. Mulch Material. Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

5. Approved Plant Species. Unless otherwise provided elsewhere within this article, or specifically permitted by the Planning Commission and Township Board, all required plant materials shall be of the following species:
 - a. Deciduous Trees. Hard Maple, Oak, Beech, Ash, Ginko (male only), Bradford Pear, Linden, Honey Locusts (thornless).
 - b. Evergreen Trees. Fir, Spruce, Pine, Hemlock.
 - c. Deciduous Ornamental Trees. Amur Maple, Dogwood, Redbud, Magnolia, Hicks Yew, Pfitzer Juniper, Ornamental Cherry, Viburnum, Flowering Crabapple.
 - d. Shrubs. Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, Alpine Currant, Barberry, Flowering Quince, Spreading Yews, Juniper, Burning Bush, Spiraea, Mugo Pine, Bayberry.
 - e. Ground Cover. Pachysandra, Spreading Juniper, Wintercreeper, Periwinkle, English Ivy.

6. Prohibited Plant Materials. The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, or other undesirable characteristics: Box Elder, Silver Maples, American Elm, Horse Chestnut, Poplar, Aspen, Ailanthus, Catalpa, European Barberry.

7. Required Landscaping Along Public Streets and CPUD Boundaries. One of the following street landscaping options is required on land abutting public rights-of-way, boundaries of the CPUD site that are not adjacent to other CPUD's or commercial districts, or where otherwise referenced.
 - A. Greenbelt. A required greenbelt shall meet the following standards:
 1. Greenbelts shall have a minimum width of ten (10) feet. The Planning Commission and Township Board may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten (10) foot width and in areas where it is desirable to maintain a shallow front setback. In such cases, the greenbelt requirement may be met through the provision of street trees within the curb line, or the provision of landscaping as required below.
 2. At least one (1) deciduous tree (minimum two and a half (2 1/2) inch caliper) and four (4) minimum twenty-four (24) inch high shrubs shall be planted per each forty (40) lineal feet of street frontage. Location of the trees and shrubbery is discretionary. Additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one (1) additional canopy tree for every four (4) required shrubs.

3. The greenbelt area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.
 4. Where headlights from parked vehicles will shine into the right-of-way, the Planning Commission and Township Board may require use of a totally obscuring hedge with a minimum height of twenty-four (24) inches and a maximum height of thirty-six (36) inches.
- a. Berms. A combination of a raised earth berm and plantings where and when required shall meet the following standards:
1. Berms shall have a minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this section is met and an appropriate screen is provided.
 2. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission and Township Board.
 3. At least one (1) deciduous tree (minimum two and a half (2 1/2) inch caliper) shall be provided for each thirty (30) feet of lineal street berm length.
 4. At least one (1) minimum twenty-four (24) inch high shrub shall be provided for each one-hundred (100) square feet of berm surface area (calculated from a plan view).
 5. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established by straw mulch, hydro-mulching or netting specifically designed to control erosion.
 6. The base of any signs placed within the berm shall be at, or below, the average grade along the berm.
- b. Buffer Strip. A buffer strip may be required, particularly where the adjacent uses and those across the street are residential in character or less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area along side or rear lot lines, and an appropriate landscaped strip along front lot lines. A buffer strip shall meet the following requirements:

1. Buffer strips shall have a minimum width of ten (10) feet.
2. All trees shall be evergreens a minimum eight (8) feet high at planting.
3. The buffer planting area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.
4. The following species and planting spacing are recommended:

Common Name	Scientific Name	(Feet on Center)
"Burki" Red Cedar	Juniperus Virginiana "Burki"	4
Mugo Pine	Pinus Mugo	5
Dark Green Arborvitae	Thuja Nigra	3
Canadian Hemlock	Tsuga Canadensis	12
Serbian Spruce	Picea Omorica	10
Irish Juniper	Juniperus Communis	3
White Fir	Abies Concolor	10
White Pine	Pinus Strobus	10
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

8. Interior Landscaping. There shall be interior landscaping areas exclusive of any other required landscaping in every CPUD consisting of at least ten percent (10%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following standards:
 - a. One (1) deciduous (minimum two and a half (2 1/2) inch caliper) or ornamental tree (minimum two (2) inch caliper) or evergreen tree (minimum five (5) foot height) shall be provided for every four-hundred (400) square feet of required interior landscaping area.
 - b. One (1) twenty-four (24) inch high shrub shall be provided for every two-hundred-fifty (250) square feet of required interior landscaping area.
 - c. The interior landscaping area shall contain grass, vegetation ground cover, four (4) inch shredded bark mulch, or four (4) inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.
9. Parking Lot Landscaping. Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree (two and a half (2 1/2) inch minimum caliper) or ornamental tree (minimum two (2) inch caliper if tree form, six (6) foot minimum height if clump form) with at least one-hundred (100) square feet of planting area shall be used for every ten (10) parking spaces, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- a. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
 - b. Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to the fire hydrants nor interfere with adequate motorist sight distance.
 - c. All landscaped areas, when adjacent to streets, driveway aisles, or parking areas, shall be curbed with a concrete curb of a minimum height of six (6) inches. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the CPUD plan. Minimum width of such areas shall be ten (10) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of these areas shall be two (2) feet shorter than adjacent parking space to improve maneuvering. A parking space overhang of two (2) feet may be used to widen a landscaped area and reduce the length of a parking space by two (2) feet less than required by this article.
10. Plant Materials and Minimum Spacing. All plant material shall be hardy to the area, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of trees native to the area and southeast Michigan, and mixture of trees from the same species association, is encouraged.
- a. Trees and Shrubs for Parking Areas (or comparable species).

London Plane Tree	Snowdrift Crabapple
Sweet gum Marshal	Seedless Green Ash
Linden Tree	Spiraea
Junipers (Spreading)	Dwarf Callery Pear
Hawthorns	Honey Locust (thornless)
 - b. Trees and Shrubs for Greenbelt and Interior Landscape Areas (or comparable species).

Amur Maple	Sweet gum Tree	Goldenrain
Hawthorns	London Plane Tree	Scarlet Oak
White Ash (seedless)	Pin Oak	European Linden
Honey Locust (thornless)	Little Leaf	
	Linden	Zelkova
Junipers	Border Privet	Gingko
Mugo Pine	Serbian Spruce	Mockorange
Euonymus	Cotoneaster	Snowdrift Crabapple
Hedge Maple	Bayberry European	Hornbean
Viburnum	Dense Yew	Hicks Yew
Dwarf Callery (Bradford)	Pear Red Maple	Sugar Maple

c. Salt Resistant Trees and Shrubs (or comparable species).

Pinus Nigra	Sweetgum	Black Locust
Juniper (sp.)	Honey Locust (thornless)	Bayberry

d. Trees and Shrubs for Shady Areas (or comparable species).

Euonymus	Honey Locust (thornless)	Arborvitae (sp.)
Mahonia Aquifolium	Alpine Curran	Dogwood
Amelanchier	Mountain Laurel	Viburnum
Cotoneasters		

e. Trees Not Permitted (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures).

Box Elder	Soft Maples
(Silver) Elms	Poplars
Willows	Tree of Heaven
Catalpa	Buckhorn
European Alder	Horse Chestnut (nut bearing)

f. Plant Material Spacing. Plant materials shall not be placed closer than four (4) feet from the fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees
Evergreen Trees	Min. 10' Max. 20'	Min 12'	Min. 20'	Min. 12'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'

PLANT MATERIAL TYPES	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 6'	Min. 3'
Large Shrubs	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 3' Max. 4'

10. General Layout And Design Standards.

- a. Landscaped areas and plant materials required by this article shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this article dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- b. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- c. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained. Frontage landscaping, boulevard medians, interior parking lot landscaped areas, and other curbed landscaped areas shall be irrigated via an underground sprinkler system.
- d. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
- e. Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.
- f. Landscaping within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, and curbing around landscape areas.
- g. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

12. Incentives to Preserve Existing Trees. The Township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan. To obtain credit, the preserved trees shall be of a high quality and at least two and one half (2 1/2) inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission and Township Board. Trees over twelve (12) inches caliper to be removed shall be noted on the landscape plan.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

<u>Caliper of Preserved Tree</u> <u>(in inches)</u>	<u>Number of Trees</u> <u>Credited</u>
over 12	3
8 to 12	2
2 1/2 to 8	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one half (4.5) feet above the natural grade. (Diameter at Breast Height - D.B.H.)

The following trees are not eligible for preservation credits:

Box Elder	Apple	Poplars
Willows	Hawthorn	Malus (sp.)
Hackberry	Silver Maple	European Alder
Locust (sp.)	Autumn Olive	Norway Maple
Scotch Pine	Buckthorn	Siberian Elm
Red Pine		

13. Screening
- a. Waste Receptacles. Waste receptacles shall be located and screened with a decorative masonry wall of at least six (6) feet in height with a solid or impervious gate. Where receptacles are taller than six (6) feet, the required screening wall shall be the minimum height required to completely screen the receptacle. The required screening wall shall be of the same material as those required for other screening walls on the site and/or the facade of the principal building.

- b. Mechanical Equipment. Ground mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission and Township Board.
 - c. Loading Areas. Loading areas and loading docks, when adjacent to the boundaries of the CPUD or other buildings, shall be screened by a berm, buffer strip, a decorative masonry wall of at least six (6) feet in height with a solid or impervious gate, or a combination of a berm or buffer strip and a masonry wall.
 - d. Parking Lots. Parking lots, when adjacent to a side or rear boundary of a CPUD, shall be screened by a berm or buffer strip.
14. Waiver or Modification of Standards for Special Situations. The Planning Commission and Township Board may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscaping and screening requirements of this section, the following may be considered.
- a. Extent that existing natural vegetation provides desired screening.
 - b. There is a steep change in topography which would limit the benefits of required landscaping.
 - c. The presence of existing wetlands and watercourses.
 - d. Existing and proposed building placement.
 - e. The abutting or adjacent land is developed or planned by the Township for a use other than residential uses.
 - f. Building heights and views.
 - g. The adjacent residential district is over two-hundred (200) feet away from the site.
 - h. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

SECTION 8B.12 PRE-APPLICATION MEETING

The developer is encouraged to meet with the Township Supervisor, the Township Planner, and the Planning Commission Chairperson to discuss the concepts of the proposed project before submitting a formal application for CPUD. This allows for a dialogue on the development goals of the Township as expressed in its Land Use Plan. At a pre-application meeting the developer should submit a preliminary sketch for the proposed CPUD, containing both maps and a written statement. All maps should show enough of the surrounding area to demonstrate the relationship of the CPUD to adjoining uses, both existing and proposed. The maps which are a part of a sketch plan for a pre-application meeting may be in general schematic form but must contain enough information to obtain feedback from the Supervisor, Planner, and the Planning Commission Chairperson.

SECTION 8B.13 CONTENTS OF APPLICATION: PRELIMINARY DEVELOPMENT PLAN

An application for preliminary CPUD plan shall be filed with the Township Clerk by all owners of interest in the property for which the CPUD is proposed. The plan shall contain the following information:

1. Name, address, and telephone number of the applicant(s).
2. Name, address, and telephone number of registered land surveyor, registered engineer, landscape architect, or land use planner which assisted in the preparation of the preliminary plan.
3. Legal description of the property.
4. Description of existing use(s) and zoning district(s).
5. A vicinity map showing property lines, streets, roads, and uses of adjacent properties so that the Township can initially determine how the proposed development will relate to land use in the general vicinity.
6. A preliminary development plan at a scale of not less than one inch equals one hundred feet (1"=100') showing topography at not less than two (2) foot contours; location and type of commercial, office and residential land use; layout, dimensions, and names of existing and proposed streets, rights-of-way, and utility easements; parks and community spaces; layout and dimensions of lots and building setbacks; preliminary layout of water, sewer, drainage, electric, natural gas, cable, and telephone; and other information the Township considers necessary.
7. Proposed schedule for the development of the site. If a multiple phase CPUD is proposed, identification of the areas included in each phase. For residential uses, the number, type, and density of proposed housing units within each phase.
8. Evidence that the applicant has sufficient control over the site to initiate the proposed CPUD within eighteen (18) months of receiving final approval.
9. Any additional graphics or materials requested by the Township to assist the Township in determining the appropriateness of the CPUD such as aerial photography, market studies, impact on the public school system, traffic impacts, impacts on significant, historical, and architectural features, impacts on drainage, preliminary construction costs, preliminary architectural sketches, and preliminary drafts of by-laws and master deeds.
10. A graphic description of how the site proposed for development could be developed under the regulations of the underlying zoning district.

SECTION 8B.14 PUBLIC HEARING BY THE PLANNING COMMISSION

Within sixty (60) days after receipt of the preliminary development plan, the Planning Commission shall hold at least one (1) public hearing. The notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the Township not less than fifteen (15) days before the date of the public hearing. Written notice of the public hearing shall be sent by mail or personal delivery not less than fifteen (15) days before the hearing date to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the proposed CPUD and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:

1. Describe the nature of the CPUD request.
2. Indicate the property that is the subject of the CPUD request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the CPUD request will be considered.
4. Indicate when and where written comments will be received concerning the CPUD request.

Amended 9/6/2007, Effective 9/19/2007

SECTION 8B.15 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION

Within forty-five (45) days after the close of the public hearing, the Planning Commission shall review the preliminary CPUD plan to determine if it is consistent with the intent and purpose of Article 8B; whether the proposed CPUD advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the inter-relationship with existing and proposed land uses in the surrounding area justify the deviation from standard district regulations. Approval in principle shall not be construed to endorse the location of uses, configuration of building sites, or layout of infrastructure.

SECTION 8B.16 ACTION BY THE TOWNSHIP BOARD

Within forty-five (45) days after the receipt of the approval in principle by the Planning Commission, the Township Board shall either approve, approve with conditions, disapprove the preliminary development plan, or refer the proposed CPUD back to the Planning Commission for further study. If the application is referred back to the Planning Commission for further study, the Planning Commission shall have forty-five (45) days within which to make its recommendation to the Township Board.

SECTION 8B.17 FORMATION OF CPUD STUDY COMMITTEES

If the Township Board grants approval to the preliminary CPUD plan, the Township shall form an ad-hoc CPUD study committee to meet with the applicant and, through a negotiating process, refine the conceptual plan into a more detailed final plan. Any element of the proposed development is eligible for negotiation. The committee shall also review drafts of proposed

by-laws and master deed of the CPUD. The committee shall consist of at least three (3) members of the Planning Commission and at least two (2) members of the Township Board. The committee may request technical assistance from consultants to assist it evaluating alternative designs for the CPUD. The ad-hoc study committee shall work with the applicant until it can make a recommendation to the Planning Commission on the disposition of the proposed CPUD. The ad-hoc study committee may recommend that the proposed CPUD development be approved or denied by the Planning Commission. A recommendation by the ad-hoc study committee shall be necessary before an application for final CPUD application is submitted. All ad-hoc study committee meetings shall be open to the public.

SECTION 8B.18 FINAL DEVELOPMENT PLAN

After the Planning Commission receives a recommendation for approval of the CPUD plan, it shall approve the CPUD plan at this intermediate stage, approve with additional conditions, or deny the CPUD plan. If the plan receives approval or approval with conditions, the applicant may prepare the final development plan. If the Planning Commission denies the CPUD plan, the applicant may petition the Township Board for a decision on the CPUD plan forthcoming from the ad-hoc study committee. The applicant may prepare the final development plan if the Township Board overrides the Planning Commission's denial by a majority vote of the full Board.

Ten (10) copies of the final development plan shall be submitted and be endorsed by a qualified technical expert. It shall be in substantial conformance with the CPUD plan approved by the ad-hoc study committee and contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, topography, existing natural features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential buildings intensity, and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in phases and a description of the design for the buildings and landscaping; tabulation of the number of acres in the proposed project for the various uses in the CPUD; the number of housing units by type; estimated residential population by type of housing; estimated non-residential population; and estimated acres given to active and passive open space.
4. Engineering feasibility studies and plans showing water, sewer, drainage, electric, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
5. Site plans showing the functional use and relationship of buildings, open space, and circulation.
6. Preliminary building plans, including floor plans and exterior elevations.

7. Landscaping plans, prepared by a registered landscape architect.
8. Association by-laws, master deed, deed restrictions, covenants and other legal statements and devices to be used to control the use, development, and maintenance of the land and improvements including those areas which are to be commonly owned and maintained.
9. A statement indicating that, if a part of the proposed development is sold or leased to another party or parties, full compliance with the CPUD agreement and the final development plan will be required and enforced.
10. A description of the process of how information on the master deed and by-laws of the proposed development will be disseminated to prospective buyers.

SECTION 8B.19 RECOMMENDATION BY THE PLANNING COMMISSION

Within sixty (60) days after receiving the final development plan, the Planning Commission shall recommend to the Township Board that the final development plan be approved as presented, approved, with supplementary conditions, or not be approved.

SECTION 8B.20 CRITERIA FOR EVALUATION BY THE PLANNING COMMISSION

Before making its recommendation on the final development plan, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

1. Each individual unit phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained; the uses in the proposed CPUD will not be detrimental to present and potential adjacent uses; and will have a beneficial impact which could not be achieved under standard district regulations.
2. The streets and thoroughfares proposed are suitable to carry anticipated traffic and the increased densities will not generate traffic in such amounts so as to exceed the design capacities of area roadways.
3. Any commercial component of the CPUD will be beneficial to the general area and to the population of the proposed development.
4. Any deviation(s) from the regulations of the underlying zoning district can be justified by meeting the purpose of the CPUD provisions of the Township Zoning Ordinance.
5. The area surrounding the proposed CPUD can be planned and zoned in coordination and substantial compatibility.
6. The proposed CPUD meets the development goals and objectives of the Township Land Use Plan.
7. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

SECTION 8B.21 ACTION BY THE TOWNSHIP BOARD

After receipt of the recommendation on the final development plan by the Planning Commission, the Township Board shall approve, approve with supplementary conditions, or disapprove the final plan. The Township Board may also refer the final plan back to the Planning Commission for further study. The Township Board shall also approve the final draft of the CPUD agreement when it approves the final CPUD development plan.

SECTION 8B.22 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any CPUD, the Township Board may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the final plan is approved, shall be considered a violation of this Ordinance. These conditions may be made part of the CPUD agreement.

SECTION 8B.23 DEVIATIONS FROM APPROVED FINAL CPUD PLAN

Deviations from the approved final CPUD plan may occur only under the following circumstances:

1. An applicant or property owner who has been granted final CPUD approval shall notify the Township Supervisor of any proposed amendment to the approved site plan.
2. Minor changes may be approved by the Township Supervisor provided that the proposed revision does not alter the basic design nor conditions of the plan. Minor changes shall consist of the following:
 - a. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
 - b. Square footage of non-residential buildings may be decreased or increased by up to five percent (5%).
 - c. Buildings may be moved by no more than ten (10) feet.
 - d. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
 - e. Building materials may be changed to those of higher quality.
 - f. Floor plans may be changed provided the change does not alter the character of the use.
 - g. Sidewalks or refuse storage stations may be relocated.
 - h. Internal parking lots may be rearranged which does not affect the number of parking spaces or alter access locations.
 - i. Changes requested by the Township relative to public safety shall be considered a minor change.
3. Should the Township Supervisor determine that the requested modification to the final CPUD plan is not minor, resubmittal to the Planning Commission is necessary.
4. Should the Planning Commission determine that the modifications to the final CPUD plan significantly alter the intent of the original concept of the project, a new submittal illustrating the modification shall be required. Final approval of the modification is required by the Township Board.

Adopted 04/20/2000 Effective 04/26/2000

ARTICLE 8C
SITE CONDOMINIUM DEVELOPMENT ORDINANCE

SECTION 8C.01 PURPOSE

It is the purpose of this Ordinance to insure that plans for development within Oceola Township proposed under the provisions of the Condominium Act, Public Act 59 of 1978, shall be reviewed with the objective interest of achieving the source characteristics and land use results as if the development and improvements were being proposed in accordance with the Subdivision Control Act, P. A. 288 of 1967, as amended, including all requirements of the Zoning Ordinance. It is the intent of the Township to insure that the appearance of the project and size of the building site or "Condominium Lot" are equivalent to the appearance of a subdivision and to the minimum lot size of the zoning district in which the project is located. If the proposed project is to be developed under the planned Unit Development option of the Oceola Township Zoning Ordinance, it shall follow the procedure outlined in Section 8A of the Ordinance.

SECTION 8C.02 DEFINITIONS

For the purpose of this Ordinance all definitions used in the Condominium Act P. A. 59 of 1978 as amended, and all applicable administrative regulations shall have the same meaning here. In addition, the following words as defined will also apply to this Ordinance, unless the context clearly indicates a different meaning.

- A. Building Site. A lot, or a two (2) dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have frontage on public or private roads.
- B. Common Elements. Portions of the Condominium project other than condominium units.
- C. Condominium Project. A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
- D. Condominium Subdivision Plan. The plan as required in this Ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. 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 or recreational use.
- F. Consolidating Master Deed. The final amended master deed for a contractible or expandable Condominium project or a Condominium project containing convertible land or space which fully describes the Condominium project as completed.
- G. Contractible Condominium. A Condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the Condominium documents and in accordance with this Ordinance and the Condominium Act.

- H. Limited Common Elements. A portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.
- I. Lot. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat or recorded in the Master Deed of a Site Condominium Development.
- J. Master Deed. The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved Condominium Subdivision Plan for the project.
- K. Parcel. A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, service of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon including open spaces and setbacks required under this Ordinance, and having its frontage on a public road.
- L. Setback -- Front, Side, and Rear Yard. Front, side, and rear yard setbacks shall mean the distance measured from the respective front, side, and rear yard area lines associated with the building site to the respective front, side, and rear of the lot.

SECTION 8C.03 PLAN PREPARATION

- A. Existing Conditions. The preliminary plan shall be designed and drawn by a Registered Civil Engineer, a Registered Land Surveyor, a Registered Architect or a Landscape Architect containing the following information:
 - 1. Proposed name of the project.
 - 2. Full legal description to adequately describe the parcel or parcels comprising the project.
 - 3. Names and addresses of the applicant, owners, and professionals who designed the project.
 - 4. Scale of the plan (maximum scale shall be 100 (one hundred) feet to an inch).
 - 5. Date of preparation.
 - 6. Cardinal (directional) points.
 - 7. Boundary lines of the proposed project.
 - 8. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for Site Condominium Subdivision including those areas across abutting roads.
 - 9. Location, widths, and names of existing prior easements of record, public and/or private.
 - 10. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a Site Condominium Subdivision.
 - 11. Existing topographical information drawn at contours with a maximum of two (2) foot intervals.
 - 12. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area having a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.

B. Proposed Condominium Subdivision Plan.

1. Layout of streets indicating proposed street names, right-of-way widths, and connections and adjoining streets and also the widths of and locations of alleys, easements, public walkways, bike paths and other transportation related elements.
2. Layouts, numbers and dimension of lots, including building setback lines showing dimensions and finished grade elevations of buildings first floor elevation.
3. Proposed topography, including contour lines at the same interval as shown for existing topography.
4. Indication of the parcels of land and/or easements intended to be dedicated or set aside for public use and a description of the common elements of the project and the use and occupancy restrictions as will be contained in the Master Deed.
5. An indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plan. If the applicant has an interest, or owns any parcel so identified as "excepted", the preliminary plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plan.
6. Statement describing the sewage system and method to be approved by the Livingston County Health Department.
7. Statement describing water supply system.
8. Schematic indication and description of storm drainage acceptable to the Livingston County Drain Commission.
9. In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.
10. An indication of the means by which and extent that significant natural features such as water courses, bodies of water, stands of trees, and individual trees (apart from stands of trees) having a caliper of twelve {12} inches or greater at a height of two feet above existing grade, are to be preserved in conjunction with the development of the proposed project.
11. Indication of the approximate area for all site improvements including roads, utilities, drains, and all building activity that will have to be cleared and graded in order to develop the proposed project.
- 12 The Preliminary Site Condominium Subdivision Plan will also indicate the significant ecological areas that are to be preserved in their natural state. The intent is not to require a detailed grading plan at this time but to ensure that the developer's consultant has given sufficient thought to the clearing and grading requirements in preparing the Preliminary Plan.

SECTION 8C.04 DESIGN LAYOUT STANDARDS AND IMPROVEMENTS

A. Requirements and Standards

The requirements and standards contained in *ARTICLE IV AND ARTICLE V IN THE OCEOLA TOWNSHIP SUBDIVISION CONTROL ORDINANCE* for layout of a conventional subdivision shall apply and are herein incorporated by reference.

B. Construction of Development in Phases.

For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, such as additional roads, drainage and utilities.

SECTION 8C.05 REVIEW PROCEDURE

The procedure for review and approval of a site plan for a Site Condominium Project shall consist of two (2) stages:

1. Review and approval of the preliminary site plan by the Township Planning Commission and Township Board.
2. Review and approval of the final site plan by the Township Planning Commission and the Board.

A. Planning Commission Review of Preliminary Site Plan.

1. The applicant shall submit ten (10) copies of the preliminary site plan to the Township at least thirty (30) days prior to a regularly scheduled Planning Commission meeting so the site plan can be placed on the agenda and given time for technical review.
2. The Planning Commission shall review the plan pursuant to Section 19.07 Standards of Approval of the Oceola Township Zoning Ordinance.
3. Upon review the Planning Commission shall make a recommendation to the Township Board to grant or deny approval of the proposed Site Condominium Project or to grant conditional approval based on the following:
 - a. The standards for approval contained in Section 19.07 of the Oceola Township Zoning Ordinance.
 - b. Conformity of the proposed Site Condominium and its related by-laws with the objectives of the Township's Master Plan.
 - c. Project developer's financial and technical capacity to meet the design and improvement standards of this Ordinance.

The Planning Commission is authorized to make a recommendation to the Township Board to grant approval, grant approval subject to conditions, or reject the Site Plan, as follows:

Recommend Approval. Upon determination that the Site Plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and Laws, the Planning Commission recommends approval.

Recommend Approval Subject to Conditions. Upon determination that a Site Plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the Site Plan. The conditions may include the need to obtain approvals from other agencies. The applicant may re-submit the Site Plan to the Planning Commission for final review after conditions have been met. The Planning Commission may waive its right to review the revised plan, and instead authorize the Township Supervisor to review and recommend approval of the re-submitted plan if all required conditions have been addressed.

Recommend Rejection. Upon determination that a Site Plan does not comply with the standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend that Site Plan approval be denied.

- B. Submission of Plans for Township Board Review.
After the Planning Commission makes a recommendation on the Site Plan, the applicant shall make any required modifications and submit sufficient copies of the revised Site Plan (as specified on the application form) for Township Board review. The Site Plan and supporting materials shall be submitted at least ten (10) days prior to a scheduled meeting at which Township Board review is desired.
- C. Township Board Determination.
The Township Board shall make a determination based on the requirements and standards in this Ordinance, taking into consideration the comments and recommendations of the Planning Commission, Township administrative officials, and other reviewing agencies. The Township Board is authorized to grant approval, grant approval subject to conditions, or reject a Site Plan in accordance with the guidelines described previously in sub-section 8C.05 A.3.
- D. Recording of Site Plan Review Action.
Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The grounds for action taken upon each Site Plan shall also be recorded in the minutes.
- E. The Site Plan shall be considered valid for one (1) year after the date of approval. The proprietor may be granted one (6) month extension upon recommendation from the Planning Commission and approval by the Township Board.
- F. Upon receipt of preliminary plan approval, the proprietor shall submit the preliminary plan to all authorities as required by local and state regulations and shall deliver two (2) copies of the preliminary plan to the Superintendent of the school district in which the condominium project is to be located.
- G. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

H. Final Plan Approval.

The final plan shall conform substantially to the approved Preliminary Plan and shall be prepared by a Registered Land Surveyor or Registered Engineer. The final plan shall also constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time and conform in all respects with the requirements of the Condominium Act. The procedure for the preparation and submittal of a plan for final approval shall be as follows:

1. Review and Approval Procedures.

- a. At their next scheduled meeting, the Planning Commission shall recommend to the Township Board:
 1. Approval of the final plan if it meets the requirements of this Ordinance and the Condominium Act; or
 2. Rejection of the final plan, if does not meet such requirements.
- b. At their next scheduled meeting following the Planning Commission review of the plan, the Township Board shall:
 2. Approve the plan if it conforms to all provisions of this Ordinance and instruct the Township Clerk to certify on the plan the Township Board approval and date thereof; or
 3. Reject the plan and instruct the Township Clerk to advise the proprietor, explain the reasons for the rejection, and return the plan to the proprietor.
- c. Approval of the final plan shall confer upon the proprietor for a period of two (2) years from the date of Township Board approval, the conditional right that the general terms and conditions under which the final approval of the plan was granted will not be changed.
- d. Upon approval of the final plan by the Township Board, the subsequent approvals required by the Condominium Act shall follow the procedure set forth therein.

2. Conditions of Approval.

In addition to all other requirements of this Ordinance and of the Condominium Act, application for final plan approval shall be made only if the proprietor has complied with the following:

- a. Received approval of the Preliminary plan.
- b. Received approval of the Engineering construction plans for all improvements to be built in accordance with the standards and specifications adopted by the Township Board, and received notification of the issuance of the appropriate county and state construction permits for utilities.
- c. Received certification from the Township Treasurer that all fees required by this Ordinance have been paid, and that engineering review fees and other charges and deposits specified in this Ordinance have been paid.
- d. Received approval of the lot drainage, and the soil erosion and sedimentation plan.
- e. Provided a policy of title insurance currently in force covering all the land within the boundaries of the proposed development, establishing ownership interest of record and other information deemed necessary by the Township.

- f. Deposited with the Township the financial guarantees as may be required by this Ordinance.
- g. The installation of landscaping, street trees and street lights have been required by the Township Board, the proprietor and the Township Board shall have entered into a special agreement to ensure installation.
- h. The Township Board and the proprietor shall have entered into an agreement for the review and inspection of the installation of public improvements and their conformance with the construction plan and the plan.
- i. The proprietor shall have delivered two copies of the Master Deed and Condominium Bylaws final recordable form.

SECTION 8C.06 INTERPRETATION

A. Application of Traditional Definitions.

In the review of preliminary and final plans, as well as engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which have been provided for and which would be made for developments proposed under the Subdivision Control Act. However, the review of plans submitted under this Ordinance shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act, including, without limitation, conformance with all requirements of the Oceola Township Zoning Ordinance, as amended.

B. Conflict with Existing Regulations.

These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Livingston County except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.

Adopted 06/06/96 Effective 06/12/96

ARTICLE 9
CR I COMMERCIAL RECREATION I

SECTION 9.01 STATEMENT OF PURPOSE

The Commercial Recreational District I is intended to provide for the establishment of areas to be used for recreational activities which predominantly require open spaces. The intent and purpose of this Article is to encourage recreational uses of the outdoors in order to take full advantage of the land in its natural state and to encourage outdoor recreational activities that are not easily provided for in urbanized portions of the metropolitan area.

SECTION 9.02 PERMITTED USES

The following and no other shall be deemed Commercial Recreation I uses and permitted in all Commercial Recreational I Districts:

- A. Archery ranges.
- B. Country Clubs.
- C. Day camps.
- D. Golf courses and golf driving ranges, if part of or adjoining a golf course.
- E. Horse riding academies and public stables.

SECTION 9.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses are permitted only by the issuance of a special use permit as provided for in Article 17:

- A. Campgrounds.
- B. Beaches.
- C. Non-motorized bicycle tracks.
- D. Plant or animal preserves.
- E. Private parks and government owned parks.
- F. Other uses similar to the above, where appropriate to adjacent land uses.
- G. Residential uses accessory to any use permitted in this district, upon a showing of necessity.
- H. Storage structures (non-commercial) pursuant to Section 13.37.

SECTION 9.04 DISTRICT PROVISIONS

The following restrictions and regulations apply to uses in Commercial Recreational I Districts:

- A. Site plan review is required pursuant to Article 19. Any subsequent change in the site plan shall require a new site plan review.

- B. Each site shall be designed to comply with performance standards set forth in Section 13.35.
- C. Sewage facilities shall comply with standards in Section 13.03.
- D. Off street parking in loading areas shall be according to standards set forth in Article 15.
- E. All signs must be in accordance with Section 13.26.
- F. Solid waste disposal shall be provided for to handle peak loads and to minimize littering or contamination of adjacent land uses. This Township Board may require a bond to ensure compliance.
- G. Fencing of all sites shall be required unless the Township Board shall approve a substitute or in its discretion deem it unnecessary to protect surrounding property owners.
- H. If the entrance and exit to any permitted use in this district is not directly to a hard surface road, a plan acceptable to the Township Board shall be provided and carried out for the maintenance and dust control on any gravel road between the entrance/exit area and the nearest hard surface road.
- I. Development features and structures shall be located so as to minimize any adverse effects upon adjacent property.
- J. If use of the facility is not continuous in nature, provisions shall be made for adequate safeguarding of the premises to prevent it from becoming an attractive nuisance or hazard which would imperil the welfare of the community.
- K. Permitted accessory buildings and uses are those customarily associated with any of the permitted principal uses located on the same premises.

SECTION 9.05 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in a Commercial Recreational I District:

- A. Minimum road frontage - 400 feet.
- B. Maximum building height - 2 stories and 35 feet.
- C. Minimum floor area of each unit excluding garage - 960 square feet.
- D. Minimum building distance from lot line - 100 feet.
- E. Minimum lot size - 40 acres.

Adopted 5/19/83

ARTICLE 9A
CR II COMMERCIAL RECREATIONAL II

SECTION 9A.01 STATEMENT OF PURPOSE

The purpose of the Commercial Recreational District II is to provide for the development of recreational facilities with significant traffic volume and relatively intensive use of smaller land areas.

SECTION 9A.02 PERMITTED USES

The following and no other shall be deemed Commercial Recreational II uses and permitted in all Commercial Recreational II Districts.

- A. Golf driving ranges.
- B. Swimming beaches.
- C. Public swimming pools/clubs.
- D. Tennis or racquetball clubs.
- E. Bowling alleys.
- F. Roller-skating arenas.
- G. Any use permitted by right under Commercial Recreational District I, provided the parcel is at least forty (40) acres in size.

SECTION 9A.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses are permitted only by the issuance of a special use permit as provided for in Article 17:

- A. Ski resorts-minimum 40 acres.
- B. Fairgrounds-minimum 40 acres.
- C. Race tracks-minimum 40 acres.
- D. Other uses similar to the above, where appropriate relative to adjacent land uses.
- E. Any use permitted by special use permit under the Commercial Recreational I District, provided the parcel is at least 40 acres in size.
- F. Residential uses accessory to any use permitted in this district, upon a showing of necessity.
- G. Storage structures (non-commercial) pursuant to Section 13.37.

SECTION 9A.04 DISTRICT PROVISIONS

The following restrictions and regulations apply to uses in Commercial Recreational II Districts:

- A. Site plan review is required pursuant to Article 19 and any subsequent change in the site plan shall require a new site plan review.
- B. Each site shall be designed to comply with the performance standards in Section 13.35.

- C. Sewage facilities shall comply with standards in Section 13.03.
- D. Off street parking and loading areas shall be in accordance with standards in Article 15.
- E. Signs must be in accordance with Section 13.26.
- F. Solid waste disposal shall be provided for to handle peak loads and to minimize littering or contamination of adjacent land uses. The Township Board may require a bond to ensure compliance.
- G. Fencing of all sites shall be required unless the Township Board shall approve a substitute or deem it unnecessary to protect surrounding property owners.
- H. Permitted accessory buildings and uses are those customarily associated with any of the permitted principal uses located on the same premises.
- I. Development features and structures shall be located so as to minimize any adverse effects upon adjacent property.
- J. If the use of the facility is not continuous in nature provisions shall be made for adequate safeguarding of the premises to prevent it from becoming an attractive nuisance, which would imperil the welfare of the community.
- K. The site shall be accessible to M-59 or other major hard surface artery without creating a safety hazard to other land uses in the area. Adequate provisions should be made for handling traffic surges to safely remove traffic from public roads entering the site during peak periods and to minimize the disruption to adjacent districts. Adequate traffic control must also be provided on the site.
- L. Adequate sound and sight buffers shall be provided to shield roads and adjacent property from activities on the site. For all uses permitted after issuance or a special use permit, a 200 foot greenbelt may be required around the site for complete screening, including an earth berm at least four feet high where the site borders agricultural or residential district.
- M. Commercial uses shall be located in such a way as:
 - 1. to establish few points of ingress and egress along a public highway (not more than one entrance per 500 feet of road frontage);
 - 2. to encourage common parking area;
 - 3. to maximize land utilization in compact districts;
 - 4. to encourage development of modern centers and the creations of an attractive commercial environment;
 - 5. to encourage access drives between adjacent commercial or office uses; and
 - 6. to facilitate future building expansion in a like manner.
- N. Noise, dust, and glare shall be controlled at the property line, and shall be compatible with the residential uses in the neighborhood and mitigated on the site if necessary.
- O. Changes in water quality and quantity by site discharge and runoff shall be mitigated on site unless public facilities are available.
- P. The site shall be established and maintained with landscaping consistent with natural site qualities, functional needs, and neighborhood standards.
- Q. No material storage of any kind will be permitted outside of enclosed buildings.
- R. All exterior walls shall be constructed of stone, brick, decorative block or other approved ornamental material.
- S. Outside trash storage shall be in covered container within screened areas.

T. Adequate provisions must be made for safety of the recreational participants and neighbors from accidents related to the recreation. Bonds or insurance coverage for this purpose may be required by the Township Board.

SECTION 9A.05 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in a Commercial Recreational II District:

- A. Minimum lot size - five acres except as otherwise specified.
- B. Minimum frontage of 300 feet on a public road.
- C. Maximum building height - 2 stories and 85 feet.
- D. Minimum building distance from lot line - 100 feet.

Adopted 5/19/83

ARTICLE 10
C - COMMERCIAL DISTRICT

SECTION 10.01 STATEMENT OF PURPOSE

The purpose of this article is to encourage the concentration of Commercial development. Commercial development shall mean establishing stores and facilities to provide goods and services to the general public. This does not include the recreational services included in Article 9 and 9A. This district is intended to provide a well-defined area for highly concentrated commercial development with appropriate provisions for the public safety, health, and well-being of persons using the development and adjacent land uses. Development shall further be designed to provide for the most efficient use of related municipal services and protect conservation and open spaces.

SECTION 10.02 PERMITTED USES

The following and no other shall be deemed Commercial District uses and permitted in all Commercial Districts:

- A. Any generally recognized retail business which supplies commodities on the premises including, but not limited to foods, drugs, liquor, furniture, clothing, dry goods, notions or hardware.
- B. Any personal service establishment which performs services on premises including, but not limited to, repair shops (watches, radio, television, shoe, etc.) tailor shops, beauty parlors, barbershops, interior decorators, photographers and dry cleaners.
- C. Restaurants and taverns.
- D. Office and office buildings or an executive, administrative or professional nature, banks, (including drive-in facilities), doctors, dentists, chiropractors, municipal buildings or post offices.
- E. Automobile display or sales room including auto sales, servicing, and repair.
- F. Motels and hotels.
- G. Business or private schools operated for profit, including but not limited to, dance studios, music and voice schools, and art studios.
- H. Storage facilities when incidental to and actually connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
- I. Accessory structures, uses, and signs incidental to the listed permitted uses.
- J. Gasoline service stations.

SECTION 10.03 USES PERMITTED BY SPECIAL USE PERMIT

The following uses may be permitted by the issuance of a special use permit as provided for in Article 17.

- A. Entertainment or fraternal establishments, including theaters, bowling alleys, pool halls, clubs, or lodges.
- B. Outside storage and/or display of materials.
- C. Nursing and convalescent homes.
- D. Storage structures pursuant to Section 13.37.
- E. Other uses which in the determination of the Township Board are of a similar character to listed uses.

Effective 6/28/89

SECTION 10.04 DISTRICT PROVISIONS

The following restrictions and regulations apply to uses in Commercial Districts.

- A. Greenbelts of approved materials as listed in Section 13.36 shall be provided on any side and back yards abutting any residential districts.
- B. Any use established in Commercial Districts after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Section 13.35, General Provisions.
- C. Any use established in Commercial Districts shall be operated so as to comply with the sewage standard as set forth in Section 13.03, General Provisions.
- D. Parking shall be provided pursuant to Article 15.
- E. Adjoining parking lots shall provide for a two-way common drive between parking lots.
- F. Safe ingress and egress to the site shall be required, which may require deceleration lanes and/or center turn lanes.
- G. Signs shall be placed so as to be inoffensive and not disruptive to traffic in accordance with Ordinance Section 13.26.
- H. Deleted 05/02/91 Effective 05/08/91
- I. Noise, dust, and glare shall be controlled at the property line and be compatible with the residential uses in the neighborhood, and mitigated on the site if necessary.
- J. Changes in water quality and quantity by site discharge and run-off shall be mitigated on site unless public facilities are available.
- K. The site shall be established and maintained with landscaping, consistent with the natural site qualities, functional needs and neighborhood standards.
- L. Outside trash storage shall be in covered containers within screened areas.

SECTION 10.05 FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in a Commercial District:

A. Setbacks:

Front - 150 feet from the edge of the right-of-way

Side abutting residential district - 50 feet

Side abutting other districts - 15 feet

Back abutting residential district - 75 feet

Back abutting other districts - 25 feet

B. Maximum building height shall be forty (40) feet.

C. No commercial district shall be established consisting of less than ten (10) usable acres of land.

D. Minimum road frontage shall be 660 feet and the minimum depth shall be 660 feet.

E. Minimum lot size, 90,000 square feet net of setback requirements.

SECTION 10.06 SITE PLAN APPROVALS

All uses in the Commercial District shall require site plan approval, as provided for in Article 19 of this ordinance.

Effective May 3, 1984

ARTICLE 10A
OS OFFICE SERVICE DISTRICT

SECTION 10A.01 STATEMENT OF PURPOSE

This OS Office Service zoning district is intended to accommodate various types of office uses performing administrative, professional and personal services. These uses can serve as a transitional use between more intensive land uses such as commercial districts or major thoroughfares and less intensive land uses such as single family districts. It is also intended to allow for users which do not generate large volumes of traffic, traffic congestion or parking problems.

SECTION 10A.02 PRINCIPAL PERMITTED USES

In the OS District, no uses shall be permitted unless otherwise provided in this ordinance except the following:

- A. Office buildings and uses when goods or wares are not commercially created, exchanged or sold.
- B. Public buildings and uses; public utility buildings but not including storage yards.
- C. Business and private schools operated for a profit completely within an enclosed building.
- D. Photographic studios.
- E. Funeral Homes.
- F. Insurance offices, brokerage house and real estate offices.
- G. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- H. Off-street parking and loading in accordance with the requirements of Section 15.01.

SECTION 10A.03 USES SUBJECT TO SPECIAL USE PERMIT

The following uses are subject to the conditions hereinafter imposed and subject further to Section Article 17:

- A. Office Complexes (two or more structures) exceeding 30,000 (thirty thousand) square feet in floor area.
 - 1. Exterior walls of opposite or adjacent buildings shall be located no closer than one and one half (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.
 - 2. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
 - 3. Maximum lot coverage shall not exceed sixty percent (60%), including accessory uses and structures.
 - 4. The ratio of total floor area to lot area shall not exceed one (1).
- B. Medical and Dental Clinics.

1. Minimum lot size shall be 40,000 (forty thousand) square feet.
 2. Maximum lot coverage shall not exceed thirty-five percent (35%), including accessory uses and structures.
- C. Private service clubs, fraternal organizations, and lodge halls.
 1. At least one property line shall abut a collector street, private road or major thoroughfare.
 2. Retail sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.

SECTION 10A.04 DISTRICT PROVISIONS

- A. Greenbelts of approved materials as listed in Section 13.36 shall be provided on any side and rear yards abutting any residential districts.
- B. Any use established in the OS, Office Service District after the effective date of this ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Section 13.35, General Provisions.
- C. Any use established in the OS, Office Service District shall be operated so as to comply with the sewage standard as set forth in Section 13.03, General Provisions.
- D. Adjoining parking lots shall provide for a two-way common drive between parking lots.
- E. Safe ingress and egress to the site shall be required, which may require deceleration lanes and/or center turn lanes.
- F. Signs shall be placed so as to be inoffensive and not disruptive to traffic in accordance with Ordinance Section 13.26.
- G. Permitted uses and uses subject to Special Use Permit uses shall be located in such a way as:
 - 1) to establish few points of ingress and egress along a public highway,
 - 2) to encourage common parking areas,
 - 3) to maximize land development of modern centers and the creation of an attractive commercial district,
 - 4) to encourage access drives between adjacent commercial or office uses,
 - 5) to facilitate future building expansion in a like manner.
- H. Changes in water quality and quantity by site discharge and run-off shall be mitigated on site unless public facilities are available.
- I. The site shall be established and maintained with landscaping, consistent with the natural site qualities, functional needs and neighborhood standards.
- J. Outside trash storage shall be in covered containers within screened areas.

SECTION 10A.05. FRONTAGE, AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

The following dimension restrictions apply to uses in the OS, Office Service District:

A. Setbacks:

Front - 75 feet*

Side abutting residential district - 30 feet

Side abutting other districts - 15 feet

Rear abutting residential district - 50 feet

Rear abutting other districts - 25 feet

B. Maximum building height - 40 feet

C. Minimum road frontage - 100 feet

*For those uses locating along M-59, the setback shall be determined from any officially proposed right-of-way. The front setback may be used for marginal access drives and street parking. A ten (10) foot landscaped strip shall be provided and maintained between the edge of the existing or proposed right-of-way and the pavement.

Amended 02/02/95 Effective 02/08/95

SECTION 10A.06 SITE PLAN APPROVAL

For permitted use and use subject to special use permit, a site plan shall be submitted in accordance with Article 19.

Adopted 04/18/91 Effective 04/24/91

ARTICLE 11
M-1 INDUSTRIAL DISTRICT

SECTION 11.01 STATEMENT OF PURPOSE

The purpose of this Article is to encourage the concentration of industrial developments by:

1. Providing guidelines for the establishment of these districts which will promote the best use of land at strategic locations and avoid the encouragement of strip development along major roads.
2. Providing regulations within these districts which will provide for the free movement of vehicles on the proper streets and highways of the Township; protect industry, commerce, and residence against incongruous and incompatible uses of land; assure the provision for the parking of customers and employees using these establishments; and assure that all uses of land be so related so as to provide economy in government and mutual support.

The result of this purpose will promote and protect the public health, safety, and general welfare of the community and provide a wholesome, serviceable and attractive Township.

The MI Industrial District is so structured as to permit along with any specified uses, the manufacturing, compounding, processing, packaging, assembling and/or treatment of finished or semi-finished products from previously prepared materials. It being the intent of this Article that heavy manufacturing, such as those requiring processing or assembling from raw materials, shall not be permitted.

SECTION 11.02 DISTRICT PROVISIONS

- A. Size of District: No Industrial District shall be established which is less than forty (40) acres in size including the road right-of-way. The minimum depth of any portion of the district from the center of the road to the back line shall be 1,300 feet.
- B. Location of Districts: An Industrial District shall abut on at least one side of a Commercial, Industrial, Multiple Dwelling, or Manufactured Housing Parks District in order to enable economy in providing services for these districts. In no case shall a MI District abut a R1, R2, or R3 District. Amended 9/6/2007, Effective 9/19/2007

When a service drive parallel to the thoroughfare is required the nearest edge of the service drive shall be set back a minimum one hundred twenty (120) feet from the thoroughfare right-of-way.

- C. Item C was deleted, Effective 05/08/91
- D. Greenbelt: Thoroughfare right-of-way and set back area as specified in respective district requirements shall be maintained as greenbelts. Greenbelts shall be maintained along district boundaries. The area between a thoroughfare and a service drive shall be maintained as a greenbelt.

Additional greenbelts may be required by the Planning Commission. Specifications for these greenbelts will be determined by the Planning Commission and shall be included by the developer as part of the submitted site plan.

- E. Streets: Must be paved to Livingston County Road Commission Specifications.
- F. Building Appearance: Any wall of a building which is conspicuous from the thoroughfare shall be constructed of stone, brick, or approved ornamental material and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified.
- G. Performance Standards: Any use established in the MI District after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth herein after in SECTION 13.35, General Provisions.
- H. Any use established in the MI District shall be operated so as to comply with the sewage standard as set forth in Section 13.03, General Provisions.
- I. A central water system is required for a MI District.

SECTION 11.03 PERMITTED USES

The following uses are permitted in the MI District:

- A. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot fence or solid wall. Said fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use.
 - 1. Warehousing and wholesale establishments and trucking facilities.
 - 2. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy and cosmetics, pharmaceutical, toiletries, food products, hardware, cutlery, novelties, instruments, appliances, tools, dies, gauges, and supply parts for other manufacturers.
 - 3. Laboratories-experimental, film or testing.
- B. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirements of enclosure.
- C. Warehouse, storage and transfer and electric and gas service buildings, electrical transformer stations and substations, and water and gas tank holders. Railroad transfer and storage tracks.

- D. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- E. Greenhouses.
- F. Accessory buildings, uses and signs customary to any of the above permitted uses.
- G. Auto engine and body repair, and undercoating shops when completely enclosed.
- H. Non-accessory signs subject to the requirements of SECTION 13.26.
- I. Other uses which in the determination of the Township Board are of a similar character to the listed uses.
- J. Off-street parking and loading space as in ARTICLE 15.

SECTION 11.04 PERMITTED USES AFTER SPECIAL APPROVAL

- A. Open storage: All storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.
- B. Junk yards, dumps, salvage yards.
- C. Outdoor theaters.
- D. Storage structures pursuant to Section 13.37.
- E. Wireless communication support structures, subject to the provisions of Section 13.27.

Effective 07/26/00

SECTION 11.05 AREA, HEIGHT, AND PLACEMENT REQUIREMENTS

(In accordance with the attached Schedule of Regulations, Article 12.)

ARTICLE 12 SCHEDULE OF REGULATIONS

(No building or structure shall be erected converted, reconstructed, or structurally altered except in conformity with the following regulations, except as otherwise provided in this Ordinance.)

District	Maximum Lot Coverage In Percent	Minimum Size Of Lot Per Dwelling Unit		Maximum Height Of buildings In Feet	Minimum Yard Setbacks In Feet (A) Sides (B) Least Total			Minimum Floor Area per Dwelling unit Unit C In Sq. Ft.
		Area in Sq. Ft	Width In Ft.		Front	One of Two	Rear	
MI, Industrial	40	80	2	40	50	40	80	40

**ARTICLE 13
GENERAL PROVISIONS**

DEFINITIONS

The following words and phrases shall have the meanings set forth in this Section when they are used in this

SECTION 13.01 CONFLICTING REGULATIONS

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

SECTION 13.02 SCOPE

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

SECTION 13.03 SEWAGE, OS, C, CR, M-1, R3, RM AND MHP DISTRICTS

All sewage shall be disposed of in a manner which will not interfere with the health, welfare and safety of the citizens and residents of Oceola Township. R3, RM, MHP Districts shall be required to install a central sewage treatment system.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.04 PERMITTED USES

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

SECTION 13.05 Deleted 8/29/85

SECTION 13.06 PERMITTED HEIGHT.

Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach land shall be as established by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.07 LOT LIMITATIONS

In all residential zoning districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided in violation of the Subdivision Control Act of 1967, Act 288, Public Acts of 1967, as amended.

SECTION 13.08 LOTS, YARDS AND OPEN SPACES

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may be reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 13.09 PORCHES, PATIOS AND TERRACES

An open, unenclosed porch, paved patio, or terrace may project into a required front yard for a distance not to exceed ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SECTION 13.10 PROJECTIONS INTO YARDS

Architectural features, as defined, not including vertical projections may extend or project into a required side yard not more than two (2) inches for one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 13.11 SUBSTANDARD LOTS

Any lot which was of record at time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards, may be utilized for single residence purposes, provided the width and depth and available open space for yards is not less than sixty-six and two thirds (66 2/3) percent of that required by the terms of this Ordinance, excepting that vacant lots having in the aggregate a continuous frontage of one hundred and twenty (120) feet or more, regardless of ownership, shall not be subject to this exception. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

SECTION 13.12 FRONTAGE, AS AMENDED

Every principal building shall front upon a public street, except where otherwise provided by law.

SECTION 13.13 TEMPORARY OCCUPANCY OF TRAILER COACHES

The temporary occupancy of trailer coaches shall be subject to the following conditions, upon application to Zoning Administrator:

- A. During the period of construction of a new building but not to exceed a period of one (1) year, the owner of such dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one trailer situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- B. Such trailer coach shall not be located between the established set-back line and the public roadway or curb line of such premises.
- C. The trailer coach shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
- D. The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, and in case such a system is not then available then properly connected to the existing septic tank sewage disposal system which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
- E. No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.
- F. The water facilities of the trailer coach shall be properly connected to the public water system available at such premises and in case such system is not then available, then properly connected to the existing well stem which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
- G. A performance bond in the amount of One Thousand Dollars (\$1,000.00) shall be provided to insure the removal of the trailer coach at the termination of the permit.

SECTION 13.14 DWELLING IN NON-RESIDENTIAL DISTRICTS No dwelling shall be erected in the Commercial, or M-1 Industrial District. However, the sleeping quarters of a watchman or a caretaker may be in said districts in conformance with the specific requirements of the particular district.

SECTION 13.15 DWELLINGS OTHER THAN MAIN STRUCTURE Hereafter, every building erected, altered or moved, shall be located on a parcel of record, except in the case of an approved multiple dwelling development (this does not include duplex or two-family structure), there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any AR (Agricultural Residential), or R (Residential District).

SECTION 13.16 ACCESSORY BUILDINGS

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

- A. **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations in this Ordinance applicable to main buildings, including but not limited to, setbacks and height.
- B. **Detached Accessory Buildings.**
1. No detached accessory building shall extend in front of the front building line of the principal building except as provided under Section 5.04.I. for lakefront lots in the R-2 District.
 2. No accessory building shall be erected in any required yard other than a rear yard without the approval of the Planning Commission except in the AR (Agricultural Residential District) or on lakefront lots in the R-2 District. Application for approval shall be made to the Planning Commission at least three (3) weeks prior to any regular Commission meeting at which the request is to be formally presented. Notice of the application, including the date, location and time it will be considered shall be given by the Planning Commission, by mail, at least fifteen (15) days prior to the meeting to all owners of record of property immediately adjacent to the proposed accessory building yard.
 3. A detached accessory building may occupy not more than twenty-five percent (25%) of a required rear yard, plus twenty percent (20%) of any non-required rear yard.
 4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way. A fifteen (15) foot wide clear pathway to the back of the lot for emergency vehicle access must be provided on each lot or parcel.
 5. No detached accessory building in any district except AR or RR shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in AR or RR Districts may be constructed to equal the permitted height of principal structures in the respective district.
 6. 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 to 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 lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

- C. **Use of an Accessory Building.** When an accessory building in any residential or commercial district, with the exclusion of the R-1, AR, and RR Districts, is intended for any use other than storage of private motor vehicles, the accessory use shall be subject to the approval of the Planning Commission.
Adopted: 9/6/2007 Effective: 9/19/2007

SECTION 13.17 OCCUPANCY; TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

SECTION 13.18 BUILDING GRADES

The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties previously developed, existing grades shall have priority. Final grades shall be approved by the County Building Inspector.

SECTION 13.19 BUILDING TO BE MOVED

Refer to SECTION 16.03.

SECTION 13.20 EXCAVATIONS OR HOLES

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or walls, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township or other governmental agency. (See SECTION 13.31.)

SECTION 13.21 RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the County Building Inspector, or required to comply with his lawful order.

SECTION 13.22 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, provided further, that such building shall be completed within one (1) year from the date of passage of this Ordinance.

SECTION 13.23 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 13.24 APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat conforms with the statutes of the State of Michigan and the Subdivision Regulations of the Township, as may be adopted.

SECTION 13.25 ESSENTIAL SERVICES Deleted 10/30/91

SECTION 13.26 SIGNS

SECTION 13.26(1) PURPOSE AND INTENT

Oceola Township has determined that the regulation of the location, size, placement and certain physical features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection. In addition it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township. These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

SECTION 13.26(2) DEFINITIONS

Accessory Sign: A sign which pertains to the principal use of the premises upon which such sign is located.

Appendage Sign: A sign that is intended to draw attention to one or more of various services, items for sale, contests, etc., and is attached as an appendage to an accessory sign, sign support or any part of a sign structure.

Banner Sign: A sign on paper, cloth, fabric or other combustible material (excluding wood and/or plastic) of any kind, either with or without frames.

Billboard or off premises advertising sign: A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.

Building Frontage: The length of the portion of a building facing a street abutting to the premises on which a business is located.

Bulletin Board: A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.

Canopy: A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.

Construction Sign: A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.

Directional Sign: A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.

Electronic Message Board: A sign that uses lights to display messages, such as, but not limited to, the current time, temperature, and/or date of the immediate environment.

Flag: A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a non-profit organization.

Flashing Sign: A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun. (See Moving Sign)

Freestanding Sign: A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.

Grade: The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.

Handicapped Sign: A sign limited to indicate that off-street parking is reserved for the physically handicapped, or a sign which is limited to indicate facilities for the physically handicapped.

Illuminated Sign: A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

Institutional Sign: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

Interior Sign: A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

Marquee: A suspended covering, typically attached to a permanent structure placed over an entranceway.

Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure projection from and supported by the building.

Maximum Sign Height: Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure, whichever is higher.

Minimum Sign Height: Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure, whichever is lower.

Moving Sign: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination. (See Flashing Sign)

Non-Accessory Sign: A sign which does not pertain to the principal use of the premises on which such sign is located.

Occupational Sign: A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

Off-Premises Directional Sign: A sign intended to provide directions to a business located within the township, consisting of the business name and a directional arrow. No graphics, pictures (other than a company logo) or other text are permitted.

Portable Sign: A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.

Premises: A lot or group of lots with one or more buildings which functions as a single use, is under the same ownership or control and is not divided by a public street. Multiple tenants of a single premises may share common entranceway and off-street parking. Examples of premises

include a shopping center, a multiple family apartment complex, and educational or medical campus.

Projecting Sign: A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.

Roof Sign: A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof. *Roof signs shall be subject to the provisions of Article 17 (Special Use Permits) of the Township of Oceola Zoning Ordinance.*

Sign: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Signs may also be attached to vehicles or the ground.

Sign Area: The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.

Sign Erector: Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.

Subdivision Development Sign: A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

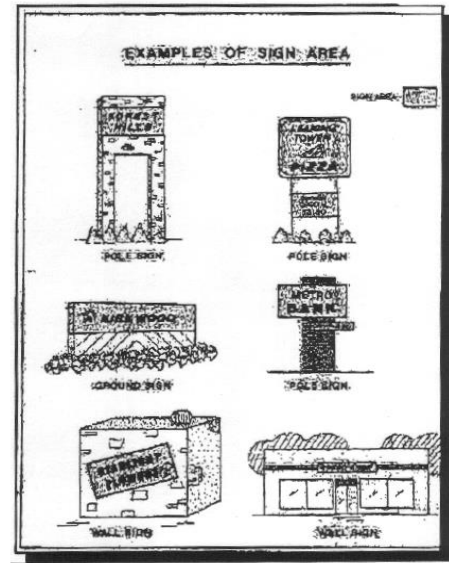
Temporary Sign: A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.

Wall Sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural is considered a wall sign. A sign painted or inscribed on a canopy shall also be considered a wall sign.

SECTION 13.26(3) COMPUTATION OF SIGN AREA

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. Single-Face Sign. The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes--such as a square, rectangle, triangle or circle--encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. Double-Face Signs: For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. Three-Dimensional Signs. For signs which are designed as a three-dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half (1/2) the total surface of the geometric form.



SECTION 13.26(4) PERMIT REQUIRED FOR SIGNS

- A. Sign Erection Permit: It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Township, except as provided in Section 13.26(8) (Signs Exempt from Permit requirement). Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. Sign Maintenance or Change of Message: No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

- C. Planning Commission Approval: All subdivision/development signs, time/date/or temperature signs, or any type of sign not explicitly defined in Section 13.26(2) of this Ordinance must be approved by the Township Planning Commission before a permit shall be issued.
- D. Sign Erector Requirements: Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of Section 13.26(5). However, a property owner may erect a sign on his/her premises.
- E. Permit Applications: Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - 3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
 - 4. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
 - 5. Zoning district in which the sign is to be located.
 - 6. Two (2) copies of the sign plans and specification for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specification shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 - 7. Name and address of the sign erector.
 - 8. Insurance policy as required herein (see Section 13.26(5)(a)).
 - 9. Such other information as the Township may require to show full compliance with this and all other applicable laws of the Township, Livingston County and the State of Michigan.
- F. Sign Erection Permit Expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within one hundred and eighty (180) days of the date of issue.

SECTION 13.26(5) SIGN ERECTOR REQUIREMENTS

- A. Insurance Certificates: Before a permit for a sign over twenty four (24) square feet is issued, the installing company shall submit for filing with the Township, a valid Certificate of Insurance for public liability in the amount of One Hundred Thousand (\$100,000.00) Dollars for injuries to one (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than one (1) person, and property damage insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to any property due to the actions of himself or any of his agents or employees. Said certificate shall provide for notification of the Township ten (10) days prior to expiration of insurance.

- B. Lapsing of Insurance: If at any time, the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.
- C. Notification of Change: A sign erector shall notify the Zoning Administrator of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance Certificates.

SECTION 13.26(6) CERTIFICATE OF COMPLIANCE

- A. Compliance Certification: All signs erected after the adoption of this provision shall be inspected at original installation and if found to be in full compliance with the provisions of this Section, shall be issued a Certificate of Compliance.
- B. Responsibility of Compliance: The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of Section 13.26(11) of this Section.

SECTION 13.26(7) GENERAL SIGN PROVISIONS.

- A. Public Rights-of Way: No sign (or any pole or support cable of any nature) except those established and maintained by the Township, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of way or dedicated public easement, unless otherwise authorized in this Ordinance.
- B. Sign Heights: The highest point of any sign shall not exceed twenty (20) feet above the ground or grade level in the C Commercial, M-1 Industrial District, six (6) feet in the AR, RR, R-1, and R-3, RM, MHP, and OS zoning districts.
Amended 9/6/2007, Effective 9/19/2007
- C. Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- D. Clear Corner Vision: No sign above a height of thirty-six (36) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured on the plans.
- E. Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

- F. Illumination: No sign shall be illuminated by other approved devices, and in no case shall any open spark or flame be used for display purposes unless specifically approved by the Township Board. All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
- G. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- H. Wall Signs: No wall sign shall project beyond or overhang the wall or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- I. Freestanding signs: Freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- J. Liability Insurance: If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impacts public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars for injury to One (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than One (1) person and Property Damage Insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Township Attorney that said owner is financially capable of self-insurance in the above amounts.

SECTION 13. 26 (8) SIGNS EXEMPT FROM PERMIT REQUIREMENTS

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- A. Government Signs: Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- B. Flags: Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a means of advertising.
- C. Address Signs: Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

- D. Street Signs: Signs erected by Private Developers or County, State, or Federal governments for street names, traffic control, or direction and information.
- E. Private Traffic Signs: Signs directing and guiding traffic and parking on property that do not exceed six (6) square feet each and bear no advertising matter.
- F. No Trespassing Signs: Not exceeding two (2) square feet in area with a minimum separation of two hundred (200) feet.
- G. Handicapped Signs: Not exceeding four (4) square feet each and bearing no advertising matter.
- H. Architectural Features/Artwork: Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- I. Small Accessory Signs: Any accessory sign erected on a premise and visible to a public right-of-way which is no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total area of all small accessory signs on one premise shall not exceed eight (8) square feet, except in residential districts in which the total area of all small accessory signs on one premise shall not exceed six (6) square feet. (See F. for exception on no trespassing signs).
- J. Temporary Signs, Banners, Flags: Temporary Signs, not specifically regulated in any other section of this Ordinance, including but not limited to: political or campaign signs, real estate signs, signs for special events, activities, or sales, banners, flags, and the like shall be permitted subject to the following conditions:
 - 1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any public sidewalk or street right-of-way.
 - 2. All temporary signs must be removed within fourteen (14) days of the conclusion of the event, activity, election, sale, etc. for which the temporary sign is displayed.
 - 3. The total area and height of temporary signage shall not exceed the following standards:
 - a. In residential districts, temporary signage shall be limited to six (6) square feet in area and six (6) feet in height.
 - b. In all commercial and industrial districts, temporary signage shall not exceed one hundred and twenty (120) square feet of total sign area are per side or a height of fifteen (15) feet.

4. Air filled or gas filled balloon figures are considered temporary signs and may be permitted in conjunction with special events or promotions, provided that they comply with the provisions of this ordinance.

K. Political Signs:

1. Political signs are permitted in all districts and do not require a permit.
2. The maximum sign area in residential districts is six (6) square feet for each sign. The maximum number of signs shall be limited to one (1) per contested office or ballot issue and shall be placed in the required front yard.
3. The maximum total sign area shall be one (1) square foot of total sign area for every two (2) lineal feet of parcel frontage but the total sign area shall not exceed sixty-four (64) square feet.
4. Any political campaign sign shall not be erected more than thirty (30) days prior to the election to which it relates and shall be removed within seven (7) days following that election.

- L. Interior Business Signs: Signs on the interior of a building but visible to the street less than two (2) square feet in area.

SECTION 13.26(9) SIGNS PROHIBITED THROUGHOUT THE TOWNSHIP

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Section.

- A. Moving Signs: Signs that revolve or are animated or that utilize movement or apparent movement to attract attention. No sign shall have blinking, flashing, or fluttering or other illuminated devices such as a changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than five (5) seconds. All lights in a display shall activate simultaneously, remain activated for not less than five (5) seconds, and deactivate simultaneously. Beacon lights and search lights are not permitted.
- B. Flashing Signs: Including signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.
- C. Banners, Streamers: Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this Section.

- D. String Lights: Exterior String lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.
- E. Unsafe Signs: Any sign which is structurally or electrically unsafe.
- F. Utility Poles and Landscaping: Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
- G. Business No Longer Existing (Abandoned Signs): Any business sign or sign structure now or hereafter existing which advertises a business conducted or a product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- H. Non-anchored Signs: Portable Signs and freestanding signs not permanently anchored or secured to either a building or the ground, except real estate “open house” signs.
- I. Sign Structure without Sign: Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- J. Portable Signs (See Definition under Section 13.26(2))
- K. Billboards
- L. Signs on Vehicles: Signs attached to or painted on trucks and/or trailers which are not on or associated with an active construction site or as part of normal delivery of goods and services.
- M. Other Signs Prohibited: Other signs not expressly permitted by or does not conform to the provisions of this article shall be prohibited.

SECTION 13.26(10) DISTRICT REGULATIONS

- A. Signs Permitted in the Commercial District:
 - 1. The total wall sign area for an occupied parcel of property in the Commercial District shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area for any parcel not to exceed forty-five (45) square feet. If multiple

commercial uses are on a parcel, each business is permitted a maximum total of twelve (12) square feet.

2. One (1) freestanding sign may be allowed per premises. Such sign shall not exceed twenty (20) feet in height and sixty-four (64) square feet in area or one (1) square foot per two (2) lineal feet of lot frontage whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten (10) feet to the existing or planned ROW. No portion of any such sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
3. In addition to the signs allowed in paragraphs 1 and 2 above, wall sign(s) may be erected on the rear or parking lot side of a premises not exceeding one-half (1/2) square foot for each linear foot of the rear length of the principle building(s), provided that the total sign area shall not exceed thirty (32) square feet.
4. Interior signs: For each premises, an additional area of interior signs not to exceed twenty-five (25) percent of the area of any window shall be permitted, provided that no one sign shall exceed twenty (20) square feet in area.
5. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per Pump Island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.
6. Time, temperature, and electronic message signs shall be permitted provided that the message shall not change more than once every five (5) seconds. The area of such sign shall be included as part of the area of a freestanding sign.
7. Appendage signs: For each premises, one (1) appendage sign not to exceed ten (10) square feet in sign area may be permitted.

B. Signs Permitted in the M-1 Industrial District:

1. One (1) wall sign may be erected per building face up to sixty (60) square feet in area or ten (10) percent of the total facade area of the building whichever is less.
2. One (1) freestanding (ground or pole mounted) sign may be erected provided said sign does not exceed sixty-four (64) square feet of display area per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than ten (10) feet from any existing or proposed ROW and no closer than twenty (20) feet from any side lot line.

3. In addition to signs permitted in paragraph 1 above, one (1) wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet in area, and shall be erected not less than four (4) feet nor more than twelve (12) feet above the established grade.
4. Directional signs, up to six (6) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than to within five (5) feet of any property line.
5. Appendage signs: For each premises, one (1) appendage sign not to exceed ten (10) square feet in sign area may be permitted.
6. Roof signs: For each premises, one (1) roof sign not extending more than six (6) feet above the roof line of the building upon which it is located and not exceeding one hundred (100) square feet in total area shall be permitted. Roof signs are subject to the provisions of Article 17 (Special Use Permits) of the Township of Ocala Zoning Ordinance.

C. Signs Permitted in the AR and RR Districts:

In the RR District, in addition to an identification sign not exceeding two (2) square feet in area, two (2) signs, each of which shall not exceed ten (10) square feet, may be permitted which advertise the sale of agriculture produce raised on the premises. In the AR District, two (2) signs, each of which may not exceed twenty-four (24) square feet may be permitted. No permit is required for these signs.

D. Signs for Non-Residential Uses in Residential Districts:

Non-residential uses (e.g., churches and schools) permitted in residential districts may be permitted one (1) ground sign, or one (1) base mounted ground sign, or one (1) double inside post ground sign not to exceed forty-eight (48) square feet in area. The sign shall be set back a minimum of ten (10) feet from any property line ROW.

E. Subdivision and Development Signs:

In all residential districts, one (1) subdivision or development entrance sign per vehicular entrance may be permitted on private property in compliance with corner clearance provisions and shall not exceed thirty-six (36) square feet in area and a height of six (6) feet above grade. All subdivision and development signs shall be located no closer than ten (10) feet to any property line ROW. The Planning Commission shall review and approve or deny the placement and size of the sign as part of the site plan review process.

SECTION 13.26(11) CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

- A. **Materials and Design:** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Livingston County Building Code and requirements of this Section.
- B. **Erector's Imprint:** Signs which require a permit under this Section must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of installation in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
- C. **Fastenings:** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- D. **Freestanding Signs:** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- E. **Sanitation/Landscaping:** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
- F. **Maintenance:** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, wrapped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within thirty (30) days of written notification from the Township.

SECTION 13.26(12) NON-CONFORMING SIGNS

- A. **Intent:** It is the intent of this Section to encourage eventual elimination of signs that as a result of the adoption of this Section become non-conforming, to administer this Section to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. **Lawful Existing Signs:** Any sign lawfully existing at the time of the adoption of these provisions which does not fully comply with all provisions prescribed herein shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and determined to not be detrimental to the health, safety and welfare of the community except as hereafter provided.

C. Continuance: A non-conforming sign shall not:

1. Be expanded or changed to another nonconforming sign.
2. Be relocated.
3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination.
4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12 month period, would cost more than fifty percent (50%) of the cost of an identical new sign. If deemed necessary by the Township, the cost of an identical new sign shall be provided by the Owner of the sign and/or the owner of the property. It shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
5. Be altered unless the alteration or reconstruction is in compliance with the provisions of this Section. For the purpose of this Section only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the baseline or changing electrical wiring or devices, backgrounds, letters, figures, or characters.

D. Change of Property: If the owner of a sign or the premises on which a sign is located changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be moved or made to conform to this Section.

Adopted: 6/19/2003 – Effective 6/25/2003

SECTION 13.27 WIRELESS COMMUNICATION SUPPORT STRUCTURES

A. Purpose and Intent

It is the intent of Ocoola Township to comply with the requirements of the Federal Telecommunications Act of 1996, as amended from time to time, by authorizing wireless communication support structures as needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities.

2. Ensure that wireless communication facilities (support structures, antennas and accessory ground equipment) are situated in appropriate locations and relationships to other land uses, structures and buildings.
3. Encourage the use of public land for wireless communication facilities.
4. Minimize the adverse effects of such facilities through careful design, siting and screening criteria.
5. Require adequate information about plans for wireless communication facilities in order to permit the Township to effectively plan for the location of such facilities.
6. Minimize adverse impacts of the technological obsolescence of such facilities.
7. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, the natural beauty of the Township, and public rights-of-way by minimizing the numbers of wireless communication support structures through co-location where feasible.

B. Standards and Conditions

Wireless communication support structures may be permitted in Oceola Township by Special Use Permit in the AR Agriculture Residential District and the MI Industrial District, subject to the following conditions:

1. Location and Site

- a. The wireless communication support structure shall be located in AR or MI zoning districts only. No structures shall be permitted in other zoning districts. However, notwithstanding, in districts where wireless communication support structures are prohibited, antennas may be co-located on other tall structures whose primary function is not for wireless communications. For the purposes of this section 13.27, co-location shall mean the use or attachment of two or more wireless communication antennas to a wireless communication support structure or the use or attachment of one or more wireless communication antennas to a tall structure whose primary function is not for wireless communication. Location of wireless communication support structures on appropriate public land is encouraged.

In pursuit of the above purposes, wireless communication support structures and antenna shall be permitted in the following zoning districts according to the review and approval procedures indicated. The proposed uses and locations are listed in order of preference from greatest to least.

Type of Wireless Communication Support Structure or Antenna			
Proposed Use in Order of Preference	Located On	Zoning Districts	Type of Approval(s) Needed
1. Co-Location of Antenna(s)	On existing approved wireless communication support structures or tall structures whose primary function is not for communications	AR and MI	Site Plan Approval and Special Use Permit if it has not previously been granted.
2. Co-Location of Antenna(s)	On existing tall structures whose primary function is not for communications	RR, R-1, R-2, R-3, MPH, RM, RPUD, CPUD, CR I, CR II or C	Site Plan Approval and Special Use Permit if it has not previously been granted.
3. New wireless communication support structures	On appropriate public-owned land	AR and MI	Special Use Permit and Site Plan Approval
4. New wireless communication support structures	On appropriate privately-owned land	AR and MI	Special Use Permit and Site Plan Approval
5. Replacement wireless communication support structures	On appropriate public or privately-owned land	AR and MI	Special Use Permit and Site Plan Approval if existing structure does not have one, otherwise only Site Plan Approval required.

- b. The wireless communication support structure shall be located on a lease area of not less than 6,000 (six thousand) square feet in area, and the lease area must be of sufficient dimensions to contain the tower if it falls. Sufficient lease area must be provided to allow for the ground equipment needs of all anticipated future antenna co-locators.
- c. The site plan for the wireless communication support structure shall be accompanied by a signed certification by a registered civil engineer regarding the design integrity of a structure and the manner and distance in which the structure may fall. This will enable the Township Board to

determine appropriate setbacks as part of the site plan approval process.

At a minimum, the wireless communication support structure shall meet the setback requirements of the zoning district in which it is located; however, greater setbacks may be required based on the structural certification, character of the area, and other factors related to this ordinance and the public health, safety and general welfare.

- d. Minimum spacing between wireless communication support structure locations shall be two (2) miles, measured by a straight line, unless compelling evidence can be provided by the applicant demonstrating that a wireless communication support structure must be located closer.
- e. There shall be no interference with the reception of any kind on any adjacent uses. In the event such interference occurs, the provider shall take all steps necessary to eliminate such interference, in the determination of the Township's designated expert.

2. Structure

- a. All new and modified wireless communication support structures shall be designed and constructed to accommodate not less than three (3) wireless communication antennas. A written commitment and other necessary provisions to permit co-location by other providers shall be included in the documentation with the application.
- b. The maximum height of the structure shall be limited to the minimum height demonstrated to be necessary by the applicant or a height deemed necessary by the Township Board to fulfill this Section's purpose and intent.
- c. The color of the structure shall be reviewed with consideration for aviation safety and the character of the surroundings. The Township Board may require the application of stealth technology to enable the support structure to blend in with its surroundings as much as possible. The application for a special use permit for a wireless communication support facility shall include the color of the proposed structure.
- d. There shall be no advertising of any kind visible from the ground or other structures, other than required for emergency purposes.
- e. All lighting on a support structure shall be prohibited, unless required by the Federal Aviation Administration (FAA). If the FAA requires lighting, it shall be of the flip-over type and shall be directed away from residential property so as to cause the least disturbance to surrounding properties.

Flip-over type lights shine white during the day and red during the night. No light shall be installed unless the applicant submits a letter from the FAA stating the necessity for lighting on the proposed wireless communication support structure.

- f. All signals and remote control conductors of low energy extending horizontally above the ground between structures shall be at least eight (8) feet above the ground, unless buried underground.
- g. Support structures shall comply with the provisions of Article 17, Special Use Permits and Article 19, Site Plan Review as well as with all other local regulations, including all applicable construction codes.
- h. Wireless communication facilities shall comply with applicable federal and state regulations, including but not limited to requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and the Michigan Aeronautics Commission.

3. Co-Location

It is the policy of the Township that wireless communication providers shall co-locate on existing structures capable of accommodating antennas to minimize the overall number of newly established support structures within the Township and to encourage the use of existing structures for new antennas. Examples include locating a new antenna on an existing wireless communication support structure, or on an existing tall building or water tank.

a. Requirements for Co-location.

- i. A special use permit for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates to the satisfaction of the Township that a feasible co-location is not available for the coverage area and capacity needs.
- ii. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such support structure shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- iii. Approval of co-located antenna. An application for co-location on an existing support structure or other tall building or structure shall

not require a new Special Use Permit. Only Site Plan Review, in accordance with Article 19, Site Plan Review, shall be required in order to obtain approval.

- b. **Feasibility of Co-location.** Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - i. The structure on which co-location is being considered, taking into consideration reasonable modification or replacement of a support structure, is able to provide structural support.
 - ii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - iii. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards specified herein.

4. Accessory Structures

Accessory buildings and structures (ground equipment) shall not exceed six hundred (600) square feet in area. One (1) accessory building may be permitted for each company that leases space on the wireless communication support structure. The layout of all ground equipment shall be in such a manner as to facilitate the ground equipment needs of future co-locators.

5. Fencing and Screening

- a. A fence with a height of six (6) to eight (8) feet shall enclose all wireless communication facilities. If deemed necessary for security purposes, a barbed wire cradle may be mounted on top of the fence.
- b. Where a property line of a site containing a wireless communication support structure abuts a residentially zoned or used area, the applicant shall provide an evergreen planting screen of sufficient density and height as to have an immediate buffering impact on the adjacent site.

6. Maintenance.

A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.

7. Removal.

When a wireless communication support structure has not been used for a period of one hundred and twenty (120) days, all parts of the structure shall be removed within ninety (90) days. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of signals shall be considered the beginning of non-use. Oceola Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure. In securing the removal of the structure, the Township may charge up to 125% (one hundred twenty-five percent) of the removal cost to the operator and or the landowner.

C. Application Requirements

New support structures or existing structures to be newly used for antennas, shall require a Special Use Permit and Site Plan Review approval. If a Special Use Permit has previously been granted, the co-location of antennas shall only require Site Plan Review approval. Applications for Special Use Permits and Site Plan Review approvals shall be made in accordance with Article 17, Special Use Permits and Article 19, Site Plan Review as well as with all other local regulations, including all applicable construction codes. In addition, the following information is also required for all new support structures and antenna co-locations (except Structural Specifications for co-locations):

1. Structural Specifications.

Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennas capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer and County Building Department. Before the support structure is used or a certificate of occupancy is issued, the applicant shall have the structure inspected and certified by a structural engineer. A copy of the structural engineer's certification shall be submitted to the Township and the County Building Department.

2. Service Area Documentation.

The application shall include a map of the Township and surrounding communities showing existing and proposed tall structures and wireless communication support structures to illustrate potential co-location sites or the need for a proposed wireless communication support structure. If such information is on file with the Township, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for

confidentiality in connection with the development of governmental policy {MCL 15.243(l)(g)}. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

3. Contact Person.

The application shall include 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.

4. Technical Experts.

The Township may hire independent experts to review and comment on technical aspects of support structures and facilities, including but not limited to service area coverage, structural integrity, and feasibility of co-location. The cost of hiring such experts shall be borne by the applicant.

5. Performance Guarantee.

The Township Board may require the deposit of a performance guarantee at the time of issuance of the land use permit for the facility to ensure construction consistent with the conditions of the facility's approval and removal of the facility when it has been abandoned or is no longer needed.

Adopted 5/4/2006 Effective 5/14/2006

SECTION 13.28 SWIMMING POOLS.

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

- A. Application: The application for a Land Use Permit to erect a swimming pool shall include the name of the owner, the manner of supervising of the pool, a plat and location of adjacent buildings, fencing, gates, public utilities, specifications, and plants to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information effecting construction and safety features deemed necessary by the Zoning Administrator.
- B. Pool Location: Minimum side yard setback shall comply with the requirements of the district in which the pool is to be located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall be not less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between pool wall and any building on the lot.

- C. Fence: For the protection of the general public, all swimming pools shall be completely enclosed by a fence, of a type described in SECTION 13.29, not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall, provided, that if a building not having any means of access thereto is located on the lot not more than fifteen (15) feet from any side of the pool, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

- D. Electrical Installations: All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before permit shall be issued for the construction of a swimming pool.

SECTION 13.29 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.

All fences of any nature, type or description located in the Township shall conform to the following regulations:

- A. The erection, construction, or alteration of any fence, wall or other protective barrier in other than AR or RR Districts shall be approved by the Zoning Administrator as to its conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this section.

Amended 10/29/86

- B. Fences in other than AR and RR Districts, which are not specifically required under 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 or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
 - 2. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.
 - 3. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as permitted in Section 13.29 C. Barbed wire cradles may be placed on top of fences enclosing a public utility installation or wherever deemed necessary in the interest of public safety.

Amended 10/29/86

- C. Fences in AR Districts and fences for agricultural uses in other districts, may be located

on all property or road right-of-way lines or a parcel of land, providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.

D. Walls, Fences, or Planting Strips: For those districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall, fence or planting strip as required below:

<u>USES</u>	<u>HEIGHT REQUIREMENTS</u>
1. Off-street parking area	4'6"
2. OS, C, PUD, MHP, RM, CR Districts	4'6"
3. MI Districts – Open storage areas, loading or unloading areas, service areas.	6'0" to 8'0"
4. Hospital-Ambulance and delivery areas	6'0"
5. Utility buildings, stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area, the Planning Commission may waive the wall requirements.	6'0"

E. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreed to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such requests.

F. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rust proof, and easily maintained.

G. The Township Board may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' 6") in height, except in instances where SECTION 13.34 applies.

1. In consideration of requests to waive wall requirements between non-residential and residential districts, the Township Board shall refer the request to the Planning Commission for a determination.
2. In such cases as the Planning Commission determines the residential district to be a future non- residential area, the Township Board may temporarily waive requirements

for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.30 GREENBELTS

Where district requirements specify a greenbelt such greenbelt will be a strip of land not less than twenty-five (25) feet in width which is planted and maintained with trees and shrubs so as to create a permanent dense buffer. Plant materials shall be in accordance with SECTION 13.36.

The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

All planting plans shall be first submitted to the Planning Commission for approval as to the suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding paragraph.

Greenbelt requirements may be modified by the Planning Commission if landscaped areas are provided as part of the site plan. In no case shall the total area of the modified greenbelts and landscaped areas be less than the area required for unmodified greenbelts.

SECTION 13.31 QUARRY EXCAVATION AND REMOVAL OPERATIONS; SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIAL REMOVAL.

- A. Purpose: The purpose of this section is to provide for the proper development and utilization of mineral resources existing within the Township. The conduct of the extractive operations and the reclamation of the affected lands at the termination of such operations is herein regulated.
- B. General Regulations: It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in stripping any topsoil, sand, clay, gravel, or similar material, or quarry excavation within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operation and furnishing a financial guarantee to assure the rehabilitation of mined acreage. The minimum amount of the guarantee shall be Ten Thousand Dollars (\$10,000) for the first twenty (20) acres and a minimum of Five Hundred Dollars (\$500) for each acre over twenty (20) acres. The guarantee shall be provided in one of the following forms:
1. Cash;
 2. Certified check;
 3. Irrevocable bank letter of credit, or
 4. Surety bond acceptable to the Township Board; upon rehabilitation of the mined acreage and reduction of the net operational area the bond or surety shall be released in accordance with the amount of security required per acre.

No special use permit shall be required for the following:

- (1) Excavation for building construction purposes, pursuant to a duly issued building permit under the County Building Code.
- (2) Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are removed from the site where found to another site of different ownership, a permit as above mentioned will be required.

C. Application: A separate special use permit shall be required for each separate excavation site. The application shall be made in accordance with Article 17, and shall contain the following additional information:

1. Names and addresses of parties of interest in said premises, setting forth their legal interest in said premises.
2. Full legal description of the premises wherein operations are proposed.
3. Operational plan setting forth the area to be mined, the location of permanent structures; the points of access along public highways; the net operational area; i.e., the areas used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds shall be calculated on the basis of net operational area.
4. Description of equipment and machinery which will be used.
5. Detailed statement as to exactly what type of deposit is proposed to be extracted.
6. Plan for the redevelopment or rehabilitation of the property upon completion of the mining operation.
7. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
8. Such other information as may be reasonably required by the Planning Commission to base an opinion under this section.

D. Operational Requirements:

1. Regulations for quarry excavation operations:
 - a. Where an excavation with a depth in excess of five (5) feet is proposed, the applicant shall erect a fence with warning signs completely surrounding the portion of the site of the excavation, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be locked when operations are not being carried on.
 - b. When operations cease at any quarry, or reach the limitations set forth in paragraph (f) below, the entire quarry excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, as required in above paragraph (a), approved by the Planning Commission, upon which there shall be placed and maintained appropriate signs warning the public of danger, until redevelopment or rehabilitation of the property.
 - c. Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT-DANGER" signs around said

premises, not more than two hundred (200) feet apart.

- d. Any roads used for the purpose of ingress and egress to the excavation site, which are located within three hundred (300) feet of an occupied residence shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - e. Greenbelts shall be provided along the property perimeter where natural vegetation does not provide a sight barrier.
 - f. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided however, that the Planning Commission or the Township Board may prescribe more strict requirements in order to give sub lateral support to surrounding property where soil or geographic conditions warrant it.
 - g. Performance standards in accordance with Section 13.35 of this Ordinance shall be observed.
 - h. No operation shall interfere with naturally established flow of surface waters from adjoining lands. In particular, no operation shall result in the diversion of waters from one watershed to another without express permission from the Michigan Department of Natural Resources.
 - i. No operation shall take place within one hundred (100) feet of the margin of any stream or waterway without express permission of the Michigan Department of Natural Resources.
 - j. The recommended slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the property line of an adjoining landowner shall not exceed a minimum of one (1) foot vertical drop to each seven (7) feet horizontal. Where permanent ponded water results from the quarry operation, the slope of all banks adjoining the pond must be maintained at the specified one (1) to seven (7) ratio and must be extended into the water of such permanent pond to a water depth of at least five (5) feet.
 - k. The Planning Commission or Township Board may require other performance standards where, because of the peculiar conditions, they deem it necessary for the protection of health, safety, morals and general welfare of the citizens of the Township.
2. Regulations for Stripping or Removal Operations:
- a. Any road used for the purpose of ingress or egress to the excavation site, which is located within three hundred (300) feet of an occupied residence, shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - b. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
 - c. Whatever topsoil suitable for growing turf or for other land use exists at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so

that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the stripping or removal operations. If the operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.

- d. The Planning Commission or the Township Board may require such other and further requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.
- E. Reclamation of Mine Areas: Rehabilitation shall be in accordance with the following standards:
1. All excavation shall be either to a water producing depth, such depth to be not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable, and non-combustible solids to insure:
 - a. That the excavated area shall not collect nor contain stagnant water; or
 - b. That the surface of such area is not permanently submerged, is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 2. The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.
 3. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas where streets, beaches, or other planned improvements are desired. Where used, topsoil shall be applied to a depth of four (4) inches.
 4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetation cover on the land surface, and to minimize erosion.
 5. Upon cessation of mining operations by abandonment or otherwise, the operating entity, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment; provided, that buildings and structures which have a function under the reclamation plan, and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

SECTION 13.32 FILLING OPERATIONS

- A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operations. No special use permit will be required for the moving, grading or leveling of soil or similar material for the immediate use or development of the land.
- B. **Application.** Shall be in conformance with Article 17 and Section 13.31 (c) of this Ordinance.
- C. **Filing Fee.** A fee shall be paid upon application per Township Fee Schedule.
- D. **Regulations for Filing Operations:**
 - 1. The filling of the land with rubbish or garbage or any other waste material is hereby prohibited in all unincorporated areas of the Township, except, pursuant to the terms and conditions of a special use permit specifically authorizing such filling.
 - 2. No rubbish or garbage shall be burned or permitted to burn or smolder.
 - 3. The Planning Commission or the Township Board may require a temporary fence to be erected to prevent the scattering of rubbish, garbage, and other waste material.
 - 4. No vehicles for conveyance of rubbish or garbage shall have open lids and all vehicles in transit shall be closed or covered so as to reduce odor and the scattering of the material being carried. Any rubbish or garbage dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highway by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.
 - 5. Any roads used for the purpose of ingress or egress to said excavation site, which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - 6. Filling of the property shall be complete when the area becomes level with adjoining roadways. No gradient of disturbed earth shall be steeper than a slope of three (3) feet horizontal to one (1) foot vertical. A layer of arable topsoil shall be spread over the filled area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until ground cover is established.
 - 7. No construction of a permanent building shall begin on filled area until the Planning Commission or Township Board receives and approves a registered engineering report indicating that the area is stable or otherwise suitable for the proposed construction.
- E. **Surety Bond Requirements.** A financial guarantee in accordance with Section 13.31 shall be required.

SECTION 13.33 AIRPORTS

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft shall be subject to the following conditions.

- A. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission for their review of a special use permit.

- B. The standards for determining obstructions to air navigation, as announced in the FAA Technical Order N-18, April 26, 1950 (as amended by July 30, 1954), and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
 - C. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.
 - D. No such use may be conducted within the Township without a valid special use permit.
- Adopted 2/18/82

SECTION 13.34 VISIBILITY

No structure, wall, fence, shrubbery or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. In the case of residential corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

SECTION 13.35 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- A. **Smoke:** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided, that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes.
Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with Ringlemann's Chart.
- B. **Dust, Dirt and Fly Ash:** No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, of furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- C. **Odor:** The emission of odors which are generally agreed to be obnoxious to any considerable number of persons shall be prohibited.
- D. **Gases:** So₂ gas, as measured at the property line shall not exceed an average of .3 parts per million (p.p.m.) over a twenty-four (24) hour period; HeS shall not exceed .1 p.p.m., fluorine shall not exceed .1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; CO shall not exceed 15 p.p.m.
- E. **Airborne Matter, General:** In addition to paragraphs A through D of this Section, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.
- F. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste including electro-magnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established at the property line.
- G. **Fire and Explosive Hazards.**
 - 1. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Zoning Administrator is permitted subject to compliance with all other performance standards above mentioned. The following shall define the range of burning: Intense burning materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution, burn with great intensity. An example would be Manganese. Free and Active burning Material are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil. Moderate burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
 - 2. The storage, utilization, or manufacture of materials, goods or products ranging from free and active burning to intense burning, is permitted subject to compliance with all yard requirements and performance standards previously mentioned, and providing that the

following conditions are met: Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 as amended.

- H. **Noise.** Within MI Districts sound levels not exceeding seventy (70) decibels, measured at property line, may be permitted. In addition, in any district objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to adjacent uses.
- I. **Vibration.** Machines or operations which cause vibration shall be permitted in MI Districts, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

SECTION 13.36 PLANT MATERIALS

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

A. Plant material spacing.

1. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
2. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than three (3) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

B. Suggested Plant Materials Minimum Size

1. Evergreen trees Five (5) feet in height
 - Juniper
 - Hemlock
 - Fir
 - Pine
 - Spruce
 - Douglas-fir

2. Narrow evergreens Three (3) feet in height
 - Column Hinoki Cypress
 - Blue Columnar Juniper
 - Pyramidal Red-Cedar
 - Swiss Stone Pine
 - Pyramidal White Pine
 - Irish Yew
 - Douglas Arbor-Vitae

3. Tree-like Shrubs Four (4) feet in height
 - Flowering Crabs
 - Russian Olives
 - Mountain Ash
 - Dogwood
 - Rose of Sharon
 - Hornbeam
 - Redbud
 - Hawthorn
 - Magnolia

4. Large Deciduous Shrubs Six (6) feet in height
 - Honeysuckle
 - Viburnum
 - Mock Orange
 - Forsythia
 - Lilac
 - Ninebark
 - Cotoneaster
 - Hazelnuts
 - Evonymus
 - Privet
 - Buckthorn
 - Sumac

5. Large Deciduous Trees Eight (8) feet in height
 - Oaks
 - Hard Maples
 - Hackberry
 - Planetree (Sycamore)
 - Birch
 - Beech
 - Ginkgo
 - Honeylocust

Sweet-gum
Hop Hornbean
Linden

C. Trees Not Permitted.

1. Box Elder
2. Soft Maples (Red-Silver)
3. Elms
4. Poplars
5. Willows
6. Horse Chestnut (nut bearing)
7. Tree of Heaven
8. Catalpa
9. Cottonwood

Adopted 2/18/82

SECTION 13.37 STORAGE STRUCTURE

A. In all zoning districts, storage structures which are the primary structure on the lot, whether temporary or permanent, require a special use permit issued by the Township Planning Commission. The procedures for obtaining such a permit are stated in Article 17 of this Ordinance. A site plan review shall also be conducted pursuant to Article 19.

Permits for temporary structures shall be issued for a stated period of time and a performance bond in the amount of \$5,000.00 shall be posted by the permit holder prior to the issuance of the permit to insure compliance with all ordinances and conditions or requirements contained within the permit.

B. Wheeled vehicles, trailers, and mobile homes with wheels on or off, autos, trucks, buses, or parts of, will not be accepted as storage structures.

Adopted 07/15/87

SECTION 13.38 GROUP DAY CARE HOMES. Group day care homes shall meet the following requirements:

1. The group day-care home shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.

- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 2. Appropriate fencing shall be provided for the safety of children in the group day-care home, as determined by Oceola Township.
 3. The property shall be maintained consistent with the visible characteristics of the neighborhood.
 4. A group day-care home shall not exceed 16 hours of operation during a 24-hour period.
 5. Off-street parking shall be provided for employees and shall meet the requirements of Article 15 of this Ordinance.
 6. A State licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the above requirements.
- Amended 9/6/2007, Effective 9/19/2007

SECTION 13.39 MOBILE HOMES

A. Intent - The purpose of this section is to control and regulate the construction, size, and placement of mobile homes on parcels of land outside a mobile home park or trailer park. The governing board of the Township of Oceola recognizes a need for the adoption of this particular ordinance, due to the refusal of the Livingston County Building Department to inspect mobile homes. Further, Oceola Township does not have a building department of its own and as consequence, the hereinafter provisions are adopted as part of this ordinance to alleviate a lack of inspection and review, arising out of the refusal of the Livingston County Building Department to inspect such mobile homes as it relates to their installation, tie down, weatherization zone construction, and of being in the best interest for the public health, safety and welfare of the residents and to be residents of Oceola Township, that this ordinance be adopted.

*No person shall allow, or cause to be placed, a mobile home upon any parcel of land within Oceola Township, which is not within a designated mobile home park or trailer park; and no person shall use, occupy, or permit the use or occupancy of a mobile home as a dwelling within Oceola Township, which is not within a designated mobile home park or trailer park, unless the following standards are followed and applied, and a Land Use Permit is issued for placement of said mobile home.

No additions, alterations, or moving of mobile home shall be undertaken, and no new land use shall be commenced until a land use permit has been obtained from the Zoning Administrator and a building permit has been obtained from the Livingston County Building and Safety Department.

B. Application- Any applicant for approval of a mobile home shall complete a site plan review application form, available from the Zoning Administrator, who shall submit the form to the Township Clerk.

- C. Pre-Application Conference - The applicant is encouraged to confer informally with the Supervisor and the Planning Commission Chairperson, or a Chair-appointed Planning Commission member, prior to preparing and submitting a formal application for site plan approval.
- D. Public Hearing - No approval may be granted pursuant to this section until after the Planning Commission has held a public hearing on said application, and made a recommendation to the Township Board for review and approval thereon.
- E. Notice – Notice of a public hearing concerning an application submitted pursuant to this section shall be published in a newspaper of general circulation within the Township and shall be mailed or personally delivered not less than fifteen (15) days prior to the hearing to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- Amended 9/6/2007, Effective 9/19/2007
- F. Standards of Approval - No site plan shall be approved pursuant to this section unless each of the following standards is satisfied, and there has been approval and compliance with Article 19 of the Ocoala Township Ordinances:
1. A land use permit for placement thereof has been obtained from the Township Zoning Administrator. All applications for said permit shall be accompanied by a non-refundable fee as specified in the Township schedule of fees, which shall be used to defray the costs of inspection as provided in this Ordinance.
 2. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot, and rear lot requirements specified for residential dwelling units for the particular zoning district in which said premises is situated.
 3. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the local health department.
 4. If any exterior structural changes or modifications are required to an approved mobile home, or are to be completed upon a mobile home prior to the issuance of a land use permit for

placement, said modifications and structural changes shall first be approved and constructions completed and thereafter approved pursuant to all Michigan BOCA standards by the Livingston County Building Inspector. A mobile home shall be installed pursuant to the manufacturers set-up instructions. In addition thereto, it shall be firmly and permanently affixed to a 42-inch (forty two inch) masonry foundation, meeting the Livingston County Building Department's specifications with the undercarriage removed there from. Said mobile home shall be also installed on the site in accordance with the Michigan State Construction Codes promulgated by the Michigan State Construction Code Commission, under the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.

5. Construction of and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards 24 CFR 3280, and as from time-to-time amended.
 6. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, and shall include a HUD sticker for the Oceola Township Zones.
 7. Said mobile home shall not have exposed wheels, towing mechanism undercarriage or chassis.
 8. The mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity with a roof overhang on eaves side of not less than four (4) inches each and a minimum roof pitch of not less than two (2) on twelve (12).
- G. Planning Commission Recommendation - The Planning Commission, after review of the application for site plan approval, shall make a recommendation to the Township Board concerning compliance with the standards of approval pursuant to this section.
- H. Township Board Determination - Upon receipt of the Planning Commission's recommendation, the Township Board shall make a determination whether the standards of approval will be satisfied.
- I. Appeals – Any person aggrieved by a decision of the Township Board under this section may appeal such decision to the Zoning Board of Appeals, in the manner provided by Section 18.05 of this Zoning Ordinance.
Amended 9/6/2007, Effective 9/19/2007
- J. Validity - This Ordinance and the various sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

*As used herein, the term "Mobile Home" shall mean a movable or portable dwelling constructed to be towed on its own basis and designed for permanent year-round living, as a residential dwelling.

Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

Amended 08/20/87 Effective 08/26/87

SECTION 13.40 PRIVATE ROAD DEVELOPMENT

- A. **INTENT.** The purpose of this section is to provide for a general location, character, and extent of private roads, and other development issues associated with private roads. This section is hereby established to provide for the proper development and utilization of private roads in order to further and protect the future health, safety, and welfare of the residents of the Township.
- B. **USE REGULATED.** The design, construction and maintenance of private roads in the Township are hereby regulated by this Section.
- C. **APPLICATION AND PLAN REQUIREMENTS.** All private road applications shall include the following plans and documents and shall comply with the following information requirements:
1. Parcel identification number of the property or properties where the road is proposed for construction.
 2. Proof of ownership and written consent of such owner.
 3. The exact location of the proposed private road easement, the location of intersecting streets, the location of adjacent properties, and the location of any existing driveways on those properties.
 4. The location of existing structures within one hundred (100) feet of the edge of the proposed road right-of-way.
 5. Topography of the road and within one hundred (100) feet of the road at two (2) foot contour levels, referenced to a USGS benchmark.
 6. Proposed method of road drainage, and if necessary, proposed storm water detention or retention systems.
 7. Location of existing and anticipated utility lines, including electric, telephone, gas, cable television, water, and sewer lines, if applicable.
 8. A private road maintenance agreement shall be submitted in a recordable form which meets the minimum standards of this Ordinance and which meets the approval of the Township and its attorney. The agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and proof of the recording shall be submitted to the Township prior to any construction work on the private road. A special assessment district may be required in accordance with the procedures of Ocala Township.

D. DESIGN STANDARDS.

1. All private roads shall have a minimum right-of-way width of sixty six (66) feet and shall meet all standards and specifications required by the Township. A hard surface of private roads shall be optional, except whenever the proposed private road will intersect with a public or private paved road, a hard surface of the private road is required. In addition, the Township may require a hard surface on a private road whenever the build-out of the proposed development will result in 50 (fifty) or more dwelling units.
2. The private road shall be planned and constructed in relation to land contours and obstructions so as to provide safe, adequate ingress and egress by a private driveway for each abutting parcel.
3. The road right-of-way shall be of uniform width; elbows, eyebrows and similar design features are not permitted.
4. All road intersections shall have a minimum radius of twenty (20) feet in the right-of-way line.
5. The minimum sight distance at all existing county road intersections with proposed private roads shall be subject to the review and approval of the Livingston County Road Commission (LCRC).
6. The private road shall serve the proposed housing sites and extend to a minimum of one hundred and twenty (120) feet frontage on each housing site with an easement extending to the property line. The easement may be waived by the Township Board.
7. Unless the proposed private road is designed to serve parcels on both sides of the road, the private road easement shall abut the side property line, thus making the private road available for use by adjoining property owners upon payment of a proportionate share of construction and maintenance costs. To insure the efficient use of any private road and to promote a safe and efficient road system, the Township shall maintain the right to allow the extension of the private road easement.
8. Where a private road exists on an adjoining parcel, the applicant shall first determine the feasibility of using the existing road to gain access to the subject parcel. Alternatively, the proposed road shall connect to the existing adjacent private road, wherever feasible.
9. The location of the private road on one (1) side of the parcel or the other shall take into consideration the location of other private roads in the vicinity and desire to maximize the spacing between successive private roads. Wherever possible, private roads shall have the following minimum spacing:
 - a. Between private roads on the same side of the intersecting public road: five hundred (500) feet.
 - b. Between private roads which are located on opposite sides of an intersecting public road: one hundred fifty (150) feet centerline to centerline.
10. Two (2) fifteen (15) foot dedicated utility easements shall be provided in the private road ROW and shall extend the full length of the development site.
11. The layout of the private road shall be compatible with the general pattern of the existing road and street system and shall have ninety (90) degree intersections whenever the private road intersects with the existing system.

12. Stop signs which are in accordance with the State Manual of Uniform Traffic Control Devices shall be placed at all intersections where a private road intersects with a public road.
13. ROW's shall connect the road system of the private road development to any road or ROW of existing adjacent developments, where an existing road or ROW terminates at the boundaries of the proposed private road, thereby providing a continuous circuit of travel. This requirement may be waived by demonstration of physical impediments or obstructions. All roads that end on the property shall end in a cul-de-sac.
14. All new private roads shall have approved LCRC name identifications.

E. DETAILED PRIVATE ROAD CONSTRUCTION SPECIFICATIONS.

1. The minimum grade of any roadway shall be point five (.5) percent.
2. The maximum grade of any roadway shall be five (5) percent.
3. The vertical curve shall be used at all changes in the grade. No vertical curve of less than one hundred (100) feet shall be used.
4. All proposed streets shall have horizontal curves at not less than two hundred and thirty (230) feet radius.
5. All topsoil shall be removed from the roadbed between the ditches. All unsuitable materials shall be removed from the roadbed between the ditches.
6. All fill and back-fill within the ROW shall be the current MDOT specifications.
7. The proposed road cross section shall have a thirty (30) foot finished roadway width, shoulder to shoulder, with a minimum of seven (7) inches compacted surface, and minimum of six (6) inches compacted porous sub-base. The gravel surface material shall be MDOT #22A. The porous sub-base shall meet the MDOT specifications for Class II granular material.
8. Roadside slopes shall be one (1) on four (4) and ditches shall be twenty four (24) inches minimum depth below shoulder grade, and two (2) feet wide on the bottom. Back slopes shall be a maximum of one (1) on three (3).
9. Drainage facilities shall be top soiled, fertilized, seeded, and mulched and meet MDOT specifications.
10. Drainage culverts shall either consist of corrugated metal pipe which meets the current ASTM design M-36 or reinforced concrete pipe which meets current ASTM design C-76.
11. Drainage easements shall be provided to accommodate all storm water from the ROW.
12. Drainage facilities shall be constructed such that no additional storm water runs into the LCRC ROW.

F. APPLICATION APPROVAL PROCEDURES.

1. At least forty-five (45) days prior to the date of the Planning Commission meeting at which the application will be considered, the applicant shall file with the Township Clerk, a complete application containing the information requested in subsection C, ten (10) copies of private road plans meeting the specifications of subsections D and E, ten (10) copies of an underground utilities plan, three (3) copies of the deed restrictions and easement agreement, and three (3) copies of the private road maintenance agreement.

2. The Township shall notify all property owners of record within five hundred (500) feet of the edge of the proposed private road. The notice shall describe the proposed private road and the time and place where a Planning Commission meeting will be held to receive public comments.
3. The Township Clerk shall receive all private road applications, plans, and other required materials and forward them to the Planning Commission for review. The Planning Commission shall consider compliance with this Ordinance, sound planning and engineering principles, and compliance with any other applicable ordinances. The Planning Commission may table any application which does not contain all information required by this Ordinance. If the required information is included, the Planning Commission shall expediently make a recommendation to the Township Board to either deny, approve, or approve subject to conditions, the private road application. The Planning Commission shall make an attempt to make recommendation within sixty (60) days of receiving a complete application. The application shall not be considered complete unless sealed by a registered professional civil engineer.
4. After receiving the recommendation of the Planning Commission, the Township Board shall review the private road application, including the private road maintenance agreement, at a public meeting. The Township Board shall consider the Planning Commission recommendation and make a determination, based on the provisions of this Ordinance, the provisions of any other applicable ordinances, and sound planning and engineering principles. The Township Board shall deny or grant preliminary approval of the proposed private road application within sixty (60) days of receiving a recommendation from the Planning Commission.
5. After completion of the private road and the installation of the planned improvements, the applicant shall submit the following information to the Township Clerk, at least thirty (30) days prior to the meeting of the Township Board during which final approval of the private road construction permit will be considered.
 - a. Five (5) sets of plans showing the private road as finalized. If the plans differ from the plans which were granted preliminary approval, any changes shall require approval by the Township Board prior to the recording of the land survey.
 - b. Verification of the installation of the underground utilities and other planned improvements.
 - c. An as-built drawing of the road certified and sealed by a registered civil engineer indicating that the private road meets all of the specifications of Oceola Township.
 - d. Two (2) recorded copies of the land survey.
 - e. Two (2) recorded copies of the deed restrictions and easements with written approval of compliance from the Township Attorney. Upon review and approval of the material, the Township Board shall grant final approval of the private road construction permit.

Adopted 12/17/98 Effective 12/23/98

SECTION 13.41 COMMON DRIVEWAYS - Deleted this section

SECTION 13.42 SUBDIVISIONS PLATTED PRIOR TO 1969 PLAT ACT

- A. Purpose. The purpose of this section is to provide for orderly development within an adequate access to presently undeveloped or partially developed lots, plats or parcels of public record where recorded road easements or rights-of-way are less than sixty-six (66) feet in width.
- B. Private Road Frontage. The Township Planning Commission may permit an applicant to construct a one-family dwelling on any lot or parcel of public record prior to the adoption of this section, and said dwelling may front upon a private road, provided the requirements of this section and other applicable sections of this Ordinance are met. In addition, a land use permit may be issued for construction of a one-family dwelling on a private road, in a subdivision platted prior to the 1968 Plat Act, without regard to other provisions of Section 13.42 provided the private road it fronts was constructed and in common usage prior to June 15, 1980 and all other provisions of this Ordinance are met.
- C. Responsibility. Any applicant under this section shall expressly provide and agree that the Township shall in no way nor at any time be responsible for maintenance or improvement of a private road constructed pursuant to this section, and such agreement shall be recorded and included in any deed relating to a lot or parcel upon which a dwelling is erected pursuant to this section.
- D. Road Standards. A private road constructed pursuant to this section shall be constructed in compliance with Sections 2.0-2.11 of the Township's Standards and Specifications for Residential Development and Road Construction, as adopted by the Planning Commission and approved by the Township Board, except as follows:
1. The width of the right-of-way shall be as specified in the plat of record.
 2. The graveled or paved portion of the private roadway shall be twenty (20) feet wide.
 3. Ditches shall be constructed on both sides of the private roadway with slopes of no greater than one-on-three on the inside bank and no greater than one-on-two on the outside bank. The ditches shall extend from the edge of the private roadway to the outside edge of the right-of-way and shall have a center depth of at least eighteen (18) inches.
- E. Application. The applicant shall submit an application for a land use permit, together with three (3) copies of the subdivision plat, indicating thereon the location of:
1. Existing developed or partially developed streets and roads.
 2. Existing dwellings.
 3. Significant topographical or natural features.
 4. Applicant's proposed building sites and proposed private road or roads.
- The applicant shall also submit engineering drawings indicating the manner of construction of the proposed private road, and such other documentation as the Planning Commission shall deem necessary. The application and supporting documents shall be submitted to the Zoning Administrator, together with a payment of a fee in accordance with the duly adopted schedule of fees to cover costs of processing the application.

- F. Public Hearing. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission for its consideration at a public hearing during its next regular meeting, held at least fifteen (15) days after the Zoning Administrator forwards the application.
- G. Notice. Notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be mailed or personally delivered not less than fifteen (15) days prior to the hearing to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- Amended 9/6/2007, Effective 9/19/2007
- H. Basis of Decision. Based upon evidence presented at the public hearing and upon information with the Commission's official notice, the Planning Commission shall within thirty (30) days of the public hearing issue its decision approving, approving with amendments or disapproving the application. In reaching its decision, the Planning Commission shall consider the following criteria:
1. Whether traffic circulation features within the subdivision related to location and length of the proposed private road construction will insure:
 - a) Safety and convenience of vehicular traffic and adequate access for emergency and maintenance vehicles.
 - b) Prevention of unnecessary and highly concentrated traffic flow to certain areas which might create an unbalanced traffic system.
 - c) Is the direction of access best for the preservation of natural features.
 2. Whether surface water drainage, slope, and length of proposed private road will prevent overspill or damage to neighboring property.
 3. Whether the location of the proposed private road conforms with the plat of record.
 4. Whether the private road meets all other applicable requirements of the Township Zoning Ordinance.
- I. Land Use Permits. Inspection. If the application is approved by the Planning Commission, the Zoning Administrator shall issue the applicant a land use permit to construct the private road. After the road construction has been completed, the Zoning Administrator shall inspect the road to insure that it is constructed in compliance with this section.

The Zoning Administrator may then issue the applicant a land use permit to construct the proposed dwelling.

- J. One Dwelling Development Exception. If the applicant desires to construct only one dwelling pursuant to this section, unless the Township Supervisor determines that the application is of major significance to orderly development within the subdivision in question, applicant shall be required to submit only a land use permit and appropriate sketches indicating the location of the proposed private road and the manner of construction of the proposed private road. Review of the application and supporting materials shall be made by the Township Supervisor, or his duly appointed representative, to assure that the standards and requirements of this section will be met. Notice and public hearing shall be provided, as otherwise required in this section. Site Plan review shall be performed by the Township Supervisor under this exception. Applicant shall be required to construct the road only along the length of the lot frontage. A lesser fee for processing shall be required in the case of this exception, as provided for by the duly adopted schedule of fees.

SECTION 13.44. TEMPORARY CONVERSIONS BY SPECIAL USE PERMIT.

An existing, lawful building that is or becomes unsuitable for any use permitted within the zoning district in which it is located, may be temporarily converted to a more suitable use for a limited specified period by the issuance of a special use permit as provided for in Article 17.

Adopted 01/20/83

SECTION 13.45 - ACCESS MANAGEMENT

For the permitted and special approval uses in the MHP Manufactured Housing Parks District, RM Multiple Family District, OS Office Service, and CR I and CR II Commercial Recreation Districts, C Commercial District, and MI Industrial District, which have frontage on M-59 or other thoroughfares, the following driveway (curb cut) standards shall apply.

Amended 9/6/2007, Effective 9/19/2007

A. Number of Driveways (Curb Cuts)

One curb cut per five hundred (500) feet of road frontage shall be permitted with a minimum distance between curb cuts of five hundred (500) feet. A road intersection with M-59 shall be considered as one (1) curb cut.

B. Driveway (Curb Cut) Spacing

1. If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be approved. Driveways are to be located so that all related construction such as acceleration or deceleration lanes, tapers, and curb return radii will take place within the right-of-way abutting the proposed site. Extension of a taper, curb radius or deceleration beyond the frontage shall be considered only if necessary to accommodate off-site factors for sound design practice. In this case, written consent from the affected property owner must be provided.
2. In order to prevent left turn conflicts, driveways shall be aligned with those across the street. Where the alignment requirement cannot be met, driveways shall be offset by a minimum of one hundred and fifty feet (150) measured centerline to centerline.

3. Where parcels have frontage or access on more than one roadway, access shall be provided from the lesser street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.
 4. Driveways shall be located outside the functional boundary of road intersections.
- Adopted 05/02/91 Effective 05/08/91

SECTION 13.46 FLAG LOTS

For purposes of this Ordinance, a flag lot shall be a building site that meets the area requirements of the AR (Agricultural Residential) District, but does not meet the minimum required road frontage on a public or private road of one hundred twenty (120) feet per lot. The building site must be able to be accessed from a public or private road by a right-of-way a minimum forty (40) foot wide in the stem of the flag lot. The stem right-of-way for a flag lot cannot be included in any acreage or frontage calculations for any lot. A maximum of three (3) flag lots, plus the primary lot or lots, may be permitted access from a flag lot stem right-of-way. (See Illustration: Flag Lot Standards)

A. General Requirements. Each flag lot shall meet the following requirements:

1. The flag lot shall be in the AR District.
2. The flag lot shall have a minimum area of fifty thousand (50,000) square feet. The area shall not include the stem right-of-way of the flag lot.
3. The flag lot shall meet the minimum side and rear setback requirements of the AR District. These setbacks shall be measured from the edge of the stem right-of-way or the property line whichever is closer.
4. If determined feasible by the Ocoola Township Land Split Officer, the primary lot (the one that fronts on the public or private road) must take its access from the flag lot stem right-of-way.
5. The lot line closest to the public or private road from which the flag lot takes access shall be the front lot line of the flag lot. The minimum front setback on a flag lot shall be one hundred (100) feet. (See Illustration: Flag Lot Standards)
6. The address of all dwellings occupying the flag lot must be clearly marked at the intersection of the flag lot drive and the public or private road, and at the flag lot to facilitate emergency services.
7. The titleholders or land contract purchasers of a flag lot shall enter into an easement maintenance and shared access agreement for the stem right-of-way that serves the flag lot in order to ensure maintenance of proper ingress and egress to and from the site. The easement agreement shall be approved by the Ocoola Township Land Split Officer. The easement agreement must be recorded prior to the issuance of tax code numbers for the lots served by the flag lot drive. The easement shall cover the full width of the stem right-of-way.

B. Flag Lot Drive Requirements. A flag lot drive shall be required to provide access to the flag lot(s). Flag lot drive construction shall conform to the applicable minimum standards based upon the number of lots served by the drive. Additional easement width may be required by the Township to satisfy utility, drainage, sidewalk, future development potential or other requirements.

1. **Stem Right-of-Way Based on Potential Lots Served:** The minimum stem right-of-way width required shall be based on the potential number of lots to be served by the flag lot drive. If a stem right-of-way of less than sixty six (66) feet in width has been approved for use, the drive shall not be extended to serve additional lots not included in the original application. If in the determination of the Ocoola Township Land Split Officer, there may be potential to extend the flag lot drive to serve future additional lots, the application shall be forwarded to the Planning Commission. The Commission shall review the potential for new development within the context of the Township's adopted Master Plan or zoning regulations, whichever is greater, and make a determination whether a sixty six (66) foot wide stem right-of-way must be provided. The purpose of the wider stem right-of-way is to accommodate future extension of the drive and conversion to a road. The Commission's determination shall be based on the following factors:

- a. Whether there is need for the extended flag lot drive to be dedicated as a public road based upon the Ocoola Township Master Plan.
- b. Whether proposed extended flag lot drive could reasonably serve other AR zoned residential uses.
- c. Presence of natural or manmade features, such as regulated wetlands, lakes, developed parcels, or similar constraints that substantially limit the ability to extend the drive to other sites.

2. **Construction Based on Lots Served:** The minimum drive surface and construction requirements shall be based on the number of flag lots to be served by the flag lot drive at the time of the land division. If the flag lot drive is capable of serving additional lots that are not created at the time of original construction, the easement agreement must specify the method of apportionment of any additional costs that may be incurred as a result of required road improvements when the additional lots are created.

C. Construction Standards for Flag Lot Drives Serving One To Three Flag Lots and the Primary Lot. If the flag lot drive serves one through three flag lots (one to three flag lots plus the primary lot), the following minimum construction standards shall apply:

1. The flag lot must be served by a minimum forty (40) foot wide stem right-of-way.
2. The flag lot drive surface shall be a uniform width of a minimum of twelve (12) feet, measured edge to edge.

3. The flag lot drive shall be constructed as follows:
 - a. All organic materials and topsoil shall be removed from the flag lot driveway bed area to ensure a stable base for the driveway.
 - b. The flag lot drive shall be constructed of 8" of 22A or 23A limestone gravel, at a minimum.
 - c. Certification from a registered professional engineer, evidencing that the above construction requirements have been met, shall be submitted to the Township prior to issuance of a land use permit for a residence for any of the lots on the flag lot drive..

D. Construction Standards for Potential Flag Lot Drive Extension. If the flag lot drive has the potential to be extended to serve more than three (3) flag lots (not including the primary lot or lots), the following minimum construction standards shall apply:

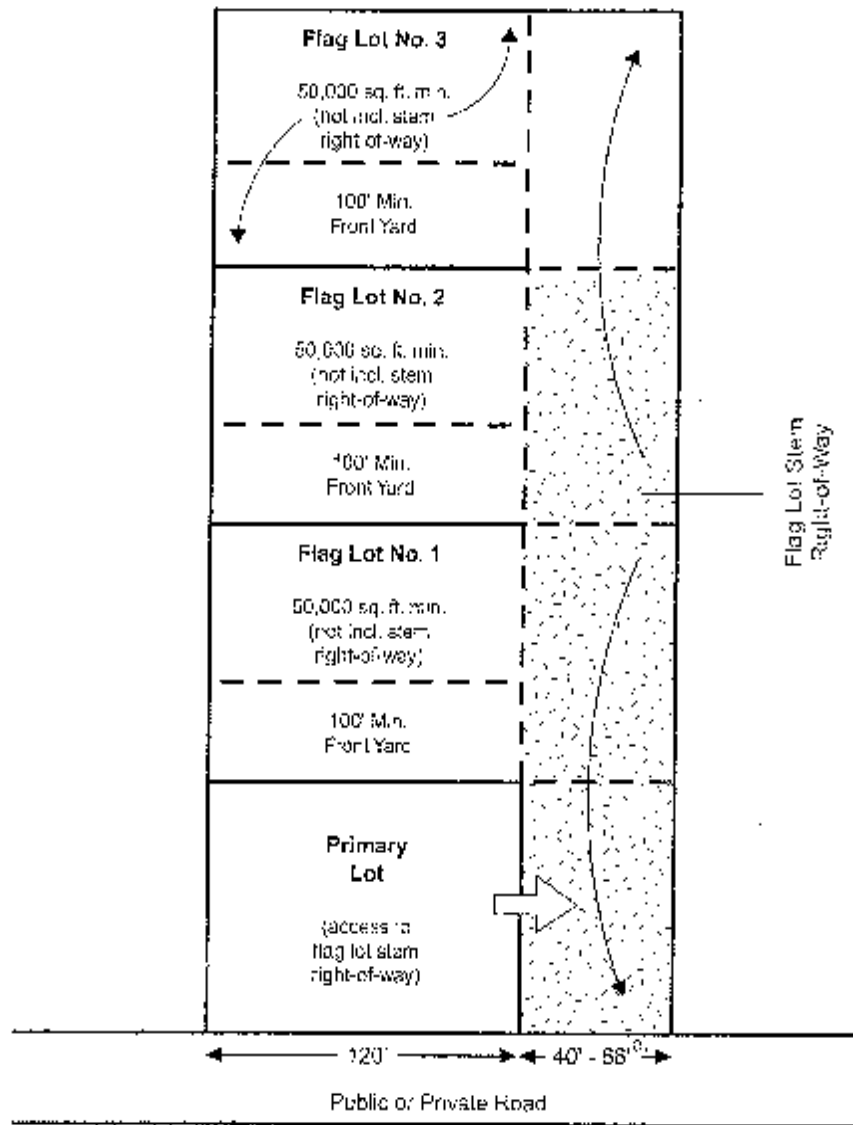
1. Each lot must be served by a minimum sixty-six (66) foot wide right-of-way.
2. At the time a flag lot drive is proposed to be extended or proposed to serve more lots than described in C. above, the flag lot drive will be required to be upgraded for its entire length and to meet all construction and approval requirements for a private road under Section 13.40 of this Ordinance.

E. Drive Separation Requirements.

1. The centerline of the flag lot driveway shall be located a minimum of two hundred forty feet (240') from the centerline of the intersection of two public and/or private roads.
2. The intersection of a flag lot stem right-of-way with a public or private road shall be located a minimum of one hundred twenty (120) feet from any existing flag lot stem right-of-way, measured from the centerline of the drive to the centerline of the road.

Adopted: January 18, 2007

Flag Lot Standards



Notes:

- a. No more than 3 Flag Lots per 40 ft. wide stem right-of-way. Stem right-of-way may be required to be increased to 66 ft.
- b. Flag Lot Drive = uniform width, minimum of 12 ft.

11-8-06

SECTION 13.47 COMMON USE (KEYHOLE) ORDINANCE

- A. Intent. Special Use provisions in accordance with Article 17 of the Oceola Township Zoning Ordinance are established to regulate land uses adjoining water bodies in any Zoning District. The purpose of these regulations is to protect the public health, safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and lessen property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
- B. Common Use Lot (Keyhole) Defined. A common use riparian lot (keyhole) shall be defined as any private site, platted lot or other parcel held in common by a subdivision, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non- riparian lots or land owners.
- C. Applicability. These regulations shall apply to the following common use lots:
1. Those lots created after the effective date of this ordinance. Those lots of record existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to nonriparian land owners) prior to the effective date of this ordinance.
 2. Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance, and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through said common use access lot.

Lots of record existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots may continue to provide riparian rights. However a new marina or expansion of an existing marina must obtain a permit from the Michigan Department of Environmental Quality in accordance with Administrative Rules for the Michigan Inland Lakes and Streams Act (P.A.346 of 1972, as amended).

- D. Use subject to Special Use Permit. The following uses shall be permitted on a common use lot (keyhole) in any district upon approval of the Planning Commission and subject to conditions as specified in Article 17.

1. Recreational sites, including bathing beaches, playgrounds, fishing piers, and other recreational areas.
2. Scenic sites.

Trails, bicycle paths and access routes, other than dedicated streets.

Boat docks (seasonal structures) provided that all of the requirements of Paragraph G are met, provided that seasonal boat docks in existence at the time of this ordinance are permitted to moor watercraft.

E. Area and Bulk Requirements. Waterfront sites dedicated to common use shall conform in all respects to the area and bulk requirements of the adjacent districts which they are intended to serve.

F. General Requirements.

1. The deed to a common use lot or parcel shall specify the non-riparian lots parcels which shall have rights to its use. All such lots shall be contiguous to each other and as a block contiguous to the common use lot.
2. Such riparian lot or parcel shall have a minimum frontage of one hundred and fifty (150) feet, measured by a straight line which intersects each side lot line at the water's edge; a minimum lot depth of one hundred (100) feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of fifteen thousand (15,000) square feet.
3. No seasonal storage of any watercraft or recreational equipment, including camping trailers and motor homes, shall be permitted on the site, except the permitted number of boats docked on the water.
4. Parking of motor vehicles, recreational vehicles, or camping units is prohibited.
5. An easement over a residential riparian lot shall not be utilized to provide access or docking for an individual who is not a resident of such residential riparian lot.
6. A common use lot shall not have been determined as a wetland by the Department of Environmental Quality (DEQ).

G. Boat Docks (seasonal structures) and Marinas.

The maximum number of boats which can be docked, moored or stored at a common use riparian parcel shall be one boat for the required riparian frontage of eighty (80) feet.

1. A marina, as defined below, and launching of motorized boats are prohibited.
2. A seasonal structure, as defined below, may be permitted without a permit from the Michigan Department of Environmental Quality

H. Definition

1. Marina: A facility that is owned or operated by a person, extends into or over

an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft. A permit from the Michigan Department of Environmental Quality is required for a marina.

2. Seasonal Structure: Any type of dock, boat hoist, ramp, raft, or other recreational structure that is placed into an inland lake or stream and removed at the end of the boating season. No MDEQ permit is required for a seasonal structure.

Adopted: 11-18-04 Effective: 11-24-04

SECTION 13.50 SMALL COMMUNITY WASTE WATER SYSTEMS

No small community waste water system, hereby defined as an independent system intended for the use by a limited number of residential users for collecting, transporting, treating, and disposal of sanitary waste water, shall be built or installed in the Township unless it meets the following requirements.

- A. The system shall satisfy the criteria of the Livingston County Drain Commissioner as stated in the published document *Criteria for Small Community Wastewater Systems in Livingston County, Michigan* and/or subsequent guidelines provided by the Drain Commissioner of Livingston County. Written confirmation as to the compliance with the criteria shall be provided to the Township, before Township approval is granted.
- B. For the purposes of this Ordinance, a small community wastewater system shall not be considered a public sanitary sewer system.
- C. A site plan shall be submitted which contains the following:
 1. The location of a twelve (12) foot paved access drive to access any community treatment facility;
 2. The location of a paved parking and turnaround area for maintenance vehicles;
 3. The location of and the proposed security and screening of the treatment site;
 4. The relationship of the treatment site to the location of housing, open space, and recreation sites.
- D. The area allocated for the drain field and the reserve drain field may be used for recreation; however, it shall not be counted toward meeting the minimum recreation and open space provisions for residential development in this Ordinance.
- E. The system shall be designed to service all developable sites within the proposed development. The design engineer may submit a request to exclude a specified number of sites from connection, provided that specific reasons are given as to why all sites cannot be connected.

- F. The Township may require the site plan to address how the community septic system would be converted into a public sanitary sewer should a public sanitary sewer system be available within two hundred (200) feet of any property in the development.

Adopted 01/20/2005 Effective 04/13/2005

SECTION 13.51 CHURCHES

The following regulations shall apply to all churches:

- A. The minimum lot area shall be 3 acres.
- B. Adequate access to the site and required off-street parking shall be provided in compliance with Article 15.
- C. There shall be no parking within the required front yard setback area.
- D. The site shall abut and take access from a public road.

ARTICLE 14
NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

SECTION 14.01 NON-CONFORMING USES, GENERAL PROVISIONS

Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment; it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 14.02 NON-CONFORMING LOTS

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single plotted lot or parcel or lot of record at the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot or parcel fails to meet the requirements for area or width, or both that are generally applicable in the respective district. Minimum yard or setback dimensions and other requirements not involving area or width, or both, of the parcel or lot shall conform to the regulations for the respective zoning district. In instances where vacant non-conforming lots or parcels of record are located adjacent or proximate to existing residential development, the Township Supervisor, or Supervisor's designated party, shall review and grant or deny approval of the placement of the dwelling and accessory buildings on the site to insure compatibility with the existing development. Variances of yard and setback requirements may also be requested from the Zoning Board of Appeals. (See Article 18, Zoning Board of Appeals).

Amended 9/6/2007, Effective 9/19/2007

SECTION 14.03 NON-CONFORMING USES OF LAND

When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such non-conforming use of land ceases for any reason for a period of more than sixty (60) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 14.04 NON-CONFORMING STRUCTURES

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

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 14.05 NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of such structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. In a C or MI district, if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the

same or more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this section. Where a non-conforming use of a structure, land, or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

Amended 9/6/2007, Effective 9/19/2007

- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 14.06 REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the market value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 14.07 USES SUBJECT TO SPECIAL USE PERMIT

Any existing use which would be permissible only by special use permit within the district in which it is located shall not be deemed a non-conforming use, even though all required conditions under this Ordinance may not be met, but shall, without further action, be deemed a conforming use in such district.

SECTION 14.08 CHANGE OF TENANCY OR OWNERSHIP

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

Adopted 02/18/82

ARTICLE 15
PARKING AND LOADING REQUIREMENTS

SECTION 15.01 OFF-STREET PARKING REQUIREMENT

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

Off-street parking spaces shall not be permitted within a required side or rear yard or within a front yard setback area. Effective 01/25/89

- A. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 13.16, Accessory Buildings, of this Ordinance.
- C. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- D. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than herein after required for a similar new building or new use.
- E. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- F. In the instance of dual function of off-street parking spaces where operating hours of the buildings do not overlap, the *Planning Commission* may grant an exception. The storage of merchandise, motor vehicles for sale, trucks, or repair vehicles is prohibited in an off-street parking area. Amended 9/6/2007, Effective 9/19/2007
- G. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the *Planning Commission* considers is similar in type. Amended 9/6/2007, Effective 9/19/2007
- I. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be

disregarded and fractions over one half (1/2) shall require one parking space.

J. For the purpose of computing the number of parking spaces required, the definition of Floor Area, Usable in ARTICLE 20, DEFINITIONS, shall govern.

K. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. RESIDENTIAL	
Residential, One-Family & Two- Family	Two (2) for each dwelling unit
Residential, Multiple-Family Housing for the Elderly	Two (2) for each dwelling unit One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy then, two (2) spaces per unit shall be provided.
Trailer Court	Refer to Oceola Township Trailer Park Ordinance.
2. INSTITUTIONAL	
Churches or Temples	One (1) for each three (3) seats or six (6) feet pews in the main unit of worship.
Hospitals	One (1) for each two (2) beds, plus one (1) Space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses.
Homes for the aged and convalescent homes	One (1) for each two (2) beds and one (1) for each employee.
Elementary and junior high schools	One (1) for each one (1) teacher, employee Or administrator, in addition to the requirements of the auditorium.
Senior High Schools	One (1) space for one (1) teacher, employee, Or administrator and one (1) for each ten (10) students, in addition to the requirements of the Auditorium.
Private club or lodge halls	One (1) space for each three (3) persons Allowed within the maximum occupancy load As established by local, county, or state fire, building or health codes.

<p>Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses Golf courses open to general public, except miniature or "par-3" Courses Fraternity or sorority</p>	<p>(1) space for each two (2) member families or individuals. Six (6) spaces for each one (1) golf hole and one (1) for each one (1) employee. One (1) space for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.</p>
<p>Stadium, sports arena, or similar outdoor assembly of benches Theaters and Auditoriums</p>	<p>One (1) space for each three (3) seats or six (6) feet of benches. One (1) space for each three (3) seats plus one (1) for each two (2) employees.</p>

3. COMMERCIAL

<p>Planned Commercial or Shopping Center</p>	<p>Four and one half (4.5) spaces for each one thousand (1,000) square feet of usable floor area. Amended 9/6/2007 effective 9/19/2007</p>
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4. OFFICES

<p>Banks</p>	<p>One (1) space for each one hundred (100) square feet of usable floor space and one (1) for each employee.</p>
<p>Business offices or professional offices except as indicated in the following item</p>	<p>One (1) space for each three hundred (300) square feet of usable floor space and one (1) space for each employee.</p>
<p>Professional offices of doctors, dentists or similar professions</p>	<p>One (1) space for each seventy-five (75) square feet of usable floor space in waiting rooms, and one (1) space for each examining room, dental chair, or similar use area and one (1) for each employee.</p>

5. INDUSTRIAL

<p>Industrial or research establishments</p>	<p>Five (5), plus one (1) for one and one-half (1 1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is determined to be the greater. Space or site shall also be provided for all construction workers during periods of plant construction.</p>
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SECTION 15.02 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Where the off-street parking requirement in SECTION 15.01 above requires the building of an off-street facility, or where P-L Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a Land Use Permit is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 @ (Parallel Parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 @ to 53 @	12 ft.	10 ft.	20 ft.	32 ft.	52 ft.
54@ to 74 @	15 ft.	10 ft.	20 ft.	36 ft. 6 in.	58 ft.
75@ to 90 @	20 ft.	10 ft.	20 ft.	40 ft.	60 ft.

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

- E. All maneuvering land widths shall permit one-way traffic movement, except that the 90@ pattern may permit two-way movement.
- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty (20) feet distance from any adjacent property located in any single-family residential district.
- G. The off-street parking area shall be provided with a continuous obscuring wall, fence, or greenbelt, as approved by the Planning Commission, of not less than four feet six inches (4'6")

in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject to the requirements of SECTION 13.29, and greenbelt subject to requirements of SECTION 13.36. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

H. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the resolution of the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the Township Board.

Amended 9/6/2007, Effective 9/19/2007

I. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

J. In all cases where a wall extends to an alley which is a means of ingress or egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley lane in order to permit a wider means of access to the parking area.

K. The Zoning Board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by the compliance with the requirements of this section.

Amended 9/6/2007, Effective 9/19/2007

SECTION 15.03 OFF-STREET LOADING AND UNLOADING

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

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

<u>GROSS FLOOR AREA (IN SQUARE FEET)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA</u>
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet
100,001	Five (5) spaces

adopted 04/07/83

ARTICLE 16
ADMINISTRATION AND ENFORCEMENT

SECTION 16.01 ADMINISTRATION AND ADMINISTRATOR

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Planning Commission Act, Act 168 of the Public Acts of 1959, as amended, and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

The Township Board shall employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer. Members of the Township Board and members of the Planning Commission shall be ineligible to serve as Zoning Administrator.

Duplicates of all actions and resolutions of the Zoning Administrator, Planning Commission, and Township Board pertaining to zoning shall be submitted to the Township Clerk to be kept on file at the Township Hall.

The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments and supplements to the Ordinance.

Amended 9/6/2007, Effective 9/19/2007

SECTION 16.02 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant Land Use Permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator. The Zoning Administrator shall administer and enforce other Township Ordinances at the discretion and direction of the Township Board.

When an application for a Land Use Permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Zoning Administrator shall not issue such permit unless the Livingston County Health Department shall have approved the site for the construction of such facilities.

The Zoning Administrator shall:

- A. Receive and review all applications for Land Use Permits and approve or disapprove such applications based on compliance or non-compliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
- B. Receive all applications for Special Use Permits and process applications so as to formulate recommendations for the Planning Commission.
- C. Receive all applications for appeals, variances or other matters which the zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations and supporting material to the Zoning Board of Appeals for determination.
- D. Receive applications for amendments to this Ordinance and refer such applications together with recommendations to the Planning Commission.
- E. Maintains a map or maps showing the current zoning classifications of all land in the Township.
- F. Maintain written records of all actions taken by the Zoning Administrator and file a summary of such action with the Township Board monthly.
- G. Be responsible for providing forms necessary for the various applications provided for in this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance. All form formats shall be approved by the Township Board.
- H. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

SECTION 16.03 LAND USE PERMITS

- A. Requirement for: Excavation for any building or structure shall not be commenced, nor shall the erection of, addition to, alteration or move of, any building or structure be undertaken, and no new land use shall be commenced until a land use permit has been secured from the Zoning Administrator, except that an accessory (non-dwelling) building in an AR District on eleven (11) acres or more may be built or altered without a land use permit, provided said building meets all other provisions of this Ordinance. Changes in internal construction of a building which do not alter the use of the property do not require a land use permit, but a building permit issued by the County is mandatory. Except upon a written order of the Township Zoning Board of Appeals under the provisions of Article 18, no such land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
- B. Application Requirements: Application for a Land Use Permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all applications for land permits, two copies of a site layout or plot plan, drawn to scale showing:
 - 1. The location, shape, area and dimensions for the lot, lots or acreage.
 - 2. The location of the proposed construction or alteration upon the lot, lots, or acreage affected.
 - 3. The dimensions, height and bulk of structures.

4. The nature of the proposed construction or alteration and the intended uses.
 5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
 6. The present use being made of any existing structure affected and any proposed change in the use thereof.
 7. The yard, open area and parking space dimensions.
 8. The proposed design and construction standards of parking areas.
 9. The number of loading-unloading spaces provided.
 10. Completion date.
 11. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.
- C. Void of Permit: Any Land Use Permit granted under this section shall be null unless the development proposed shall have its first zoning inspection within ninety (90) days from the date of the granting of the permit or had its second inspection by date of completion as specified on application. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant, or his agent, or is in violation of any of the provisions of this Ordinance or of any other Ordinance or regulations of the Township.
- D. Inspection Fee: A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for Land Use Permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.
- E. Inspection: The construction or usage covered by a Land Use Permit shall be subject to the following inspections:
1. Upon completion of the work authorized by the permit. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to request inspection at the proper time shall automatically cancel the permit, and subject holder of permit to penalties as specified in SECTION 16.06.

SECTION 16.04 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Zoning Administrator in advance of the issuance of such permits or certificates and conveyed in full to the Township Treasurer. The amounts of such fees shall be set by the Township Board.

SECTION 16.05 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 (1) or more owners of property to be affected by the proposed amendment.

- A. Procedure: The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

The Oceola Township Board at any time may initiate a petition to rezone. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and submit preliminary information to the Township Planner for review and report. The Clerk shall transmit same to the Township Planning Commission for review and establish a date for a Public Hearing on the petition for the Planning Commission and shall give proper notice for the hearing as provided in Act 110, P.A. of 2006, as amended. Notice of the Public Hearing shall be published in a newspaper of general circulation in the Township. The notice shall be made at least fifteen (15) days prior to the hearing.

Public Hearing requirements shall apply to amendments initiated by the Township Board or the Township Planning Commission. However, requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.

Amended 9/6/2007

- B. Notice of Hearing: The Clerk shall give notice of hearing in the following manner:

1. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
2. If eleven (11) or more adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township. The

notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
3. Notice of the hearing shall be mailed at least fifteen (15) days in advance of the hearing to each electric, gas, pipeline, public utility company, telephone company, and cable company, and railroad operating within the Township that chooses to register its name and address with the Planning Commission for the purpose of receiving such notice. The notice shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined. An affidavit of mailing shall be obtained.

Amended 9/6/2007, Effective 9/19/2007

C. Information Required: The petitioner shall submit a detailed description of property and surrounding area, to the Township Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner(s) and owner(s).
4. The petitioner(s)'s interest in the property, and if the petitioner is not the owner, the name and address of the owner(s).
5. Date of filing with the Township Clerk.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information. This provision is not applicable to Township Board request.
7. The desired change and reasons for such change.

D. Steps in Making a Change:

1. Petitioner submits application and fee.
2. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 16.05 A and 16.05 B.
3. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Township Board.
4. Township Board either enacts, rejects or sends back to the Planning Commission for revision, any proposed changes as an Ordinance Amendment. If enacted the text, or

summary thereof, shall be published in the newspaper within fifteen (15) days after adoption.

E. Findings and Facts 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 resolution of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.

The facts, data, and issues to be considered by the Planning Commission shall include, but are not limited to, the following:

1. Consistency with the goals, policies and future land use map of the Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the Township, the Planning Commission/Township Board shall consider the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. Will the requested change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. The capacity of the infrastructure and services to accommodate the uses permitted in the requested zoning district without compromising the "health, safety and welfare".
7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to meet the demand.
8. Will the requested change constitute a grant of a special privilege to an individual as contrasted with the general welfare?
9. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
10. Can the site meet all of the dimensional standards for the zoning district?
11. If a rezoning is appropriate, is another zoning district more appropriate than the one requested?
12. Other factors deemed appropriate by the Planning Commission and Township Board.
13. Are there substantial reasons why the property cannot be used in accord with existing zoning?
14. Is it impossible to find adequate sites for proposed use in existing zoning districts permitting such use?

Amended 03/03/94 Effective 03/09/94

SECTION 16.06 ENFORCEMENT

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

- A. Violation and Nuisance: Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Zoning Administrator.
- B. Inspection of Violation: The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator within thirty (30) days, of all conditions found to be in violation of this Ordinance. A copy of any order issued shall be filed with the Supervisor of the Township Board before their next regular meeting. The person who initiates the complaint shall be sent notice of any determination made by the Zoning Administrator within a period of thirty (30) days.
- C. Correction Period: All violations shall be corrected within a period of thirty (30) days after the order is issued by the Zoning Administrator, or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the Township Board which shall initiate prosecution procedures within sixty (60) days.
- D. Penalties: Every person, corporation, or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order to the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court of competent jurisdiction, he shall be punished by a fine not to exceed thirty (30) days or both. He shall also be directed to pay the costs of such prosecution. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- E. Remedies: The Zoning Administrator, the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Attorney of Oceola Township and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
- F. Scope of Remedies: The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the Township and shall be deposited in the general fund.

SECTION 16.07 COMPLIANCE BOND

A surety bond may be required by the Planning Commission to insure the complete construction of structures and the development of the land area, as proposed and approved, in connection with any request for rezoning.

ARTICLE 17
SPECIAL USE PERMITS

SECTION 17.01 PURPOSES

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the function and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the Township. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the security of the health, safety, convenience, and general welfare of the township's inhabitants.

In order to accomplish such a dual objective, provision is made in this Article for a more detailed consideration of each certain specified activity, as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as SPECIAL USES and may be authorized by the issuance of a SPECIAL USE PERMIT with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. The following sections, together with previous references in other Articles, designate what uses require a special use permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

SECTION 17.02 PROCEDURES FOR MAKING APPLICATION

Any application for a special use permit for any land or structure use permitted under this Article shall be submitted in accordance with the following procedures:

- A. Application Submitted to Planning Commission: Any application shall be submitted through the Zoning Administrator to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- B. Date Required in Application: Every application shall be accompanied by the following information and data:
 - 1. Special form supplied by the Zoning Administrator, filled out in full by the applicant.
 - 2. Site plan, drawn to a readable scale, of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.

3. Preliminary plans and outline specifications of the proposed development for all construction.
 4. A statement with supporting evidence regarding the required findings specified in SECTION 17.03 below.
- C. Review by Planning Commission: The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications, in terms of the standards established in this Article.
- D. Notice and Hearing: After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application. Notice of the request shall be published in a newspaper of general circulation in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the subject site and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notice shall be given not less than fifteen (15) days before the date of the hearing. The notice shall do the following:
- a) Describe the nature of the request.
 - b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c) State when and where the request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Indicate that a public hearing on the request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for the special use regardless of whether the property or occupant is located in the zoning jurisdiction.

Amended 9/6/2007, Effective 9/19/2007

- E. Issuance of Special Use Permit: Only upon conclusion of hearing procedures relative to a particular application may the Planning Commission issue a special use permit. Any use for which a special use permit may be granted shall be deemed a use permitted in the district in which such use is located, PROVIDED:
1. Such permit was issued in conformity with the provisions of this Article; and
 2. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
- F. Site Plan Approval. Site plan approval shall be required in connection with every application for a special use permit.

SECTION 17.03 BASIS OF DETERMINATION

The Planning Commission shall establish beyond reasonable doubt that the general standards specified in the following and the specific standards outlined in each applicable Article of this

Ordinance shall be satisfied by the completion and operation of the proposed development.

- A. General Standards for Making Determinations. The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall find adequate evidence showing that such a use on the proposed location:
1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan of current adoption;
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
 8. Will be consistent with the intent and purposes of this Article.
- B. Conditions and Safeguards. The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and to ensure that the intent and objectives of this Article will be observed.
1. The Planning Commission may require discontinuance of a use authorized by special use permit after a specified time period as a condition of issuance.
 2. The Planning Commission may require that a specified percentage of authorized construction and/or development be completed within a specified time period as a condition of issuance. Failure to meet this requirement shall invalidate special use authorization for only that portion of the lot or parcel not developed as required.
- C. Time Periods. Special use permits may be issued for time periods as determined by the Planning Commission. In any case, if the use permitted by issuance of a final special use permit has not commenced within one (1) year after issuance of said permit, the permit shall become null and void. To be under construction shall be deemed to have commenced.
- D. Enforcement. Conditions and requirements stated as a part of special use permit authorization shall be a continuing obligation of holders of said permits. The Zoning Administrator shall make periodic investigations of developments authorized by special use permit to determine compliance with all special use permit requirements. All violations shall be corrected within thirty (30) days after an order to correct is issued by the Zoning Administrator. Violations not corrected within this time period shall automatically cancel the permit.
- E. Renewal. Renewal of a special use permit on request shall be withheld only upon a determination by the Planning Commission either (1) that the conditions prescribed in the

original special use permit included the requirement that the use be discontinued after a specified time period, or (2) that there has been a failure of substantial compliance with any condition or provision of the original special use permit.

- F. Financial Guarantee. In authorizing a special use permit, the Planning Commission may require that a bond, or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like.
- G. Reapplication. No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.
- H. Specific Requirements. The foregoing general standards are basic to all special uses; and the specific requirements accompanying the sections relating to particular uses are in addition and shall be required in all applicable situations.

SECTION 17.04 APPEALS OF PLANNING COMMISSION DECISIONS UNDER THIS ARTICLE

A person considering himself aggrieved by a decision of the Planning Commission in the granting or denial of a special use permit shall have the right to appeal said decision to the Township Board. The appellant shall file a letter with the Township Clerk, within ten (10) days of the decision of the Planning Commission. The appellant's letter shall specify with particularity the reason(s) that the appellant is appealing the decision of the Planning Commission and the appellant's appeal shall be limited to those issues stated with particularity in said letter. The appeal shall be based and considered solely on the record including the appellant's letter of appeal, the minutes of public hearings and informational hearings, site plans and other documentation presented to the Planning Commission prior to its decision in connection with the special use permit, written statements made by the Planning Commission supporting its decision, written responses to questions promulgated by the Township Board, etc. In its determination of the appeal, the Township Board may take (but is not limited to) any of the following actions:

- A. Affirm the decision of the Planning Commission with or without modification.
- B. Reverse the decision of the Township Commission and state its reason(s) therefore.
- C. Refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board.
- D. Refer the matter to the Zoning Board of Appeals if the issue appears to be a matter of interpretation of the provisions of this Article.

Amended 9-6-2007, Effective 9-19-2007

The Township Board shall normally render its decision an appeal within ninety (90) days of its receipt of the appeal.

ARTICLE 18
ZONING BOARD OF APPEALS

SECTION 18.01 ORGANIZATION

There is hereby established a Zoning Board of Appeals (*ZBA*), which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

A.Membership:

The Zoning Board of Appeals shall consist of five (5) regular members, all appointed by the Township Board. The Township Board may appoint not more than two (2) alternate members to said Board.

One of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining regular members and any alternate members shall be selected from the electors of the Township. One member may be a member of the Township Board.

No employee or contractor of the Township Board may serve as a member of the Zoning Board of Appeals. A member of the Township Board shall not serve as chairman.

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

B.Terms:

The term of each regular and alternate member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively. The term of a member shall be stated in the resolution appointing that member. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

C.Seating of Alternate Members:

An alternate member may be called by the Township Clerk to serve as a member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member of the Zoning Board of Appeals for the purpose

of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest.

D. Duties of Alternate Members:

1. To serve as a voting member, but not as an officer, during the absence of a regular member.
2. The alternate member having been appointed shall serve in the case until a final decision has been made.
3. An alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

E. Business:

The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 18.02 PROCEDURES

The Zoning Board of Appeals shall annually elect its own Chairman, Vice-Chairman, and Secretary. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine by rule. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The ZBA shall adopt its own rules or procedures. The Township Clerk shall maintain an accurate record of the ZBA's proceedings and findings, which shall be filed in the office of the Township Clerk and shall be a public record. Duplicates shall be kept on file at the Township Hall.

The fees to be charged for appeals shall be set by resolution of the Township Board. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Zoning Board of Appeals, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Township Board.

SECTION 18.03 SECRETARY AND COUNSEL

The Township Clerk shall be responsible for providing secretarial services for the Zoning Board of Appeals and the Township Attorney may give legal counsel to the Zoning Board of Appeals upon its request. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

SECTION 18.04 JURISDICTION

The Zoning Board of Appeals shall not have the power to alter or change the Zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation and to authorize a variance as defined in this section, and the laws of the State of Michigan. Said powers include:

- A. Interpretation of Zoning Ordinance: To hear and decide appeals where it is alleged by the appellant there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.
- B. Appeal of Administrative Decisions. To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with administration or enforcement of the Zoning Ordinance.
- C. Variance: To authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, contour, or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property. 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. No variance shall be granted by the Zoning Board of Appeals unless all the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply generally to other property or uses in the same district and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance;
 - 2. That such variance is necessary for the preservation of a substantial property right belonging to other property in the same district;
 - 3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or in the district in which the property of the applicant is located; and
 - 4. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance.

In granting a variance, the Zoning Board of Appeals shall specify, in writing, to the applicant, such conditions, which secure substantially the objectives of the regulation or provision to which such variance applies and the breach of any such condition shall automatically invalidate the permit therefore.

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- 1. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance and pursued diligently to completion; or
- 2. The occupancy of land or buildings authorized by such variance has taken place within one (1) year after granting of such variance.

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) 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.

- D. Other Items Contained in the Zoning Ordinance. To hear and decide on other matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, without making the findings set forth in Section 18.04(B), which are applicable to variances.

SECTION 18.05 APPEALS

The appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm, or corporation aggrieved by any governmental officer, department, board, or bureau aggrieved by the decision of the Zoning Administrator. Such appeal shall be taken by filing a notice of appeal with the Zoning Administrator within ten (10) days after the date of the Zoning Administrator's decision on appropriate forms provided by the Zoning Administrator, payment of the required fee, and shall transmit all papers constituting the records of such appeal to the Zoning Board of Appeals. The Zoning Board of Appeals may require the applicant to furnish such surveys, plans or other information as may be reasonably required for the proper consideration of the matter. Upon a hearing before the Zoning Board or Appeals, any person or party may appear in person, or by agent, or by attorney.

The submittal of a complete and accurate application for appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property by reason of facts stated in the certificate. Upon acceptance of the Zoning Administrator's certificate by the Zoning Board of Appeals, proceedings shall not be stayed, except by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court.

1. Variance Public Hearing Notice Requirements.

When a notice concerning a request for a variance has been filed in proper form with the Zoning Board of Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the Township and shall also be served personally or by first-class mail to the parties making the request for variance, and to all persons to whom real property is assessed within a radius of five hundred (500) feet of the boundary of the property in question and to the occupants of all structures within 500 feet of the boundary of the property in question regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the appeal will be considered. All notices by mail shall be deemed to have been given when deposited in the United State Post Office. The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
2. Appeal or Interpretation Public Hearing Notice Requirements.

Upon receiving a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of the hearing shall be published in a newspaper of general circulation in the Township and shall also be served personally or by first-class mail to the parties making the request for interpretation or appeal. If the request for interpretation or appeal involves a specific parcel, a written notice shall be sent by first-class mail or personal delivery to all persons whom real property is assessed within 500 feet of the boundary of the property in question and to the occupants of all structures within 500 feet of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date of the interpretation or appeal will be considered. The notice shall state the nature of the request and the time, date, and place of the public hearing.

3. The Zoning Board of Appeals shall decide upon all matters appealed within a reasonable time and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The final decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board in each particular case.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the Board is required to pass under the ordinance, or to grant a variance in the ordinance.

Amended 9/6/2007, Effective 9/19/2007

ARTICLE 19
SITE PLAN APPROVAL

SECTION 19.01 WHEN REQUIRED

An application for site plan approval shall be submitted under the following circumstances:

- A. Whenever site plan approval is required by any provision of this Ordinance.
- B. For any proposed land use, except single-family residential, in which off-street parking areas are required under SECTION 15.01 K, of this Ordinance.
- C. For any land use in an RM, C, OS, PUD, MI, or MHP District laying contiguous to, or across the street from an AR, RR, R1, or R3 District or any existing single-family land use.
Amended 9/6/2007, Effective 9/19/2007
- D. For all residentially related land uses permitted in AR, RR, R1, PUD or R3 District, such as, but not limited to, churches, schools, and public facilities.
Effective 6/26/89
- E. For any land use upon lands which have been divided in such a manner that certain pieces thereof are isolated from public road frontage, unless the site in question is a lot lying in a subdivision platted prior to the 1968 Plat Act. This subsection shall not require any additional approval of a site plan on any lot which is a part of a development for which site plan approval has been granted.
- F. For any land use on a parcel within a plat approved by the Planning Commission.
- G. For any land use which may be permitted only by special use permit.

SECTION 19.02 PRE-APPLICATION CONFERENCE

Applicants are encouraged to confer informally with the Supervisor and the Planning Commission Chairperson, or a Chair-appointed Planning Commission member, prior to preparing and submitting a formal application for site plan approval.

Amended 8/14/86

SECTION 19.03 APPLICATION FOR SITE PLAN APPROVAL

Prior to commencing any construction, an applicant shall submit eight (8) copies of an application for site plan approval to the Zoning Administrator, together with all required fees, maps, and plans. The application shall include a brief statement regarding compliance with each of the standards for approval set forth in this article. The map's land plans shall include the following data, at a minimum:

- A. A fully dimensioned map of the subject site, showing topographical information at contour intervals of no more than two (2) feet.
- B. A vicinity map, indicating land uses and transportation arteries within one thousand (1,000) feet of the perimeters of the subject site.
- C. A site development plan, indicating:
 - 1. The date, north arrow and other necessary identifying marks.
 - 2. The location and height of all existing and proposed structures.
 - 3. The location and dimensions of all existing and proposed roads, marginal access drives, easements, right-of-way, drives, sidewalks, curb openings, signs, exterior lighting, parking areas, and related improvements.
 - 4. The location of all proposed landscaping, fences or walls.
 - 5. The location and size of all existing and proposed surface water and water drainage facilities.
 - 6. Size and location of existing and proposed utilities, wells, septic systems, and related improvements.
 - 7. The location of any regular outdoor storage facilities and the manner in which they are proposed to be screened or covered.
 - 8. The locations, sizes and types of existing trees over six (6) inches in diameter and of proposed trees (before and after development).
 - 9. The location of wetlands and flood plains.
 - 10. Types of soils present on the site, indicated on a separate map or overlay at the same scale as the proposed site plan.
- D. Disposal and storage of toxic or dangerous materials. Require the filing of plan for manufacture, storage, use, disposal, spillage containment and clean-up. The plan shall be approved by the Planning Commission, the Township Board and any other agency as determined by Oceola Township. The plan must contain adequate protection of the area environment. Any changes in an approved plan shall be approved by Oceola Township Planning Commission and the Oceola Township Board.
- E. Submission of items listed in subsection (3) may be waived by the Planning Commission in an instance where the Planning Commission finds that they are not relevant.

SECTION 19.04 DUTIES OF ZONING ADMINISTRATOR

Under this Article, it shall be the duty and responsibility of the Zoning Administrator to:

- A. Receive applications for site plan approval and required fees, and sign and date applications received, indicating receipt of required fees.
- B. Contact the Chairman of Planning Commission to place the application for site plan approval on the Planning Commission.
- C. At least one week prior to the meeting at which the application is to be considered by the Planning Commission, deliver or arrange to be delivered copies of the application to each member of the Planning Commission.

- D. Upon receipt of approved site plan, grant a land use permit in accordance therewith.
- E. At intervals of three (3) months or less following preliminary approval by the Township Board, inspect the subject site and submit a written report to the Planning Commission concerning progress and compliance.
- F. Following completion of construction by the applicant, inspect the subject site and submit a written report to the Planning Commission concerning compliance with the conditions of preliminary approval.

SECTION 19.05 DUTIES OF THE PLANNING COMMISSION

Under this Article, it shall be the duty and responsibility of the Planning Commission to:

- A. Review all applications for site plan approval and make recommendations to the Township Board concerning compliance with each of the standards of approval.
- B. Recommend appropriate changes to the site plan or conditions upon which the site plan should be approved.
- C. Recommend whether a performance guarantee will be necessary to assure completion of planned improvements on the subject site.
- D. Transmit the recommendations approved by a majority vote of the Planning Commission to the Township Board for approval.
- E. Review periodic inspection reports submitted by Zoning Administrator, and recommend action to Township Board if necessary.
- F. Review final report of Zoning Administrator following completion of construction by the applicant, and recommend to Township Board whether conditions of preliminary approval have been satisfied.

SECTION 19.06 DUTIES OF THE TOWNSHIP BOARD

Under this Article, it shall be the duty and responsibility of the Township Board to:

- A. Review applications for site plan approval, together with Planning Commission recommendations, and determine whether the standards of approval will be satisfied.
- B. If the standards of approval are satisfied by the application for site plan approval, or may be satisfied after certain changes or with certain conditions, the Township Board shall grant preliminary approval to the site plan as applied for, or with changes or conditions, as the case may be.
- C. If the Township Board finds that the standards of approval will not be satisfied, even with changes or with conditions, the Township Board shall deny the application for site plan approval.
- D. If the Township Board determines that a performance guarantee is necessary to assure completion of planned improvements on the subject site, it shall order that a performance guarantee in an appropriate form and amount be posted as a condition to site plan approval.
- E. Review any recommendation for action proposed by the Planning Commission pursuant to this Article.
- F. Upon completion of construction on the subject site, review the final report of the Zoning Administrator and the recommendations of the Planning Commission and determine whether applicant has fully complied with the approved site plan and any conditions.

- G. Take any action necessary to assure that necessary improvements incidental to an approved site plan are completed as approved.
- H. Grant final site plan approval, upon the finding that construction on the subject site has been completed in accordance with the approved site plan.

SECTION 19.07 STANDARDS FOR APPROVAL

No site plan shall be approved pursuant to this Article unless the Township Board finds that each of the following standards is satisfied:

- A. The site plan shall conform to all applicable sections of this Ordinance and to applicable State and Federal laws.
- B. The site plan shall protect, promote and enhance the public health, safety, convenience, and general welfare with respect to:
 - 1. Placement of driveways, roads or pedestrian walkways.
 - 2. Vehicular circulation within the subject site, as it relates to adjacent properties and roadways.
 - 3. Acceleration and deceleration lanes to enter roadways.
 - 4. Elimination or protection of attractive nuisances.
 - 5. Ready access for emergency vehicles.
 - 6. Adequate drainage.
 - 7. Adequate lighting of public areas, where needed.
 - 8. Visibility along and upon traffic ways.
 - 9. Available water supply.
 - 10. A plan has been submitted that meets requirements of 19.03 D.
 - 11. Marginal access drives (roads parallel to main thoroughfares to separate local from through traffic).
 - 12. Location and screening of solid waste receptacle areas.
- C. The site plan shall provide satisfactory and harmonious relationships between the development on the subject site and existing and prospective development of contiguous land and adjacent neighborhoods. This standard is satisfied if each of the following criteria is satisfied:
 - 1. The site is adequately landscaped and/or fenced to shield offensive elements and to provide a harmonious buffer to adjacent properties.
 - 2. The site layout is designed to protect property values of adjacent properties and the general neighborhood.
 - 3. Adequate provisions are made to protect adjacent properties from unnecessary noise.
 - 4. Pedestrian and vehicular traffic and parking patterns are designed to prevent unnecessary disturbance to adjacent property owners and the general neighborhood.
- D. The site plan shall provide maximum preservation of natural features and sensitive environmental areas, including major tree stands, unstable soils or wet areas.

SECTION 19.08 PERFORMANCE GUARANTEES

- A. Improvements: As used in this section, "improvements" means those features and actions associated with a project which the Township Board considers necessary to protect natural resources, for the health, safety, and welfare of the residents of the Township and future users or inhabitants of the subject site and surrounding area, including roadways, lighting, utilities, sidewalks, screening, and drainage.
- B. When Required: To ensure compliance with the Zoning Ordinance, with any conditions imposed pursuant to site plan approval, and to ensure faithful completion of any improvements, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township Board, covering the estimated costs of improvements associated with the project for which site plan approval is sought to be deposited with the Township Clerk. Such performance guarantee shall be deposited at the time of the issuance of the land use permit.
- C. Rebates: In any case where a performance guarantee has been submitted in the form of a cash deposit, a portion of such deposit shall be rebated to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses. The ratio of work completed shall be determined by the Zoning Administrator during his periodic inspection. Performance guarantees in any form other than cash deposits shall be returned to the applicant only after completion of construction and final site plan approval by the Township Board.

SECTION 19.09 FEES

Required fees under this article shall be prescribed by the Township Board in the duly enacted "Schedule of Fees."

SECTION 19.10 CONSTRUCTION OF ARTICLE

The provisions of this article shall be construed to be in addition to any other requirements or provisions of this Ordinance, of other Township Ordinances, or of State or Federal law.