

*Township of Putnam, MI
Monday, July 11, 2022*

Chapter 340. Zoning

[HISTORY: Adopted by the Township Board of the Township of Putnam 5-21-2008 (Chs. 17 to 33 of the 2004 Township Code); readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Prior and subsequent amendments noted where applicable.]

GENERAL REFERENCES

Municipal civil infractions — See Ch. **55**.

Floodplain management — See Ch. **175**.

Home occupations and home-based businesses — See Ch. **190**.

Land division — See Ch. **200**.

Mobile homes and trailer coaches — See Ch. **220**.

Wetlands protection — See Ch. **330**.

Article I. Title, Purpose, Scope and Legal Basis

§ 340-1. Title.

- A. This chapter shall be known and may be cited as the "Putnam Township Zoning Ordinance," "this chapter," "the ordinance," or phrased in similar fashion. In all cases, such terms and phrases shall refer to Chapter **340**, Zoning, of the Putnam Township Code.
- B. This chapter shall be subject to the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

§ 340-2. Purpose.

- A. This chapter is based upon the Putnam Township Master Plan and provides for the establishment of zoning districts and district uses, standards, and regulations designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the state's citizens for food, fiber and other natural resources, places of residence, recreation, agriculture, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population, to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This chapter is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

§ 340-3. Scope.

- A. Zoning affects all structures and land uses within the Township.
- B. This chapter shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- C. Where this chapter imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this chapter shall control.
- D. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.
[Added 10-17-2012 by Ord. No. Z-67]

§ 340-4. Legal basis.

This chapter is enacted pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended.

[1]

[1] *Editor's Note: See MCLA § 125.3101 et seq.*

§ 340-5. Repealer.

- A. The Township of Putnam Zoning Ordinance, adopted September 23, 2004, as amended, and any prior zoning ordinances of Putnam Township are hereby repealed effective coincident with the effective date of this chapter. The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under the previous ordinance, or any part thereof, and the previous ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.
- B. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this chapter, or through proper amendment, subject to the requirements of this chapter.

Article II. Terminology

§ 340-6. Word usage.

- A. For this chapter, certain terms are defined below.
- B. Construction of language. The following rules of construction apply to the text of this chapter:
 - (1) The particular shall control the general.
 - (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
 - (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Zoning Administrator, Planning Commission, Township Board, or Zoning Board of Appeals, as indicated.
 - (4) The masculine gender includes the feminine and neuter.

- (5) All measurements shall be to the nearest integral number, except density and lot measurements.
- (6) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (7) The word "build" includes the words "erect" and "construct."
- (8) The phrase "used for" includes "arranged for," "designed or," "intended for," "maintained for," or "occupied for."
- (9) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a "person" under the laws of Michigan.
- (10) In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- (11) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either/or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (12) All defined terms used in this chapter shall have their defined meanings unless otherwise specifically stated.
- (13) Words or terms not herein defined shall have the meaning customarily assigned to them.

§ 340-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE

A structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal use or structure.

ACCESSORY USE

A use that is clearly incidental to, customarily found with, and generally located on the same lot or parcel with the principal use to which it is related.

ADULT CARE USES

A. ADULT DAY-CARE FACILITY

A facility providing supervision, personal care, protection, and meals less than 24 hours per day, five or more days a week and for two or more consecutive weeks for compensation.

B. ADULT FOSTER CARE FAMILY HOME

A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

C. ADULT FOSTER CARE SMALL GROUP HOME

An adult foster care facility with the approved capacity to receive not more than 12 adults who shall be provided foster care.

D. ADULT FOSTER CARE LARGE GROUP HOME

An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

ADULT USE

Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. ADULT PERSONAL SERVICE ESTABLISHMENT

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed medical professional.
- (2) Fitness center, as defined herein.
- (3) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (4) Continuing instruction in martial or performing arts, or in organized athletic activities.
- (5) Hospitals, nursing homes, medical clinics, or medical offices.
- (6) Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only.
- (7) Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.

B. ADULT BOOKSTORE

An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage of books, magazines, and other periodicals, photographs, drawings, and other print material which is distinguished or characterized by its emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein).

C. ADULT CABARET

An establishment where live entertainment is provided, presented, permitted or performed, where a substantial portion of performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

D. ADULT MOTION PICTURE THEATER or ADULT LIVE STAGE PERFORMING THEATER

An enclosed building wherein still or motion pictures, videotapes or similar material is presented or viewed where a substantial portion is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such an

establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

E. ADULT MODEL STUDIO

Any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

F. ADULT MOTION PICTURE ARCADE or MINI MOTION PICTURE THEATER

Any place where motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas (as defined herein).

G. ADULT VIDEO STORE

An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, videocassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

H. ADULT OUTDOOR MOTION PICTURE THEATER

A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

I. MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

J. SEXUAL PARAPHERNALIA STORE

An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to specified anatomical areas or as part of, in connection with, or related to specified sexual activities (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

K. Special definitions. With respect to adult regulated uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

(1) SUBSTANTIAL PORTION

A use or activity accounting for more than 20% of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

(2) SPECIFIED ANATOMICAL AREAS

Portions of the human body defined as follows:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the point immediately above the top of the areola.
 - (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (3) **SPECIFIED SEXUAL ACTIVITIES**
The explicit display of one or more of the following:
- (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
 - (c) Human sex acts, normal or perverted, actual or simulated, including but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy.
 - (d) Human excretory functions as part of, or as related to, any of the activities described above.
 - (e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described above.

AGRITOURISM

Retail or tourism-based businesses which are clearly incidental and accessory to the principal permitted active farming or agricultural use on the property and which promote rural agriculture and farming lifestyles, preserve rural open spaces, provide chances for agricultural education and recreation, and enhance revenue opportunities for local agricultural operations. Activities may include, but are not limited to, agricultural festivals or events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.

[Added 8-21-2019 by Ord. No. Z-102]

A. VALUE-ADDED AGRICULTURAL PRODUCT

The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

B. AGRICULTURAL PRODUCTS

Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

C. AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice-cream and ice cream-based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

D. NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

E. AGRICULTURALLY RELATED USES

Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hayrides, and educational events, such as farming and food preserving classes, etc.

F. NON-AGRICULTURALLY RELATED USES

Activities that are part of an agritourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, haunted houses, etc., and are subject to a special use or temporary use permit.

G. FARM MARKET/ON-FARM MARKET

The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land, but not including temporary roadside stand markets.

H. SEASONAL

A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

I. SIGN, SEASONAL

A sign erected for a limited period during the year when retailing activities for a farm product is available to the public.

J. PICK

— A fruit- or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

K. CIDER MILL

A facility where apples are processed into cider along with other related activities to entertain customers.

L. COMMUNITY-SUPPORTED AGRICULTURE or CSA

A marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically, the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point.

ALTERATION

Any change, addition, or modification in use or type of occupancy or any change in the structural members of a building, including walls, partitions, columns beams, or girders.

ANIMAL UNIT

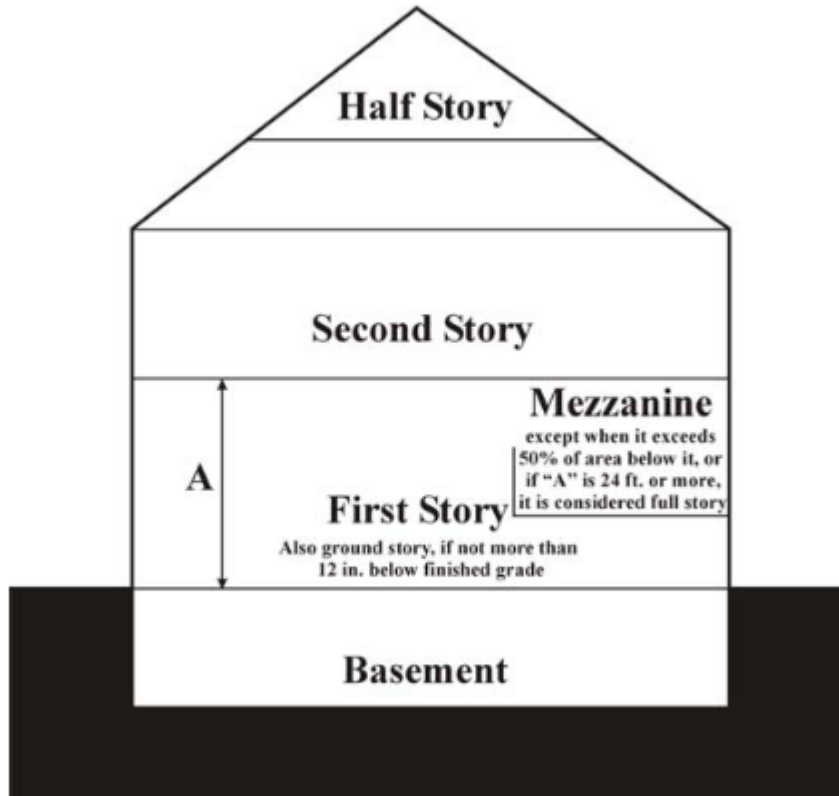
A measure to determine the density of livestock allowed on a property. Animal units are determined by dividing the average mature weight of an animal by 1,000 (for example, one feeder steer = one animal unit); however, for the purposes of this chapter, animal units for horses shall be determined by dividing the average mature weight by 2,000 (one horse = one animal unit).

APARTMENT UNIT

A room or suite of rooms in a multiple-family building, arranged and intended as a place of residence for a single family.

BASEMENT

That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area.



BED-AND-BREAKFAST

An operation in which transient guests are provided a sleeping room and board in return for payment and is located in a private single-family dwelling that is used principally as a family unit of the proprietor.

BERM

A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height, width, and slope that complies with the requirements of this chapter.

BUILDABLE AREA

The space remaining after the minimum open space and setback requirements of this chapter have been met.

BUILDING

Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind.

BUILDING FOOTPRINT

The ground area of a lot occupied within the exterior foundation walls of a principal building or accessory structure. Unenclosed and unwallled portions of a structure (such as deck, balcony, etc.) shall not be considered a part of the building footprint.

BUILDING HEIGHT

Vertical distance measured from the established grade to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE

The imaginary line formed by the front yard setback established by the district.

CAMPGROUND**A. TRANSIENT CAMPGROUND**

Any area that is occupied, intended, designed or improved for occupancy by transients using open-air campsite areas, tents, recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public.

B. GROUP CAMPGROUND

A campground owned and operated by a nonprofit or similar agency such as a scouting organization, or an organization serving a specific population (for example, disabled individuals) and is not open to the general public, where occupancy is generally provided in beds located within permanent or semipermanent structures or tents, and which may include dining facilities, educational facilities, and similar supporting accessory uses.

CLINIC

An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by physicians, dentists, or similar professionals.

CLUB

A nonprofit organization or association of persons for social activity or for the pursuit of a common interest in the arts, sports, literature, science, or other similar activities.

COMMERCIAL SPORTING FACILITIES

Indoor or outdoor facilities for recreational and athletic activities and events. This definition shall not apply to facilities owned and maintained by Putnam Township, or to privately owned facilities accessory to and on the same lot as residential uses. There are two classifications:

A. COMMERCIAL SPORTING FACILITIES, LARGE-SCALE

Includes uses that generally require large areas of land and/or large buildings, such as golf courses and country clubs, golf driving ranges, commercial swimming pools, ski areas, toboggan runs, beaches and water sport areas, hunting, fishing, and shooting preserves, archery ranges, indoor and outdoor ice and roller rinks and similar uses.

B. COMMERCIAL SPORTING FACILITIES, SMALL-SCALE

Includes uses that are less intensive and use smaller areas and/or buildings, such as miniature golf, outdoor batting cages horseshoe pits and similar uses.

COMMERCIAL VEHICLE

A motor vehicle used for or as part of carrying out a business or commercial enterprise, or for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing/towing other vehicles (except for those used for towing privately owned recreational vehicles).

COMMERCIAL VEHICLE

Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the categories listed below:

A. Truck tractor.

B. Semitrailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures.

C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit, or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.

D. Commercial hauling, vehicle repair service, snow plowing, or tow trucks.

- E. Any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

COMMISSION

The Planning Commission of Putnam Township, Livingston County, Michigan.

COMMON OPEN SPACE

Designated areas unoccupied and unobstructed from the ground upward except for living plant material, recreational or grounds maintenance facilities, sidewalks, bike paths, necessary drives and other improvements shown on the approved site plan within a planned unit development (PUD), subdivision or condominium projects designed and intended for the use and enjoyment of the public or residents of the development and/or for the protection of natural features.

CONDOMINIUM

The ownership of dwellings and the space enclosed by the description thereof, as contained in the master deed, together with ownership of an interest in the common elements.

CONDOMINIUM UNIT

The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a timeshare unit, or any other type of use.

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms where persons are housed or lodged, and furnished with meals, nursing, and medical care.

CRITICAL ROOT ZONE

A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every inch of tree caliper, with a minimum of eight feet.

DAY CARE

A. COMMERCIAL CHILD DAY-CARE CENTER

A facility, other than a private residence, receiving one or more preschool age child for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. "Child-care center" or "day-care center" includes a facility providing care for not less than two consecutive weeks, regardless of the number of hours of care per day.

B. FAMILY DAY-CARE HOME

A private home in which one but no more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A "family day-care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

C. GROUP DAY-CARE HOME

A private home in which more than six but less than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. "Group day-care" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

DEDICATED EASEMENT

A right of use over the property of another, designated and legally recorded for the purpose of vehicular access, ingress, and/or egress.

DENSITY

The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:

- A. The acreage exclusive of Subsections **B**, **C** and **D** below shall be calculated at 100% toward the total site acreage.
- B. The acreage comprised of land within the one-hundred-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 59 of 1995, MCLA § 324.30101 et seq., shall be calculated at 25% toward the total site acreage.^[1]
- C. All open bodies of water and public rights-of-way are excluded from the density calculation.
- D. All easements which prohibit building within or upon the easement are excluded from the density calculation.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, hauling, grading, paving, excavation, or drilling operations.

DISTRICT

A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations, apply under this chapter; also referred to as "zoning district."

DRIP LINE

The line formed by precipitation falling off the canopy of a tree. Areas within the drip line are relatively dry in comparison to areas outside the drip line.

DRIVE-IN

A business establishment so designed that its operation involves providing a service or a product to patrons located within a vehicle, rather than within a building or structure.

DRIVE-THROUGH

A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a vehicle, typically through a window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

DRIVEWAY, SHARED

A private means of access, from a public street or highway and located upon an easement, that serves two or three parcels, but in no case more than three parcels.

DUPLEX

See "dwelling, two-family."

DWELLING, MULTIPLE FAMILY

A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY

A building designed exclusively for and occupied exclusively by one family.

DWELLING, TERRACE APARTMENT OR TOWNHOUSE

A single-family dwelling with completely separate facilities, including separate front and rear entrances, with common or adjoining side walls separating the units.

DWELLING, TWO-FAMILY

A building designed and intended exclusively for and occupied exclusively by two families living independently of each other. It may also be termed as a "duplex."

DWELLING UNIT

A building, or portion thereof, designed for occupancy by one family for residential purposes with kitchen and sanitary facilities.

EASEMENT

A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities.

EQUESTRIAN CENTER

A private facility designed for raising, boarding, and keeping of horses, including riding trails, husbandry and breeding activities, and similar activities, related to raising and keeping of horses for private purposes that serves residents of a planned unit development and may have members that reside outside of the planned unit development.

[Added 1-20-2021 by Ord. No. Z-103]

EQUESTRIAN FACILITY

A private facility designed for raising, boarding and keeping of horses, including riding trails, husbandry and breeding activities, and similar activities related to raising and keeping of horses for private purposes.

ERECTED

Includes built, constructed, altered, reconstructed, moved upon, or any physical operation on a premises required for the building or structure. Excavation, fill, drainage, grading, and the like shall be considered part of erection.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead electrical, gas, steam, or water transmission, distribution, collection, or communication systems, including mains, drains, sewers, pipes, wires, cables, towers, poles, hydrants, fire alarm boxes, police call boxes, traffic signals and other similar equipment, together with required accessories. These facilities are deemed essential to the furnishing of adequate service to the municipality or the public at large and to the promotion of the public health, safety and welfare. Buildings other than those which are primarily enclosures for the above essential service equipment are not to be included as essential services.

EXCAVATION

Any breaking of ground, other than common household gardening or farming practice or ordinary ground care.

EXISTING BUILDING

A building existing in whole, or one for which a permit has been issued and whose construction is being diligently pursued on the effective date of this chapter.

EXTRACTIVE OPERATIONS

The removal of any earthen material, including topsoil, sand, gravel, stone, or any other earthen material for the purpose of disposition away from the premises. Excavation in excess of 500 cubic yards incidental to the construction of a building when the excavated material is to be disposed of away from the premises is deemed to be an extractive operation. Excavation within a public right-of-way, within public roads or drainage easements, shall not be deemed an extractive operation.

FAMILY

Either of the following:

- A. A domestic family, which is one or more persons related by blood, marriage or adoption occupying a dwelling unit and living as a single housekeeping unit in a dwelling.

- B. The functional equivalent of the domestic family, which is persons living together in a dwelling unit whose relationship is of a permanent and distinct domestic character, and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character.

FARM

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities; machinery, equipment, and other appurtenances used in the production of farm products.

FARM BUILDING

Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce, or farm animals.

FARM OPERATION

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products.

FARM PRODUCT

Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

FLOOD

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters; or
- B. The unusual and rapid accumulation of surface water runoff from any source.

FLOOD FREQUENCY

The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

FLOOD HAZARD AREA

Land that, on the basis of available floodplain information, is subject to a 1% or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP

An official map of Putnam Township, Michigan, on which FEMA has delineated the areas of special flood hazards.

FLOOD INSURANCE STUDY

A report for Putnam Township issued by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, water surface elevation of the base flood, and maps.

FLOODPLAIN

Any land area susceptible to being inundated by water from any source.

FLOODWAY

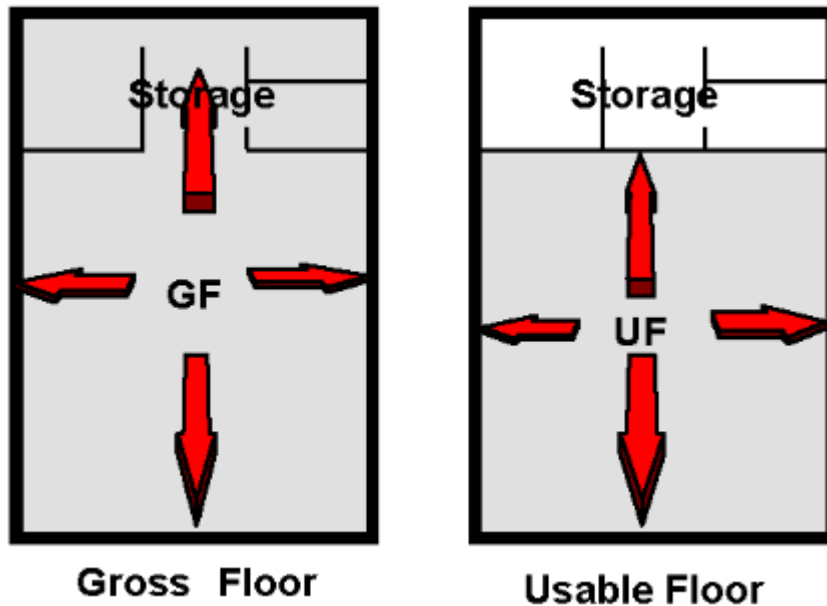
The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the regulatory flood. The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the regulatory flood.

FLOOR AREA, GROSS (GFA)

The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards, porches or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise.

FLOOR AREA, RESIDENTIAL

For computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal area of each story of a building, measured from the interior faces of the exterior walls. The floor area measurement is exclusive of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stairwells, bulkheads, common hall areas, and accessory structures.



FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or to serve patrons, clients, or customers and all areas devoted to employee work space. The floor area that is used or intended to be used principally for the storage or processing of merchandise, hallways, elevator, stairs, bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the outside walls.

FOSTER CARE

The provisions of supervision, personal care, and protection of children or adults, in addition to room and board, for 24 hours a day, for five or more days a week, and for two or more consecutive weeks, for compensation.

FRONTAGE

The distance between the two side lot lines of a lot or parcel of land, as measured between the two points at which the two side lot lines each intersect the right-of-way, dedicated easement or minimum building setback line.

GARAGE, PRIVATE

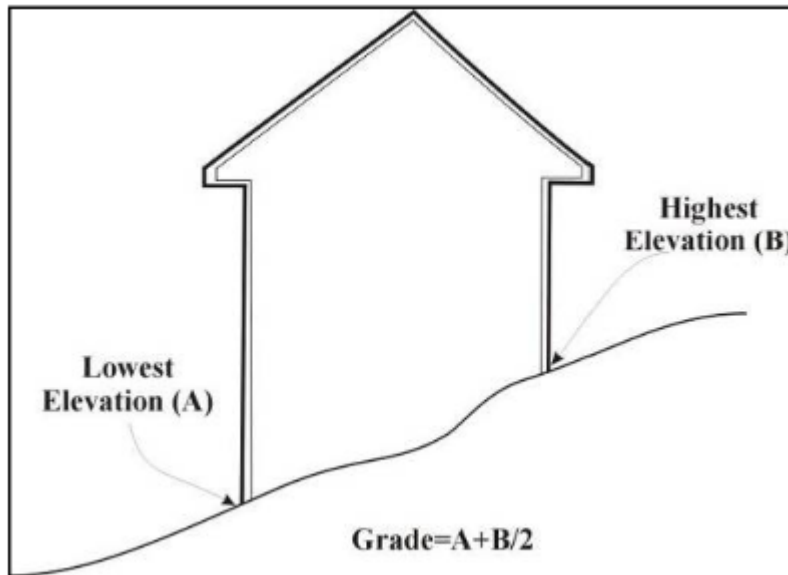
A building or part of a building used primarily for the storage of self-propelled vehicles owned or used by the occupants of a premises on which the building is located.

GARAGE, PUBLIC

Any premise, except those described as a private or storage garage, used principally for the storage of vehicles, for remuneration, hire or sale.

GRADE

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



GRASS, ORNAMENTAL

Grasses, six inches to 15 feet in height, with individual spreads of nine inches to seven feet, which are used for enhancement and screening purposes to provide summer-to-fall interest and winter effects.

GRASS, TURF

Any family of plants with narrow leaves normally grown as permanent lawns in southern Michigan.

GREENBELT

A strip of land of definite width and location located along the front, side or rear of a property and reserved for the planting of a combination of shrubs, trees and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.

GROUND COVER

Low-growing plants (including turf and ornamental grass, perennials and annuals) that form a dense, extensive growth, and tend to prevent weeds and soil erosion.

HEIGHT, BUILDING

The vertical distance measured from the established grade to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

HOME OCCUPATION

Any occupation customarily and traditionally conducted entirely within the dwelling or attached garage where there is no external evidence of such occupation and operated by the inhabitants thereof, and which is clearly incidental and secondary to the use of the residence for dwelling purposes.

[Amended 2-16-2011 by Ord. No. 53]

HORSE ARENA

A building specifically constructed for indoor horse activities and shows.

HORSE SHOW

An organized activity advertised and open to the public at which riding exhibitions, contests and similar exhibitions are held.

HORTICULTURE

The business of producing flowers, fruits and vegetables.

HOSPITAL, GENERAL

An installation providing health services primarily for the in-patient medical or surgical care of the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.

HOTEL/MOTEL

A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis, and are offered to the public for compensation. The term "hotel" shall include tourist cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

KENNEL, PUBLIC/COMMERCIAL

Any lot or premises on which more than three dogs or cats, at least six months of age, are permanently or temporarily boarded in return for payment by the owner of the animal, or kept for the purpose of breeding or sale.

LAKE

A natural or man-made permanent surface water body that is at least five acres in size.

[Added 1-20-2021 by Ord. No. Z-103]

LANDSCAPE BUFFER

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

LIGHTING

The following words, terms, and phrases related to lighting, when used in this chapter:

A. DIRECT LIGHT

Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.

B. FIXTURE

The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

C. FLOOD OR SPOTLIGHT

Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

D. FOOTCANDLE

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

E. GLARE

Direct light emitted by a lamp, luminous tube lighting or other light source, or reflected so that the intensity of the reflected light is similar to the intensity of the light at its source.

F. LAMP

The component of a luminaire that produces the actual light, including luminous tube lighting.

G. SHIELDED FIXTURE

Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this chapter.

LOADING SPACE

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

LOT

A plot or parcel of land which meets minimum zoning requirements for use, coverage, and area, and which provides the required minimum yards and other open spaces as described therein. A lot shall have frontage on an approved public street, approved private street, right-of-way, or dedicated easement and may be described as a corner lot, interior lot, through lot, waterfront lot, or lot of record.

A. LOT AREA

The total horizontal ground area within the lot lines, with allowance for exceptions as required in this chapter.

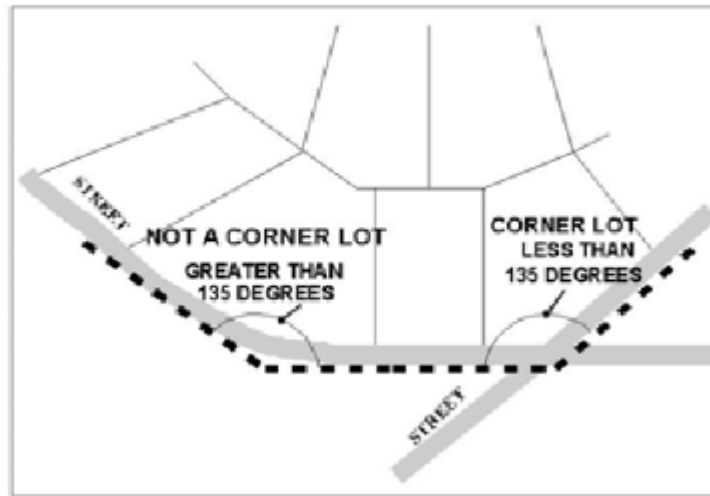
B. LOT AREA, GROSS

The total horizontal area within the property lines.

[Added 1-20-2021 by Ord. No. Z-103^[2]]

C. LOT, CORNER

A lot located at the intersection of, and having frontage on, two streets or a lot bounded on two sides by a curving street, and any two tangents of which form an angle of 135° or less measured on the lot side. The point of intersection of the street line is the "corner." In the case of a corner lot along a curved street line, the corner is the point on the street lot line nearest to the point of intersection of the tangents described above. If one of the two frontages is a shared driveway as defined herein, the lot shall not be considered a corner lot.



D. LOT COVERAGE

The area of a lot covered by structures and impervious surfaces. This calculation shall include the footprint of the principal building and any accessory buildings as well as hard-surfaced pavements and any other structure or surface that renders the ground impervious. Permitted encroachments, such as decks and uncovered porches, shall be included in the lot coverage calculation. A deck constructed to incorporate the following specifications: maximum decking material board width is eight inches or less and a minimum spacing between boards is 1/4 inch and the entire surface area under the deck is pervious material, shall not be calculated as part of maximum lot coverage.

[Amended 2-17-2021 by Ord. No. Z-104]

E. LOT DEPTH

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

F. LOT, DOUBLE FRONTAGE

An interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street. All yards adjacent to the roads shall be considered frontage, and front yard setbacks shall be provided as required.

G. LOT, FLAG

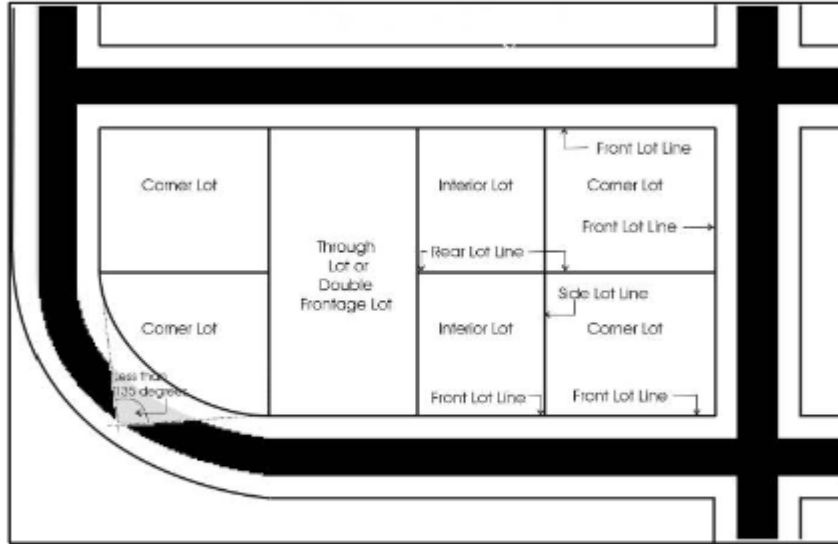
An interior lot possessing less than the required road frontage (Note: Flag lots are not permitted under the provisions of this chapter.)

H. LOT, INTERIOR

Any lot other than a corner or double frontage lot.

I. LOT, WATERFRONT

A lot that has at least one lot line or frontage upon a lake or stream.



Lot Types

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

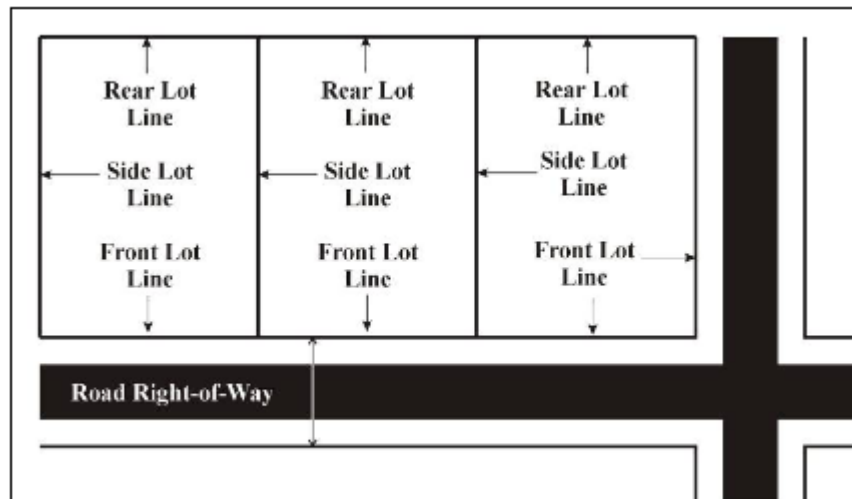
In the case of an interior lot, the line separating it from the street or road right-of-way; in the case of a corner lot or double frontage lot, the lines separating the lot from both street or road rights-of-way.

B. REAR LOT LINE

The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length, lying farthest from the front lot line and wholly within the lot.

C. SIDE LOT LINE

Any lot line other than the front or rear lot line.



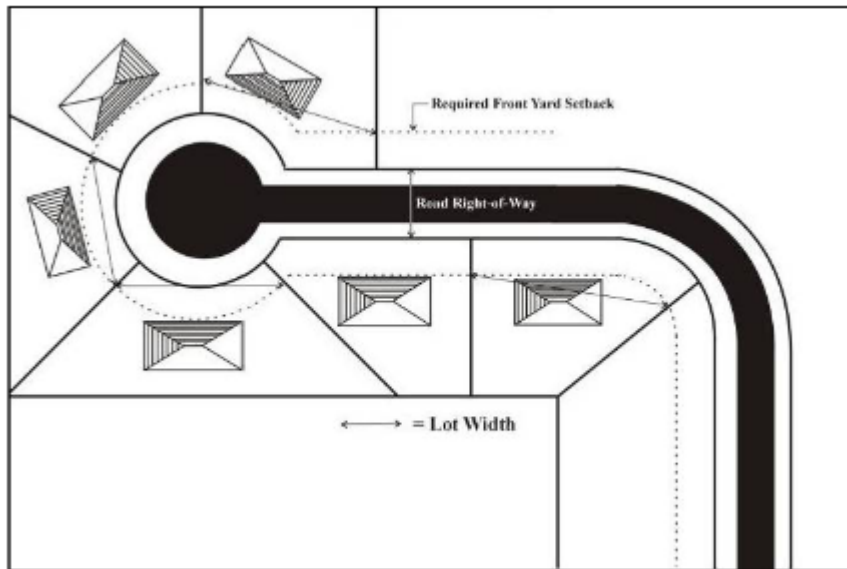
LOT OF RECORD, PARCEL OF RECORD

A lot whose dimensions are shown on a plat, or a parcel described by metes and bounds in a deed, or other instrument creating or transferring a legal or equitable interest in the title, and

recorded in the office of the County Register of Deeds.

LOT WIDTH

The straight line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.



MAJOR THOROUGHFARE

An arterial street that is intended to serve as a large-volume traffic way for either the immediate Township area or the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets. Any street with a right-of-way width, existing or proposed, of 120 feet shall be considered a major thoroughfare.

MANUFACTURED HOME

A single-family detached dwelling, designed for transportation after its fabrication, along streets and highways on its own wheels, on a flatbed, or other trailer and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy on a year-round basis. It shall contain a flush toilet, tub or shower bath, kitchen and sleeping accommodations. It shall have plumbing and electrical connections provided for attachment to appropriate external systems. A travel trailer is not to be considered a manufactured home.

MANUFACTURED HOUSING COMMUNITY

Premises occupied or designed to be occupied by more than one family, living in individually occupied manufactured homes.

MASTER PLAN

The Putnam Township Master Plan.

MOBILE VENDING

Sales of products and/or prepared food directly from a vehicle or pushcart that is designed to be taken from place to place and is not permanently anchored to the ground.

NATURAL FEATURES

Any undisturbed and/or natural element of plant life, topography, hydrology and geology, such as woody plants and other vegetation, wetlands, lakes and streams, slopes, and similar elements occurring naturally in the landscape.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this chapter.

NONCONFORMING LOT

A lot that was lawfully in existence at the effective date of this chapter, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

NONCONFORMING SITE

A development on a site which met ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

NONCONFORMING STRUCTURE

A structure or portion thereof that was lawfully in existence at the effective date of this chapter, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.

NONCONFORMING USE

A use that was lawfully in existence at the effective date of this chapter, or amendment thereto, and which use is no longer permitted in the district in which it is located.

NONRESIDENTIAL DISTRICT

The purposes of this chapter, means the following zoning districts: (list the nonresidential districts, once the final list is determined).

NUISANCE FACTOR

An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics, activity, or use across a property line that affects, or can be perceived by, a human being. The generation of excessive or concentrated amounts of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shock waves, heat, electronic or atomic radiation, objectionable effluent, crowd noise, excessive pedestrian and vehicular traffic, and unwarranted occupancy or trespass.

NURSERY

A field, building, structure, or combination thereof, for the cultivation and/or storage of live trees, shrubs, or plants offered for sale to the public, off-site retailers, or landscape contractors.

OBSTRUCTION

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFF-STREET PARKING LOT

A facility not located within a public right-of-way providing vehicular parking spaces for three or more vehicles, along with adequate drive and aisles for maneuvering, ingress and egress.

OPEN AIR BUSINESS

A use operated for profit substantially in the open air, including but not limited to:

- A. Motor vehicle, bicycle, utility trailers, recreational vehicles, boat or lawn equipment sales and repair. Rental or storage services for the above are permitted only as accessory uses.
- B. Outdoor display and sale of garages, farm implements, swimming pools, and similar activities.

ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

PARKING SPACE

An area of definite length and width for the purpose of parking or storage of a vehicle. A parking space shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking or storage of vehicles.

PAWNSHOP

An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property either back to the seller or for resale purposes.

[Added 3-16-2011 by Ord. No. 54]

PERSON

Any natural person, firm, partnership, association, or corporation, but not including any governmental unit.

PLACE OF WORSHIP

A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

PLANNED UNIT DEVELOPMENT

A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this chapter.

PLANNING COMMISSION

The Planning Commission of Putnam Township, Livingston County, Michigan.

POND

A natural or man-made surface water body that is less than five acres in size.

[Added 1-20-2021 by Ord. No. Z-103]

PREMISES

A piece of land or real estate and the building or buildings thereon.

PRINCIPAL BUILDING

A building or structure in which is conducted the principal use of the lot or parcel upon which it is situated.

PRINCIPAL USE

The use to which the premises are devoted and the purpose for which the premises exist.

PRIVATE ROAD

Any road that is privately owned and maintained and has not been accepted for maintenance by the Livingston County Road Commission or the State of Michigan, and which serves and provides access from a street or road to three or more dwelling units or parcels, or two or more nonresidential principal buildings. Private roads include roads within site condominium projects, roads serving multiple two-family dwelling units and roads within office or industrial complexes. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include drives serving more

than one multiple-family building within a multiple-family development, parking lot aisles, or drives connecting parking lots to internal roads.

PUBLIC UTILITY

A person, firm, corporation, or municipal department, board, or commission duly authorized to furnish, and which furnishes gas, steam, electricity, sewage disposal, water, communication, or transportation to the public, under federal, state or municipal regulation.

REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where floor heights are influenced by a man-made or natural obstruction.

RECREATIONAL VEHICLE

Portable equipment, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such equipment, machines or devices. This definition does not include a temporary building or structure, permitted to exist during periods of construction of the main building or structure. Various types of recreational equipment and vehicles include:

A. TRAVEL TRAILER

A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.

B. PICKUP CAMPER

A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.

C. MOTOR HOME

A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus-type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

D. VAN/CAMPER

A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra headroom. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

E. FOLDING TENT TRAILER

A folding structure mounted on wheels and designed for travel and vacation use.

F. BOATS AND BOAT TRAILERS

Boats, floats, rafts, canoes, personal watercraft, plus the normal equipment to transport them on the highway.

G. OTHER RECREATIONAL EQUIPMENT

Snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

REGULATORY FLOOD PROTECTION ELEVATION

The elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

REGULATORY OR BASE FLOOD

A flood that is representative of large floods known to have occurred in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years (or having a one-percent chance of being equaled or exceeded in any given year), and is determined from an analysis of floods on a particular stream and other streams in the same general region.

RESIDENTIAL DISTRICT

A zoning district where a majority of the land area or floor area is devoted to residential uses.

RESTAURANT

Any use that includes the sale of food, including ice cream and similar confectioneries, and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or combination thereof, as defined below:

A. CARRY-OUT RESTAURANT

A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.

B. DRIVE-IN RESTAURANT

A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

C. DRIVE-THROUGH RESTAURANT

A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off the premises.

D. STANDARD RESTAURANT

A standard restaurant is a use that involves either of the following:

- (1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
- (2) The prepared food is acquired by customers at a counter or cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

RETAIL ESTABLISHMENT

A store, market, or shop in which commodities or services are sold or offered for retail trade within an entirely enclosed building.

RIGHT-OF-WAY

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles. The right-of-way is delineated by legally established line boundaries.

ROAD

See "street."

ROADSIDE STAND

A temporary or permanent building operated for the purpose of selling produce raised or produced on the same premises by the proprietor of the stand or his family.

ROOMING HOUSE

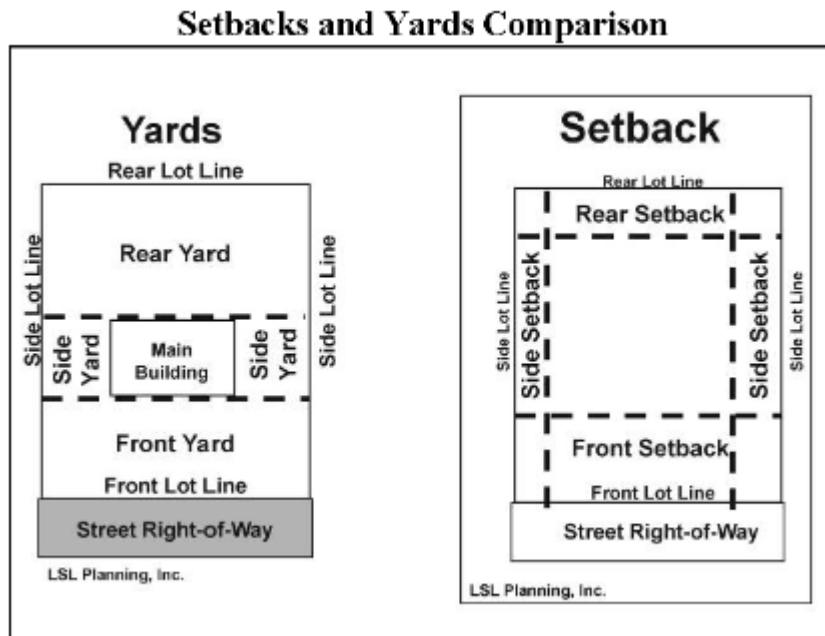
A building other than a hotel where lodging is provided for three or more persons for compensation, pursuant to previous arrangements, but not open to the public or to transients.

SERVICE-RELATED ESTABLISHMENT

A business offering services to other businesses or to the public and conducted entirely within a building, such as personal services (tailors and dressmaking, shoe repair, barber shop/beauty parlor, nail salon, spa, and similar), business services (photographers, appliance repair, photocopying and printing, messenger and delivery services, packaging, cleaning and maintenance services, pest control, swimming pool maintenance, water conditioning, and similar), showrooms for decorators, builders, etc., and similar uses.

SETBACK

The distance required to fulfill front, side, or rear yard open space provisions of this chapter.



SHRUB

A woody plant with one erect spreading stem and less than 15 feet in mature height.

SIGN

The use of any words, numerals, figures, devices, designs, or trademarks intended to attract the attention of any persons observing or passing the premises on which the sign is posted. Specific definitions for sign types and other related definitions are in § 340-159.

SITE CONDOMINIUM

A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space, within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium may also be referred to as a "condominium subdivision" and shall require site plan approval by the Township.

STABLE, PRIVATE

A structure for the shelter, care and/or feeding of horses used primarily by the resident family and not used for public/commercial purposes.

STABLE, PUBLIC/COMMERCIAL

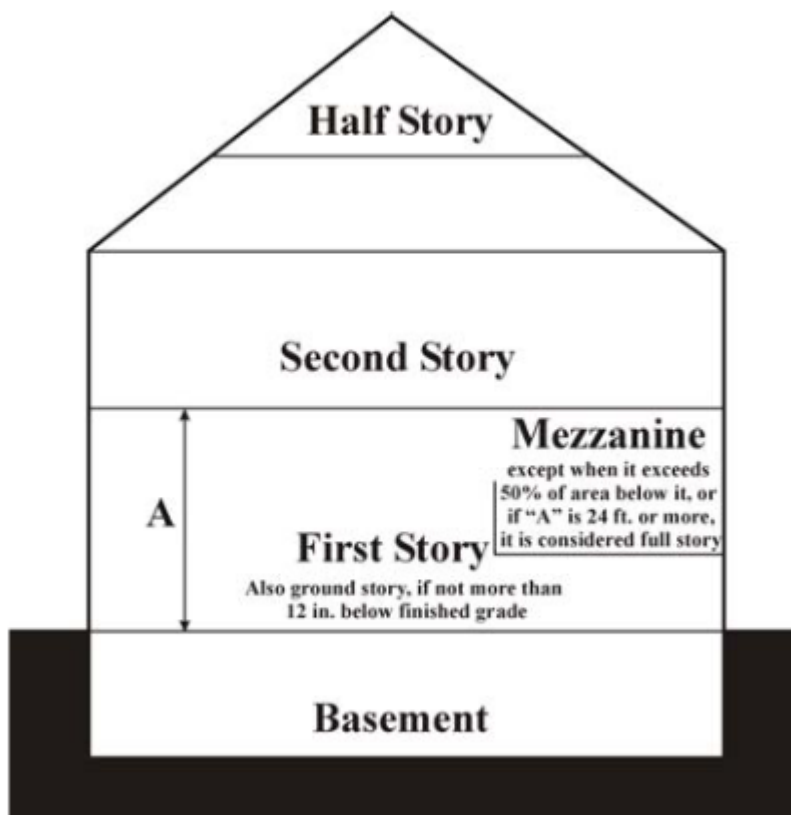
Any premises on which horses are raised, boarded, trained, or rented for commercial purposes or upon which a horse riding school is conducted.

STACKING SPACE

An area of definite length and width for the purpose of providing space for vehicles accessing a drive-up or drive-through service window or kiosk. Stacking spaces shall be independent of any required parking spaces and shall not interfere with vehicular circulation on the site.

STORY

That part of a building between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50%, by cubic content, is below the grade level of the adjoining ground. A mezzanine shall be deemed a full story when it covers more than 50% of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.



STORY, HALF

An uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75% of the story next below it, and is not used, designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling.

STREET or ROAD

A public right-of-way meeting the design and construction standards of the Livingston County Road Commission that has been dedicated for the purpose of providing access to abutting lots or land, including the space for pavement and sidewalks (if provided). A private road or shared driveway that has been reviewed and approved by the Township Board in accordance with this chapter shall be considered a "street" or "road" for purposes of this chapter.

STRUCTURE

Anything constructed or erected, on the ground, or attached to the ground, which requires location in or on the ground, or including but without limitation to buildings, factories, sheds.

SUBDIVISION PLAT

The purpose of this chapter, means the proposed division of land in accordance with the Land Divisions Act of 1967, Act 288 of the Public Acts of 1967, as amended.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project necessary to comply with existing state or local health, sanitary or safety code specifications that assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL

Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. An in-ground swimming pool shall not be considered an accessory structure for purposes of computing lot coverage.

TAVERN

A building or structure containing a commercial business where food and beverages are provided for sale and consumed within the building and income derived from these sales is primarily from beer, wine, and liquor.

TEMPORARY USE OR BUILDING

A use or building permitted by the Zoning Board of Appeals to exist under specific stipulations of this chapter during the construction of the principal building or use, or for special events.

TOWNSHIP

The Township of Putnam, Livingston County, Michigan.

TOWNSHIP BOARD

The Township Board of Trustees of the Township of Putnam, Livingston County, Michigan.

TREE

A woody plant with an erect perennial trunk, which at maturity is 15 feet or more in height, which has a more or less definite crown of foliage. For purposes of this chapter, the following definitions of types of trees shall apply:

A. **DECIDUOUS TREE**

A tree that has foliage that is shed at the end of the growing season.

B. **EVERGREEN TREE**

A tree that has foliage that is lost throughout the year and may or may not show winter color effects.

C. **ORNAMENTAL TREE**

A deciduous tree that is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.

D. **CANOPY TREE**

A deciduous tree that has a mature crown spread of greater than 15 feet and a mature height of 40 or more feet in southern Michigan, and which has a trunk with at least five feet of clear stem at maturity.

USE

The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained, let or leased.

VARIANCE

A legal variation from this chapter permitted where strict enforcement of the dimensional provisions of this chapter would cause a practical difficulty.

VEHICLE REPAIR ESTABLISHMENT

The repair, tune-up, engine rebuilding or general rebuilding or reconditioning of motor vehicles. There shall be two classes of vehicle repair:

A. MINOR VEHICLE REPAIR

General repair and maintenance of vehicles, including: replacement/repair of wear items (brakes, mufflers, batteries, tires, etc.); lubrication and oil change; air conditioning, heating, and engine cooling systems, electrical systems, minor engine repair and tune-up; transmission services; and similar.

B. MAJOR VEHICLE REPAIR

Engine replacement and rebuilding; machining; frame straightening; body repair; vehicle undercoating and painting; and similar.

VEHICLE SERVICE ESTABLISHMENT

A place for the dispensing, sale, or offering for sale of motor fuels, including gas, diesel, and hydrogen, directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

VEHICLE WASH FACILITY

A building, or portion thereof, where vehicles are washed as a commercial enterprise.

VETERINARY CLINIC

A clinic where domestic animals are admitted for examination and treatment by a veterinarian, including hospitalization facilities.

WIRELESS COMMUNICATION FACILITIES

All principal and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this chapter.

A. ATTACHED WIRELESS COMMUNICATION FACILITIES

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

B. WIRELESS COMMUNICATION TOWERS

Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

C. CO-LOCATION

Location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas.

YARDS

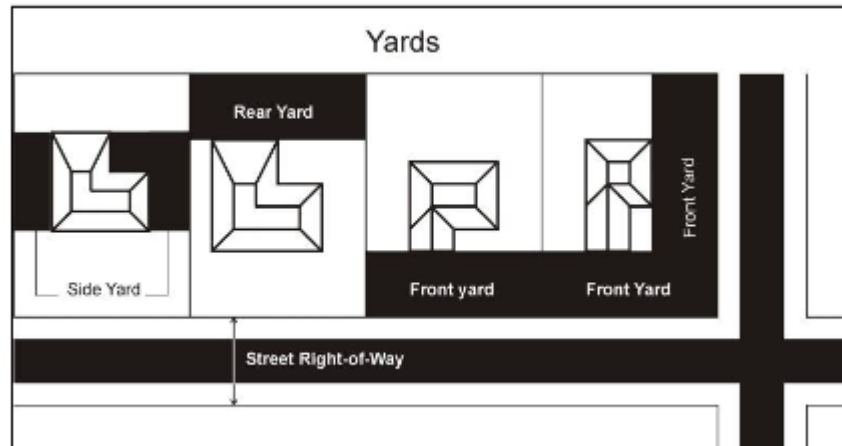
The open spaces on the same lot as a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

A. FRONT YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. In the case of a corner lot, a front yard shall be required for both yards abutting a street right-of-way, measured between the front lot lines and the principal building.

B. REAR YARD

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage.



C. SIDE YARD

An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

D. REQUIRED YARD

The area of the lot located between a lot line and the yard line within which no structure shall be located except as provided in this chapter.

E. WATERFRONT YARD

Any yard adjacent to a lake, stream or river.

ZONING ACT

The Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended.^[3]

ZONING ADMINISTRATOR

Individual designated by the Putnam Township Board who is responsible for duties as established herein.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Township of Putnam, Livingston County, Michigan.

ZONING DISTRICT

See "district."

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

[2] *Editor's Note: Pursuant to this ordinance, former Subsections B through H of this definition were redesignated as Subsections C through I.*

[3] *Editor's Note: See MCLA § 125.3101 et seq.*

Article III. General Provisions

§ 340-8. Application of regulations.

- A. Unless otherwise noted, the regulations in this chapter apply throughout Putnam Township and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
- B. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this chapter for the district in which it is located in accordance with this chapter.
- C. Except as otherwise permitted by this chapter, after the effective date of this chapter, no building or other structure shall be altered except in conformance with the requirements of the district in which the building or other structure is located.

§ 340-9. Clearing of land.

Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within Putnam Township without first receiving site plan approval, pursuant to Article **XIV** of this chapter.

§ 340-10. Excavations.

No soil, sand, gravel, or other earth material shall be removed from any land within Putnam Township without special land use approval, with the following exceptions:

- A. When the earth removal is incidental to an operation for which a zoning compliance permit has been issued by the designated public official;
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than 500 cubic yards;
- D. When the earth removal is for the construction of a swimming pool.

§ 340-11. Main building or principal use.

Except as may otherwise be noted in this chapter, each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings, contained within a single, integrated complex as demonstrated by shared parking, signs, access, and other similar features which, in the opinion of the Zoning Administrator, form a unified function and appearance.

§ 340-12. Road access and frontage.

- A. All lots must abut on a public road, or on a private road or shared driveway easement, for an uninterrupted distance equal to the minimum lot width specified for the district in which it is

located.

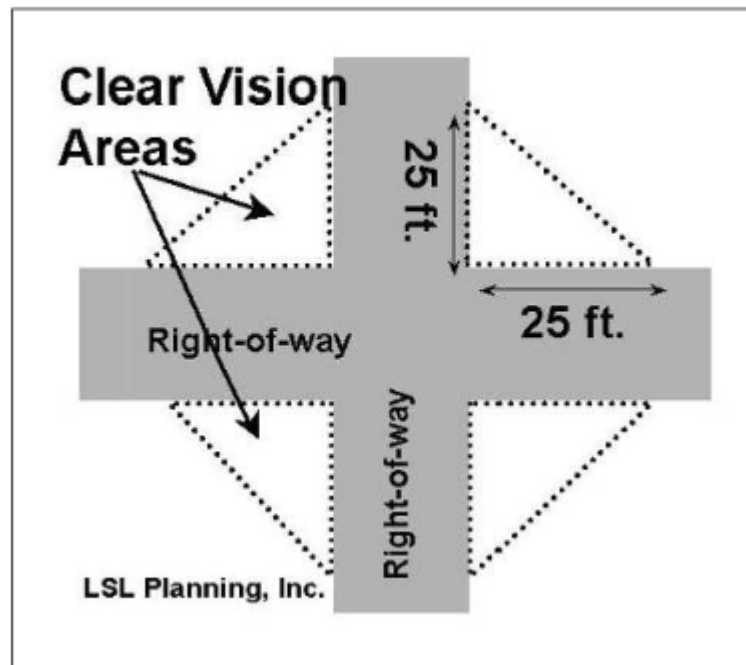
- B. Vehicular access to property shall be provided in conformity with the requirements and standards of the Livingston County Road Commission and this chapter.
- C. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting road right-of-way shall be 100 feet.
- D. Driveways in all nonresidential districts must be located a minimum of 15 feet from a side or rear property line, and driveways in residential districts must be located a minimum of five feet from side or rear lot lines.

§ 340-13. Lot width.

The minimum width of any lot or parcel shall be not less than that specified for the district where the lot is located. If a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be allowed, and the lesser frontage shall be a minimum of 1/2 of the stated lot width requirements, or 50 feet, whichever is greater, and the lot width at the minimum building setback line shall conform to the stated width for the district.

§ 340-14. Clear vision.

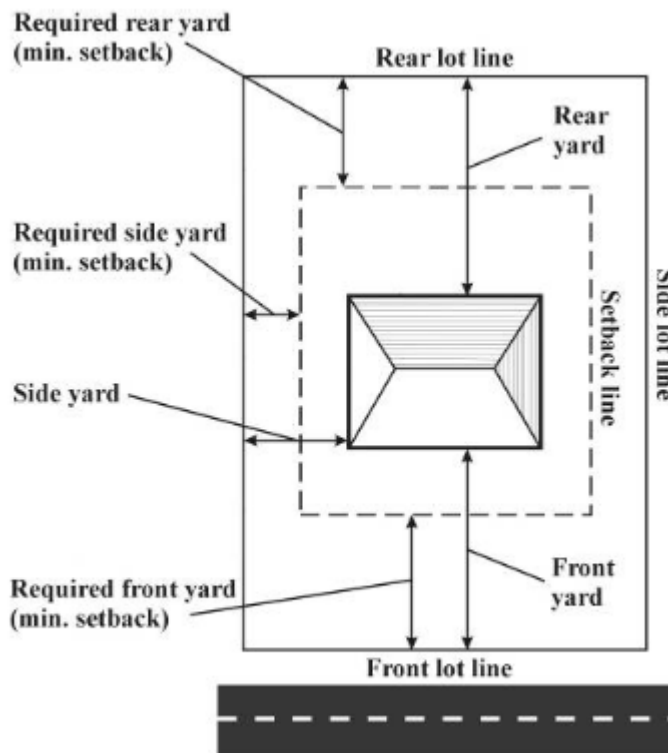
- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. On primary roads and state routes, as defined by the Livingston County Road Commission, the clear vision triangle shall be 25 feet. On all other roads, the clear vision triangle shall be 15 feet.
- B. The unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended (see graphic).



- C. This section shall not prohibit the placement of shrubbery or other materials less than 30 inches in height at maturity, or required governmental signs.
- D. No vegetation shall be maintained in any setback area of any district, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.

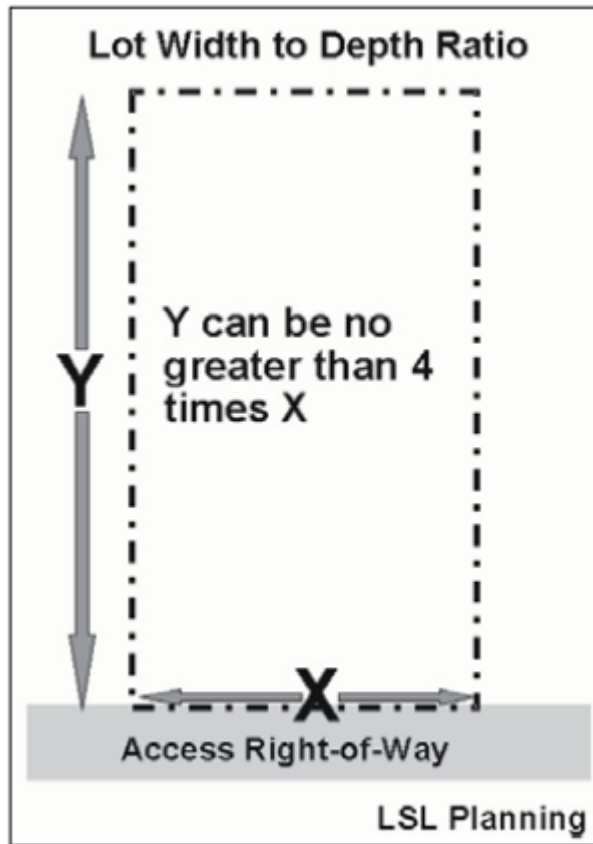
§ 340-15. Setback measurements.

- A. Setbacks shall be measured from the property line or the right-of-way line or easement line abutting a street, private street or shared driveway, to the nearest point of the front foundation of the building.
- B. On corner and through lots, the front yard requirements shall apply on both streets and both frontages shall be considered front yards. Corner and through lots shall have two front lot lines and two side lot lines and no rear lot line.



§ 340-16. Width-to-depth ratio.

- A. No lot shall be created with a lot depth that exceeds four times its width.
- B. The Township Board, after recommendation by the Planning Commission, may permit the creation of a lot or parcel which does not comply with this section. In determining whether to grant this approval, the Board shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other ordinances and regulations, unless an appropriate variance is received from any other regulations.



§ 340-17. Height exceptions.

- A. The following structural appurtenances shall be allowed to exceed the height limitations for authorized uses:
- (1) Purely ornamental items, such as: church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments, that may exceed the stated height limit by 50%.
 - (2) Necessary appurtenances, such as: chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, and similar structures that may exceed the stated height limit by 50%.
 - (3) Structural extensions appropriate to the building design, such as cornices that will be limited to five feet above the stated height limit.
 - (4) All other buildings and structures shall be limited to the stated height limit, unless specifically permitted by the Board of Zoning Appeals, and these exceptions shall be further governed by the requirement that the structure shall be removed from any lot line by a distance equal to the height of the structure plus the setback requirement along said lot line or boundary.
- B. The foregoing allowed exceptions may be authorized only when the following conditions are satisfied:
- (1) No portion of any building or structure allowed as a height limitation exception shall be used for human occupancy or commercial purposes.
 - (2) Any structure allowed as a height limitation exception shall be erected no higher than the height as may be necessary to accomplish the purpose for which it is intended to serve.

- (3) Structures allowed as a height limitation exception shall not occupy more than 20% of the gross roof area of any building upon which they may be located.

§ 340-18. Projections into yards.

- A. Certain architectural features, such as roof overhang, cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project a maximum of three feet into a required front or rear yard setback area; and shall not project into the required side yard setback.
- B. Allowed yard encroachments.
 - (1) Uncovered terraces, patios, and porches will be allowed, consisting of a paved area that is without a roof, walls or other form of solid enclosure, subject to the following restrictions:
 - (a) The highest finished elevation of the paved area shall not be over three feet above the average surrounding finished grade.
 - (b) No portion of the paved area shall be closer than five feet to any lot lines.
 - (2) Unenclosed steps and a landing that provide direct access to the ground floor of a building may extend into any required yard up to a maximum of five feet, provided that no portion of the structure may be closer than five feet from any lot line.
- C. Open air, unenclosed decks may extend to the minimum yard setback line except in the LR-1 District, in which case an open air, unenclosed deck may extend into the required yard; however, no portion of the deck shall be closer than five feet to any lot lines or 20 feet from the ordinary high water mark.
- D. Fire escapes, outside stairways and balconies of open construction may project into the yard, up to five feet, provided that no portion or leading edge of the structure is closer than five feet from any side lot line.

§ 340-19. Accessory structures.

- A. No accessory building shall be permitted on any lot which does not contain a principal building; except:
 - (1) In the A-O District, a noncontiguous parcel of not less than 40 acres shall be allowed to have accessory buildings or structures if the principal residential dwelling of the applicant is located within the Township boundaries.
 - (2) In the Lake Residential Districts, an accessory structure may be located on a lot adjacent to or immediately across the street or road and under the same ownership as a lot containing a principal structure, provided that the accessory structure shall be accessory only to the adjacent principal use and shall not be owned or used by anyone other than the owner of the adjacent principal use.
[Amended 5-15-2013 by Ord. No. Z-70]
 - (a) For the purposes of this subsection, "immediately across the street" shall mean that any part of the contiguous lot lies within the boundaries of the extended side lot lines of the primary lot.
 - (b) No accessory building shall be permitted on any waterfront lot which does not contain a principle building.
 - (3) In all districts except Lake Residential, an accessory structure may be located on a lot adjacent to, on the same side of the street or road and under the same ownership as a lot

containing a principal structure, provided that the accessory structure shall be accessory only to the adjacent principle use and shall not be owned or used by anyone other than the owner of the adjacent principal use.

[Added 5-15-2013 by Ord. No. Z-70^[1]]

[1] *Editor's Note: This ordinance also redesignated former Subsection A(3) as Subsection A(4).*

- (4) Whenever practicable, contiguous parcels should be combined into one parcel if the principal residence occupies one parcel and an accessory structure is proposed to be built on the abutting parcel.
- B. Notwithstanding the above, the Township Board may authorize the construction of an accessory structure in the A-O District or in a single-family residential district prior to construction of the residential dwelling, provided that:
- (1) A building permit has been issued for the dwelling;
 - (2) A bond or other legal surety in an amount equal to 125% of the construction value of the accessory structure is submitted and kept active for the life of the project;
 - (3) The applicant certifies in writing that the principal dwelling shall be complete and an occupancy permit issued within one year after Township Board approval, and permits the Township to draw upon the bond and remove the accessory structure in the event of noncompliance;
 - (4) In the event that an occupancy permit is not issued for the principal dwelling within the one-year period, the Township Board may draw upon the bond or other surety to cover the cost of removing the accessory structure. The Township Board may, at its discretion, allow for a reasonable extension of the time limit, provided that the applicant shows that the dwelling will be completed in a timely manner.
- C. Where the accessory building is structurally attached to the principal building, it shall be subject to, and must conform to, all regulations of this chapter that are applicable to principal buildings. When the distance between the principal building and accessory structure is covered by a breezeway, portico, covered colonnade or similar architectural device, the accessory structure must meet the setback requirements of the principal building, but is bound by the height restrictions in Subsection F below.
[Amended 9-21-2016 by Ord. No. Z-88]
- D. Gross floor area for accessory structures.
[Amended 8-19-2009]
- (1) Accessory structure attached to a dwelling. The maximum gross ground floor area of an accessory structure attached to a dwelling shall not exceed 100% of the total floor area of the dwelling to which it is attached, up to a maximum of 1,250 square feet.
 - (2) Detached accessory structures. The maximum gross ground floor area of all detached accessory buildings in the A-O, RR, RS-1, RS-2, RS-3, RS-4, LR-1, LR-2 and R-2 Districts shall be as follows:
[Amended 10-16-2013 by Ord. No. Z-71]

Table 1: Gross Ground Floor Area for Detached Accessory Structures in Single-Family Districts

Lot Size	Gross Ground Floor Area
Less than 12,300 square feet	600 square feet
12,300 square feet to 21,780 square feet	800 square feet
21,781 square feet to 0.99 acres	1,250 square feet

Table 1: Gross Ground Floor Area for Detached Accessory Structures in Single-Family Districts

Lot Size	Gross Ground Floor Area
1 acre, up to 10 acres	1,250 square feet plus 750 square feet for each additional full acre after the first acre plus the percentage thereof for any additional fraction of an acre ¹
10.01 acres and above	8,000 square feet plus 750 square feet for each additional full acre over 10 plus the percentage thereof for any additional fraction of an acre up to a maximum of 15,500 square feet ¹

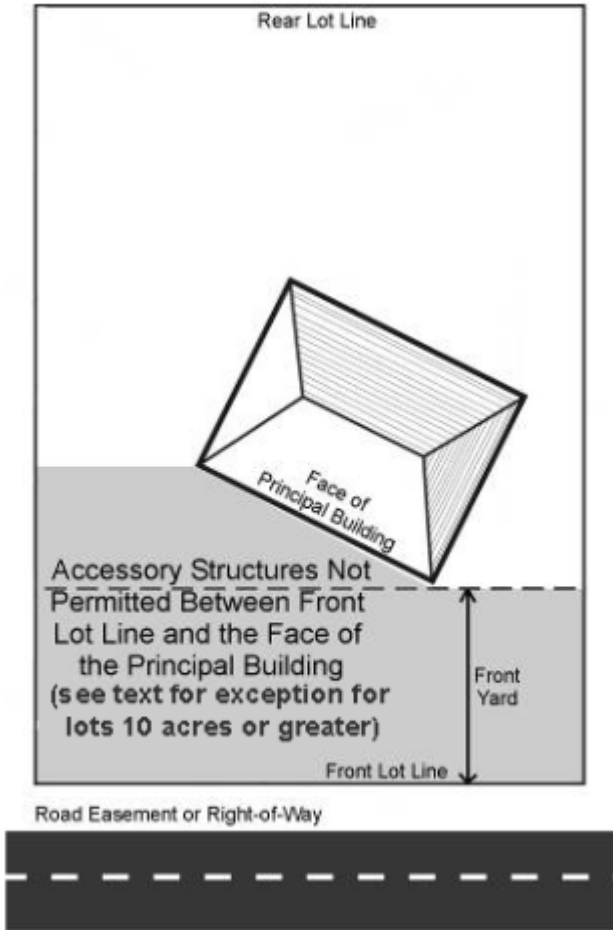
NOTE:

¹ Example: A 3.7 acre parcel would be allowed 1,250 square feet for the first acre, plus 750 square feet for each of the two additional full acres, plus 525 square feet for the fractional acre (0.7×750), for a total of 3,275 square feet ($1,250 + 750 + 750 + 525 = 3,275$).

E. Setbacks.

[Amended 11-17-2010 by Ord. No. 51]

- (1) Detached accessory structures shall not be located between the front lot line and the face of the principal building, except as otherwise permitted in this section.
- (2) Corner and through lots. On a corner or through lot, an accessory structure may be located within the front yard adjacent to the side street (or rear street, in the case of a through lot), provided that it meets the setback requirements.
- (3) Detached accessory structures in the LR-1 Lakefront Residential District:
 - (a) Side and rear setbacks. A detached accessory structure in the LR-1 Lakefront Residential District may encroach upon required side and rear setbacks if approved by the Zoning Board of Appeals, provided that no accessory building or structure shall be closer than five feet to any side or rear lot line.
 - (b) Front yards. No accessory structure shall be allowed between the front lot line and the face of the principal building, except as follows:
 - [1] A detached accessory garage in the LR-1 Lakefront Residential District may be located between the front lot line and the principal building, provided that the structure conforms to the front yard setback requirements of Article **VI** of this chapter.
 - [2] One shed or similar accessory building in the LR-1 Lakefront District with a maximum gross floor area of 100 square feet and a maximum height of eight feet may be located between the front lot line and the principal building, provided that the structure conforms to the front yard setback requirements of Article **VI** of this chapter.



- (4) On a lot or parcel that is five acres in area or greater, a detached accessory structure may be located between the front lot line and the principal building, provided that the accessory structure is set back from the front lot line a minimum of 250 feet or 1/3 of the depth of the lot, whichever is greater.
[Amended 9-21-2016 by Ord. No. Z-88]
 - (5) The required accessory structure setback from all side and rear lot lines shall be increased five feet for each 100 square feet or fraction thereof that an individual accessory structure exceeds 5,000 square feet to a maximum of 100 feet for the side yard setback, and 100 feet for the rear yard.
 - (6) The gross ground floor area of all detached accessory structures in the R-3 District shall not exceed 25% of the gross ground floor area of the principal building.
 - (7) All accessory structures shall be at least 10 feet from the principal building and any other structure.
- F. The maximum height for an accessory structure shall be as follows:
[Amended 9-21-2016 by Ord. No. Z-88; 2-17-2021 by Ord. No. Z-105]

Table 2: Height of Accessory Structures

District	Lot Size	Maximum Height (feet)
All districts, except LR-1 District	Below 3 acres	18
	3 to less than 5 acres	26
	5 acres and above	35

Table 2: Height of Accessory Structures

District	Lot Size	Maximum Height (feet)
LR-1 District		18

G. Waterfront lots. The following shall apply to accessory structures on waterfront lots:

(1) Any waterfront lot in any district except the LR-1 District shall be subject to the requirements of § 340-162, Natural features setback, of this chapter. The structures permitted below shall be incorporated into the required naturally vegetated strip.

(2) Decks, wooden walkways/sidewalks, viewing platforms, and similar.

(a) Detached decks, wooden walkways, etc. within a waterfront yard near the water at a lake or river with little or no slope at the bank shall comply with the following:

[1] The structure must receive prior written approval from the Zoning Administrator to install or modify. The Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.

[2] The width of any such structure shall be no more than 20% of the lot width at the lake; however, no such structure shall exceed 20 feet in width.

[3] The surface area in square feet of any such structure shall not exceed 150% of the width of the lot at the lake (i.e., lot width = 100 feet, then structure surface area cannot exceed 150 square feet), or 400 square feet, whichever is less. This shall apply at all points within 30 feet of the ordinary high water line of the lake or river.

[4] The structure shall be set back at least eight feet from the side lot lines.

[5] The structure may not be lakeside of either a lawful seawall or the ordinary high water line. Furthermore, no deck, walkway, or similar item or structure shall "cantilever" or extend over the lake, river, or the shoreline of either.

[6] The structure must be made of wood or wood composite (which can include earth-tone recycled materials, but not metal) or other porous material.

[7] No portion of the structure can be located higher than 12 inches above the natural/normal grade within 30 feet of the ordinary high water line and shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrianways.

[8] Each such structure shall be kept in good condition and reasonable repair at all times.

(b) Any deck, viewing platform or similar item within a waterfront yard located at the top of a lake bank or river bank on a lot with a grade of 10% or more (where the bank is located between the lake or river and the dwelling or building site, and furthermore, where some or all of the deck/viewing platform or similar item is located between the dwelling or building site and the break of the bank, i.e., where the ground begins to fall away or slopes down toward the lake or river) shall comply with all of the following:

[1] The structure must receive prior written approval from the Zoning Administrator to install or modify. Furthermore, the Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.

[2] The width of any such structure shall be no more than 20% of the lot width at the lake; however, no such structure shall exceed 20 feet in width.

[3] The surface area in square feet of any such structure shall not exceed 150% of the width of the lot at the lake (i.e., lot width = 100 feet, then structure surface area

cannot exceed 150 square feet), or 400 square feet, whichever is less. This shall apply at all points within 30 feet of the ordinary high water mark of the lake or river.

- [4] The structure may cantilever up to five feet beyond the break of the bank (i.e., beyond the point where the ground begins to fall away or slopes down toward the lake or river). No portion of the support structure may extend beyond the break of the bank.
 - [5] The portion of the structure which extends beyond the break of the bank shall not exceed 100 square feet in surface area.
 - [6] The structure must be kept in good condition and reasonable repair at all times. Furthermore, it must always be properly secured to the ground/bank so as to minimize any risk of collapse, migration, movement, breaking away, etc.
 - [7] The structure must be made of wood or wood composite (which can include earth-tone recycled materials, but not metal).
- (c) Stairs/steps and walkways. A wooden walkway and stairs with railings to the waterfront shall be permitted when steep grades require them to safely access the waterfront. The wooden walkway and stairs shall not exceed five feet in width and shall be designed to allow water to flow freely under and around the walkway/stairs structure.
- (3) Sea walls.
- (a) In addition to the Township zoning compliance permit, any and all permits required from the Michigan Department of Environmental Quality, Livingston County, and other governmental units, shall be obtained and filed with the Township prior to any work beginning.
 - (b) A seawall shall be installed only for the purpose of preventing shoreline erosion and shall not be constructed only to raise the grade of the property at the shoreline.
 - (c) Any backfill material must be of a naturally pervious material such as gravel, sand, or soil, or similar material that will not restrict natural water flow.
 - (d) All filling and grading work must be accomplished so as not to alter the natural drainage of the adjoining land.
- (4) Accessory buildings in the waterfront yard. Except for any other structure allowed by this section, one gazebo or similar structure shall be permitted within the waterfront yard, subject to the following:
- (a) An allowed gazebo shall not exceed 12 feet in height or exceed 155 square feet of gross floor area or area located under the roof.
 - (b) An allowed gazebo shall be set back at least 15 feet from the ordinary high water line of the lake or river and from any side lot line.
 - (c) In areas of excessive slope (10% or greater), an allowed gazebo may be placed on a "landing," sitting area, or similar item installed between the ordinary high water mark of the lake or river (or lawful seawall thereof) and the break in bank, subject to the above setback requirements.
 - (d) The gazebo structure shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian paths.
 - (e) No other building structure shall be located within the waterfront yard. Boathouses are prohibited.
 - (f) A portable or movable gazebo shall be considered a permanent structure and shall meet all other requirements of this section.

- (g) Except as modified above, all other requirements for accessory structures shall apply.
- H. Metal, canvas and similar structures constructed on a rigid frame, whether enclosed or unenclosed, erected for the purpose of cover or storage of vehicles or other goods, or any other accessory structure that is constructed upon skids or other movable base, shall be considered accessory structures for the purposes of this section.
- I. These restrictions shall not apply to any agricultural activities conducted on property in the A-O District, or as permitted by § 340-36, Keeping and raising domestic animals, pursuant to the Right-to-Farm Act, Act 93 of 1981, being MCLA §§ 286.471 through 286.474.
- J. No accessory structure or portion thereof may contain a dwelling unit.

§ 340-20. Satellite dish antennas.

- A. These regulations shall not apply to dish antennas that are one meter (39.37 inches) or less in diameter in residential districts or two meters or less in diameter in nonresidential districts.
- B. In all districts, the following restrictions shall apply:
- (1) The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
 - (2) The nearest part of the antenna shall be at least five feet from any property line.
 - (3) The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
 - (4) No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
 - (5) A site plan shall be prepared and submitted to and approved by the Zoning Administrator for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
 - (6) The Zoning Administrator may waive these requirements where they make the dish unusable.

§ 340-21. Swimming pools.

- A. Any pool over 24 inches deep and with a surface area of more than 250 square feet shall comply with the requirements of this section and shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- B. The outside edge of the pool wall and/or the deck and any other appurtenances shall not be located closer than 10 feet from any rear or side property line. Swimming pools shall not be located in the required front yard.
- C. Below-ground pools shall be enclosed by a minimum four-foot-high fence sufficient to make the pool inaccessible to small children. The fence, including gates, shall not be less than four feet above the underlying ground; all gates must be self-latching with latches placed at least four feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.
[Amended 11-19-2018 by Ord. No. Z-96]
- D. All swimming pool installations, including the required barrier, shall comply with the State Construction Code and all standard codes referred to therein.
[Amended 11-19-2018 by Ord. No. Z-96]

§ 340-22. Fences.

- A. All fences shall be kept clean and in a good state of repair and hedges must be kept trimmed not to overgrow their intended size and shape specified at the time of approval.
- B. Fences that are not maintained or that no longer serve the purpose for which they were erected, or that have been abandoned, shall be removed by the latest owner, or by the Township at the expense of the property owner.
- C. No fence shall be erected at any location where it may, by reason of its position, height, shape or other characteristic, interfere with the safety of traffic flow or obstruct the view of any authorized traffic sign. Fences shall not obstruct clear vision as required by § 340-14 of this chapter.
- D. All protective fences required by state and federal statutes or Putnam Township codes and ordinances to regulate or prevent access to places of natural and/or man-made hazards shall be permitted in all use districts. This includes fences limiting access to building sites under construction.
- E. In residential districts, solid fences in the required front yard shall not exceed a height of three feet. An open fence not more than 20% solid may be permitted within the front setback area, provided it does not exceed a height of four feet. Fencing in any other portion of a lot shall not exceed six feet. Fences shall be constructed of durable materials, such as brick, stone, decorative concrete, metal, extruded vinyl, or decay-resistant wood; however, plastic inserts within a chain-link fence shall be prohibited.
[Amended 3-16-2016 by Ord. No. Z-87]
- F. In the LR-1 and LR-2 Districts, no solid fence (greater than 40% opaque) in the waterfront yard or any side yard adjacent to a waterfront yard may exceed 3 1/2 feet in height. A fence that is no more than 40% opaque may be erected to five feet in height.
- G. No fence in a nonresidential district shall exceed a ten-foot height. Barbed-wire strands may be used to enclose public services and installations, storage areas or other similar areas in nonresidential districts. The strands shall be restricted to the uppermost portion of the fence, which shall be set back at least 10 feet from the public right-of-way or perimeter property line abutting a residential district and shall not extend lower than a height of six feet from the nearest ground level.
- H. Barbed and electrified fences.
 - (1) In all districts, barbed-wire crowns are permitted on fences enclosing essential services such as gas regulator stations, electrical transformer stations, and for other installations that the Zoning Administrator determines as having similar security requirements. No portion of the barbed-wire crowns shall be less than six feet above grade.
 - (2) In the A-O, RR, RS-1 and RS-2 Districts, barbed-wire and electrified fences may be utilized for areas dedicated to livestock enclosures. No other use of such fences is permitted. Any electrified fence within 20 feet of a public street right-of-way line or within 100 feet of any residential structure shall be marked with flags or similar markers, at intervals no more than 50 feet apart that indicate that the fence is electrified.
 - (3) In the M-1 District, barbed wire crowns are permitted to provide security on fences enclosing storage areas or similar secured areas, subject to approval by the Zoning Administrator. No portion of the barbed wire crowns shall be less than six feet above grade.
- I. Animal control. Fences may be required in agricultural and in large lot residential areas in accordance with animal control regulations contained in this chapter, in county ordinances and state legislation.
- J. Temporary fences.

- (1) Construction fences and sedimentation fences shall be removed upon completion of the project.
- (2) Special event fences shall be removed no more than 48 hours after the event or purpose for which the fence was erected has passed.
- (3) Snow fences shall be removed on or before April 1.

K. Specific fence requirements table.

Table 3: Fence Requirements

District	Height (feet)		Barbed or Electrified Fence
	Minimum	Maximum	
A-O	None	6 ¹	Permitted
RR	None	6 ¹	Permitted
RS-1	None	6 ¹	Permitted for agriculture only
RS-2	None	6	Permitted for agriculture only
RS-3	None	6	Not permitted ³
RS-4	None	6	Not permitted ³
LR-1 and 2	None	6 ²	Not permitted ³
R-2	None	6	Not permitted ³
R-3	4	6	Not permitted ³
MHC	4	6	Not permitted ³
RBR	None	6	Not permitted ³
C-1	6	10	Not permitted ³
C-2	6	10	Not permitted ³
M-1	6	10	Permitted

NOTES:

- ¹ A special land use permit is required for fences over six feet in the A-O, RR, RS-1 and RS-2 Districts.
- ² See Subsection **F** of this section for opacity limits
- ³ Subject to exceptions in Subsection **H(2)**.

- L. A property in the A-O, RR, RS-1 and RS-2 Districts may have a fence that exceeds the above requirements, provided that a special land use permit is approved.

§ 340-23. Regulations applicable to all single-family dwellings.

- A. It is the intent of this section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot, or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations. As an exception, the Zoning Administrator may waive or modify any of the following regulations upon a finding that such change will be in keeping with the character of other dwellings in the area, will not be contrary to the intent of this section, and compliance with all other applicable codes and ordinances is provided. It shall be the responsibility of the petitioner to provide documentation confirming Code compliance from the Livingston County Building Department for any such requested change.
[Amended 10-16-2013 by Ord. No. Z-71]

- B. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated.
- C. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction, and shall be connected to a potable water supply and sanitary sewer disposal facilities approved by the appropriate agency.
- D. The dwelling shall be no more than three times longer than its width.
- E. Wheels and towing mechanisms shall be removed, and no portion of the underlying chassis or undercarriage shall be visible.
- F. The dwelling unit shall comply with all restrictions and requirements of this chapter, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the district in which it is located.
- G. The dwelling unit shall be firmly attached to a permanent continuous twenty-four-inch minimum crawl space which complies with applicable provisions of the adopted building code.
[Amended 9-19-2012 by Ord. No. Z-65]
- H. Additions of rooms or other areas shall be constructed with similar materials and shall be similar in appearance and of similar quality of workmanship as the original structure.
- I. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of 24 feet at time of manufacture, placement or construction.
- J. The dwelling unit shall have a minimum roof pitch of 4:12 and a roof overhang of at least 12 inches to direct storm or melt water away from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- K. The dwelling unit shall meet the minimum floor area requirements of the zoning district in which the dwelling is located.
- L. A storage area of at least 120 square feet shall be provided. The storage area may consist of a basement, closet area or attached garage in a main building, or as a detached accessory building.
- M. The foregoing shall not be construed to prohibit innovative design concepts involving matters such as (but not limited to) solar energy, view, or unique land contour.
- N. The foregoing standards shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Article **VIII** of this chapter, except to the extent required by state or federal law.

§ 340-24. Temporary uses or buildings.

[Amended 8-19-2009]

- A. Temporary uses. Upon application, and as noted herein, the Zoning Administrator may issue a permit for the following temporary uses. Each permit for these uses shall specify a location for the building or use.
 - (1) Nonseasonal uses.
 - (a) Temporary office building or construction yard incidental and necessary to construction at the site where located.

- (b) Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when 50% or more of the lots or units have been sold or leased.
 - (c) A temporary use permit for a nonseasonal use shall be valid for a period of not more than 12 calendar months. The Zoning Administrator may grant the permit for a shorter period if the use is expected to cease in fewer than 12 months. The expiration of the permit shall be clearly stated on the permit.
 - (d) Permits may be renewed by the Zoning Administrator for one additional successive period of six calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant.
- (2) Seasonal uses.
- (a) The Zoning Administrator may issue a permit for the temporary sale in commercial districts of merchandise related to a seasonal or annual event, such as a holiday. These uses may include, but are not limited to, the sale of Christmas trees, pumpkins, fireworks, and similar activities.
 - (b) The Township Board may issue a permit for temporary sales on a nonresidential use (churches, schools, etc.) in a residential district of seasonal or holiday merchandise as above.
 - (c) In considering a request for a temporary permit, the Zoning Administrator or Township Board, as applicable, must determine that the operation of the use is seasonal in nature and will not be established as a permanent use, and that adequate off-street parking is available to accommodate the use.
 - (d) A temporary use permit for a seasonal use shall be valid for a period of up to four calendar months. The expiration date shall be clearly stated on the permit.
 - (e) Permits for seasonal uses may be renewed by the Zoning Administrator or the Township Board, as applicable, for one additional successive period of two calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant or, for seasonal uses, the season or event to which the use relates is extended.
- (3) Special events. The Zoning Administrator (or the Township Board, as required below) may issue a permit for an outdoor event in a residential district, such as a civic or church festival, neighborhood or block party, or private outdoor party accommodating more than 100 persons or utilizing temporary structures, where it is reasonably certain that the event or gathering will not attract more than 750 persons. This permit does not include horse shows [see Subsection **A(4)** below].
- (a) Any event that will or is intended to attract more than 750 persons is subject to Chapter **106**, Assemblies, Outdoor, of the Code of the Township of Putnam.
 - (b) For any event utilizing amplified equipment resulting in noise levels discernible beyond the property line that are over 65 dBA, the permit must be approved by the Township Board.
 - (c) Any event where alcoholic beverages will be sold may only be approved by the Township Board. All required licenses shall be issued prior to Township Board consideration of the event.
 - (d) A temporary use permit for a special event shall be valid for a period of not more than five consecutive days. There may be no more than three permits issued for the same

property within a single calendar year, and no permit may be issued for an event date less than 45 days after the expiration of a prior permit issued for the same property.

- (e) The permit application shall be accompanied by a site plan, drawn to scale, showing the location of all existing structures and any proposed temporary structures related to the event. Temporary structures made of flammable materials shall be located at least 10 feet from any permanent structure. Temporary structures shall be removed within five business days after the end of the event.
 - (f) The required site plan shall show how parking for the event will be accommodated off the streets. Parking shall be permitted only on a durable, dustless surface that will not be rutted or creased by vehicles. The Zoning Administrator or the Township Board, as applicable, may require additional parking area if it is determined that the parking shown on the site plan will not reasonably accommodate the expected traffic.
 - (g) The Zoning Administrator, or the Township Board, as applicable, may set hours during which the event may be held. No activity related to the event other than maintenance or cleanup may take place outside of the designated hours.
 - (h) Mobile vending units, if proposed, are subject to the requirements of § **340-38** of this chapter.
- (4) Horse shows of 20 or more persons. Horse shows of 20 or more persons shall only be conducted at a public/commercial stable that meets the special land use requirements outlined in Article **XIII** of this chapter. A horse show with fewer than 20 persons is exempt from these requirements. The proposed location, time of day, duration, and estimated number of people in attendance at a horse show (participants, spectators and any others attending) will be reviewed by the Township Board. The Township Board shall review the criteria and grant the temporary use only if the Township Board determines that the use:
- (a) Will be harmonious and in accordance with the general objectives or any specific objectives of the Putnam Township Master Plan.
 - (b) 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 will not change the essential character of the area.
 - (c) Will not be hazardous or disturbing to existing nearby uses.
 - (d) Will be compatible with adjacent uses of land and will promote the use of land in a socially and economically desirable manner.
 - (e) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any of the required services or facilities.
 - (f) Will meet all the requirements and standards of this chapter and any other applicable laws, standards, ordinances, and/or regulations.

B. Temporary dwellings for construction purposes only.

- (1) Emergency use of temporary structures or mobile homes. In case of an emergency, including general disasters such as earthquake, flood, or windstorm, or individual disasters such as destruction by fire, the Township Board may grant temporary permits for the use of mobile homes or other specifically authorized temporary structures for housing persons displaced from their permanent dwelling. Such temporary permit shall remain in effect for six months. The Township Board may grant extensions of up to 90 days per each extension.
- (2) Use of trailer or mobile home for housing during construction of permanent dwelling. A trailer or mobile home may be used for housing during construction of a permanent dwelling, subject to the following:

- (a) A zoning permit shall have been obtained for the permanent dwelling.
 - (b) A health permit shall have been obtained, and that certifies the safety of the well and septic system.
 - (c) A building permit shall have been obtained for the construction of the permanent dwelling.
 - (d) The permit shall expire after one year. An extension may be granted by the Township Board, upon presentation of evidence that diligent progress toward the completion of the permanent structure is being made.
- (3) Use of existing dwelling on a lot for housing during construction of a new dwelling. The Township Board may permit that an existing permanent dwelling may continue to be used for dwelling purposes while a new permanent dwelling is being constructed on the same lot, subject to the following:
- (a) A zoning permit shall have been obtained for the new permanent dwelling.
 - (b) A building permit shall have been obtained for the construction of the new permanent dwelling.
 - (c) Only one of the dwellings shall be used for dwelling purposes at any time. Upon completion and issuance of a certificate of occupancy for the new dwelling, the existing dwelling shall be vacated completely and demolished as soon as practicable.
 - (d) During the construction process, the new dwelling shall conform in all respects with the requirements of the Zoning Ordinance. The existing dwelling shall continue to be in conformance; however, if the dwelling was nonconforming prior to beginning construction of the new dwelling, no action or construction related to the new dwelling shall cause the existing dwelling to become more nonconforming.
 - (e) A performance guarantee, in an amount equal to 125% of the cost of demolition of the existing dwelling, as certified by a qualified demolition contractor, shall be submitted prior to beginning construction of the new home. The performance guarantee shall be released upon complete demolition of the existing dwelling, removal of all debris from the premises, restoration of the grade to a level condition and planting or installation of ground cover vegetation.
 - (f) The permit shall expire after one year. An extension may be granted by the Township Board, upon presentation of evidence that diligent progress toward the completion of the permanent structure is being made.
- C. Standards for temporary uses and buildings. In considering authorization for the above temporary uses and buildings, the Zoning Administrator or the Township Board, as applicable, shall consider the following standards:
- (1) The use or building will not have an unreasonable detrimental effect upon adjacent properties;
 - (2) The use or building is reasonably necessary for the convenience and safety of the construction proposed;
 - (3) The use or building does not adversely impact the character of the surrounding neighborhood; and
 - (4) Access to the use area or building is located safely.
- D. Conditions. The Zoning Administrator or Township Board, as applicable, may attach reasonable conditions to temporary uses or structures to ensure that the standards and requirements of this section are met.

- E. Planning Commission review. A request for a temporary use or building as listed above may be submitted to the Planning Commission for a final decision, at the discretion of the Zoning Administrator or the Township Board, as applicable. In making its decision, the Planning Commission shall consider the same standards as enumerated in Subsection **C** above.
- F. Performance guarantee. For any temporary use or temporary building, a performance guarantee may be required to insure compliance with the terms of a temporary use permit.

§ 340-25. Roadside stands.

Roadside stands are permitted in the Agricultural-Open Space District subject to the following:

- A. Maximum square footage of a roadside stand shall be 200 square feet. A roadside stand that exceeds this maximum may be allowed as a special land use, subject to the review and approval process of Article **XIII** of this chapter.
- B. A roadside stand shall only provide for sales of produce or agricultural products raised or grown on the same property, by the proprietor or a member of his family. A roadside stand of any size that sells produce or agricultural products raised or grown elsewhere may be allowed as a special land use, subject to the review and approval process of Article **XIII** of this chapter.
- C. Parking spaces shall be provided on the property and outside the public road right-of-way. The parking spaces shall be located so that vehicles do not have to maneuver on the right-of-way.
- D. The roadside stand and any display of produce or other goods shall be set back a minimum of 15 feet from any lot line.
- E. One nonilluminated on-site sign may be permitted of up to 16 square feet in area, located outside of the road right-of-way and adhering to clear vision requirements, and having a height limit of eight feet from the ground to the top of the sign.

§ 340-26. Illegal dwellings.

The use of any basement for dwelling purposes is prohibited in any zoning district unless the basement meets the appropriate adopted building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

§ 340-27. Damaged buildings.

- A. A building which has collapsed or been damaged by fire, flood, storm, or act of God to such an extent that the cost of repair and reconstruction exceeds 50% of its replacement value at the time the damage occurred shall be repaired, removed, or reconstructed by commencement within 90 days and completion within one year of the damage and according to the provisions of this chapter and the building code relative to new construction.
- B. A building damaged by wear and tear, deterioration and/or depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its replacement value shall be repaired, removed, or rehabilitated by commencement within 90 days and completion within one year of the date of notice given by the Zoning Administrator, according to the provisions of this chapter and the building code relative to new construction.
- C. A building permit shall be secured before reconstruction of a building is commenced. The Zoning Administrator shall determine the extent of destruction, deterioration or depreciation prior to granting permission to apply for a building permit.

- D. The Zoning Administrator may require that damaged buildings be secured at the doors and windows or that the building be removed.

§ 340-28. Demolition permits.

No buildings shall be razed until a zoning compliance permit has been obtained from the Zoning Administrator, who may require a plot plan and performance bond in an amount set by the Township Board. This bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with any requirements of the building code, including, but not limited to, requiring all debris being eliminated from the site rather than being buried in a collapsed foundation, filling excavations, sealing wells or eliminating septic tanks, and proper termination of utility connections.

§ 340-29. Essential services.

Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan or Putnam Township. It is the intent of this section to insure conformity of all structures and uses to the requirements of this chapter, wherever this conformity shall be practicable and not in conflict with specific requirements of any franchise, state legislation, or Township regulation. In the absence of a conflict, this chapter shall prevail.

§ 340-30. Storage and repair of vehicles.

- A. The carrying out of repair, restoration and maintenance procedures or projects may occur on vehicles in any residential district, provided the vehicle or vehicles is owned or leased by the owner or occupant of the property. These repair projects must be conducted within a fully enclosed building.
- B. No parts or vehicles not in a legally operable condition shall be stored outside of an enclosed building.

§ 340-31. (Reserved)

[1] *Editor's Note: Former Section 24, Home occupations, was repealed 2-16-2011 by Ord. No. 53.*

§ 340-32. Nonconforming lots, uses or structures.

- A. Intent.
- (1) It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this chapter. It is the intent of this section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
 - (2) Nonconforming lots, buildings and structures, and uses are declared by this chapter to be incompatible with permitted uses in the districts in which they are located. It is the intent of this section that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.

- (3) Nothing in this chapter 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 chapter and upon which actual building construction has been diligently conducted.

B. Nonconforming lots of record.

[Amended 6-16-2010 by Ord. No. 47]

- (1) Where a lot of record in existence at the time of the adoption or amendment of this chapter does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted use as outlined in the zoning district in which the lot is located, subject to approval of water supply and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction, provided that all other requirements of this chapter are met.
- (2) Reductions in side yard setbacks for significantly nonconforming lots in the A-O, RR and RS Districts.
[Amended 12-21-2011 by Ord. No. 60; 8-16-2017 by Ord. No. Z-89]
 - (a) Nonconforming due to lot area. In the event that a nonconforming lot of record within the A-O, RR or RS Districts that, on the date of enactment of this chapter, is less than the minimum lot area required by § 340-48 (for A-O) or § 340-56 (for RR and RS), the required minimum side yard setbacks may be reduced as shown in the following table:

Table 4: Nonconforming Lots in the A-O, RR, and RS Districts

No side yard may be less than:

Area of Nonconforming Lot	Side Yard:	Side Yard:
	Lease Side	Total of Two
	(feet)	(feet)
Less than 8,500 square feet	5	10
8,500 square feet but less than 1/2 acre	10	20
1/2 acre but less than 1 acre	25	50
1 acre but less than 3 acres	30	70
3 acres or more	40	100

- (b) Nonconforming due to lot width. On a nonconforming lot of record within the A-O, RR or RS District that, on the date of enactment of this chapter, has a lot width less than the minimum requirement of the zoning district, the required side yard setbacks may be reduced by the same percentage as the difference between the width of the lot and the required zoning district minimum lot width, provided that no side yard setback shall be less than five feet.
- (c) In an instance where both the lot area and lot width are nonconforming, the more restrictive side yard setback requirements of Subsection **B(2)(a)** and **(b)** above shall prevail.

C. Nonconforming uses. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater floor or land area that was occupied at the effective date of the adoption or amendment of this chapter, except under the following conditions:

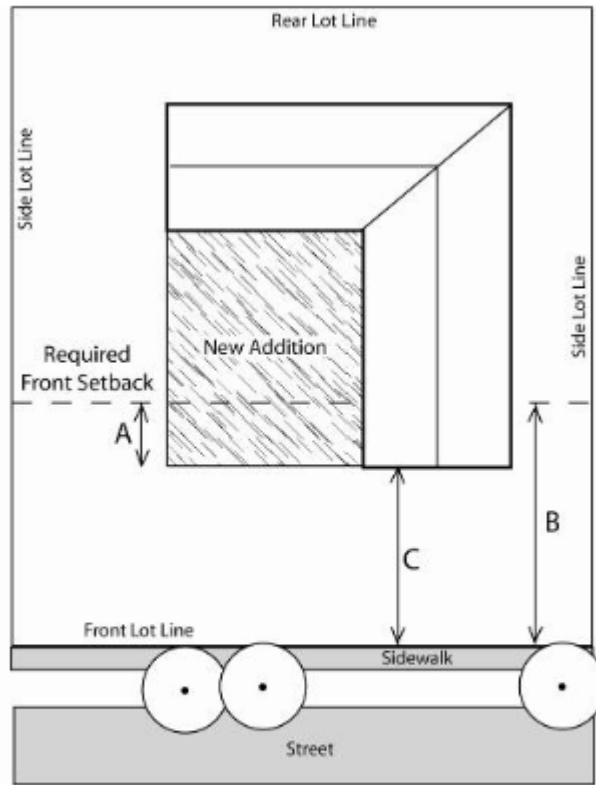
- (1) No part of any nonconforming use shall be moved unless the movement eliminates or decreases the nonconformity.
- (2) If a nonconforming use is abandoned for any reason for a period of more than one year, any subsequent use shall conform to the requirements of this chapter. A nonconforming use shall be determined to be abandoned if the Zoning Administrator determines that one or more of

the following conditions exists, which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

- (a) Utilities, such as water, gas and electricity to the property, have been disconnected.
- (b) The property, buildings, and grounds, have fallen into disrepair.
- (c) Signs or other indications of the existence of the nonconforming use have been removed.
- (d) Equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- (e) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

D. Nonconforming buildings and structures.

- (1) Where a lawful building or structure exists at the effective date of this chapter, or an amendment thereto, that does not comply with the requirements of this chapter because of restrictions such as lot area, coverage, width, height, or yards, the building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (a) Should a nonconforming building or structure be destroyed by fire, act of God, public enemy or other reason to any extent that is not the fault of the owner, it may be reconstructed only in a way that will not increase its nonconformity.
 - (b) Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location that complies with the requirements of this chapter.
 - (c) No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by no more than 1/2 the distance required by this chapter (see graphic). Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.



If Distance C is greater than 50% of Distance B, Distance A may extend up to the current setback.

- (2) None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting any unsafe condition of the building or structure.
- E. In cases where public health, safety, and general welfare are at risk, the Township may acquire, through purchase, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.
- F. Special requirements applying to the LR-1 District. Because of the historic resort nature of dwellings within the LR-1 District, a nonconforming dwelling on an existing lot of record, which exists on and after the date of adoption of this subsection, may be replaced by a new structure upon the same footprint, provided that:
- (1) The new residence does not increase any nonconformity or result in any new nonconformity;
 - (2) The new residence does not have a ground floor area more than 30% larger than the structure it replaces;
 - (3) Notwithstanding the location of the original dwelling footprint, the new structure may be no closer than 2 1/2 feet from any side lot line.
 - (4) Front yard setback requirements shall conform to § 340-54B(2)(d) of this chapter.
 - (5) All other district regulations for the LR-1 District, as outlined in Article VI of this chapter, shall apply.

§ 340-33. Private roads and shared driveways.

A. Purpose and applicability.

- (1) The purpose of this section is to regulate the construction, maintenance and use of new and existing private roads within the Township, to provide procedures for review and appeal, and to promote and protect the public health, safety and welfare. It is further the purpose of this section to encourage property owners to make use of private roads to prevent additional curb cuts on public roads, and to ensure that private roads are maintained by the private property owners who own and use the road.
- (2) The provisions of this section shall apply to the creation, construction, improvement and maintenance of shared driveways and private roads.

B. Definitions. In addition to the definitions in Article II of this chapter, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPLICANT

A person who holds a legal interest in land and who submits an application seeking approval for a private road on the land.

CLASS A PRIVATE ROAD

A private road designed to serve seven or more single-family residential lots, or has the potential to be extended to serve a total of seven or more single-family residential lots, or designed to serve four two-family residential lots, or any combination of two-family residential lots with single-family lots that total more than seven units. The road may also serve two or more nonresidential uses, or any combination of residential and nonresidential uses, not including agricultural uses and farm buildings.

CLASS B PRIVATE ROAD

A private road designed to serve four to six single-family residential lots or designed to serve two or three two-family residential lots or any combination of two-family residential lots and single-family residential lots that total between four and six family units.

IMPROVED

Improvement of the road surface with gravel aggregate or a hard surface such as concrete or asphalt.

RECORDABLE FORM

For purposes of this chapter, this term shall apply to an easement statement and easement maintenance agreement(s) which are legally binding and which are written in a form so as to be recordable with the Livingston County Register of Deeds.

SHARED DRIVEWAY

A driveway designed to serve three or less single family residential lots or any combination of two-family residential lots and single-family residential lots that total three or fewer family units.

C. General requirements.

- (1) No zoning compliance permit shall be issued by the Township, or official of the Township, unless the structure, building or improvement for which a zoning compliance permit is required, is on a lot or parcel of land which meets the minimum lot width for the district in which it is located. All lots must abut on a public road, private road or shared driveway easement for an uninterrupted distance equal to the minimum lot width specified for the district in which it is located.
- (2) Land located within a private road or shared driveway easement shall not be counted in determining compliance with lot area and lot width requirements.

- (3) Conveyance of interest in land abutting a private road. Whenever an owner of land in the Township sells or otherwise grants an interest in land that fronts on or is served by a private road, or accepts any offer to purchase an interest in the land, the owner shall provide notice, in recordable form, to the purchaser that the land abuts a private road. This notice shall:
 - (a) Explain the maintenance, care, and other responsibilities concerning the private road.
 - (b) Explain that the maintenance, care, and other responsibilities concerning the private road shall not be the responsibility of the Township, Livingston County Road Commission, State of Michigan, or any other governmental entity.
 - (c) Explain that the purchaser shall assume all responsibilities immediately upon purchase of the land that fronts on or is served by a private road.
 - (d) A copy of this notice shall be supplied to the Township Assessor upon transfer of the property deed.
- (4) Parcels with access to both a private road and a public road shall be accessed from the private road only, unless the Planning Commission finds that, because of topography, site distance, interference with utilities or natural features, or other reason not the fault of the property owner, that the public road affords more efficient or safer access. In such a case, the access shall be separated from the private road intersection by a minimum of 25 feet, measured center line to center line.

D. Application requirements.

- (1) No construction shall begin on any shared driveway or private road until a permit has been issued, on forms provided for that purpose by Putnam Township, and following compliance with the requirements as set forth in this chapter. This requirement applies to all new construction, extensions or improvements of a private road or shared driveway.
- (2) Shared driveway. A shared driveway may be approved by the Zoning Administrator upon review of an application accompanied by the following:
 - (a) A plan drawn and sealed by a civil engineer licensed by the State of Michigan, showing all lots to be served, the location and width of the shared driveway easement, the width of the proposed pavement, the materials to be used for pavement, the frontage of all lots served by the shared driveway, and any drainage or utility structures to be located in the easement.
 - (b) Easements and easement maintenance agreements for the shared driveway, as required by Subsection H of this section. The Zoning Administrator may forward these documents for review by the Township Attorney prior to approval of the shared driveway.
 - (c) If the shared driveway intersects a public road or state trunk highway, permits from the appropriate agency shall be submitted. If the shared driveway intersects an existing private road, written permission from the owners, association or authority that owns the private road shall be submitted.
 - (d) The Zoning Administrator shall require a performance guarantee in an amount determined necessary by the Township Engineer to insure that the shared driveway is built to the standards listed in this or any other Township ordinance.
- (3) Private road. A private road may be approved by the Township Board, after recommendation from the Planning Commission. Twelve copies of an application for a permit shall be delivered to the Zoning Administrator and filed with the Township Clerk at least 30 days before the Planning Commission meeting at which the proposal is proposed to be reviewed. No application shall be accepted until all of the following information is supplied, unless waived by the Zoning Administrator:
 - (a) A completed application, on a form supplied by the Township.

- (b) All fees required by the Township, as determined by the Township Board.
 - (c) A set of completed plans, prepared and sealed by a civil engineer registered in the State of Michigan, which includes all required information. The Zoning Administrator may waive the requirement of a separate set of road plans only where the required road construction information is incorporated into the overall site plan of a development.
 - (d) The names and addresses of the lot or parcel owners to be served by the private road.
 - (e) A vicinity map of a minimum scale of one inch equals 2,000 feet, showing the location of the private road in the Township, including any access roads and cross streets, road names, a scale and a North arrow.
 - (f) Existing topography at one-foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable stormwater outlet. Elevations shall be based on the most current United States Geological Survey (USGS) data.
 - (g) Proposed improvements (including but not limited to roads, sewers and ditches) shown in the plan and profile indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in Subsections **F** and **G** of this section.
 - (h) All existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical and natural features adjacent to such improvements, and any connections to existing public and private roads.
 - (i) Soil borings within the proposed route of the road. Existing tree coverage and wetland areas within 100 feet of either side of the proposed route shall be included.
 - (j) The location of existing buildings on the lots or parcels being served or intended to be served by the private road as well as any existing building or structures in or adjacent to any proposed road easement.
 - (k) The existing or proposed location of public and/or private utilities and easements, such as gas, electric, water, sewer, telephone, cable television, etc.
 - (l) A complete statement of all terms and conditions of the proposed road easement, including copies of all easement document and easement maintenance agreement(s), submitted in accordance with the requirements of Subsections **H** and **I** of this section. The easement and maintenance agreement(s) shall be in recordable form.
 - (m) A letter from a Michigan licensed attorney stating that the easement document and the easement maintenance agreement(s) meets all county, state, and federal laws.
- E. Private road application review procedures.
- (1) Staff review. The private road application and related plans and materials shall be reviewed by the Township planner and engineer. A private road that intersects a public road shall require review and approval by the Livingston County Road Commission. A private road that intersects a state trunk line shall require review and approval by the Michigan Department of Transportation. The applicant shall be responsible for application and coordination of approvals from other agencies. All permits, reviews and recommendations shall be forwarded in writing to the Planning Commission and Board.
 - (2) Planning Commission review and recommendation. The Planning Commission shall review all private road applications along with all Township planner's and engineer's reviews and recommendations, at a regularly scheduled public meeting. The Planning Commission shall recommend to the Township Board approval, approval with conditions, or denial of the private road application based on the requirements of this section.

- (3) Township Board review and determination. After receiving recommendation from the Planning Commission, the Township Board shall review all private road applications along with all planning and engineering reviews and recommendations, at a regularly scheduled public meeting. The Township Board shall approve, approve with conditions, or deny the private road application based on the requirements of this section.
- (4) The applicant shall post a performance guarantee in an amount determined necessary by the Township Engineer to insure that the private road is built to the standards listed in this or any other Township ordinance. If the applicant fails to construct the private road according to the approved plan, the Township shall use the applicant's performance guarantee to correct any problems or errors in construction created by the applicant or their contractors.
- (5) Expiration of approval. If the construction, including the removal of vegetation and/or soil disturbance, of the private road does not commence within nine months of final approval, or if construction has not been completed within 12 months after it has commenced, the private road approval shall become null and void and a new application shall be required. Before the end of the 11th month of the private road approval, an applicant may request in writing to the Township Board for a six-month extension of a private road approval. The Township Board may grant the extension if it finds that the approved site plan adequately represents current conditions and the plan conforms to current ordinance standards.
- (6) Administrative relief. Where there are practical difficulties restricting an applicant from meeting the strict letter of this section, the Township Board, based on recommendations from the Planning Commission, Township Engineer and/or Planner, shall have the authority to grant relief of specific requirements. Relief shall only be granted for the following purposes:
 - (a) Preservation of natural features or to prevent an excessive amount of grading and/or alteration of the land.
 - (b) When the road is an existing nonconforming road due to easement width and additional easement right-of-way cannot be reasonably obtained.

F. Shared driveway: design and construction requirements.

[Amended 6-18-2014 by Ord. No. Z-73]

- (1) All shared driveways shall be located within an easement with a minimum width of 33 feet. In the event that a shared driveway is expanded to a private road, the new private road must meet the current Livingston County Road Commission standards and all parcels must meet the current standards of Putnam Township Zoning Ordinance.
- (2) The improved area shall have a minimum width of 16 feet and shall be constructed of gravel aggregate or a hard surface.
- (3) All improved areas shall be drained according to Livingston County Road Commission standards.
- (4) The maximum length of the improved section of a shared driveway shall be 1,000 feet. Notwithstanding the foregoing length limitation, the length of the improved section of a shared driveway may exceed 1,000 feet, but only where the extended length is necessary and based on specific and unique conditions of the site upon which the shared driveway will be located and upon the recommendation by the Township Engineer. The shared driveway easement may extend beyond the improved section to provide necessary frontage as required by the zoning district, or to provide for future connections to adjacent properties.
[Amended 9-19-2018 by Ord. No. Z-94]
- (5) Any lot added to a shared driveway that increases the number of lots served by the driveway to more than three lots shall be upgraded to meet the requirements for a Class A or Class B private road as required by this section.

G. Private roads: design and construction requirements.

[Amended 6-18-2014 by Ord. No. Z-73]

- (1) All private roads shall be located within an easement with a minimum width of 66 feet.
- (2) Compliance required. It shall be unlawful for any person, association, organization or corporation to create, establish or build a private road within the Township, unless it is constructed in accordance with the current Livingston County Road Commission standards for public roads unless otherwise provided for in this chapter.
- (3) Private roads shall be named and, upon construction of the road, appropriate signs shall be erected to identify the road name. Names of private roads shall be approved by the Livingston County Road Commission.
- (4) All private roads shall be drained according to Livingston County Road Commission standards.
- (5) Class A private road.
 - (a) A Class A private road shall be improved with a hard surface meeting Livingston County Road Commission requirements.
 - (b) The road shall be designed to connect with another public road or another Class A private road.
 - (c) The private road shall be designed so that it has a reasonable probability of dedication as a public road at a future time.
 - (d) The maximum length shall be 3,500 feet, measured on the roadway center line from the right-of-way of the public or private road it intersects with, to either the right-of-way of another intersecting roadway with access to a public street or road, or to the center of a cul-de-sac. Any Class A private road that exceeds this length shall have at least one additional access to a public street or road, or shall be upgraded to public street standards and dedicated to Livingston County.
 - (e) The road may also serve two or more nonresidential uses, or any combination of residential and nonresidential uses, not including agricultural uses and farm buildings.
- (6) Class B private road.
 - (a) A Class B private road shall be paved improved with a hard surface or gravel aggregate meeting the Road Commission's roadway standards, with the exception that the hard-surfaced pavement is excluded and the aggregate base shall be MDOT Specification 23A as opposed to the 22A required as a base on paved roadways.
 - (b) The roadway of the private road shall not exceed a length of 2,000 feet (regardless of the number of lots served), measured on the roadway center line from the right-of-way of the public or private road it intersects with, to either the right-of-way of another intersecting roadway, or the center of a cul-de-sac. Any Class B private road that exceeds this length shall be upgraded to a Class A private road or shall be upgraded to public street standards and dedicated to Livingston County.
- (7) Inspections.
 - (a) The applicant shall notify the Township 48 hours prior to commencement of construction to facilitate inspection at various stages of construction by the Township Engineer. Inspections conducted by the Township Engineer are intended to ensure that the road is being constructed in compliance with the standards in this or any other ordinance and the approved site plans.
 - (b) Spot inspections during construction may be conducted to ensure proper completion of the following work items where applicable:
 - [1] Grade and alignment;

- [2] Preliminary drainage and utility structures;
 - [3] Finish subgrade;
 - [4] Base and paving materials;
 - [5] Bituminous or concrete parking;
 - [6] Curb and gutter;
 - [7] Compaction of subsoils; and
 - [8] Soil erosion and sediment control.
- (c) Approval of any construction phase by the Township Engineer does not guarantee approval of subsequent phases or final approval of the constructed road.
- (d) Upon completion of the private road, the applicant or its engineer shall submit two sets of as-built drawings to the Zoning Administrator and two sets to the Township Engineer. The Township Engineer shall review the as-built drawings and conduct a final inspection to insure that all visible construction, including cleanup, has been satisfactorily completed.
- (e) Final inspection. An inspection shall be conducted by the Township Engineer upon completion of the private road to ensure that the road is constructed in compliance with the requirements in this or any other section of this chapter and the approved private road plans.
- (f) Performance guarantee. To assure completion and/or maintenance of a private road in accordance with the requirements set forth in this section, the Township shall require the applicant to provide a performance guarantee in an amount determined necessary by the Township Engineer to insure that the private road is built to the standards listed in this and any other Township ordinance. If the applicant fails to construct the private road according to the approved plan, the Township shall use the applicant's performance bond to correct any problems or errors in construction created by the applicant or its contractors.

H. Private road or shared driveway easement.

- (1) Easement document. The applicant shall submit a shared driveway or private road easement, in recordable form, meeting the following minimum requirements:
- (a) A detailed legal description of the easement.
 - (b) A provision providing for unrestricted access for emergency and public vehicles used in performance of necessary public services.
 - (c) A description of the method by which the initial costs of construction will be paid. If more than one property owner will share in the cost of initial construction, then the easement document shall specify the formula that will be used to apportion the costs.
 - (d) A description of the method for apportioning costs to subsequent users for any subsequent extensions or improvements to the road.
 - (e) Language prohibiting any property owner served by the shared driveway or private road from restricting or interfering with the normal ingress or egress of other property owners, their families, guests, invitees, tradespeople, and others traveling to or leaving from any of the properties served by the road.
 - (f) A statement that the Township Board may require that future abutting private roads or public roads connect to the existing private road.
 - (g) Apportioning costs to subsequent users:

- [1] The easement shall indicate that the method of apportioning costs applies whether the subsequent users are a result of:
 - [a] Extension of the private road beyond its initial length;
 - [b] Improvements necessary to upgrade the road as a result of subsequent land divisions; or
 - [c] Connection to another private road.
 - [2] The method of apportioning costs shall be the responsibility of the applicant and shall be based on a ten-year period of full depreciation. The apportionment formula shall be designed to apportion costs in relation to the benefit to be derived from the private road.
 - [3] The apportionment formula may include provisions to reduce the cost for parcels that have existing access to another public or private road, and therefore would not derive full benefit from the private road.
- (2) A private road or shared driveway easement shall be submitted to the Township Zoning Administrator and reviewed by the Township Attorney. After making any necessary revisions, the private road or shared driveway easement shall be recorded with the County Register of Deeds. Proof of this recording shall be submitted to the Township Zoning Administrator prior to any construction of the private road, including the removal of vegetation and/or soil disturbance.
- I. Easement maintenance agreements. Continued maintenance of private roads and road drainage facilities shall be the responsibility of the property owner(s) served by the road. Prior to issuance of construction permits, all property owner(s) shall enter into a legally binding easement maintenance agreement, which shall be submitted in recordable form.
- (1) At a minimum, the easement maintenance agreement shall contain the following:
 - (a) Provisions for the establishment of a private road association, which shall be responsible for the maintenance of the private road. The association shall consist of all owners of property that are served by the private road.
 - (b) Language to specifically address the liability and responsibility of the association and the parties to the agreement to maintain the private road according to the specifications of this section, including, but not limited to, the responsibility of removing snow, repairing and/or grading the private road(s).
 - (c) A statement that the agreement runs with the land, and shall include the requirements of Subsection **C** of this section, pertaining to notification of future owners of their maintenance responsibilities.
 - (d) The agreement shall acknowledge that the road surface and easement area are privately owned and therefore all construction and improvements within the easement will be contracted and paid for by the private road association.
 - (e) Methods of apportioning maintenance costs.
 - [1] Original users. The easement maintenance agreement shall describe the method by which maintenance costs and costs of improvements will be apportioned by the original users.
 - [2] Apportioning costs to subsequent users. The easement maintenance agreement shall describe the method for apportioning subsequent users for proportionate share of the maintenance costs and costs of improvements.
 - [3] The easement maintenance agreement shall indicate that the method of apportioning costs applies whether the subsequent users are a result of:

- [a] Extension of the private road beyond its initial length;
 - [b] Connection to another private road; or
 - [c] Division of property that is to be served by the private road.
- (f) Continuing obligation. The easement maintenance agreement shall specify that obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
- (g) The agreement shall specify, placing on notice all future purchasers, mortgagees and others with possible interest in the development, that the Township will not approve any building permits for construction on any parcel before it is served by the road in compliance with the standards set forth in this chapter.
[Added 9-19-2018 by Ord. No. Z-94]
- (2) Township responsibility. The provisions in the easement maintenance agreement shall in no way be construed to obligate the Township to perform regular inspections of the easement area or to provide necessary repairs or maintenance.
- (3) The Township shall intercede in the maintenance of a private road only if a potential health or safety hazard could be created if the road is not being maintained in accordance with Township standards. Enforcement of the maintenance agreement shall be the responsibility of each private road association.
- (4) Special assessment provision. The easement maintenance agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately to allow for safe access by users and emergency vehicles, and to assess the cost of such repair, including the cost of engineering and administration, to the owners of property served by the private road on an equal basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers.
- (5) Maintenance needs. The easement maintenance agreement shall acknowledge the responsibilities of the private road association to maintain the following: surface grading and resurfacing at regular intervals, snow and ice removal, repair of potholes, maintenance of road drainage systems; maintenance of unobstructed vision at any intersection with another private or public road; annual dust control; and regular cutting of weeds and grass within the easement.
- (6) The easement maintenance agreement shall be submitted to the Zoning Administrator and reviewed by the Township Attorney. After making any necessary revisions, the easement maintenance agreement shall be recorded with the County Register of Deeds. Proof of this recording shall be submitted to the Zoning Administrator prior to any construction of the private road, including the removal of vegetation and/or soil disturbance. Any amendments to or terminations of an easement maintenance agreement must be submitted to the Township for review and approval prior to execution and recording with the County Register of Deeds.
[Amended 9-19-2018 by Ord. No. Z-94]
- (7) Any lot added to a private road existing at the time of the adoption of this chapter shall be responsible for its fair share of the road maintenance as required by the easement maintenance agreement. If the addition of new lots is not addressed by the existing agreement, or if there is no agreement, the new lot shall not be created until an easement maintenance agreement is changed to acknowledge the addition of new lots or a new agreement is created. The easement maintenance agreement shall meet the requirements of this section.

J. Extension and/or improvements of an existing private road. An existing private road that is not in compliance with current standards or the requirements of this section may be extended or

improved, provided:

- (1) The private road shall be upgraded to current Livingston County Road Commission standards, at the direction of the Township Engineer, to safely carry the expected traffic load and provide year-round access to adjoining properties, including access by emergency vehicles. Upon approval, the aforementioned road must also meet all applicable Township, county and state road construction specifications.
 - (2) The applicant(s) requesting such extension(s) or improvement(s) shall assume the financial responsibility for covering the entire costs associated with the design and construction of a road extension or improvement, unless an alternate method of shared costs is developed and unanimously agreed upon as an amendment to the maintenance agreement by all existing property owners served by the private road and the applicant. The amendment shall be recorded and submitted to the Zoning Administrator before final approval of the road extension and/or improvements.
 - (3) All legal and financial details regarding alternative methods of apportioning costs for the extension(s) or improvement(s) of a private road shall be negotiated between the applicant and the existing property owners served by the road. Putnam Township shall not be responsible for any costs for extensions or improvements made to private roads.
 - (4) Notwithstanding the above, if the owners of a conforming private road that complies in all respects with the requirements of this section opt to upgrade or improve the road, the plans, which shall in all respects conform to the requirements of this section, shall be reviewed, and upon a recommendation of approval from the Township Engineer and planner, approved administratively by the Zoning Administrator. It shall be the responsibility of the owners of the private road to show that the existing road is in complete conformance with the requirements of this section.
- K. Commercial access. Commercial properties shall not gain direct access from a private road that is already serving residential properties unless the request to gain access is approved unanimously by all existing property owners served by the road.
- L. Additional parcels to an existing nonconforming private road or conforming private road. Lands directly abutting an existing nonconforming private road or conforming private road, if divided in accordance with Chapter **200**, Land Division, of the Code of the Township of Putnam and the Michigan Land Division Act (1997 P.A. 87, as amended),^[1] may obtain access to the private road subject to the following provisions:
- (1) If the parcel is located on a conforming Class A private road, the parcel may be added, subject to any additional conditions and requirements as per the Michigan Land Division Act, 1997 P.A. 87, as amended.
 - (2) If the parcel is on a nonconforming Class A private road, the parcel may be added if the road is extended and/or improved to a conforming Class A road, in accordance with this section.
 - (3) If the parcel is on a nonconforming or conforming Class B private road and the result of the land division is such that the number of parcels served by said road is increased to a total of seven parcels or more, the parcel may be added if the entire road is extended and/or improved to a conforming Class A road, in accordance with this section.
 - (4) If the parcel is on a nonconforming Class B private road and the result of the land division is such that the number of parcels served by the road remains at or below a total of six parcels, the parcel may be added if the road is extended and/or improved to a conforming Class B road, in accordance with this section.
 - (5) The petitioner may add the parcel without upgrading the road if at least 75% of the other owners vote to allow the parcel to be added. Should the vote fail, then Subsection **L(1), (2), (3) or (4)** above, as applicable, shall apply in full. Should the vote pass, the petitioner is still responsible for any extension of the private road to the new lot.

- (6) If the parcel is on a conforming Class B private road and the result of the land division is such that the number of parcels served by said road remains at or below a total of six parcels and no extension or improvement to the existing road is required, the parcel may be added if approved by all property owners served by the private road and a share of the original construction costs are apportioned to the added parcel according to the original formula and paid to the original property owners.
 - (7) The deed to any parcels added to an existing, improved or extended private road shall be recorded as subject to the easement agreement and maintenance agreement.
[1] *Editor's Note: See MCLA § 560.101 et seq.*
- M. Existing streets without easement and/or maintenance agreements. Prior to improvement, extension, or adding parcels to any existing private street approved prior to adoption of this chapter, which does not have a legally enforceable easement and/or maintenance agreement conforming to this section, the owners shall submit an easement and/or maintenance agreement for review by the Township Attorney. The easement and/or maintenance agreement shall be approved and recorded prior to approval or construction of any improvement, extension or addition of parcels to the private street.
- N. Existing private roads: appropriate remedies.
- (1) If, after appropriate investigation, the Township Engineer, the Zoning Administrator or the Fire Chief determine that any private road has become obstructed, impassable, unsafe or has deteriorated to such disrepair that the Township may not be able to supply adequate police, fire and emergency vehicle access to residences located on the private road, the zoning administrator shall give written notice of the violation to those property owners served by the private road and to the private road association, if one exists.
[Amended 9-19-2018 by Ord. No. Z-94]
 - (2) If there is no reply from the property owners and/or the private road association within 21 days of notification, or repairs and corrective maintenance are not corrected or abated by the date specified, the Zoning Administrator shall request authorization from the Township Board to bring the road up to the design standards specified in this chapter, and assess owners of parcels served by the private road for the improvements according to Subsection **I(4)**, Special assessment provision, plus an appropriate administration fee, to reimburse costs incurred by the Township, as permitted by appropriate law. No public funds of the Township shall be used to build, repair or maintain the private road.
 - (3) If the property owners respond to the Township within 21 days of notification and request an extension of time, the Zoning Administrator shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health or property, the Zoning Administrator may request the Township Board to extend the specified time limit to a date certain, if the Board concurs that the reply indicates that the violation shall be corrected or abated by the date certain and that all future maintenance will comply with the regulations as set forth herein.
- O. Timing of construction of shared driveways or private roads for land divisions. The construction, extension or improvement of any shared driveways or private roads in conjunction with a land division application under Chapter **200**, Land Division, of this Code and the Michigan Land Division Act (1997 P.A. 87, as amended)^[2] must be completed prior to final approval of the land division. The Township may require a performance guarantee pursuant to § **340-33E(4)** and **G(7)(f)** of this Code to ensure completion of the shared driveway or private road and to ensure compliance with the proposed land division plan. Prior to final approval of the land division, the applicant must provide a shared driveway or private road easement maintenance agreement in recordable form that is approved by the Township and which must be recorded with the Livingston County Register of Deeds at the expense of the applicant. No building permits will be issued for any proposed divisions or resulting parcels until all of the requirements of this Code have been met.

[Added 9-19-2018 by Ord. No. Z-94]

[2] *Editor's Note: See MCLA § 560.101 et seq.*

- P. Exemptions. The provisions of this section shall not apply where private roads are proposed as part of site plan review required by this Code and are reviewed and approved by the Planning Commission and/or the Township Board, including, but not limited to, planned unit developments, subdivision plats, and site condominiums.

[Added 9-19-2018 by Ord. No. Z-94]

§ 340-34. Site condominiums.

- A. Purpose. The purpose of this section is to regulate the creation and use of condominiums within Putnam Township and to promote and protect the public health, safety and welfare. This section is enacted pursuant to the statutory authority conferred by the Condominium Act, P.A. 59 of 1978, as amended^[1]; the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended^[2]; and the Township Ordinances Act, P.A. 246 of 1945, as amended.^[3]

[1] *Editor's Note: See MCLA § 559.101 et seq.*

[2] *Editor's Note: See MCLA § 125.3101 et seq.*

[3] *Editor's Note: See MCLA § 41.181 through 41.187.*

- B. General requirements.

- (1) Condominium unit defined. A "site condominium unit" shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.^[4]

[4] *Editor's Note: See MCLA § 560.101 et seq.*

- (2) Units shall meet zoning requirements. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the zoning district, provided the unit meets the development requirements for the zoning district in which it is located.
- (3) Relocation of boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all applicable Township ordinances.
- (4) Information to be kept current. All information applicable to a condominium project shall be furnished to the Zoning Administrator and shall be kept updated until such time as certificates of occupancy for all units have been issued.
- (5) Amendment of master deed. Any proposed amendment of a master deed that would have any direct or indirect effect upon any matter reviewed or approved under this article shall be reviewed and approved by the Planning Commission prior to recording.
- (6) Issuance of zoning compliance permits. Zoning compliance permits for units shall not be issued by the Zoning Administrator until the roads servicing the condominium unit in question have been constructed and approved, and approval of county and state entities having jurisdiction can be demonstrated.

- C. Procedures.

- (1) Required review and approval. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the site plan review process of Article **XIV** of this chapter.
- (2) Additional filings required. Subsequent to the recording of the master deed, bylaws and deed restrictions and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:
- (a) One Mylar copy and five prints of the as-built condominium subdivision plans.

- (b) Two copies of the recorded master deed, bylaws and deed restrictions with all pertinent attachments.
- (c) Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

§ 340-35. Outdoor wood stoves and outdoor furnaces.

The Zoning Administrator may issue a zoning compliance permit for an outdoor wood stove or outdoor furnace located outside a building only under the following conditions:

- A. The stove/furnace shall be for the purpose of heating a dwelling and/or accessory structure(s) on the same lot.
- B. The lot shall be a minimum of two acres in area.
- C. The stove/furnace unit shall be 40 feet from any other structure.
- D. The stove/furnace unit shall be located a minimum of 100 feet from any property line.
- E. The unit shall not be located in the front yard.
- F. An area at least 30 feet in diameter around the unit shall be free of ignitable vegetation and debris.
- G. The outdoor stove/furnace shall utilize a chimney with a minimum height of 20 feet.
- H. The unit shall not constitute a nuisance to neighboring properties.

§ 340-36. Keeping and raising domestic animals.

- A. General requirements.
 - (1) Animals kept for livestock must be completely enclosed in a fenced area that is of suitable height and construction to contain the animals, subject to the limitations in § 340-22 of this chapter.
 - (2) All waste, including manure, shall be managed so there are no unsanitary or unsafe conditions.
 - (3) Any proposed shelter shown on the site must be at minimum a rigid structure, designed to withstand normal wind and snow loads. Accessory buildings shall meet all applicable building codes.
- B. Animal units.
 - (1) There shall be a limit on the keeping and raising of non-household domestic animals in the agricultural and single-family residential districts according to the number of animal units that may be kept on a single parcel or lot or upon contiguous parcels under the same ownership. For the purposes of this section, animal units shall be determined by the following table:

Animal Units		
Animal	Animal Unit Equivalent	Number of Animals Per Animal Unit
Slaughter or feeder cattle/buffalo	1	1
Horses	1	1
Horses (small pony or miniature: 34 inch or less at withers)	0.2	5

Animal Units

Animal	Animal Unit Equivalent	Number of Animals Per Animal Unit
Swine (over 55 lbs.)/ostrich	0.4	2.5
Mature swine under 55 lbs.	0.1	10
Goats, sheep, llamas, alpacas	0.1	10
Turkeys	0.018	55
Laying hens and broilers	0.01	100
Rabbits	0.02	50
Other livestock	Average mature animal weight divided by 1,000	

(2) Animals shall not be counted towards animal units until they are weaned.

C. A-O District.

- (1) On parcels smaller than 10 acres in the A-O District, the density of animal population shall be limited according to the Table of Standards for Keeping Livestock-Small Scale, below. On parcels 10 acres or greater, domestic animals may be kept and raised without restriction as to the number of animal units; however, the requirements for medium scale livestock operations or intensive livestock operations, as applicable, shall be met.
- (2) In the A-O District, previously existing lots of three acres or more may be used for animal breeding, provided that the number of mature animals does not exceed the maximum animal units allowed.

D. Small scale livestock operations:

- (1) A small-scale livestock operation shall be defined as 10 or less animal units on a property. Generally, a small-scale operation shall be livestock kept for noncommercial (e.g., hobby, 4-H, etc.) purposes.
- (2) On property at least two acres in area within the RR, RS-1 and RS-2 Districts, or on property at least two acres but less than 10 acres in the A-O District, the noncommercial keeping of private livestock shall be limited to the following maximum combined number of animal units, as follows:

Table of Standards for Keeping Livestock — Small-Scale

Minimum number of acres	2	3	4	5	6	7	8	9	10	11	12 or greater
	Maximum Number of Animal Units Allowed										
A-O District	0.7	3	4	5	6	7	8	9			
Single-Family Residential Districts (RR, RS-1, RS-2)	0.5	2	3	4	5	6	7	8	9	10	10

- (3) Keeping livestock on parcels less than two acres is prohibited.
- (4) Manure storage areas shall be a minimum of 75 feet from any wellhead or dwelling and 25 feet from all property lines.

E. Medium-scale livestock operations:

- (1) A medium-scale livestock operation is defined as more than 10 but less than 25 animal units on a property; however, this definition does not include a public/commercial stable.

- (2) Medium-scale livestock operations shall be permitted in the A-O, RR, RS-1 and RS-2 zoning districts.
 - (3) Minimum lot area:
 - (a) A-O District: 10 acres.
 - (b) RR, RS-1 or RS-2 Districts: 12 acres.
 - (4) Manure storage areas shall be a minimum of 75 feet from any wellhead or dwelling and 25 feet from all property lines.
- F. Intensive livestock operations:
- (1) An intensive livestock operation is defined as 25 or more animal units on a property. An intensive livestock operation shall be permitted in the A-O District only.
 - (2) Manure storage areas shall be a minimum of 75 feet from any wellhead or dwelling and 25 feet from all property lines.
 - (3) Accessory buildings or structures used to house livestock or manure storage areas shall not be required to be set back from property lines at a greater distance than that required by the State of Michigan's Generally Accepted Agricultural Management Practices (GAAMPS).
 - (4) The location of buildings or structures used to house intensive livestock operations and manure storage areas shall conform to all applicable GAAMPS. The State of Michigan Department of Agriculture periodically revises GAAMPS and the Michigan Department of Agriculture should be consulted for the current version of GAAMPS. Compliance with all applicable GAAMPS must be demonstrated by the property owner housing the animals.
 - (5) The minimum lot size for an intensive livestock operation shall be 10 acres. Two or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
- G. Equestrian facilities and private stables.
- (1) A private stable or building housing animals associated with an equestrian facility shall not be located nearer than 75 feet to any dwelling.
 - (2) The facility shall be constructed and maintained such that odor, dust, noise, or drainage shall not be a nuisance or hazard to adjoining premises.
- H. Household domestic pets (dogs and cats). In residential districts, the number of dogs and/or cats permitted on a property shall be as stated. These requirements shall not apply to dogs or cats less than six months in age.
- (1) A-O, RR, RS-1 through RS-4 and LR Districts:
 - (a) Up to three dogs, cats or combination thereof may be kept on a property of one acre or less in area.
 - (b) On properties greater than one acre, two additional dogs, cats or combination thereof may be kept for each additional acre of lot area, or major portion thereof (fractional acreage of 0.5 acre or above may be rounded up to the next whole acre). The maximum number of dogs, cats or combination thereof permitted on any property is 10.
 - (c) Any outside enclosure, run or kennel designed for more than five dogs and/or cats shall be set back a minimum of 75 feet from any adjacent property in a residential district.
 - (2) R-2, R-3 and MHC Districts. No more than one dog or one cat, or one of each, may be kept per dwelling unit.

§ 340-37. Septic systems.

All septic systems and any associated drainfield or other appurtenances shall be located wholly within the boundaries of the property containing the use served by the system.

§ 340-38. Mobile vending.

A. General requirements.

- (1) Mobile vending units shall comply with all applicable state and county health requirements, and shall provide proof of required permits.
- (2) No mobile vending unit shall exceed nine feet in width or 18 feet in length.
- (3) A mobile vending unit may not have a freestanding sign. Flashing lights, beacons or any other attention getting means, other than a sign painted on the surface of the unit, are prohibited.
- (4) Mobile vending units may not operate between 11:00 p.m. and 6:30 a.m.

B. Township property. A mobile vending unit shall be permitted on Township property for special events and festivals, provided that the event is approved or sanctioned by the Township Board.

C. Mobile vending on private property.

- (1) Commercial districts. Mobile vending units are permitted on properties in the C-1 and C-2 Districts.
- (2) Residential districts. Mobile vending units shall be permitted in conjunction with the following, provided that no mobile vending unit may be located on a property for more than four consecutive days:
 - (a) Special events located upon nonresidential properties (i.e., churches, schools, etc.).
 - (b) Special events on residential properties, provided that the property is at least 10 acres and the event has been approved by the Township Board.
 - (c) Outdoor gatherings permitted under Chapter **106**, Assemblies, Outdoor, of the Code of the Township of Putnam.
- (3) Mobile vending units on private property shall obtain a permit from the Zoning Administrator and pay a fee as set by the Township Board. The permit application shall include a site plan that shows the location of the unit, the setback from property lines, the distance of the unit from any building(s), and the dates and hours of operation. The Zoning Administrator may require additional information if necessary to determine that the applicant can comply with all requirements.
- (4) A mobile vending unit in the C-1 or C-2 District must be located on a hard-surfaced parking area. All others shall be located upon a dry, durable surface that allows vehicular passage without rutting or creasing the ground. The unit and any ancillary equipment (such as tables, etc.) may not occupy more than three parking spaces and may not be located in such a manner as to prevent safe and efficient traffic movements on the parking lot.
- (5) A mobile vending unit may not be located within the required front yard.
- (6) Mobile vending units on private property are permitted only from March 15 through November 30 and must be removed from the premises at all other times.

§ 340-39. Alternative energy systems.

[Added 8-19-2009; amended 6-16-2010 by Ord. No. 46; 5-16-2018 by Ord. No. Z-92]

A. Wind energy conversion systems.

- (1) Purpose. This section establishes requirements and procedures by which the installation and operation of an on-site service WECS shall be governed within Putnam Township.
- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

ON-SITE SERVICE WECS

A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.

WECS HEIGHT

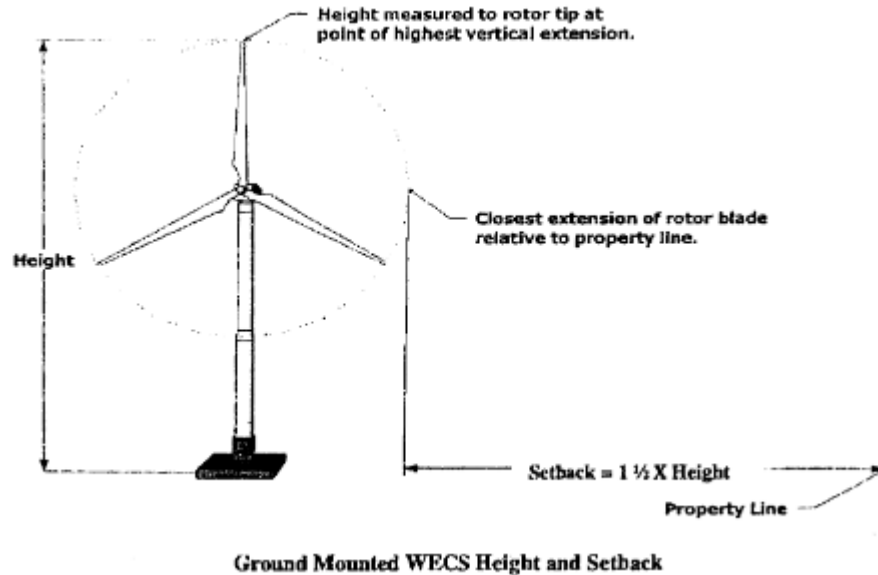
The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).

WIND ENERGY CONVERSION SYSTEM (WECS)

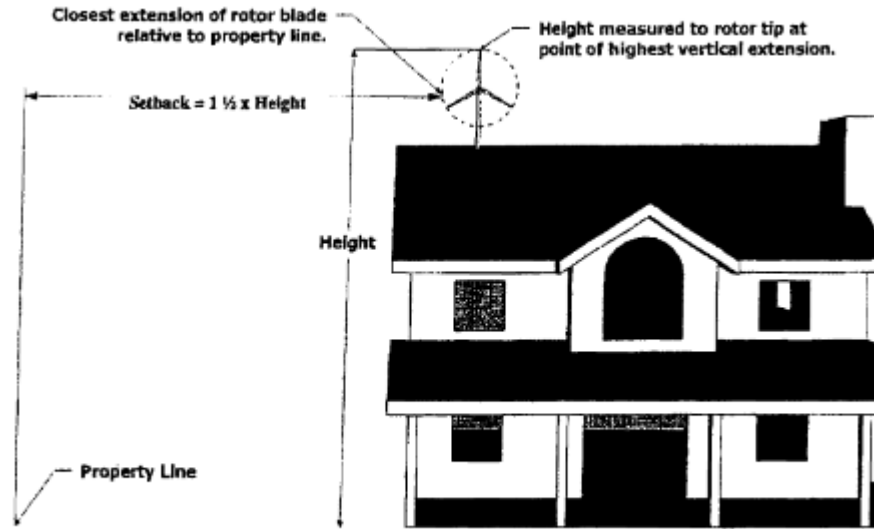
A combination of:

- (a) A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
 - (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle;
 - (d) The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted; and
 - (e) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
- (3) Only on-site service WECS shall be allowed. A WECS with the primary purpose of providing power to the utility grid is not permitted.
 - (4) Review requirements. All WECS shall be subject to the plot plan requirements of Article **XIV** of this chapter.
 - (5) Test equipment. The Zoning Administrator may issue a permit to erect a test tower containing anemometer equipment for testing if adequate wind potential exists on the site proposed for a WECS, provided that the tower does not exceed the height maximum allowed for a WECS on the same site. The test tower permit shall be valid for a period of up to one year.
 - (6) On-site service WECS general requirements:
 - (a) Except as may otherwise be required by this chapter, an on-site service WECS shall be allowed as an accessory use in any zoning district, subject to the requirements of this section.
 - (b) Power rating of the WECS turbine shall not be greater than 50 kW.
 - (c) The WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company of any power that is generated beyond the needs of the structures or uses on the property. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.

- (d) No sound attributed to the WECS in excess of 55 dBA shall be discernible at the property line.
 - (e) There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the base of the tower or to the nacelle. No sign shall exceed three square feet in area.
 - (f) There shall be no lighting on or directed to the WECS, unless a beacon is required by the Federal Aviation Administration.
 - (g) The WECS shall be painted in a neutral matte color, such as gray or light blue, to blend into the background. A building-mounted WECS may be painted in similar colors to those on the building.
 - (h) A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding.
 - (i) A WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.
 - (j) The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to Township ordinances.
 - (k) All WECS installations shall comply with applicable ANSI (American National Standards Institute) standards.
 - (l) A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.
 - (m) An existing and approved WECS may be repaired and maintained. Any new or replacement WECS must be approved via the plot plan review process. For the purposes of this subsection, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.
 - (n) A performance bond or letter of credit, in favor of the Township, in an amount equal to the estimated costs of the WECS removal, as determined by an engineer, shall be required prior to the erection of a WECS. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.
- (7) Ground-mounted on-site service WECS.
- (a) There shall be no more than one ground-mounted WECS per parcel or lot.



- (b) The WECS shall be located on the property so that it is set back from the nearest property line(s) a distance equal to 1 1/2 times the WECS height. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a single WECS shall be located within or above any required setback.
 - (c) Lot area. The WECS height shall be limited by available setbacks as required in Subsection **A(7)(a)** above; however, no WECS height shall exceed 50 feet on a property less than one acre in area; 75 feet on a property at least one acre but less than three acres in area; or 100 feet on a property three acres in area or greater.
 - (d) The minimum rotor blade tip clearance from grade shall be 20 feet.
 - (e) The minimum rotor blade tip clearance from any structure shall be 20 feet.
 - (f) The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed 50 feet.
 - (g) The tower used to support a WECS shall be adequately anchored meeting ANSI standards, as certified by an engineer.
 - (h) The first six feet of the WECS shall employ an anticlimbing device or be designed to prevent climbing and unauthorized access. A fence may be required around the base of the WECS to further restrict access.
 - (i) Guy wires, including guy anchors, must be located at least five feet from any property line. Guy wires are not permitted in front yard or required side or rear yard setbacks. Guy wires must be provided with a conspicuous protective sleeve, at least three inches in diameter, to a height of eight feet above ground.
- (8) Building-mounted on-site service WECS.
- (a) There may be more than one WECS mounted on a single building; however, each individual WECS shall meet all of the requirements in this subsection, and each WECS shall be separated from any other WECS no less than 10 feet, measured between the maximum extension of the rotors.



Building Mounted WECS Height and Setback

- (b) The diameter of the rotor shall not exceed 20 feet.
- (c) The WECS height shall not exceed the maximum height for principal buildings in the district, plus 25 feet, including a minimum of five feet between the roof surface and any part of the WECS, except for the support structure.
- (d) The WECS shall be mounted so that it is set back from the nearest property line(s) a distance equal to 1 1/2 times the combined height of the WECS and the height of the portion of the structure on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).

B. Solar energy systems.

- (1) Purpose. This Subsection **B** establishes requirements and procedures by which the installation and operation of an on-site solar energy system shall be governed within Putnam Township.
- (2) Definitions. As used in this Subsection **B**, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED PHOTOVOLTAICS (BIPVs)

A private or commercial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

COMMERCIAL SOLAR ENERGY SYSTEM

A solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A private or commercial solar energy system that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

PRIVATE SOLAR ENERGY SYSTEM

A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

ROOF- OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM

A private or commercial solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIPVs.

SOLAR ENERGY SYSTEM

Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.

- (3) General requirements. All solar energy systems are subject to the following general requirements:
- (a) All solar energy systems must conform to the provisions of this chapter and all county, state, and federal regulations and safety requirements as well as applicable industry standards.
 - (b) Solar energy systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- (4) Private solar energy systems.
- (a) Private solar energy system BIPVs. Private solar energy system BIPVs shall be permitted in all zoning districts, provided such BIPVs conform to applicable county, state and federal regulations and safety requirements, including the Michigan Building Code. A Putnam Township zoning compliance permit and Livingston County building permit shall be required for the installation of any BIPVs.
 - (b) Roof- or building-mounted private solar energy systems. Roof- or building-mounted private solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - [1] No part of the solar energy system erected on a roof shall extend beyond the peak of the roof. If the solar energy system is mounted on a building in an area other than the roof, no part of the solar energy system shall extend beyond the wall on which it is mounted.
 - [2] No part of a solar energy system mounted on a roof shall be installed closer than three feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - [3] No part of a solar energy system mounted on a roof shall extend more than two feet above the surface of the roof.
 - [4] In the event that a roof- or building-mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year), it shall be removed by the property owner within six months from the date of abandonment.
 - [5] A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of roof- or building-mounted private solar energy systems.
 - (c) Ground-mounted private solar energy systems. Ground-mounted private solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - [1] Prior to the installation of a ground-mounted solar energy system, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road rights-of way. The site plan must be drawn to scale.

- [2] A ground-mounted solar energy system shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground-mounted solar energy system exceed 15 feet above the ground when oriented at maximum tilt.
 - [3] A ground-mounted solar energy system shall be located in the rear yard and shall meet the side and rear yard setback requirements applicable in the zoning district in which the solar energy system will be located.
 - [4] All power transmission or other lines, wires or conduits from a ground-mounted solar energy system to any building or other structure shall be located underground. If batteries are used as part of the ground-mounted solar energy system, they must be placed in a secured container or enclosure.
 - [5] There shall be greenbelt screening around any ground-mounted solar energy systems and equipment associated with the system to obscure the solar energy system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other noninvasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this chapter applicable to fences) may be used.
 - [6] No more than 20% of the total lot area may be covered by a ground-mounted solar energy system.
 - [7] In the event that a ground-mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year), it shall be removed by the property owner within six months from the date of abandonment.
 - [8] A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of a ground-mounted solar energy system.
- (5) Commercial solar energy systems. Commercial solar energy systems shall only be allowed in the A-O Agricultural/Open Space Zoning District as a special land use approved by the Planning Commission and the Township Board. In addition to any other requirements for special land use approval, commercial solar energy systems shall be ground-mounted and are subject to the following requirements:
- (a) The property owner or applicant for a commercial solar energy system shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a commercial solar energy system, together with an operations agreement which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
 - (b) Commercial solar energy systems shall be located on parcels of land no less than 20 acres in size.
 - (c) The commercial solar energy system shall meet the minimum front, side and rear yard setbacks of the zoning district.
 - (d) The height of the commercial solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.
 - (e) Landscaping and/or decorative fencing (meeting the requirements of this chapter applicable to fences) shall be provided to screen the system from view on all sides.
 - (f) Prior to installation, the applicant shall submit a site plan in accordance with Article **XIV**, Site Plan and Plot Plan Review, of this chapter, to the Planning Commission which includes where and how the commercial solar energy system will connect to the power grid.

- (g) No commercial solar energy system shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
- (h) To ensure proper removal of a commercial solar energy system upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system, which must be posted with the Township within 15 days after approval or before a Putnam Township zoning compliance permit is issued for the facility. The financial security shall be: a cash bond; or an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
- (i) A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of a commercial solar energy system.
- (j) If the owner of the facility or the property owner fails to remove or repair the defective or abandoned commercial solar energy system, the Township, in addition to any other remedy under this chapter, may pursue legal action to abate the violation by seeking to remove the solar energy system and recover any and all costs, including attorneys' fees.

§ 340-39.1. Generators and HVAC units.

[Added 2-17-2021 by Ord. No. Z-106]

Mechanical equipment, including ground-mounted generators, ground-mounted air-conditioning condensers, and ground-mounted heat pump condensers, shall meet the standards outlined below in addition to other applicable standards of this chapter.

- A. Setbacks. Mechanical equipment shall meet the minimum setbacks for principal buildings outlined below.
 - (1) Lake Residential Districts. Mechanical equipment in Lake Residential Districts shall meet the minimum side-yard setbacks and may be placed up to five feet into the minimum rear- or front-yard setbacks.
 - (2) All other districts. Mechanical equipment in all other districts shall meet the minimum setbacks in those districts.
 - (3) Windows and openings. Generators shall be set back at least five feet from operable windows, doors, or other openings in walls. This shall be increased to match a manufacturer's specifications that is greater than five feet.
- B. Generator clearances. Generators shall meet the following minimum clearances. If any of the clearances listed below are less than the distance required by a manufacturer's specifications, the clearances required by the manufacture shall be controlling.
 - (1) Wall clearance. Generators shall be at least 18 inches from any wall. This distance may be reduced if a one-hour firewall is installed and a lesser clearance is allowed in the manufacturer's specifications.
 - (2) Fence panels. Generators shall be at least three feet from solid fence panels.
 - (3) Overhead clearance. Generators shall have an overhead clearance of at least five feet from any structure, overhang, wall projections, or deck.
- C. Generator noise. The exhaust pipe for generators shall be directed away from windows on adjacent properties. Generators are exempt from noise standards for maintenance or during

manufacturer-recommended exercising between the hours of 10:00 a.m. and 4:00 p.m. and when used during a power outage.

Article IV. Zoning Districts and Map

§ 340-40. Zoning districts.

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of Putnam Township, the Township is divided into zoning districts of a number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this chapter, Putnam Township is hereby divided into the following zoning districts:

A-O Agricultural/Open Space District
 RR Rural Residential District (minimum lot size 10 acres)
 RS-1 Single-Family Residential District (minimum lot size five acres)
 RS-2 Single-Family Residential District (minimum lot size three acres)
 RS-3 Single-Family Residential District (minimum lot size one acre)
 RS-4 Single-Family Residential District
 LR-1 Single-Family Lake Residential
 LR-2 Single-Family Lake Residential
 R-2 Two-Family Residential
 R-3 Multiple-Family Residential
 MHC Manufactured Housing Community
 RBR Resource-Based Recreation District
 C-1 Local Business District
 C-2 General Business District
 M-1 Light Industrial District

§ 340-41. Zoning Map.

The locations and boundaries of these descriptions are hereby established on a map entitled "Putnam Township Zoning Map" which is hereby adopted and declared to be a part of this chapter.^[1]

- A. Regardless of the existence of copies of the Zoning Map which may be made or published, the official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.
- B. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- C. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current zoning district status of all land and buildings in Putnam Township which are subject to the provisions of this chapter. Once the change to the map becomes effective, it shall be specifically identified on the Official Zoning Map.

[1] *Editor's Note: The Zoning Map is on file in the Township offices.*

§ 340-42. Districts.

Where uncertainty exists as to the boundaries of Zoning Districts, as shown on the Zoning Map, the following rules shall apply:

- A. Where the boundaries are indicated as approximately following streets, alleys, or highways, the center lines of those streets, alleys, or highways, or those lines extended shall be construed to be the boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following those lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following those Township lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the center line of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at the distances there from as indicated on the Official Zoning Map. If no distance is given, the dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow that shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, canals, or other bodies of water shall be construed to follow those center lines.
- G. Where the application of the these rules leaves a reasonable doubt as to the boundaries between two districts, or where the boundary line divides a lot or parcel, the regulations of the more restrictive district shall govern the entire parcel in question.

§ 340-43. Zoning of vacated areas.

Whenever any street, alley or other public way within the Township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining the street, alley, or public way, these lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.

§ 340-44. Zoning of disconnected, formerly incorporated areas.

Whenever any property within the Village of Pinckney is disconnected from the Village and becomes a part of Putnam Township, these lands shall be considered to be zoned RR Rural Residential District, unless 60% or more of the disconnected lands consists of farms, in which case the property shall be considered to be zoned A-O Agricultural/Open Space District.

§ 340-45. Zoning district changes.

When district boundaries hereafter become changed, any use made nonconforming by that change may be continued, subject to the provisions of this chapter.

Article V. A-O Agricultural/Open Space District

§ 340-46. Statement of purpose.

- A. Rural agricultural activities are an essential part of the Putnam Township lifestyle that many residents value. Farming activities supply food products to the local and regional economy. Raising horses and other animals contributes to the economy and provides a unique character to the community. Scenic open space provides a strong visual contrast to urban and suburban communities and therefore enhances the local quality of life. Furthermore, agricultural uses and open space provide a sense of place and historic context. In addition, the intent of the Agricultural-Open Space District is to:
 - (1) Protect the local agricultural activities and economy from premature disinvestments;
 - (2) Discourage urban sprawl and untimely and unplanned growth;
 - (3) Reduce conflicts between neighbors;
 - (4) Retain critical natural features and wildlife habitats; and
 - (5) Promote equestrian activities.
- B. The A-O District is not a holding zone for a future, more intense zoning classification. Rather, it is a positive statement that agriculture, open space and the natural landscape are important community resources.

§ 340-47. Table of uses.

[Amended 2-16-2011 by Ord. No. 53; 5-16-2018 by Ord. No. Z-92; 8-21-2019 by Ord. No. Z-102]
 The following abbreviations apply to the Table 5, Table of Uses — A-O District:

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval when all applicable standards cited in Article **XIII** of this chapter are met.
- TU Temporary use approval when all applicable standards cited in § **340-24** of this chapter are met.

Table 5: Table of Uses — A-O District

	A-O
Accessory Uses (See Article III of this chapter for specific regulations)	
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P
Agritourism activities	SLU
Roadside stands, 200 square feet in area or less	P
Roadside stands exceeding 200 square feet in area, or roadside stands of any size that sell produce or agricultural products not produced on the premises	SLU
Home occupations in accordance with Chapter 190	P
Equestrian facilities and private stables	P
Horse shows of 20 or fewer participants	P
Horse shows of more than 20 participants	TU ¹
Keeping of livestock on non-farm properties	P
Agricultural and Residential Uses	
Farms	P
Commercial apiaries	P
Single-family dwellings	P

Table 5: Table of Uses — A-O District

	A-O
Open space development	SLU
Family day-care homes	P
Adult foster care family homes	P
Group day-care homes	SLU
Public/commercial stables	SLU
Nonagricultural Uses	
Cemeteries	SLU
Essential services	P
Kennels, public/commercial	SLU
Wireless telecommunications/radio and television transmission towers	SLU
Places of worship	SLU
Extractive operations	SLU
Bed-and-breakfasts	SLU
Veterinary clinics and hospitals, including large animals and livestock	SLU
Parochial and private primary and secondary schools	SLU
Garden centers and nurseries	SLU
Educational facilities such as zoological gardens, wildlife preserves and bird sanctuaries, petting farms and botanical gardens and arboretums	SLU
Commercial solar energy systems	SLU

NOTES:

¹ Permitted only when accessory to an approved public/commercial stable.

§ 340-48. District regulations.

No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

Table 6: A-O District Regulations

Regulation	Requirement
Minimum lot area	10 acres
Minimum lot width	330 feet
Minimum front yard setback	50 feet
Minimum side yard setback:	
Minimum one side	40 feet
Total (both sides)	100 feet
Minimum rear yard setback	50 feet
Maximum building height	3 stories or 45 feet
Minimum dwelling unit size	1,200 square feet

§ 340-49. Parking.

General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter. The following specific requirements shall apply to the A-O District:

Table 7: Parking Requirements in the A-O District

Use	Spaces Per Unit of Measurement
Farms and commercial apiaries	1 space for each 2 employees on the maximum shift
Single family detached dwellings, including those on farms	2 per dwelling unit
Roadside stands	6 for the first 200 square feet, plus 1 for each additional 100 square feet

§ 340-50. (Reserved)

[1] *Editor’s Note: Former § 340-50, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-51. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 9:

Table 9: Review Requirements, A-O District		
Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction	Article XVII
	Additions or construction over 100 square feet to principal or accessory buildings	
Plot plan	Single family and two-family dwellings, farms	Article XIV
Preliminary site plan review	All permitted agricultural residential and nonresidential uses except farms and single-family residences	Article XIV
	All special land uses (concurrent with SLU review)	
Final site plan review	All permitted agricultural, residential and nonresidential uses, except farms and single-family residences, that have received preliminary site plan approval	Article XIV
	All special land uses that have received preliminary site plan approval and special land use approval.	
Special land uses	All special land uses in Table 5	Article XIII
Rezoning	To change the zoning district classification of property within the A-O District	Article XVI
Variance	To vary from the dimensional requirements of the A-O District	Article XVI

Article VI. Single-Family Residential Districts

§ 340-52. Establishment of single-family residential districts.

The single-family residential districts are established as follows:

- A. RR Single-Family Rural Residential.
- B. RS-1 Single-Family Residential.
- C. RS-2 Single-Family Residential.
- D. RS-3 Single-Family Residential.
- E. RS-4 Single-Family Residential.
- F. LR-1 Single-Family Lake Residential.
- G. LR-2 Single-Family Lake Residential.

§ 340-53. Purpose.

The regulations of these districts are intended to encourage a suitable environment for the development of single-family neighborhoods and compatible and supportive recreational, institutional, and educational uses. The intent of the districts is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment, and:

- A. To encourage the construction of, and the continued use of, the land for single-family dwellings and appropriate agricultural activities including, in particular, equestrian activities;
- B. To encourage the conservation and redevelopment of older neighborhoods where lots existing and of record do not conform fully to the standards of area and bulk required for modern residential subdivisions;
- C. To discourage any land use that, because of its character and size, would create requirements and costs for public services, such as fire and police protection, public water supply and sewer systems, greater than such requirements and costs as would be obtained if the district were developed solely for single-family dwellings;
- D. To discourage any land use that would generate more traffic on minor or local streets than traffic generated by the residents of those streets;
- E. To prohibit business, commercial, or industrial use of land, and to prohibit any other use that would interfere with using the land for single-family dwellings and other appropriate uses, as set out in the districts.

§ 340-54. Specific requirements.

- A. Requirements applying to all single-family residential districts. Because of the wide range of residential lot sizes, and the need to adapt nonresidential functions within the single-family residential districts, the following general requirements are established to regulate land use in the single family residential districts while providing for the maximum benefit from and enjoyment of each land holding:
 - (1) Elevation above water table. No part of any inhabited structure, exclusive of footings, shall be less than 4 1/2 feet above the groundwater table as determined at that site.
 - (2) Septic system requirements. No septic tank outlet or tile field serving such structure shall be constructed less than 4 1/2 feet above the groundwater table, nor less than 100 feet from the ordinary high water mark of any lake, canal, stream, or outcropping of the water table, as a marsh, swamp, or spring.
- B. Specific additional requirements applying to the LR-1 District. No dwelling shall be built in the LR-1 District unless the lot to be occupied by the dwelling meets the following requirements:

- (1) All lots shall be of record on the date of enactment of this chapter.
- (2) In the event that a lot within a subdivision plat of record that on the date of enactment of this subsection does not meet the minimum district regulations, the minimum lot width and setback requirements may be reduced by the same percentage as the difference between the area of the lot and the required LR-1 District minimum lot area in Table 11, provided that:
 - (a) No lot may be less than 35 feet in width.
 - (b) No side yard setback may be less than five feet.
 - (c) No rear yard may be less than 20 feet.
 - (d) No front yard may be less than 20 feet, or the average established setback of the houses on the same block, whichever is greater; however, no dwelling is required to be set back farther than the minimum front yard setback requirement in Table 11.
- (3) If contiguous vacant lots are available for combination, and are owned in common with the original lot, then a proper lot combination shall be made to achieve or to bring the property closer to conformance with the minimum required lot size. Lots so combined that still do not meet the minimum district regulations may be granted the exemptions in Subsection **B(2)** above.

§ 340-55. Table of uses.

[Amended 2-16-2011 by Ord. No. 53]

The following abbreviations apply to the table of uses for the single-family residential districts:

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article **XIII** of this chapter.
- TU Temporary use approval when all applicable requirements cited in § **340-24** of this chapter are met.
- NP Not permitted.

Table 10: Table of Uses, Single-Family Residential Districts						
	RR	RS-1	RS-2	RS-3	RS-4	LR-1/ LR-2
Minimum lot area	10 acres	5 acres	3 acres	1 acre	21,780 square feet	8,500 square feet/1 acre
Accessory Uses (See Article III of this chapter for specific regulations)						
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	P
Equestrian facilities and private stables, subject to § 340-36	P	P	P	NP	NP	NP
Home occupations in accordance with Chapter 190	P	P	P	P	P	P

Table 10: Table of Uses, Single-Family Residential Districts						
	RR	RS-1	RS-2	RS-3	RS-4	LR-1/ LR-2
Keeping of livestock on nonfarm properties, subject to § 340-36	P	P	P	NP	NP	NP
Principal Uses						
Single-family detached dwellings	P	P	P	P	P	P
Open space development	SLU	SLU	SLU	SLU	SLU	SLU
Places of worship	SLU	SLU	SLU	SLU	SLU	SLU
Parochial and private primary and secondary schools	SLU	SLU	SLU	SLU	SLU	SLU
Parks, parkways, scenic and recreational areas, and other public open space	P	P	P	P	P	P
Public buildings and facilities, including Township halls, fire and police stations and libraries, but not including publicly owned and operated warehouses, garages, or storage yards	P	P	P	P	NP	NP
Adult foster care family homes	P	P	P	P	P	P
Adult foster care small group home	SLU	SLU	SLU	NP	NP	NP
Family day-care homes	P	P	P	P	P	P
Group day-care homes	SLU	SLU	SLU	SLU	NP	NP
Private noncommercial recreational activities and institutional or community recreational centers	SLU	SLU	SLU	SLU	NP	NP

	RR	RS-1	RS-2	RS-3	RS-4	LR-1/ LR-2
Public utility buildings, telephone exchange buildings, electric transformer stations, substations and gas regulator stations	SLU	SLU	SLU	SLU	SLU	SLU
Cemeteries	SLU	NP	NP	NP	NP	NP
Kennels, public/commercial	SLU	SLU	NP	NP	NP	NP
Museums	SLU	SLU	SLU	SLU	NP	NP
Bed-and-breakfast	SLU	SLU	SLU	SLU	SLU	SLU
Public/commercial stables	SLU	SLU	NP	NP	NP	NP
Horse shows of 20 or fewer participants	TU	TU	NP	NP	NP	NP
Horse shows of more than 20 participants ¹	TU	TU	NP	NP	NP	NP

NOTE:

¹ Permitted only on properties with an approved public/commercial stable.

§ 340-56. District regulations.

[Amended 12-17-2008; 9-16-2009; 2-17-2021 by Ord. No. Z-107]

No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

		RR	RS-1	RS-2	RS-3	RS-4	LR-1	LR-2	
Minimum lot size	Area	10 acres	5 acres	3 acres	1 acre	21,780 square feet	8,500 square feet	Without sewer	1 acre
								With sewer	21,780 square feet
	Width (feet)	330	330	200	150	150	50	Without sewer	200
									With sewer
Maximum building height	In stories	3	3	2	2	2	2	2	
	In feet	45	45	35	35	35	30 ¹	35	
Minimum front yard setback (feet)		50	50	50	50	50	30	50	

		RR	RS-1	RS-2	RS-3	RS-4	LR-1	LR-2
Minimum side yard setback (feet)	One side	40	40	40	30	25	10	30
	Total	100	100	100	70	50	20	70
Minimum rear yard setback (feet)		50	50	50	50	50	30	50
Minimum living area per unit (square feet)		1,200	1,200	1,200	1,200	1,200	900	1,200
Maximum lot coverage		N/R	N/R	N/R	35%	35%	35%	35%
Waterfront setback from the ordinary high water mark (for any structure fronting on a lake, stream or any body of water) (feet)		30	30	30	30	30	30	30

NOTES:

- ¹ Principal buildings within the LR-1 District shall have a maximum building height of 35 feet if the roof has a minimum roof pitch of 6:12.

§ 340-57. Parking.

General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter. The following specific requirements shall apply to all RS Districts:

Use	Parking Requirement Spaces Per Unit of Measurement
Residential	
Single-family detached dwellings	2 for each dwelling unit.
Institutional	
Private and parochial elementary and junior high schools	1 for each teacher, employee, or administrator, plus 1 for each 3 seats in the auditorium
Private and parochial senior high schools	1 for each 1 teacher, employee, or administrator and 1 for each 10 students, plus 1 for each 3 seats in the auditorium

§ 340-58. (Reserved)

[1] *Editor's Note: Former § 340-58, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-59. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 14:

Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction Additions and construction over 100 square feet to principal or accessory buildings	Article XVII
Plot plan	Single-family and two-family dwellings, farms	Article XIV
Preliminary site plan review	All permitted uses except single-family residences All special land uses (concurrent with SLU review)	Article XIV
Final site plan review	All permitted uses, except farms and single-family residences, that have received preliminary site plan approval All special land uses that have received preliminary site plan approval and special land use approval.	Article XIV
Special land uses	All special land uses in Table 10	Article XIII
Rezoning	To change the zoning district classification of property within the single-family residential districts	Article XVII
Variance	To vary from the dimensional requirements of the single-family residential districts	Article XVI

Article VII. Two-Family and Multiple-Family Residential Districts

§ 340-60. Establishment of two-family and multiple-family districts.

The multiple-family residential districts are established as follows:

- A. R-2 Two-Family Residential District.
- B. R-3 Multiple-Family Residential District.

§ 340-61. Purpose.

The R-2 and R-3 Districts are intended to accommodate higher-density residential development, generally in more urban settings near the Village of Pinckney. A variety of residential dwelling types can be expected, which may include attached single-family homes or townhomes, apartments, or housing designed to accommodate the specific needs of various segments of the population.

§ 340-62. Specific requirements for R-3 District.

- A. Greenbelts. All front, side, and rear yards of multiple-family lots or complexes shall be provided with a greenbelt, in accordance with the requirements of Article XV of this chapter.
- B. Minimum floor area for multiple-family units. The required minimum floor area for multiple-family residential dwelling units shall be as follows:

Table 15: Minimum Floor Area Requirements, R-3 District

Table 15: Minimum Floor Area Requirements, R-3 District

Efficiency/One-Bedroom Unit	Two-Bedroom Unit	Three-Bedroom Unit	Additional Bedrooms
Efficiency/One-Bedroom Unit	Two-Bedroom Unit	Three-Bedroom Unit	Additional Bedrooms
600 square feet	750 square feet	900 square feet	150 square feet, each

C. Safety limits and setbacks.

- (1) No apartment residential structure shall contain more than 12 dwelling units.
- (2) Besides the established setback lines, no residential structure in the R-3 District shall be placed closer to any other structure than a distance equal to the height of the taller structure, provided that no two structures shall be closer than 30 feet at any point.

§ 340-63. Table of uses.

[Amended 2-16-2011 by Ord. No. 53]

The following abbreviations apply to the Table of Uses for the R-2 and R-3 Districts:

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval when all applicable standards cited in Article XIII of this chapter are met.
- NP Not permitted.

Table 16: Table of Uses, R-2 and R-3 Districts

	R-2	R-3
Accessory Uses (See Article III of this chapter for specific regulations)		
Accessory buildings or uses that are customarily incidental to any of the permitted principal uses	P	P
Management office to serve multiple-family complexes	NP	P
Pharmacies, gift shops, and other commercial activities when operated as a customary activity wholly within a hospital or nursing home	NP	P
Home occupations in accordance with Chapter 190	P	P
Principal Uses		
Single-family detached dwellings	P	P
Two-family dwellings	P	P
Multiple-family dwellings	NP	P
Multiple-family complexes for the elderly	NP	P
Convalescent and nursing homes	NP	SLU
Child caring institutions	NP	SLU
Tourist homes, rooming houses, and boarding houses	NP	SLU
Adult foster care family homes	P	P
Adult foster care small group home	SLU	SLU
Adult foster care large group homes	SLU	SLU
Family day-care homes	P	P
Group day-care homes	SLU	SLU
Places of worship	SLU	SLU
Hospitals	NP	SLU

Table 16: Table of Uses, R-2 and R-3 Districts

	R-2	R-3
Private noncommercial recreational activities and institutional or community recreational centers	SLU	SLU
Public utility buildings, telephone exchange buildings, electric transformer stations, substations and gas regulator stations	SLU	SLU

§ 340-64. District regulations.

No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

Table 17: R-2 and R-3 District Regulations

	R-2	R-3
Minimum lot area	1 acre	2 acres for the first 4 units, plus 2,500 square feet each additional unit
Overall density (units per acre, net)	N/A	4
Minimum lot width (feet)	165	165
Maximum building height	In stories	3
	In feet	45
Minimum front yard setback (feet)	50	50
Minimum side yard setback (feet)	One side	25
	Total	50
Minimum rear yard setback (feet)	50	50
Minimum living area per unit (square feet)	800	See § 340-62B
Waterfront setback from the ordinary high water mark (for any structure fronting on a lake, stream or any body of water) (feet)	50	50

§ 340-65. Parking.

General parking requirements are listed in Article **XVI** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter. The following specific requirements shall apply to the R-2 and R-3 Districts:

Table 18: Parking Requirements, R-2 and R-3 Districts

Use	Parking Requirement Spaces Per Unit of Measurement
Residential	
Single-family detached dwellings and two-family dwellings	2 for each dwelling unit
Multiple-family dwellings	2 for each dwelling unit plus 1 additional parking space for each dwelling unit for visitor parking
Multiple-family complexes for the elderly	1 for each 2 units and 1 for each employee. Should units revert to general occupancy, then 2 spaces per unit shall be provided.

§ 340-66. (Reserved)

[1] *Editor's Note: Former § 340-66, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-67. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 20:

Table 20: Review Requirements, R-2 and R-3 Districts		
Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction	Article XVII
	Additions and construction over 100 square feet to principal or accessory buildings	
Plot plan	Single-family and two-family dwellings, farms	Article XIV
Preliminary site plan review	All permitted uses except farms and single-family residences	Article XIV
	All special land uses (concurrent with SLU review)	
Final site plan review	All permitted uses, except farms and single-family residences, that have received preliminary site plan approval	Article XIV
	All special land uses that have received preliminary site plan approval and special land use approval	
Special land uses	All special land uses in Table 16	Article XIII
Rezoning	To change the zoning district classification of property within the R-2 and R-3 Districts	Article XVII
Variance	To vary from the dimensional requirements of the R-2 or R-3 Districts	Article XVI

Article VIII. MHC Manufactured Housing Community

§ 340-68. Purpose.

The purpose of the MHC District is to accommodate standalone manufactured housing communities licensed by and in accordance with the rules of the Michigan Manufactured Housing Commission, in community-based settings that are appropriately located with ample access to public services, utilities, and schools, and that are served by improved public roads.

§ 340-69. General requirements.

The design, construction, operation, and maintenance of all manufactured home communities shall be according to the Manufactured Home Commission Act, Act 96 of the Public Acts of 1987, as amended, and with the requirements of this chapter.

A. Public safety requirements.

- (1) Manufactured housing communities shall be located along all-weather, hard-surfaced roads to allow quick access by emergency vehicles. Roads within the community shall be adequately

drained and lighted for safety and ease of movement and have curb and gutters as provided in Rule 923 of the Manufactured Housing Commission Rules.

- (2) All manufactured housing communities shall be provided with a resident manager and shall be supervised 24 hours each day. Tenants shall be provided with accessible emergency telephone numbers and a person shall be available to respond to emergency requests.
 - (3) All manufactured housing communities shall have a central water system with pumpage, storage, and line capacity capable of sustaining a flow compatible with the standards cited in Act 399 of the Public Acts of 1976. Running water from a state-tested and approved supply shall be piped to each manufactured home.
 - (4) All manufactured housing communities shall have a central sewage collection and treatment system capable of meeting Michigan Department of Health standards for discharge into a waterway or upon the surface of the land.
 - (5) All manufactured housing communities shall provide suitable connections to sewer and water services at each manufactured home site, and shall meet the requirements and be approved by the Michigan Department of Public Health.
 - (6) All sanitary sewage facilities, including plumbing connections to each manufactured home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping, or from creating any type of nuisance or health hazard. Sewage facilities shall be large enough to adequately serve all users of the community at peak periods.
 - (7) All manufactured housing communities shall provide storm shelters for all park residents. Said shelter shall be either a central shelter within a tornado-proof building, a tornado cellar beneath a centrally located utility building, or individual shelters built as basement areas beneath individual homes. A shelter shall not be subject to flooding under storm conditions.
 - (8) Storm drainage and storm-retention facilities shall be so constructed as to protect the residents of the manufactured housing community and the property owners next to the community. These facilities shall be large enough to ensure rapid on-site drainage and prevent the accumulation of stagnant pools of water in the park and shall conform to the requirements of the Michigan Department of Public Health.
- B. Disposal of garbage and trash.
- (1) All garbage and trash containers shall meet, be located, and be serviced according to the rules of the Michigan Department of Public Health.
 - (2) The method used for such removal shall be approved by the state and inspected periodically by the Livingston County Health Department.
- C. Fire hydrants. Every manufactured housing community serviced by a public or private water main shall be equipped with fire hydrants that are in good working order, design, size, number, and location to satisfy regulations of the State Fire Marshal and the Township Fire Department in the same manner as required of all other residential development.
- D. Canopies and awnings. Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, the room shall be considered a part of the manufactured home and shall conform to all relevant yard and setback requirements. A permit, issued by the Zoning Administrator, must be obtained before such an enclosure can be used for living purposes.
- E. Wires. All electric, telephone, cable television, and other lines from poles or other sources along the perimeter of the community that extends to each manufactured home site shall be underground. A master antenna or cable system shall be installed and extended to individual manufactured home sites by underground lines. Such master antennas shall be so placed as not to be a nuisance to community residents or surrounding areas.

- F. Landscaping. It is intended that the manufactured housing community be attractively landscaped. Community owners and management are required to maintain the physical and natural features of the community in a neat, orderly, and safe manner. Any required planting in the park shall be hardy plant materials and neatly and orderly maintained. Withered and/or dead plant material shall be replaced within a reasonable period, but no longer than one growing season. Open spaces and/or recreational areas and facilities shall be developed according to Rules 946 and 947 of the Manufactured Housing Commission Rules.
- G. Buffer. A landscaped buffer consisting of an opaque fence at least six feet in height, densely planted landscaping and berms, other screening or combination thereof, shall be installed along all side and rear community boundary lines. A greenbelt meeting the requirements of Article **XV** of this chapter shall be installed along all community boundary lines abutting the external public right-of-way. Whenever possible, existing vegetation shall be preserved.

§ 340-70. Table of uses.

The following abbreviations apply to the Table of Uses for the MHC District:

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval when all applicable standards cited in Article **XIII** of this chapter are met.

Table 21: Table of Uses, MHC District

Accessory Uses

Community offices	P
Laundry facilities serving the manufactured housing community	P
Recreation facilities serving the manufactured housing community	P
Accessory buildings incidental to the principal use	P
Convenience stores, limited to 6,000 square feet GFA, serving the community	SLU
Manufactured home sales incidental to the sale or leasing of homes and lots within the community	SLU

Principal Uses

Manufactured housing community	P
Single-family detached dwellings	P
Place of worship	SLU
Family day-care home	P
Public utility buildings, telephone exchange buildings, electric transformer stations, substations and gas regulator stations	SLU

§ 340-71. District regulations.

- A. No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.
- B. Minimum setbacks for individual lots shall conform to Rule 941 of the Manufactured Housing Commission Rules.

Table 22: Area and Bulk Regulations, MHC District

Table 22: Area and Bulk Regulations, MHC District

Overall Site Regulations

Setbacks	From right-of-way	50 feet
	From all other property lines	10 feet

Individual Lot Regulations

Minimum lot size	Area	5,500 square feet
	Width	50 feet
Minimum living area per unit		800 square feet

§ 340-72. Parking.

- A. General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter.
- B. The following specific requirements shall apply to the MHC District:

Table 23: Parking Requirements, MHC District

Use	Parking Requirement	
	Spaces Per Unit of Measurement	
Manufactured housing community	1 space for every 3 manufactured home lots within the community	
Manufactured home lot	Number	2 for each lot
	Dimensions	10 feet wide by 20 feet deep

§ 340-73. (Reserved)

[1] *Editor's Note: Former § 340-73, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-74. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 25:

Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction	Article XVII
	Additions over 100 square feet to principal or accessory buildings	
Preliminary site plan review	All permitted uses except individual manufactured home residences	Article XIV
	All special land uses (concurrent with SLU review)	
Final site plan review	All permitted uses, single-family residences, that have received preliminary site plan approval	Article XIV
	All special land uses that have received preliminary site plan approval and special land use approval	
Special land uses	All special land uses in Table 21	Article XIII

Review Process	When Required	Applicable Article
Rezoning	To change the zoning district classification of property within the MHC District	Article XVII
Variance	To vary from the dimensional requirements of the MHC District	Article XVI

Article IX. RBR Resource-Based Recreation District

§ 340-75. Purpose.

The intent of the Resource-Based Recreation District is to provide for recreational lands that rely on Putnam Township's natural resources to provide camping, fishing, hiking, swimming, horseback trail riding and similar outdoor activities that rely upon and are sensitive to nature. Uses may be operated for profit or by nonprofit agencies such as the Boy/Girl Scouts and similar, but only those activities that provide opportunities to commune with nature shall be allowed, including any clearly accessory and ancillary uses.

§ 340-76. Table of uses.

[Amended 7-21-2010 by Ord. No. 49; 2-17-2016 by Ord. No. Z-85]

The following abbreviations apply to the table of uses for the Resource-Based Recreation District.

- P Permitted use: Land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article **XIII** of this chapter.
- NP Not permitted.

Table 26: Table of Uses, Resource-Based Recreation District (RBR)

Accessory Uses

All structures, facilities, and activities customarily incidental to the approved principal uses P

On-site dwelling unit located on same parcel as a group or transient campground for staff associated with the campground SLU

Principal Uses

Parks and recreation areas, not operated by a governmental entity P

Conservation areas, including forest preserves, game refuges, nature preserves, and similar privately owned uses P

Golf courses and golf driving ranges, subject to the specific requirements for commercial sporting facilities, large scale in Article **XIII** of this chapter SLU

Table 26: Table of Uses, Resource-Based Recreation District (RBR)

Privately owned recreational facilities, large scale, such as beaches and water sports areas, hunting/fishing preserves and shooting ranges, toboggan runs and ski areas, subject to the specific requirements for commercial sporting facilities, large scale, in Article XIII of this chapter	SLU
Privately owned recreational facilities, small scale, such as swimming pools, indoor or outdoor ice rinks, indoor roller rinks, indoor or outdoor tennis courts, racquetball courts, subject to the specific requirements for commercial sporting facilities, small scale, in Article XIII of this chapter	SLU
Educational facilities such as zoological gardens and petting farms, wildlife preserves, bird sanctuaries and botanical gardens and arboretums, subject to the specific requirements in Article XIII of this chapter	SLU
Public/commercial stables, riding academies and bridle trails, subject to the specific requirements for public/commercial stables in Article XIII of this chapter	SLU
Campgrounds, group or transient, subject to the specific requirements in Article XIII of this chapter	SLU
Motorized vehicle/equipment racing and competitions, including, but not limited to, motorcycle race/dirt tracks, raceways for vehicles, truck/tractor pulls and mud-bogging. Such uses shall be subject to the specific requirements in Article XIII of this chapter	SLU

§ 340-77. District regulations.

No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

Table 27: RBR District Regulations

Regulation	Requirement	
Minimum lot area	5 acres	
Minimum lot width	330 feet	
Minimum front yard setback	50 feet	
Minimum side yard setback	Minimum, one side	50 feet
	Total (both sides)	100 feet
Minimum rear yard setback	50 feet	
Maximum building height	2 stories or 35 feet	

§ 340-78. Parking.

General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter. The following specific requirements shall apply to the RBR District:

Table 28: Parking Requirements, RBR District

Use	Parking Requirement
Parks and recreation areas not operated by a governmental entity	5 spaces per playground structure; 1 space per each 4 seats that can be accommodated in picnic shelters
Conservation areas including forest preserves, game refuges, nature preserves, and similar privately owned uses	1 space per each 300 square feet UFA dedicated to visitors centers and park offices; 10 spaces, of sufficient length to accommodate vehicles and attached trailer, per each boat launch; 1 space per camp site

§ 340-79. (Reserved)

[1] *Editor’s Note: Former § 340-79, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-80. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 30:

Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction	Article XVII
	Additions and construction over 100 square feet to principal or accessory buildings	
Plot plan	Single-family and two-family dwellings, farms	Article XIV
Preliminary site plan review	All permitted uses	Article XIV
	All special land uses (concurrent with SLU review)	
Final site plan review	All permitted uses	Article XIV
	All special land uses that have received preliminary site plan approval and special land use approval	
Special land uses	All special land uses in Table 26	Article XIII
Rezoning	To change the zoning district classification of property within the RBR District	Article XVII
Variance	To vary from the dimensional requirements of the RBR District	Article XVI

Article X. Commercial and Industrial Districts

§ 340-81. Establishment of commercial and industrial districts.

The commercial and industrial districts are established as follows:

- A. C-1 Local Business District.
- B. C-2 General Business District.
- C. M-1 Light Industrial District.

§ 340-82. Purpose.

The regulations of these districts are intended to accommodate anticipated commercial and industrial development within the Township. Development will occur in specific locations and with certain characteristics as suggested in the Putnam Township Master Plan. Further:

- A. The C-1 Local Business District is intended to provide convenient, small-scale retail services to nearby residential neighborhoods. Developments will be designed to limit impacts on surrounding areas through quality building and site design, low-level lighting, well-screened parking, and safely located driveways. Development will occur in concentrated patterns and will not be in the form of commercial strips along streets and highways.
- B. The C-2 General Business District is intended to provide for larger-scale commercial development generally adjacent to the Village of Pinckney. Development will be highly concentrated, rather than spread out, to avoid strip-style patterns. Design standards for the site and buildings will ensure compatibility with surroundings and be respectful of Township character.
- C. The M-1 Light Industrial District is intended to provide for low-intensity industrial uses and small-scale vehicle service and repair facilities. Uses allowed are those that are those that are low intensity with a minimum impact (if any) on surrounding properties.

§ 340-83. District requirements.

- A. All commercial and industrial districts:
 - (1) Commercial and industrial building lots without public sewer and/or water service shall be of sufficient size and dimensions, regardless of minimum lot area and lot width, as to allow the development of an approved water supply and/or on-site sewage disposal system.
 - (2) Front yard setbacks shall be measured from the planned right-of-way boundary as established by the Livingston County Road Commission for collector roads, thoroughfares and state highways.
- B. M-1 Light Industrial District: perimeter controls. M-1 uses shall be enclosed on all sides that are next to nonindustrial land uses, within a fence built according to § 340-22 of this chapter, and by a buffer strip 20 feet wide that shall lie between a fence and the lot line. The fences and buffer shall provide effective screening of the industrial operation.

§ 340-84. Commercial development design requirements.

[Amended 11-18-2015 by Ord. No. Z-83]

- A. Purpose. The purpose of this section is to provide a set of architectural design requirements and exterior building wall material standards, the intent of which is to enhance the visual environment of the Township. Furthermore, the review of exterior building design and the consistent administration of standards can help to maintain the Township's sense of place and rural character by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the

streetscape, and maintains a positive image for the Township's various commercial shopping districts.

- B. Applicability. This section shall apply to any development within the C-1 or C-2 District. Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this section.
- C. Architectural elements:
 - (1) Building facades 100 feet in width or greater shall incorporate recesses and projections along at least 20% of the width of the facade. Windows, door openings, awnings, and arcades must total at least 60% of a facade width abutting a right-of-way.
 - (2) Architectural interest shall be provided through the use of repeating patterns of changes in color, texture and material modules. At least one of these elements shall repeat horizontally. All elements should repeat at intervals of no more than 50 feet, either horizontally or vertically.
 - (3) There shall be variations in rooflines to reduce the massive scale of the structure and add visual interest. Roofs shall have at least two of the following features: parapets concealing flat roofs and rooftop equipment, overhanging eaves, sloped roofs, and three or more roof surfaces.
 - (4) Each principal building with an anchor tenant shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- D. Wall materials. The use of exterior wall materials on walls that are visible from a public or private road or a parking lot shall be in compliance with Table 31: Schedule of Regulating Exterior Building Wall Materials.

Table 31: Schedule of Exterior Building Wall Materials

Building Material	Maximum Amount of Building Wall Area that Can Be Covered¹
Brick or face brick	100%
Stone	100%
Split-face block	25%
Scored concrete block	25%
Plain concrete block	25%
Cast stone	100%
Precast concrete	25%
Concrete formed in place	25%
Metal ²	25%
Reflective glass	50%
Glass block	50%
Wood siding	25%
Vinyl siding or Hardie (fiber cement) board	25%
Finishes ³	25%

NOTES:

¹ Within the C-1 and C-2 Districts, all walls exposed to public view from the street or an adjacent residential area shall be constructed of not less than 75% brick, face brick, stone or cast stone.

NOTES:

- 2 Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
 - 3 Includes fiberglass, reinforced concrete, polymer plastic (Fypon®), exterior insulating and finishing systems (EIFS), plaster, stucco and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
- E. Allowance for other materials. When a particular building design and the materials or combinations of materials proposed to be used are found by the Planning Commission to be in keeping with the intent and purpose of this section, in consideration of the character of surrounding uses and the design recommendations of the master plan, but which may differ from the strict application of the schedule regulating materials use of this section (e.g., use of new materials not covered in the schedule of exterior building wall materials), the Planning Commission may waive the requirements of this section pertaining to materials.
- F. Compatible design. Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle earth-tone colors shall be used for building and roofing material.
- G. Miscellaneous design elements.
- (1) Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.
 - (2) Each retail establishment must contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a patio/seating area, water feature, clock tower, pedestrian plaza with benches, public art, etc.
- H. Site elements. Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically compatible and harmonious with nearby developments. Sign bases shall be constructed of material which is compatible with the principal building. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian furniture and/or fountains.
- I. Existing buildings. Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
- (1) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of this section where it will be consistent with the architecture of the entire building.
 - (2) Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition, provided that the design of the alteration is consistent with the existing building wall design.
 - (3) Any change to a building or design that was approved subject to this section shall be processed in the same manner as the original approval.

§ 340-85. Table of uses.

[Amended 2-16-2011 by Ord. No. 52; 3-16-2011 by Ord. No. 54; 3-18-2015 by Ord. No. Z-77; 2-20-2019 by Ord. No. Z-97; 2-17-2021 by Ord. No. Z-108]

The following abbreviations apply to the Table of Uses for the Commercial and Industrial Districts:

P	Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
SLU	Special land use permit: listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article XIII of this chapter.
NP	Not permitted.
TU	Temporary use approval when all applicable standards cited in § 340-24 are met.

Table 32: Table of Uses, Commercial and Industrial Districts

	C-1	C-2	M-1
Accessory Uses			
Any structure or use customarily incidental to the principal uses	P	P	P
Horse shows, when accessory to an approved public/commercial stable (see § 340-24E)	TU	TU	NP
Outdoor storage and sales areas	NP	SLU	SLU
On-site housing for custodial or plant security personnel	NP	NP	NP
Principal Uses:			
Institutional Uses			
Business schools and colleges, or private schools operated for profit	NP	P	NP
Educational facilities such as zoological gardens, wildlife preserves and bird sanctuaries, and botanical gardens and arboretums	SLU	SLU	NP
Commercial child day-care centers	SLU	SLU	NP
Public buildings and facilities, including town halls, fire and police stations, and libraries, but not including publicly owned and operated warehouses, garages, or storage yards	P	P	P
Fairgrounds	NP	SLU	NP
Hospital, general	SLU	SLU	NP
Museums	NP	P	NP
Places of worship	NP	SLU	NP
Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	SLU	SLU	SLU
Commercial, Service or Retail Uses			
Agricultural service establishments	NP	P	P
Bus passenger stations	NP	P	NP
Bowling alleys	NP	P	NP
Commercial sporting facilities, small-scale	SLU	SLU	NP
Commercial sporting facilities, large-scale	NP	SLU	SLU
Dry cleaner (dropoff only) or laundromat	P	P	P
Garden centers and nurseries, subject to the requirements of § 340-123	P	P	P
Theaters, assembly halls, auditoriums and similar places of public assembly	NP	SLU	NP
Campgrounds	SLU	SLU	NP

Table 32: Table of Uses, Commercial and Industrial Districts

	C-1	C-2	M-1
Public/commercial stables	SLU	SLU	NP
Kennels, public/commercial	NP	SLU	NP
Wireless telecommunications/radio and television transmission towers	NP	SLU	SLU
Private clubs, fraternal, and lodge halls	NP	SLU	NP
Vehicle repair establishment, with or without fuel sales, major repair	NP	SLU	SLU
Vehicle repair establishment, with or without fuel sales, minor repair, subject to the requirements of § 340-141	NP	SLU	P
Vehicle service stations with fuel sales, including minor vehicle repair, subject to the requirements of § 340-142	NP	SLU	P
Vehicle wash establishments	NP	SLU	SLU
Banks and similar financial institutions without exterior ATMs and/or drive-through services	P	P	NP
Drive-through facilities for businesses other than restaurants (i.e., banks, pharmacies, dry-cleaning dropoff, etc.)	SLU	SLU	NP
Commercial parks and picnic areas	SLU	SLU	NP
Executive and administrative offices	P	P	NP
Mortuary establishments	NP	SLU	NP
Open-air businesses	NP	SLU	NP
Professional offices of doctors, lawyers, accountants, dentists and similar professions	P	P	NP
Restaurants, taverns and other places serving food or beverages	P	P	NP
Restaurants, taverns and other places serving food or beverages providing live entertainment	SLU	SLU	NP
Restaurants with drive-in or drive-through facilities	SLU	SLU	NP
Retail establishments, with a gross floor area up to 10,000 square feet	P	P	NP
Retail establishments, with a gross floor area between 10,001 and 20,000 square feet	SLU	P	NP
Retail establishments, with a gross floor area of more than 20,000 square feet	NP	SLU	NP
Service-related establishments	P	P	NP
Veterinary clinics, not including large animals and livestock, subject to the requirements of § 340-144	SLU	P	NP
Adult uses	NP	NP	SLU
Pawnshops	NP	SLU	SLU
Industrial uses			
Dry-cleaning and rug-cleaning plants and industrial laundries	NP	NP	P
Research and testing laboratories	NP	NP	P
Light manufacture, fabrication, and/or processing of goods, wares and merchandise	NP	NP	P
Self-storage buildings	NP	SLU	SLU

Table 32: Table of Uses, Commercial and Industrial Districts

	C-1	C-2	M-1
Distribution centers, wholesale stores, storage buildings and warehouses, truck terminals, freezer locker plants and cold storage	NP	NP	P
Sanitary services, including portable toilets and waste hauling, not including landfills or waste storage	NP	NP	P

§ 340-86. District regulations.

No lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

		C-1	C-2	M-1
Minimum lot area		30,000 square feet	1 acre	1 acre
Minimum lot width		120 feet	120 feet	165 feet
Minimum front yard setback		50 feet	50 feet	40 feet
Minimum side yard setback	Minimum, one side	20 feet	20 feet	40 feet
	Total	40 feet	40 feet	80 feet
Minimum rear yard setback	Adjoining residential district	35 feet	40 feet	50 feet
	Adjoining nonresidential districts	40 feet	50 feet	50 feet
	Adjoining residential district	50 feet	60 feet	70 feet
Maximum lot coverage		N/A	N/A	35%
Maximum building height		1 story or 20 feet	2 stories or 30 feet	2 stories or 30 feet
Maximum building size (gross floor area)		10,000 square feet GFA	N/A	N/A

§ 340-87. Parking.

- A. General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter.
- B. The following specific requirements shall apply to the commercial and industrial districts. For uses not specifically listed in Table 34 or in Article **XIII**, the Zoning Administrator shall determine if the use is similar to those listed below and apply the requirements of the similar use. If no similar use is identified, the proprietor of the use shall provide information related to daily traffic, trip generation, hours of operation, etc., sufficient to allow the Zoning Administrator to determine an appropriate parking space requirement. The decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals.

Table 34: Parking Requirements, Commercial and Industrial Districts

Table 34: Parking Requirements, Commercial and Industrial Districts

Use	Spaces Per Unit of Measurement
Use	Parking Requirement
Institutional	Spaces Per Unit of Measurement
Business schools and colleges, or private schools operated for profit	1 for each 200 square feet of GFA
Educational facilities such as zoological gardens, wildlife preserves and bird sanctuaries, and botanical gardens and arboretums	1 for each 1,000 square feet of usable floor area within a visitor's center, museum, etc. plus 1 per employee
Child day-care centers	1 for each employee, plus 1 for each 5 children
Public buildings and facilities, including town halls, fire and police stations, and libraries, but not including publicly owned and operated warehouses, garages, or storage yards	1 for each 200 square feet of GFA
Fairgrounds	1 for each 1,500 square feet of land area devoted to the fair, open-air market, arcade, concessions, etc.
Hospitals	1 for each 4 beds and 1 for each 2 employees and/or members of the staff
Museums	1 space for each 1,000 square feet of usable floor area
Commercial	
Agricultural service establishments	1 space for each 300 square feet of usable floor area used for retail or office, plus 1 for each 1,000 square feet of usable floor area dedicated to vehicle showrooms
Bus passenger stations	1 for each 200 square feet of GFA, plus required parking for accessory uses such as restaurants, cafes, etc.
Bowling alleys	5 for each 1 bowling lane, plus parking for any other uses such as restaurants
Dry cleaner (dropoff only) or laundromat	3 spaces for dropoff areas, plus 1 space for each 3 washing machines
Private clubs, fraternal or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by county or state fire, building, or health codes
Banks and similar financial institutions without exterior ATMs and/or drive-through services	1 for each 200 square feet of UFA
Executive and administrative offices	1 for each 200 square feet of UFA
Professional offices of doctors, lawyers, dentists, accountants, veterinarians or similar professions	1 for each 15 square feet of UFA in waiting rooms, and 1 additional space for each examining room, dental chair or similar use area
Restaurants, taverns and other places serving food or beverages	3 for each 100 square feet of UFA
Retail establishments	1 for each 300 square feet of UFA
Service related establishments, other than beauty parlors/barber shops	1 for each 800 square feet of UFA; for any floor area used in processing, one additional space shall be provided for each 2 processing employees

Table 34: Parking Requirements, Commercial and Industrial Districts

Use	Parking Requirement
	Spaces Per Unit of Measurement
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 1/2 spaces for each additional chair
Veterinarians and small animal hospitals, if all activities are conducted within an enclosed building.	1 space per each 100 square feet in waiting areas, plus 1 space per employee
Industrial	
Research and testing laboratories	5, plus 1 for every 1 1/2 employees in the largest working shift, or 1 for every 550 square feet of UFA, or whatever is determined to be the greater; space on site shall also be provided for all construction workers during periods of plant construction
Light manufacture, fabrication, and/or processing of goods, wares and merchandise	1 space per each employee on the maximum shift; for uses with more than 1 work shift, 1 additional space per each 10 employees is also required
Self-storage buildings and warehouses	3 spaces, plus 1 space for each 20 units less than 50 square feet GFA. and 1 space for each 10 units 50 square feet GFA or greater
Distribution centers, wholesale stores, storage buildings and warehouses, truck terminals, freezer locker plants and cold storage	5 plus one for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of UFA, whatever is greater

§ 340-88. (Reserved)

[1] *Editor's Note: Former § 340-88, Signs, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-89. Review requirements.

Establishment of new uses and expansion of existing uses are subject to the review requirements in Table 36:

Review Process	When Required	Applicable Article
Zoning compliance permit	All new construction	Article XVII
	Additions and construction over 100 square feet to principal or accessory buildings	
Preliminary site plan review	All permitted uses except farms and single-family residences	Article XIV
	All special land uses (concurrent with SLU review)	
Final site plan review	All permitted uses, except farms and single-family residences, that have received preliminary site plan approval	Article XIV

Table 36: Review Requirements, Commercial and Industrial Districts		
Review Process	When Required	Applicable Article
	All special land uses that have received preliminary site plan approval and special land use approval	
Special land uses	All special land uses in Table 32	Article XIII
Rezoning	To change the zoning district classification of property within the commercial and industrial districts	Article XIII
Variance	To vary from the dimensional requirements of the commercial and industrial districts	Article XVI

Article XI. Other Districts

§ 340-90. Other districts established.

The following other districts shall be established:

- A. P-L Public Lands District.
- B. FPO Floodplain Overlay District.

§ 340-91. Public Lands District.

A. Purpose.

- (1) The use of lands owned by Township, county, and state public agencies may preempt zoning determinations by the Township. The Township may, however, recognize the use of land, either of its own account, or by another governmental unit or agency, and may zone the land in the Public Land District.
- (2) The P-L District is established as a district in which the principal activity is primarily the extensive use of natural areas as essentially unimproved or undeveloped spaces, and public recreational uses. The intent of this chapter is to protect and preserve public open space, and to ensure the orderly transition to an appropriate use if the public or institutional use is abandoned.

B. Table of uses. The following abbreviations apply to the Table of Uses for the Public Lands District:

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article **XIII** of this chapter.

Table 37: Table of Uses, Public Lands District

	P-L
Accessory Uses	
All structures, facilities, and activities customarily incidental to the approved principal uses	P
Principal Uses	
Public parks and recreation areas	P
Parkways and roadside parks	P

Table 37: Table of Uses, Public Lands District

	P-L
Accessory Uses	
Conservation areas, including forest preserves, game preserves, hunting areas, fishing sites and launching areas, camping and group camping sites	P
Public trails, bicycle paths and access routes, other than dedicated streets	P

C. District regulations.

- (1) Except as specifically preempted by state or federal law, no lot, principal building, or structure, nor the enlargement of any principal building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, principal building, structure, or enlargement.

Table 38: P-L District Regulations

Regulation	Requirement	
Minimum lot area	None	
Minimum lot width	None	
Minimum front yard setback	100 feet	
Minimum side yard setback	Minimum, one side	100 feet
	Total (both sides)	200 feet
Minimum rear yard setback	100 feet	
Maximum building height	2 stories or 35 feet	

- (2) Parking. General parking requirements are listed in Article **XV** of this chapter. Certain special land uses may have separate parking requirements listed in Article **XIII** of this chapter. The following specific requirements shall apply to the P-L District:

Table 39: Parking Requirements, P-L District

Use	Parking Requirement
Public parks and recreation areas	5 spaces per playground structure;
	1 space per each 4 seats that can be accommodated in picnic shelters
Parkways and roadside parks	5 spaces per each 10,000 square feet of land area
Conservation areas, including forest preserves, game preserves, hunting areas, fishing sites and launching areas, camping and group camping sites.	1 space per each 300 square feet UFA dedicated to visitors centers and park offices;
	10 spaces, of sufficient length to accommodate vehicles and attached trailer, per each boat launch;
	1 space per camp site
Public trails, bicycle paths and access routes, other than dedicated streets	5 spaces for each trailhead within 5 miles of another trailhead on the same trail;
	10 spaces for each trailhead more than 5 miles from another trailhead on the same trail ^[1]

[1] *Editor's Note: Former § 340-91C(3), Signs, which immediately followed this table, was repealed 4-16-2014 by Ord. No. Z-72. See now § 340-159.*

§ 340-92. FPO Floodplain Overlay District.

A. Description and purpose.

- (1) This overlay district is intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation from floodwaters. It adds controls to the underlying zoning district but does not change the underlying zoning. When land is developed, the amount of water runoff is greatly increased from the replacement of open land covered in natural vegetation to land covered with roads and buildings. The purpose of this zoning district is to preserve drainage basins in the Township and to prevent building in areas subject to flooding and upon land which exhibits unstable soil characteristics.
- (2) The Floodplain Overlay District is located as designated as the one-hundred-year floodplain on the Flood Insurance Rate Map (FIRM) as prepared by the Federal Insurance Administration.

B. Table of uses. The following abbreviations apply to the Table of Uses for the Floodplain Overlay District.

- P Permitted use: land and/or buildings in this district may be used for the purposes listed by right.
- SLU Special land use permit: listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article **XIII** of this chapter.

Table 41: Permitted Uses, Floodplain Overlay District

	FPO
Farms, excluding any structures within the floodplain	P
Open space uses allowed in the underlying zoning district	P
Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds	P
Residential supportive uses such as lawns, gardens, driveways or play areas	P
Parking lots, loading areas, and storage areas for equipment and machinery easily moved or not subject to flood damage	SLU
Structures designed and constructed to accommodate a one-hundred-year flood	SLU
Utility and public service buildings	SLU

C. District regulations. Yard and lot requirements, parking requirements and sign requirements in the FPO District shall be the same as set forth in the underlying zoning district.

D. State compliance.

- (1) All construction within the designated FPO areas shall comply with the floodplain development and management regulations of the Single State Construction Code Act (1972 PA 230), as amended, along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code (including any appendixes adopted by the Township and/or by Livingston County), that comply with the Federal Emergency Management Agency National Flood Insurance Program minimum floodplain management criteria for flood-prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3.

- (2) Prior to issuance of any zoning compliance permit, building permit or construction within the FPO District, all permits required by other agencies necessary for development in floodplain areas shall have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

§ 340-93. Review requirements.

Establishment of new uses and expansion of existing uses in the P-L and FPO Districts are subject to the review requirements in Table 42:

Review Process	When Required	Applicable Articles
Zoning compliance permit	All new construction	Article XVII
	Additions and construction over 100 square feet to principal or accessory buildings	
	Construction within the FPO District	Consult with the Zoning Administrator on state requirements
Plot plan	Single-family and two-family dwellings, farms	Article XIV
Preliminary site plan review	All permitted uses except farms	Article XIV
	All special land uses (concurrent with SLU review)	Article XIV
Final site plan review	All permitted uses, except farms, that have received preliminary site plan approval	Article XIV
	All special land uses that have received preliminary site plan approval and special land use approval	Article XIV
Special land uses	All special land uses in Tables 37 and 41	Article XIII
Rezoning	To change the zoning district classification of property within the P-L District, see Article XVII . Property in the FPO District may be removed only upon proof from the Federal Emergency Management Agency that the property is no longer located within a floodplain.	Article XVII
Variance	To vary from the dimensional requirements of the P-L District or the underlying district in the FPO District	Article XVI

Article XII. Planned Unit Development (PUD) District

[Amended 10-16-2013 by Ord. No. Z-71; 1-20-2021 by Ord. No. Z-103]

§ 340-94. Purpose and intent.

The intent and purpose of this article is to:

- A. Establish the Planned Unit Development (PUD) District;
- B. Encourage flexible, innovative, context-sensitive, and higher-quality design of development;
- C. Encourage the use of land in accordance with its character and adaptability;

- D. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- E. Encourage greater compatibility of design and use between neighboring properties;
- F. Reduce soil erosion by limiting the amount of clearing and grading necessary for development;
- G. Provide enhanced housing, traffic circulation, and recreational opportunities for the people of the Township;
- H. Encourage and provide for the preservation of significant natural features, including, but not limited to, steep hillsides, wetlands, significant views, floodplains, and mature woodland areas, that are in the best interest of the community that would otherwise be substantially destroyed by conventional development;
- I. Provide incentives to develop land containing significant natural features with a similar density to conventional development while preserving natural features that are in the public's interest to save;
- J. Promote the vision and goals of the Master Plan;
- K. Allow for residential and mixed-use planned unit developments, as provided in MCLA 125.3502 (PA 110 of 2006); and
- L. Establish the standards and the review process for planned unit developments.

§ 340-95. Qualifying conditions.

Property may be developed as a planned unit development if all of the following conditions are met.

- A. Recognizable and substantial benefit. The planned unit development shall provide recognizable and substantial benefits to the users of the development and the community beyond what could be realized from conventional development.
- B. Unified control. The applicant shall have ownership and/or control of all the area to be included in the planned unit development.
- C. Contiguous. All land to be included in a planned unit development must be contiguous.
- D. No previous planned unit development. The planned unit development option or open space development option has not been previously used for any of the land to be developed as part of the planned unit development.
- E. Minimum area. The planned unit development shall have a lot area of at least 15 acres.

§ 340-96. General provisions.

Planned unit developments shall meet the general provisions outlined below.

- A. Site plan. Site plan review approval, as outlined in Article **XIV**, Site Plan and Plot Plan Review.
- B. Approval of lots. The creation of lots as part of a planned unit development shall be through one of the following:
 - (1) Subdivision. A platted subdivision, as outlined in § 111 et seq. of the Michigan Land Division Act (MCL 560.111 et seq.); or
 - (2) Site condominium. A site condominium, as outlined in § **340-34**, Site condominiums.

- C. Open space. All land within a planned unit development that is not devoted to a residential lot, another permitted use lot, street, vehicle parking, utility, building, or storm sewer shall be common area for recreation, conservation, agriculture, or preservation in an undeveloped state.

§ 340-97. Permitted uses.

The following uses are permitted within planned unit developments.

- A. Residential uses. The following residential uses are permitted within a planned unit development:
- (1) Single-family detached dwellings and associated accessory uses;
 - (2) Two-family dwellings and associated accessory uses, limited to areas designated as High-Density Residential in the Future Land Use Map;
 - (3) Multiple-family dwellings and associated accessory uses, limited to areas designated as High-Density Residential in the Future Land Use Map;
 - (4) Family day-care homes;
 - (5) Adult foster care family homes; and
 - (6) Other residential uses permitted in the previous zoning district.
- B. Other uses. The following other uses are permitted within a planned unit development if the Township determines there would be no adverse impact to the planned unit development or the surrounding area.
- (1) Adult foster care small group home;
 - (2) Group day-care homes;
 - (3) Public or private recreational facilities, including, but not limited to, parks, beaches, playfields, and sports courts;
 - (4) Amenities for residents of the planned unit development, including, but not limited to, club houses, pools, or tennis courts;
 - (5) Recreational facilities open only to members, including, but not limited to, golf courses, athletic clubs, equestrian centers, or marinas;
 - (6) Restaurants open only to members, without a drive-through, but including an abutting outdoor dining area;
 - (7) Small retail store less than 2,000 square feet gross floor area; and
 - (8) Commercial agricultural operations consistent with GAAMPs, including a roadside stand.

§ 340-98. Design standards.

Planned unit developments shall meet the design standards outlined below.

- A. Cohesive neighborhood. Planned unit developments shall be designed to create a cohesive residential neighborhood through common open space for passive and active recreation areas that are easily accessible to all residents.
- B. Location of lots. Residential lots shall be located and organized, to the greatest extent possible, as follows:
- (1) Alterations. In areas that require minimum alteration of the natural environment;

- (2) Soils. On the soils best suited for septic systems, for planned unit developments with on-site septic systems;
 - (3) Views. In areas least likely to block or interrupt scenic vistas, as seen from public streets;
 - (4) Agriculture. Upwind or adequately screened from agricultural areas that are subject to land management practices that may cause dust, odor, or similar nuisances; and
 - (5) Boundaries. At least 100 feet from the exterior boundaries of the planned unit development.
- C. Utilities. All utilities within a planned unit development shall be installed underground.
- D. Access. Lots within a planned unit development shall have access from an internal street.
- E. Circulation. Planned unit developments shall provide internal circulation for vehicular and nonmotorized movement.
- (1) Vehicular circulation. In addition to the requirements of § **340-33**, Private roads and shared driveways, roads shall be constructed as outlined below.
 - (a) Connections. The vehicular circulation system shall be designed to provide connections to existing or potential future developments and planned street improvements.
 - (b) Materials. Roads shall be paved.
 - (2) Nonmotorized circulation. A nonmotorized circulation system shall be provided throughout the planned unit development.
 - (a) Access. The nonmotorized circulation system shall provide access to all nonagricultural open space.
 - (b) Connections. The nonmotorized circulation system shall be designed to provide connections to existing or potential future developments and to accommodate and connect with existing or planned nonmotorized improvements.
 - (c) Materials. The nonmotorized circulation system may be concrete, asphalt, gravel, crushed limestone, wood chips, grass, or similar materials, according to the anticipated usage and character of the use and the area of the nonmotorized circulation system.
- F. Natural features. Planned unit developments shall be designed to promote the preservation of natural features, such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and protected plant and animal habitats.
- G. Wetland buffer. All wetlands shall have a thirty-foot-wide natural buffer. Paths may be installed within this buffer.
- H. Water body buffer. The Township may require a natural buffer around water bodies up to 30 feet wide. Paths may be installed within this buffer and a small maintained area, including, but not limited to a park or beach, may be installed along the water body.
- I. Stormwater management system. Stormwater management systems shall use the natural systems to the greatest extent possible and shall preserve the quality and integrity of the natural system. Stormwater management systems that require unnecessary topographic alterations, erosion, heightened impurities directed to surface water and groundwater systems, and other similar negative impacts shall only be available if the Township Board determines that the use or creation of natural systems is not feasible.
- J. Phases. When a planned unit development is designed for construction in phases, the design shall allow for each phase to be capable of standing on its own, in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the surrounding area.

- K. Mixed uses. In planned unit developments that include a mix of residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and reviewed by the Township Board, with recommendation from the Planning Commission, for reasonableness.

§ 340-99. Open space standards.

Open space used to calculate the required open space and additional residential lots shall meet the standards outlined below.

- A. Minimum open space. Planned unit developments shall have a specified minimum open space, as outlined below. A planned unit development may, at the option of the applicant, use any open space option for which it qualifies.
- (1) Basic open space. Unless otherwise specified, the open space shall be at least 40% of the lot area of the project site before development.
 - (2) Alternate minimum open space option 1. The open space shall be at least 35% of the lot area of the project site before development if all of the following conditions are true:
 - (a) Lot area. The project site has a gross lot area of at least 320 acres, or equivalent;
 - (b) Residential lot area. The average lot area for residential lots is at least five acres; and
 - (c) Superior design. The planned unit development includes at least three superior design elements, as defined in § 340-100C, Superior design.
 - (3) Alternate minimum open space option 2. The open space shall be at least 30% of the lot area of the project site before development if all of the following conditions are true:
 - (a) Lot area. The project site has a gross lot area of at least 640 acres, or equivalent;
 - (b) Residential lot area. The average lot area for residential lots is at least five acres;
 - (c) Superior design. The planned unit development includes at least five superior design elements, as defined in § 340-100C, Superior design;
 - (d) Equestrian. The planned unit development includes an equestrian center and equestrian trails; and
 - (e) Future Land Use Map. The planned unit development is located within an area designated as Agricultural Preservation in the Future Land Use Map.
- B. Always open space. The following shall be considered open space for the purposes of calculating the minimum open space and additional residential lots:
- (1) Uplands. The area of uplands that is within open space and meets minimum dimensions;
 - (2) Created water elements. The area of created creeks, rivers, lakes, ponds, and wetlands;
 - (3) Nonmotorized circulation. The area for nonmotorized circulation, as further described below.
 - (a) Calculation of area. The area within public or private rights-of-way or access easements for nonmotorized circulation shall be considered open space. If the nonmotorized circulation is within an open space, the area of the trail plus 10 feet to either side of the trail's edge shall be used for calculation purposes.
 - (b) Public nonmotorized circulation. One hundred ten percent of the area of nonmotorized circulation dedicated to use by the general public shall be considered open space.
 - (c) Public equestrian nonmotorized circulation. One hundred twenty-five percent of the area of nonmotorized circulation dedicated to use by the general public shall be considered

open space if it includes separate trails dedicated to pedestrian and cyclist use and to equestrian use.

- (4) Equestrian fields. One hundred fifty percent of the area used by equestrian centers for grazing and open space that maintains a vegetative cover shall be considered open space, limited to areas designated as Agricultural Preservation in the Future Land Use Map.
- C. Partially open space. The following shall be considered partially open space or not open space for the purposes of calculating the minimum open space and additional residential lots, as described below.
- (1) Lots. The area within any lot that will be used for a dwelling, club house, utilities, or other similar structure or use shall not be considered open space, unless otherwise specified.
 - (2) Rights-of-way. The area within all public and private rights-of-way and access easements shall not be considered open space, except for nonmotorized circulation.
 - (3) Parking. The area dedicated to off-street parking areas shall not be considered open space.
 - (4) Existing water bodies. The area of existing creeks, rivers, and lakes shall not be considered open space, unless otherwise specified.
 - (5) Commercial uses. The area of any lot used for commercial purposes shall not be considered open space, unless otherwise specified.
 - (6) Utility easements. Fifty percent of the area dedicated for overhead high-voltage utility lines or below-ground utilities within common areas and outside of rights-of-way shall be considered open space.
 - (7) Lakes with park. Up to 50% of the surface area of existing lakes, as defined by the ordinary high-water mark, within open space shall be counted as open space, as outlined below.
 - (a) Ratio. For each 2% of the shoreline, as defined by the ordinary high-water mark, that is a park or similar common space providing access to the lake, 1% of the surface area of the lake surface area shall be considered open space.
 - (b) Ownership. In order to qualify as open space, the project must have exclusive ownership or control of the bottom lands under the lake. The existence of previously granted or established lake access easements shall not be disqualifying.
 - (c) Access. In order to qualify as open space, the lake must not have a public boating access site.
 - (8) Wetlands. Fifty percent of the area of existing wetlands within common areas shall be considered open space.
 - (9) Ponds. Fifty percent of the area of ponds within open space with common access for residents of the planned unit development shall be considered open space. Ponds within open space without common access for residents of the planned unit development shall not be considered open space.
 - (10) Floodplains. Fifty percent of the area within a floodplain shall be considered open space.
 - (11) Agriculture. Fifty percent of the area dedicated to or used by commercial agricultural operations by easements or other restrictions shall be considered open space, whether or not the area is within an open space.
 - (12) Equestrian fields. Fifty percent of the area used by equestrian centers for grazing and open space that maintains a vegetative cover shall be considered open space, limited to areas not designated as Agricultural Preservation in the Future Land Use Map.

- (13) Golf courses. Twenty-five percent of the area of golf courses, driving ranges, or putting greens shall be considered open space.
- (14) Wetlands within lots. Twenty-five percent of the area of existing wetlands within individual lots that are protected with a conservation easement shall be considered open space.
- D. Contribution limitations. Existing water bodies, lakes with parks, wetlands, and ponds shall contribute no more than 50% of the required open space for the area used to calculate the minimum open space or additional lots.
- E. Structures. Structures within open space shall be limited to a cumulative coverage of 1% of the open space.
- F. Ownership and control. The open space shall be owned and controlled by a homeowners' association or nonprofit land or nature trust or conservancy.
- G. Design and location. Open space shall be designed and located as outlined below.
- (1) Exterior roads. Open space shall be located along all exterior public roads and shall have a depth of at least 100 feet.
 - (2) Adjacent open space. If a planned unit development is adjacent to an established planned unit development or other recreation area with a contiguous open space, it shall include some open space adjacent to that open space.
 - (3) Open space between lots. Open space between residential lots shall have a width of at least 100 feet.
 - (4) Accessibility. Open space shall be available and accessible to all residents of the development. Safe and convenient nonmotorized access points shall be provided.
 - (5) Water body. If the project contains a water body or is adjacent to a water body, the Township may require all or a portion of the water body be abutted by open space.
 - (6) Preservation. Open space shall be located to preserve significant natural resources, scenic vistas, steep slopes, special plant and animal habitats, and similar.
- H. Conservation guarantee. The open space shall remain in that state in perpetuity, subject to uses approved by the Township or in the approved plan. A conservation guarantee or easement shall ensure that the dedicated open space will be protected from all forms of development.
- (1) Allowable uses. The conservation guarantee shall list the proposed allowable uses for the open space.
 - (2) Restrictions. The conservation guarantee shall prohibit the following activities within the open space:
 - (a) Dumping. Dumping or storage of hazardous materials or refuse;
 - (b) Soil erosion. Activities that may cause unnecessary soil erosion;
 - (c) Off-road vehicles. Use of off-road vehicles, except for agricultural and maintenance vehicles and golf carts for golf courses;
 - (d) Vegetation removal. Cutting or removal of vegetation, except for dying or diseased vegetation, invasive or pest species, seasonal pruning, necessary maintenance, and agricultural operations;
 - (e) Wetland. Cutting, filling, or removal of vegetation from wetland areas, except for invasive species. The Township may permit limited activities within wetlands, consistent with the Township's Wetlands Protection Ordinance, Chapter **330** of the Code of Ordinances, and state permits; and

- (f) Chemical use. Use of pesticides, herbicides, or fertilizers within the wetland and water body buffers established in § **340-98G**, Wetland buffer, and § **340-98H**, Water body buffer, except those deemed necessary to address a public health emergency or for the management of invasive species.
- (3) Recording. The conservation guarantee, following approval by the Township, shall be recorded with the Register of Deeds at the applicant's expense, with a recorded copy provided to the Township. The conservation guarantee may be included as part of a master deed if the Township has and retains the authority to review and approve all changes to the master deed.

§ 340-100. Additional lots.

The Township Board, upon recommendation from the Planning Commission, may approve additional lots beyond those allowed in a conventional plan, as outlined below.

- A. Conventional plan. A feasible conventional plan shall serve as the basis for granting any additional lots.
- (1) Adequate detail. While intended as a conceptual plan, the Planning Commission shall only approve a conventional plan after determining that the submitted plan would otherwise be approvable under current Township ordinances and review considerations. The conventional plan shall provide enough detail for the Planning Commission to make this determination, and the Planning Commission may request additional detail or information it determines necessary.
 - (2) Buildable lots. All lots or buildings shown in the conventional plan shall be located on buildable lots, with sufficient size and shape to accommodate a building, septic system, and well system, in compliance with the existing district standards.
 - (3) Wetland areas. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas but may be included in the lot area calculations.
- B. Additional open space. Additional residential lots shall be awarded for providing additional open space beyond the minimum required, as outlined below. These additional residential lots shall be in addition to any additional residential lots granted for superior design.
- (1) Increase. A 1% increase in the number of lots in the conventional plan, rounded down, shall be granted for each 1% increase in open space area.
 - (2) Maximum increase. The additional residential lots from additional open space shall not exceed 25% of the lots allowed in the conventional plan.
- C. Superior design. Additional residential lots shall be awarded for each superior design element included in the planned unit development, as outlined below. These additional residential lots shall be in addition to any additional residential lots granted for open space.
- (1) Increase. A 5% increase in the number of lots in the conventional plan, rounded down, shall be granted for each of the superior design elements, unless otherwise noted.
 - (2) Buffer. Providing additional buffer depth along exterior roads or adjacent properties in a manner that reduces the impact of the planned unit development on the surrounding area by enhancing or preservation of rural character along the road or the adjacent properties.
 - (3) Landscaping. Providing additional landscaping that uses native species in a manner that reduces the visual impact of the planned unit development on the surrounding area or improves the environment.
 - (4) Agricultural operation. Allowing commercial agricultural operations within the planned unit development.

- (5) Equestrian center. Providing an equestrian center, limited to areas designated as Agricultural Preservation in the Future Land Use Map.
 - (6) Traffic calming. Integration of traffic calming within the design of the planned unit development.
 - (7) Public nonmotorized circulation. Dedicating or permitting public use of nonmotorized circulation within the planned unit development.
 - (8) Dwelling mix. Providing a mix of dwelling unit types, limited to areas designated as High-Density Residential in the Future Land Use Map.
 - (9) Traditional neighborhood. Providing a traditional neighborhood design, limited to areas designated as High-Density Residential in the Future Land Use Map.
 - (10) Architectural details. Constructing buildings with all of the following architectural design details:
 - (a) Predominant materials. The predominant exterior materials shall be brick, architectural steel, wood lap, cementitious wood lap, stucco, stone, cultured stone, or glass;
 - (b) Accent materials. Other materials, including, but not limited to, vinyl siding, aluminum siding, and colored, split-face concrete masonry units shall only be used for architectural accents;
 - (c) Variation. Variations of exterior design, material, pattern, or color; and
 - (d) Visual interest. Architectural details that create visual interest, including, but not limited to, columns, pilasters, friezes, awnings, dynamic roof lines, extended overhangs, belt courses, and quoining.
 - (11) Maximum increase. The additional residential lots from superior design shall not exceed 25% of the lots allowed in the conventional plan.
- D. Maximum increase. The total additional residential lots from § **340-100B**, Additional open space, and § **340-100C**, Superior design, shall not exceed 35% of the lots allowed in the conventional plan.
- E. Nonresidential lots. Additional lots may be granted for nonresidential uses beyond the number of lots allowed in the conventional plan for shared common elements of the development or other permitted nonresidential uses.

§ 340-101. Modification of standards.

The Township Board may modify specific standards of this chapter as part of planned unit development review and approval, as outlined below.

- A. Conflict. If another section of this chapter provides a process for modification or administrative adjustment of standards of this chapter, that section shall be controlling.
- B. District development standards. The standards of the previous zoning district, including, but not limited to, setbacks, coverage, lot area, or lot width, may be modified, as outlined below.
 - (1) Standards of review. In order to grant a modification of district developmental standards, the Township Board shall make a finding that all of the following are true:
 - (a) Recognizable and substantial benefit. The planned unit development shall result in a recognizable and substantial benefit to the ultimate users of the planned unit development and the Township;

- (b) Higher-quality development. The planned unit development shall result in a higher-quality development than that permitted by the previous zoning district developmental standards; and
 - (c) Modification necessary. The recognizable and substantial benefit and higher-quality development could not be achieved without the modification.
- (2) Limitations. All residential lot widths shall be at least 60 feet, and all residential lots shall be adequate to fit any necessary on-site well and septic systems.
- C. Planned unit development standards. The design standards in § **340-98**, Design standards, and open space standards in § **340-99**, Open space, may be modified, as outlined below.
- (1) Standard of review. In order to grant a modification of the planned unit development design standards and open space standards, the Township Board shall make a finding that all of the following are true:
 - (a) Intent and purpose. The modification shall be consistent with the intent and purpose of planned unit developments;
 - (b) Public purpose. Strict adherence to the standard will not serve a valid public purpose;
 - (c) Higher quality. The modification shall be necessary to achieve a higher-quality development than would be possible with conventional development; and
 - (d) Nuisance and safety. The modification shall not create a nuisance or safety hazard.
 - (2) Limitations. Modifications shall be limited, as outlined below.
 - (a) Utilities. Modifications shall not be made to § **340-98C**, Utilities.
 - (b) Open space. Modifications of open space standards shall be limited to § **340-99E**, Structures, and § **340-99G**, Design and location.
- D. Documentation. The planned unit development application shall list all of the requested modifications, and the approved plan shall list of all of the modified standards that were approved by the Township Board.
- E. Effect. Specific standards of this chapter that have been modified for a planned unit development shall have the same force and effect as though the modified standard were a part of this chapter. They shall become the standards for the planned unit development and shall only be amended or revoked as outlined in this article.

§ 340-102. Authority.

Authority to act on planned unit development applications shall be as outlined below.

- A. Preliminary approval. The Planning Commission shall have the authority to approve conventional plans and preliminary planned unit development plans and to make recommendations to the Township Board.
- B. Final approval and modification of standards. The Township Board shall have the authority to approve final planned unit development plans and to modify the standards of this chapter, as outlined in this article.
- C. Appeal of decision. The Zoning Board of Appeals shall not have the authority to hear an appeal of a decision of the Planning Commission or Township Board to approve or deny a planned unit development.
- D. Variances. The Zoning Board of Appeals shall not have the authority to grant variances from the standards of this article.

§ 340-103. Review process.

Planned unit developments shall be reviewed as outlined below.

- A. Zoning Map amendment. The planned unit development approval shall constitute a rezoning to the planned unit district.
- B. Preapplication conference. The applicant shall meet with the Planning Commission, Zoning Administrator, and any staff and consultants the Township deems appropriate before submission of a planned unit development application. The applicant shall present a sketch plan of the proposed planned unit development and the following additional information:
 - (1) The total number of gross and net acres in the project;
 - (2) A statement of the number and nature of residential units;
 - (3) The number and type of nonresidential uses;
 - (4) Description of the nature and number of acres to be preserved as open space;
 - (5) The number of acres occupied by each type of use;
 - (6) Known deviations from ordinance standards being sought;
 - (7) Description of how the project meets the qualifying standards for planned unit developments;
 - (8) Description of shoreline management plan, for planned unit developments containing or adjacent to water bodies; and
 - (9) All known natural resources and natural features to be preserved and a separate indication of those to be removed.
- C. Preliminary plan. Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed planned unit development, as outlined in Article **XIV**, Site Plan and Plot Plan Review. The application shall also include a narrative describing the project, explain the manner in which qualifying conditions and standards of review are met, and list the deviations from the standards of this chapter.
- D. Planning Commission action. The Planning Commission shall review the preliminary site plan and shall take one of the following actions:
 - (1) Approval. The Planning Commission shall grant preliminary approval or approval with conditions upon finding that the preliminary plan meets the criteria in this chapter. Approval constitutes approval of the uses and design concept, as shown in the preliminary plan, and shall only confer the right to proceed to preparation and submission of the final plan; approval of the preliminary plan by the Planning Commission shall not bind the Township Board to approve the final plan or the Zoning Map amendment;
 - (2) Postponement. The Planning Commission may postpone any action until a revised preliminary plan is resubmitted upon finding that the preliminary plan does not meet the criteria in this chapter but could meet the criteria if revised; or
 - (3) Denial. The Planning Commission shall deny preliminary approval upon finding that the preliminary plan does not meet the criteria in this chapter and no further consideration of the planned unit development shall be permitted for a period of one year, unless amended to address the reasons for denial.
- E. Final plan. Following approval or approval with conditions of a preliminary plan, the applicant shall submit a final plan, as outlined below.

- (1) Period. A complete final site plan and supporting materials required by this chapter shall be submitted between 30 and 365 days following approval of the preliminary plan. If a final plan is not submitted within that period, the preliminary plan approval shall become null and void.
- (2) Information required. A final site plan and application for a planned unit development shall include the following information:
 - (a) A final site plan meeting all the requirements of Article **XIV**, Site Plan and Plot Plan Review;
 - (b) A table listing all of the deviations from this chapter that would otherwise be applicable to the uses and development proposed;
 - (c) A schedule of the intended development and construction details, including phasing and timing;
 - (d) A schedule of the general improvements that are a part of the development, including, but not limited to, lighting, signs, noise mitigation measures, utilities, and visual screening features;
 - (e) Specification of the exterior building materials for the structures in the project;
 - (f) A shoreline management plan, for planned unit developments containing or adjacent to water bodies;
 - (g) Signatures of all parties having any interest in the property with a statement of the nature of their interest and intention to see the development of the property completed in accordance with the approval, if granted; and
 - (h) Any additional information deemed necessary to determine compliance with this chapter and other Township ordinances.

F. Planning Commission recommendation and Township Board action.

- (1) The final plan shall constitute an application for a Zoning Map amendment for the property to the Planned Unit Development District and shall be noticed for a public hearing before the Planning Commission. It shall be otherwise be acted upon by the Planning Commission, the Township Board, and the county, as provided by law, using the procedures and requirements necessary for a Zoning Map amendment.
- (2) Planning Commission recommendations. The Planning Commission shall, to the extent it deems appropriate and necessary, submit detailed recommendations relative to the planned unit development, including recommendations with respect to matters on which the Township Board may exercise discretion.
- (3) Township Board action. The Township Board, upon recommendation of the Planning Commission, shall ensure that all applicable regulations of this chapter, the applicable provisions of the Master Plan, the review standards of § **340-103H**, Review standards, of this article, and other Township ordinances, standards, or policies are met.
- (4) Effect of approval. The planned unit development with any conditions imposed, if approved, shall constitute a Zoning Map amendment of the land to the Planned Unit Development District and shall act as the land use authorization for the property, and all improvements and uses shall conform to that approval.
- (5) Notice of approval. Notice of adoption of the Zoning Map amendment, including the final planned unit development plan and any conditions, shall be recorded at the Livingston County Register of Deeds, in addition to any other requirements of the Zoning Enabling Act.^[1]

[1] *Editor's Note: See MCLA § 125.3101 et seq.*

G. Conditions. Conditions may be placed on approval of a planned unit development, to the extent authorized by law, as outlined below.

- (1) Public services. Conditions may be required to ensure that public services and facilities will be sufficient to serve the planned unit development.
 - (2) Natural environment. Conditions may be required to ensure protection of the natural environment.
 - (3) Compatibility. Conditions may be required to ensure compatibility with adjacent uses of land.
 - (4) Use of land. Conditions may be required to promote the use of land in a socially and economically desirable manner.
 - (5) Public purpose. Conditions shall be designed to protect public health, safety, and welfare reasonably related to the purposes affected by the planned unit development, necessary to meet the intent and purpose of this chapter, and related to the objective of ensuring compliance with the standards of this chapter.
 - (6) Special assessment district. The Township may require establishment of a special assessment district to ensure continuation of amenities, infrastructure, and superior design elements.
 - (7) Financial guarantees. With respect to financial guarantees, the final approval of a planned unit development shall be conditioned on one of the following:
 - (a) The construction of improvements required by this article shall have been completed and approved by the Township; or
 - (b) Surety acceptable to the Township shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit, or surety bond, as described in § **340-104.2**, Performance guarantee.
 - (8) Record. All conditions imposed shall be made a part of the record of the approved planned unit development.
- H. Review standards. The Planning Commission and Township Board shall use the following review standards in their consideration of a planned unit development. In order to approve a planned unit development, the Township Board shall find all of the following to be true:
- (1) Intent and purpose. That the planned unit development meets the intent and purpose of this article, as described in § **340-94**, Purpose and intent;
 - (2) Qualifying conditions. That the planned unit development meets the qualifying conditions of this article, as described in § **340-95**, Qualifying conditions;
 - (3) Surrounding character. That the planned unit development does not substantially alter the character of the general neighborhood in which the development is proposed;
 - (4) Single-family uses. That the locations of the proposed buildings in the planned unit development will not have an unduly negative impact on other single-family uses in the vicinity of the proposed development;
 - (5) Existing features. That the planned unit development, where applicable, preserves in perpetuity unique site conditions, including, but not limited to, significant natural features, large open space areas, undeveloped lands, or active agricultural land;
 - (6) Master Plan. That the proposed planned unit development shall be consistent with the vision and goals of the Master Plan;
 - (7) Compatibility. That the proposed use or uses shall be of such location, size, and character as to be compatible with the zoning district in which it is located and shall not be detrimental to the adjoining zoning districts;

- (8) Circumvention. That the submission of the planned unit development is not an attempt to circumvent the strict application of the requirements of this chapter; and
- (9) Final site plan. That the final site plan meets the requirements of Article **XIV**, Site Plan and Plot Plan Review.

§ 340-104. Expiration.

Final approval of a planned unit development shall be valid for a period from the date of approval, as outlined below.

- A. Single-phase. Construction for single-phase planned unit developments shall be commence within one year following final approval of the planned unit development.
- B. Multiple-phase. Construction each phase of a multiple-phase planned unit development shall commence within one year of the start date approved for the phases by the Township Board.
- C. Effect. If construction does not commence within the above period, the approval shall become null and void. Approved planned unit developments that have expired shall be resubmitted for review as a new application.
- D. Extension request. If a complete application for an extension has been submitted before the expiration date, the planned unit development shall remain valid until the reviewing authority makes a decision on the extension request.
- E. Extensions. The Planning Commission can grant a single, one-year extension for a planned unit development or a phase of a planned unit development, and the Township Board can grant an additional single, one-year extension for a planned unit development or a phase of a planned unit development, upon finding that all of the following are true:
 - (1) Application date. The application for an extension was submitted before the expiration date;
 - (2) Applicant effort. The applicant has made a good-faith effort to commence construction in a timely manner and the delay was not the result of actions or inaction of the applicant;
 - (3) Substantial changes. There have been no substantial changes on abutting properties or the area since the original approval that would raise concern of the impact of the approved planned unit development on those properties or the planned unit development; and
 - (4) Current standards. The approved planned unit development shall be in substantial compliance with this chapter at the time of extension.

§ 340-104.1. Deviations from approved planned unit development.

Deviations from the approved final planned unit development plan may occur only under the conditions described below.

- A. An applicant or property owner who has been granted final planned unit development plan approval shall notify the Planning Commission of any proposed amendment to such approved final plan or planned unit development conditions.
- B. Minor changes. Minor changes may be approved by the Planning Commission at a public meeting, but without a public hearing, upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the final approval. In considering such a determination, the Planning Commission shall consider the following to be a minor change:

- (1) For residential buildings, the size of structures may be reduced, or increased by 5%, provided that the overall number of units does not increase;
 - (2) Square footage of nonresidential buildings may be decreased or increased by up to 5% or 10,000 square feet, whichever is smaller;
 - (3) Horizontal and/or vertical elevations may be altered by up to 5%;
 - (4) Movement of a building or buildings by no more than 10 feet; however, established setbacks shall not be encroached;
 - (5) Plantings approved in the final planned unit development landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis;
 - (6) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;
 - (7) Changes in floor plans which do not alter the character of the use;
 - (8) Slight modification of sign placement or reduction of size;
 - (9) Relocation of sidewalks, nonmotorized trails, and/or refuse storage stations;
 - (10) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design; and
 - (11) Changes required or requested by the Township or other agencies for safety.
- C. Non-minor changes. Should the Planning Commission determine that the requested modification to the approved planned unit development plan is not minor or if a change in land use has occurred that is different from the approved land uses, formal resubmittal to the Planning Commission shall be necessary, and a new public hearing and notification shall be required.
- D. Significant changes. Should the Planning Commission determine that the modifications to the approved planned unit development plan significantly alter the intent of the original approval, a new planned unit development application shall be required.
- E. Violation. Any deviation from the approved planned unit development plan, except as authorized in this section, shall be considered a violation of this chapter and treated as a misdemeanor. Further, any such deviation shall invalidate the planned unit development designation. The Planning Commission shall review all violations, at which time all planned unit development implementation shall cease until each issue is resolved.

§ 340-104.2. Performance guarantee.

Performance guarantees shall be required for planned unit developments, as described below.

- A. In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the applicant to provide a financial guarantee of performance of one or a combination of the requirements of the Township, the County Road Commission, County Drain Commission, or any other agency responsible for the administration, operation, or maintenance of the applicable public improvement. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this article for nonmotorized circulation, streetlights, or street trees. In the case of all improvements, completion shall be required before the issuance of occupancy permits.
- B. Performance of surety bond.
- (1) Accrual. The bond shall accrue to the Township, covering construction, operation, and maintenance of the specific improvements.

- (2) Amount. The bond shall be in an amount equal to the total estimated cost for completing construction of the specific improvements, including contingencies, as estimated by the Township Board.
 - (3) Term length. The term length in which the bond is in force shall be for a period to be specified by the Township Board for the specific improvements.
 - (4) Bonding for surety company. The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
 - (5) The escrow agreement shall be drawn and furnished by the Township Board.
- C. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.
- (1) Treasurer, escrow agent, or trust company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, or such surety acceptable by the Township Board, shall accrue to the Township. These deposits shall be made with the Township Treasurer, or trust company, subject to the approval of the Township Board.
 - (2) Dollar value. The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be equal to the total estimated cost of construction of the specific improvements, including contingencies, as estimated by the Township Board, in consultation with an independent engineer.
 - (3) Escrow time. The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be for a period to be specified by the Township Board.
 - (4) Progressive payment. In the case of cash deposits or certified checks, negotiable bonds or irrevocable bank letters of credit, an agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the improvements in accordance with a previously entered into agreement.

Article XIII. Special Land Uses

§ 340-105. Scope.

This article provides procedures and review standards for special uses of land or structures that, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the Township. The requirements and standards are designed to allow practical latitude for the applicant while at the same time maintaining adequate protection of the health, safety, convenience, and general welfare of Putnam Township. All special land uses are subject to the requirements and standards of this chapter.

§ 340-106. Application and review procedures.

- A. An application shall be submitted to the Clerk, accompanied by:
- (1) The payment of a fee as established by the Township Board.
 - (2) A completed application form, as provided by the Township.
 - (3) Twelve copies of a complete site plan as specified in Article **XIV** of this chapter. The applicant has the option of requesting preliminary site plan review; however, special land use shall only be considered during the final site plan review stage.

- (a) The Zoning Administrator may determine, based on the proposed use, that certain required elements on the site plan, as required by Article **XIV** of this chapter, may be waived.
 - (b) If the proposed special land use will not result in any changes to the exterior of the site and does not require provision of parking spaces as required by Article **XV** of this chapter, a scaled survey of the property in question may serve as the required site plan. The scaled survey shall include a statement that the requested special land use will not change the exterior of the site.
- B. The Planning Commission shall hold a public hearing on the application in accordance with the Michigan Zoning Enabling Act. The Planning Commission shall review the application and other relevant information made available during the public hearing or from other sources, including recommendations or reports from the Township's planner, engineer, or other parties. The Planning Commission shall recommend to the Township Board to approve, approve with conditions, or deny the request, incorporating in the recommendation the basis for their decision and any conditions that should be imposed.
- C. Following the public hearing, the Planning Commission shall forward their recommendation to the Township Board. The Board shall review and make a final determination on the request. The Board may attach reasonable conditions to the request to ensure that the purpose, standards and requirements of this chapter are met.
- D. A special land use petition which has been denied shall not be resubmitted for a period of one year from the date of denial. Exceptions may be allowed after learning of new and significant facts or conditions, which in the opinion of the Zoning Administrator, might reasonably result in favorable action.
- E. Approval of a special land use shall be valid for one year from the date of approval. If construction of the development has not begun during this time, or if it does not show substantial progress toward completion or beginning operation of the approved activity, then approval shall be considered null and void, except as follows:
 - (1) The Township Board may grant one six-month extension, provided the applicant requests the extension in writing prior to the expiration date of the special land use approval.
 - (2) The extension may be approved if the applicant presents reasonable evidence indicating that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will either proceed or be completed within the extension period.
 - (3) If neither of the above provisions are fulfilled or the six-month extension has expired prior to construction or beginning operation of the approved activity, the special land use approval shall be null and void.
- F. The Township Board, after recommendation by the Planning Commission, shall have the authority to revoke special land use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this chapter, other applicable sections of this chapter, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing that follows the notification requirements for the original approval.

§ 340-107. General standards.

- A. In addition to the requirements established for specific uses in this chapter, an application for a special land use shall be reviewed for compliance with the site plan review standards in § **340-152** of this chapter.
- B. Each application shall be reviewed to determine that the proposed special land use:

- (1) Is 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 the use will not change the essential character of the area in which it is proposed;
 - (2) Is served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 - (3) Does not result in excessive additional requirements at public cost for public facilities and services; and
 - (4) Does not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or the general welfare, by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Planning Commission.
- C. The Planning Commission may stipulate conditions and safeguards as deemed necessary to comply with the general standards and specific requirements of this chapter. Failure to comply with these conditions may result in revoking the special land use approval, pursuant to § **340-106F** above.
- D. The Zoning Board of Appeals shall have authority with regard to special land uses as follows:
[Added 10-16-2013 by Ord. No. Z-71]
- (1) The Zoning Board of Appeals shall have the authority to grant dimensional or site design variances, provided such standards are not conditions of special land use approval.
 - (2) The Zoning Board of Appeals shall not have the authority to reverse or modify the Planning Commission or Township Board decision to approve or deny a special land use.
 - (3) The Zoning Board of Appeals shall not have the authority to grant variances to the special land use standards in Subsection **B** of this section above, or to any conditions of special land use approval.

§ 340-108. Special land use specific requirements.

- A. The general standards of § **340-107B** are basic to all special land uses. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the general standards and requirements.
- B. Except as specified in the following sections, all special land uses are subject to the requirements of the zoning district in which the use is located, as well as site plan review and site development requirements specified within this chapter.
- C. All parking space requirements indicate minimum requirements.

§ 340-109. Adult foster care, small and large group facilities.

- A. A proposed facility shall be consistent with and promote the intent and purpose of this chapter. It shall be compatible with adjacent land uses and the natural environment and shall not have a negative impact on public service capacities and facilities. The Planning Commission shall consider the following factors in making its determination:
 - (1) The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes and circulation; compatibility with existing development; adequate provision of light and air; adequate provision of parking; and accessibility of fire and police protection.

- (2) The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including the capacities of existing community recreation, social service, and other support services and facilities) and whether the proposed facility will alter the character of the neighborhood. To prevent an excessive concentration of such facilities, the alteration of a neighborhood's character and to protect existing facilities from overdevelopment that could result in an institutional atmosphere, a facility shall not be located within a one-thousand-five-hundred-foot radius of any other state-licensed facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this chapter and that the facility would not contribute to an excessive concentration within a particular neighborhood.
 - (3) Accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; employment opportunities and community resources and agencies, including medical and social services that might be used by the facility's residents.
- B. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform with the character of the adjacent neighborhoods and to protect adjacent property from adverse impacts.
 - C. Parking. Two spaces for the resident family, plus one space per employee, plus one space per each three beds, based on licensed capacity.

§ 340-110. Adult uses.

- A. Purpose. The purpose and intent of the provisions of this chapter which pertain to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize the negative secondary impacts of such businesses. It is recognized that sexually oriented businesses, because of their very nature, have serious, objectionable operating characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this chapter are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this chapter to legitimize activities that are prohibited by Township ordinance, or by state or federal law. If any portion of this chapter relating to the regulation of sexually oriented businesses or referenced in those provisions is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends that such provision or portion should be disregarded, redacted, or revised to the extent necessary so that it is enforceable to the fullest extent permitted by law. The Township further states that it would have passed and adopted what remains of any portion or provision of this chapter that relates to the regulation of sexually oriented businesses following the removal, redaction, or revision of any portion determined to be invalid or unconstitutional.
- B. Uses subject to these controls include: adult personal service establishment, adult bookstore, adult motion picture theater or adult live stage performing theater, adult model studio, adult motion picture arcade or mini motion picture theater, adult video store, adult outdoor motion picture theater, massage establishment and sexual paraphernalia store, as defined in Article II of this chapter.
- C. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval as provided herein. A special land use for adult uses shall comply with the following requirements:
 - (1) Adult uses shall not be allowed within 500 feet of another existing adult use, within 500 feet from any residential district, or within 1,000 feet of any existing church, school, park or playground.

- (2) All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the City, at least annually, as to the names and qualifications of each person who administers massages under the Authority or supervision of the massage establishment. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.
 - (3) Any sign or signs proposed for the adult use business must comply with the requirements for ground and wall signs in the M-1 Industrial District, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
 - (4) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that state:
 - (a) "Persons under the age of 18 years are not permitted to enter the premises."
 - (b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- D. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- E. No adult use shall be open for business prior to 10:00 a.m. nor after 10:00 p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, recordkeeping, and similar purposes not involving the general public.
- F. A buffer strip may be required to screen the business use from nearby residential or institutional properties. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use the applicable provisions of Section 13.05^[1] when determining screening needs.
- [1] *Editor's Note: So in original.*
- G. Any booth, room, or cubicle available for use by a patron of a sexually oriented business for the purpose of viewing any entertainment characterized by the showing or depiction of specified anatomical areas or specified sexual activity must comply with the following requirements:
- (1) It must be handicap accessible to the extent required by the Americans with Disabilities Act;
 - (2) It must be unobstructed by any door, lock, or other entrance/exit control device;
 - (3) It must have at least one side which is totally open to a public, lighted aisle, so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
 - (4) It must be illuminated so that a person of normal visual acuity could look into the booth, room, or cubicle from its entrance adjoining the public aisle and clearly determine the number of persons within; and
 - (5) It must have no holes or openings in any side or rear walls, unless such holes or openings are for the purpose of providing utilities, ventilation, or temperature control services to the booth,

room or cubicle, or unless such holes or openings are otherwise required by building code requirements.

- H. Parking. Each use shall provide one space per each 300 square feet of usable floor area.

§ 340-111. Bed-and-breakfast establishments.

- A. The establishment shall be located on property with direct access to a public road which shall not include private roads or shared easements.
- B. These uses shall only be established in detached single-family dwellings which shall be the principal residence of the operator.
- C. The lot on which the establishment is located shall meet the minimum lot size requirements of the applicable zone district.
- D. The total number of guest rooms in the establishment shall not exceed seven, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed a total of 10 guest rooms.
- E. One off-street parking space per guest room, in addition to the required parking for the dwelling unit, shall be provided. All parking spaces shall conform to the regulations set forth in Article **XV** of this chapter.
- F. Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be screened from view on all sides by a six-foot solid, decorative fence or wall.
- G. One sign, not exceeding 16 square feet in area or four feet in height, shall be allowed. Signs shall be indirectly illuminated. Internally lit signs are prohibited. The sign shall conform to the regulations set forth in Article **XV** of this chapter.
- H. Meals may be served only to the operator's family, employees, and overnight guests.

§ 340-112. Campgrounds.

- A. Requirements for all campgrounds.
- (1) Minimum lot size shall be 40 acres and the lot shall have direct vehicular access to a public street or road.
 - (2) Public stations, housed in all-weather structures, containing an adequate water outlet, waste container, toilet and shower facilities shall be provided. All sanitary facilities shall be designed and constructed in strict conformance to all applicable county health regulations.
 - (3) Campground-related facilities or operations which include play sets, buildings, or storage areas shall not be located within 150 feet from all property lines and rights-of-way.
 - (4) Nonmotorized trails or paths shall not be located within 100 feet from side and rear property lines. Motorized trails or paths are prohibited.
- B. Transient campgrounds.
- (1) A commercial enterprise shall not be permitted to operate on the lot, with the exception of a convenience shopping facility which may be allowed if the lot contains more than 65 campsites. The convenience store shall not exceed a gross floor area of 1,000 square feet.
 - (2) Each campsite shall contain a minimum of 1,500 square feet and shall be set back at least 150 feet from side and rear property lines and 150 feet from any right-of-way or front property

line.

- (3) Sites designed to accommodate motor homes, travel trailers or similar recreational vehicles shall have direct access to a hard-surfaced, dust-free roadway of at least 24 feet in width for two-way traffic and 12 feet in width for one-way traffic. Parking on the roadway shall not be allowed. Sites that are specifically designated and used for tent camping do not have to have direct vehicular access to a street or road.
- (4) A minimum of two parking spaces shall be provided for each campsite.
- (5) A minimum of two parking spaces per each 500 square feet of usable floor area shall be provided for accessory office and retail uses that serve the camp.
- (6) Up to two access roads shall be permitted to connect the internal circulation roads with the public right-of-way crossing the one-hundred-fifty-foot front setback.

C. Group campgrounds.

(1) Parking and drives:

- (a) Offices, dining halls and other administrative uses shall provide one parking space per employee.
 - (b) Indoor or outdoor theaters or similar performance spaces that are intended to be open to persons other than campers shall provide one parking space per each three seats.
 - (c) Staff camps or similar accommodation areas shall provide one parking space per each three staff beds.
 - (d) Administration and registration centers shall provide parking and stacking spaces adequate to serve bus and passenger vehicle dropoff and parking.
 - (e) The site plan shall clearly delineate all dropoff and patron parking areas. The site plan narrative shall include maximum camper and staff populations and shall show how the provision of parking will be adequate to serve the maximum population.
 - (f) Dropoff areas and any parking area designed to accommodate any number of buses or 25 passenger vehicles or more shall be paved.
 - (g) Access drives to the dropoff areas shall be paved with a hard surface. At minimum, any drive accessing a public right-of-way shall be hard-surfaced for the first 100 feet from the public street or road. Any other internal drive may be paved with an aggregate material. The Planning Commission and Township Board may waive this requirement if it finds that the following apply:
 - [1] Aggregate surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties; or
 - [2] Hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion.
- (2) An outdoor amphitheater or similar performance space shall have a minimum setback of 200 feet from any property line in the A-O District or any residential district.
 - (3) Meals may be served only to campers and staff, or for events that are clearly accessory to the operation and mission of the group camp. Dining halls or other facilities shall not be used for any commercial purpose.

§ 340-113. Cemeteries.

A. Minimum lot size of three acres is required.

- B. The proposed site shall front upon a paved primary road or state route.
- C. All grave sites shall meet the minimum setback for the zoning district.
- D. In addition to the requirements of Article **XIV** of this chapter, the site plan must show any on-site roads and plot areas. Interior roads are not required to be paved.
- E. Parking. For cemeteries without chapels, the site plan shall show that access roads provide adequate parking for funerals and visits. For cemeteries with chapels, one parking space is required for each three seats, or for each 400 square feet of usable floor area, as applicable, within the chapel.

§ 340-114. Commercial child day-care centers.

- A. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated by more than 300 feet from any residence.
- B. Playground equipment shall not be located in a required side yard.
- C. Outdoor play areas shall be at least 50 feet from a residential district and enclosed with at least a four-foot high fence that cannot be climbed.
- D. An off-street dropoff area that can accommodate at least four vehicles must be provided in addition to the parking normally required for employees.
- E. Activities associated with child care must only be provided in the main building and shall not occur in an accessory building, structure, or attached or detached garage.
- F. A usable outdoor area shall be provided for each child as required by the State of Michigan.
- G. Parking. One space per four children the facility is licensed to accept, plus one space per employee.

§ 340-115. Child-caring institutions.

- A. Minimum lot area shall be 10 acres.
- B. The Planning Commission may recommend that the entire premises be surrounded by a six-foot fence at or near the property line.
- C. Parking. One parking space for each employee and one space for each four beds.
- D. The applicant must obtain all required state and/or county permits, licenses and/or approvals.
- E. The use must front onto a paved primary or secondary road.

§ 340-116. Commercial sporting facilities, small- and large-scale.

- A. The lot shall be located so at least one side abuts a paved primary road or state route and all access shall be from that road.
- B. Entry drives and parking areas shall be a minimum of 100 feet from adjacent property lines.
- C. All main and accessory buildings shall maintain a separation of at least 200 feet from any residential dwelling located on adjacent property.
- D. Maximum building coverage shall be 25%.

- E. Any outdoor recreation development located within 500 feet of any adjacent dwelling shall not be open later than 10:00 p.m.
- F. The Township Board may require the entire premises to be surrounded by a six-foot solid fence at or near the property lines.
- G. Ancillary uses, such as a restaurant or retail use, are permitted, subject to the requirements for those uses in the applicable zoning district.
- H. Each use shall provide, at minimum, a permanent structure with toilet facilities for use by all users of the commercial sporting facility, meeting the requirements of the County Health Department. Pit toilet facilities are not permitted.
- I. Requirements specific to small scale facilities:
 - (1) The minimum area shall be 1.5 acres.
 - (2) No indoor or outdoor facility shall be located less than 30 feet from any adjacent property located in a residential district, or the required setback for the zoning district, whichever is greater.
- J. Requirements specific to large-scale facilities:
 - (1) The minimum lot area shall be three acres, except as otherwise required by this section.
 - (2) A landscaped area of at least 25 feet in width shall be maintained around the periphery of the property. Screening that complies with the landscaping provisions of Article **XV** of this chapter shall be provided adjacent to a residential use or districts.
- K. Parking. One parking space per each employee, plus one space per each three seats in spectator areas; 10 spaces per each athletic field or basketball court; two spaces per tennis, squash or racquetball court; one space per 100 square feet of pool area for a swimming pool; four spaces per hole for golf courses, three spaces per hole on miniature golf courses; two spaces per cage or pit for batting cages or horseshoe pits.

§ 340-117. Commercial parks and picnic areas.

- A. Minimum lot area shall be three acres.
- B. No parking area, shelter, or playground may be located within 100 feet of any property line in a residential district.
- C. Uses shall be limited to picnic facilities, playgrounds and associated play structures, and similar passive recreational activities. Athletic fields, courts and activity areas designed for active recreational use are not permitted.
- D. Parking. Five parking spaces per playground structure and one space per each four seats that can be accommodated in picnic shelters.

§ 340-118. Convalescent and nursing homes.

- A. Minimum lot area shall be three acres with a minimum lot width of 200 feet.
- B. Maximum building coverage (not including parking lots or paved areas): 25%.
- C. The lot shall be located so at least one side abuts a paved primary road or state route and all access shall be from that road.
- D. Main and accessory buildings shall be set back at least 75 feet from all property lines.

- E. The facility shall be designed to provide a minimum of 300 square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include driveways, required yard setbacks and accessory uses.
- F. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the driveway intersection.
- G. Parking. One parking space for each employee and one space for each four beds.

§ 340-119. Drive-through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner).

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. A minimum of four stacking spaces for each drive-through station shall be provided.
- B. Parking areas shall have a minimum front yard setback of 40 feet, and minimum side and rear yard setbacks of 10 feet.
- C. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, a landscaped equivalent, or combination of both.
- D. Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward adjacent property. Amplified noise shall not exceed 65 dBA at the property line of any adjacent residential property.
- E. Access driveways and service windows shall be at least 50 feet from property lines.
- F. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the driveway intersection.

§ 340-120. Educational facilities such as zoological gardens, wildlife preserves and bird sanctuaries, petting farms and botanical gardens and arboretums.

- A. Minimum lot area shall be two acres.
- B. No animal holding area or enclosure shall be located less than 50 feet from any lot line, or the setback required by the zoning district, whichever is greater.
- C. Parking. Five parking spaces for outdoor facilities such as gardens, preserves and petting farms, plus one parking space per each 500 square feet UFA in educational buildings, visitor centers and similar facilities. The Township Board, after recommendation by the Planning Commission, may require additional parking based on the size and type of facility.

§ 340-121. Extractive operations.

Extractive operations, as defined in this chapter and in Chapter **216**, Mining, of the Code of the Township of Putnam, shall be considered a special land use and shall be reviewed and approved according to the requirements of this chapter. Application for a special land use permit for extractive operations shall follow the requirements of Chapter **216**. Construction and operation of an extractive operation shall conform to Chapter **216**, as well as the following requirements:

- A. The required site restoration plan shall include the following:
- (1) A written description of planned site rehabilitation and end use(s), including potential methods of accomplishment and phasing;
 - (2) All components of the proposed end use(s), including, at minimum, types and approximate locations of proposed development, areas to be dedicated to recreational use or open space, access to the development from existing roads, and any other elements that illustrate the end use(s).
 - (3) A narrative description of the proposed methods or features which will ensure that the end use(s) are feasible and can comply with all applicable requirements of this chapter.
 - (4) A financial guarantee (e.g., bond or letter of credit) shall be provided, in an amount equal to the expected cost of the restoration, to ensure that the proposed restoration is completed.
- B. The site plan shall show that there is adequate parking and stacking space for employees, visitors and trucks, based on the anticipated level of extraction activity. Vehicles will not be allowed to park, queue, or idle on any public street.

§ 340-122. Fairgrounds.

- A. Minimum lot area shall be 20 acres.
- B. Ingress and egress to the site shall be from a paved primary road or state route.
- C. Any outdoor activity areas, or buildings housing animals, storage equipment or other similar buildings, shall be set back a minimum of 100 feet from any residential district or lot containing a residential use.
- D. Access driveways shall be located no less than 150 feet from the nearest part of the intersection of any street or any other driveway.
- E. Parking. One space per each 1,000 square feet dedicated to visitors and visitor activities. The site plan shall specify those areas and include the area in square feet.

§ 340-123. Garden centers and nurseries.

- A. Minimum lot area shall be 20 acres.
- B. Sales shall be limited to: woody plants and shrubs; flowers and plants; sod, topsoil, humus, peat, and similar soil materials; mulch; aggregates used in landscaping applications such as washed stone and similar products; brick, stone and masonry used for landscaping applications only; and organic fertilizer related to landscaping applications.
- C. The following are prohibited: sales or display of garden or farm equipment; outdoor structures such as sheds and similar accessory buildings; outdoor play structures; outdoor furniture; outdoor cooking equipment, including brick, stone or masonry intended for construction of outdoor cooking equipment; aggregates intended for fill or other construction applications; brick, stone or masonry intended for construction applications, pond construction materials and equipment; irrigation equipment; and any other item not clearly intended for landscaping applications.
- D. Processing of materials on site, such as washing of stone, making/drying of mulch, etc., is prohibited.
- E. Any stockpiles of soil, aggregate, organic fertilizer, mulch or similar loosely packaged materials shall be stored within a structure such as a bunker or similar containment, sufficiently covered or contained to prevent dust or blowing of materials. The outdoor storage of hazardous materials is

prohibited. The bunker or containment structure, and the material contained within it, shall not exceed eight feet in height.

- F. All access drives leading to parking, loading and outdoor display/storage areas shall be paved along their entire length with a permanent, durable and dustless surface, which shall be graded and drained to dispose of stormwater without creating a negative impact on adjacent property. The paved portion of any access driveway shall be a minimum of 50 feet in length. The Township Board, following a recommendation from the Planning Commission, may approve a dust-free gravel surface for all or part of the parking area and low-intensity display and storage areas, upon a finding that neighboring properties and the environment will not be negatively impacted.
- G. No outdoor storage, display, sales, parking area, or driveway (except a driveway providing direct access to the use) shall be permitted in any required yard or within 100 feet from a street or right-of-way line.
- H. The site shall include a building of no greater than 500 square feet of gross floor area for office use in conjunction with the garden center/nursery use. No items shall be displayed or sold within the structure.
- I. All loading and truck maneuvering shall be accommodated on the site. Loading, unloading and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m., Monday through Saturday.
- J. The site plan shall show a landscape buffer along all side and rear property lines adjacent to residential dwellings on adjacent properties, to screen the operation from adjacent residences. The buffer shall consist of earthen berms and/or living plant materials creating a visual barrier six feet in height. The Planning Commission shall determine the required type of landscape buffer, including design and location of berms and plants and the number of required plants. A greenbelt, in accordance with § **340-163B(11)** of this chapter, shall be provided along all other property lines. The Planning Commission may require a more extensive buffer when dwellings on adjacent properties are within 50 feet of the subject property.
- K. The height of any material (except for loose materials as provided for in Subsection **E** of this section, above) and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence, or eight feet, whichever is less. Storage of materials up to the height of the adjacent building wall may be permitted in the rear yard if it is illustrated on the site plan that the rear yard does not abut a residential district and the materials will not be visible from a neighboring property, or a public or private street, road, or right-of-way, and such storage is confined to within 20 feet of the building.
- L. Ingress and egress to the lot shall be from a paved primary road or state route.

§ 340-124. Group day-care homes.

- A. Pursuant to the Michigan Zoning Enabling Act, a special land use request for a group day care home shall be approved, provided that the group day-care home:
 - (1) Is located not 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, 1979 PA 218, MCL §§ 400.701 to 400.737.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL §§ 333.6101 to 333.6523.
 - (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) Has appropriate fencing for the safety of the children in the group day-care home.
 - (3) Maintains the property consistent with the visible characteristics of the neighborhood.
 - (4) Does not exceed 16 hours of operation during a twenty-four-hour period. The Township Board may limit but not prohibit the operation of a group day-care between the hours of 10:00 p.m. and 6:00 a.m.
 - (5) Meets the sign regulations of the applicable zoning district, as well as the general sign provisions of Article **XV** of this chapter.
 - (6) A licensed or registered family or group day-care home that operated before March 30, 1989, is not required to comply with the requirements of this section.
- B. In addition to the above, a group day-care home shall meet the following requirements:
- (1) There shall be provided, equipped and maintained, on the premises, a minimum of 150 square feet of usable outdoor recreation area for each client of the facility.
 - (2) The outdoor recreation area shall be fenced and screened from any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
 - (3) A pickup and dropoff area, located completely upon the site, shall be provided. This area shall accommodate a minimum of two vehicles or one stacking space per each four children under care, based upon the licensing limits of the facility.
 - (4) The applicant shall provide evidence of the ability to comply with all applicable state licensing requirements.
 - (5) Parking. One space per each three children under care, computed on the basis of the licensing limits of the facility.

§ 340-125. Hospitals, general.

- A. Ingress and egress to the site shall be from a paved primary road or state route.
- B. The minimum lot or parcel area shall be five acres with a minimum lot width of 200 feet.
- C. No more than 50% of the site area shall be covered by buildings.
- D. Setbacks.
 - (1) Single-story structures shall meet the minimum setback requirements of the district in which the use is to be located.
 - (2) Buildings taller than two stories shall meet the minimum setback requirement for the district in which the use is located, or 50 feet for front, rear, and side yards, whichever is greater.
- E. Noise-producing activities, such as ambulance and delivery areas, laundry, or power plants, shall not be located closer than 300 feet from any residential lot or use.
- F. Ambulance and delivery areas shall be obscured from the view of adjoining residential districts or uses by a solid masonry wall five feet in height.
- G. Screening shall be provided in accordance with the requirements of Article **XV** of this chapter.
- H. Parking. One parking space for each three beds and one for each employee, plus one for each 200 square feet of UFA of outpatient area.

§ 340-126. Kennels, public/commercial.

- A. The minimum lot area shall be 10 acres.
- B. Maximum lot coverage of all buildings shall be 25%.
- C. Buildings in which animals are kept, outdoor runs and/or exercise areas shall be set back a minimum of 150 feet from any adjacent property line in a residential district.
- D. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape-proof to the extent possible.
- E. The required site plan shall include a floor plan, layout and specifications for all indoor kennel enclosures and outdoor runs. Kennel enclosures shall be designed so that no animal occupies a space that does not allow it to stand at its full height, lay down and turn completely around without contacting the walls and ceiling of the enclosure. The floor of all enclosures shall consist of concrete or other nonporous material that resists scratching or wear, and have proper drainage to allow for cleaning and proper disposal of waste.
- F. For indoor canine enclosures, there shall be no wood exposed to the dogs.
- G. Each facility shall provide adequate heating, ventilation and air conditioning to the indoor animal holding areas. The site plan shall include plans and specifications for air handling and climate control.
- H. Each facility shall include an indoor or outdoor exercise area with a minimum area of 400 square feet.
- I. Wherever outdoor runs are located in areas where surrounding uses may disturb the animals, the Township Board, after recommendation by the Planning Commission, may require outdoor runs to be surrounded by a solid fence.
- J. Parking. One space for each 400 square feet UFA.
- K. One caretaker's residence may be provided on the same property. At least two additional parking spaces shall be provided to serve the residence.

§ 340-127. Mortuary or funeral home.

- A. Minimum lot area shall be two acres with a minimum lot width of 200 feet.
- B. A well designed and landscaped, paved off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
- C. A caretaker's residence may be provided within the main building. At least two additional parking spaces shall be provided to serve the residence.
- D. The proposed site shall front upon a paved public street. All ingress and egress shall be from this thoroughfare.
- E. Parking. One space per each 50 square feet UFA.

§ 340-128. Museums.

- A. The proposed site shall front upon, and all ingress and egress shall be from a paved primary road or state route.

- B. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be set back at least 50 feet from the front lot line and 25 feet from the side and rear lot lines.
- C. Parking. One space for each 400 square feet UFA.

§ 340-129. On-site dwelling unit for staff associated with a group or transient campground on the same site.

[Amended 7-21-2010 by Ord. No. 49]

- A. Not more than one dwelling unit is generally permitted. Additional dwelling units may only be allowed upon a determination by the Planning Commission that additional year-round occupancy by campground staff is needed due to the activities or programs being conducted.
- B. The dwelling unit(s) may be occupied only by the staff or caretaker of the campground on the same site and his/her family.
- C. Parking. Two spaces shall be provided for the dwelling unit, in addition to the parking requirements for the main use.

§ 340-130. Open-air businesses.

- A. Minimum lot area shall be 80,000 square feet, with a minimum lot width of 200 feet.
- B. The Township Board may require a six-foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
- C. All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
- D. The lot area used for the display or storage areas shall be provided with a permanent, durable, and dust-free surface, and shall be graded and drained so as to dispose of all surface water. The Township Board may require the area to be paved with a hard surface, if it is determined that a nonpaved surface would result in excess dust, rutting of the ground, or drainage problems.
- E. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 100 feet from an intersection.
- F. All lighting shall be shielded from adjacent residential areas.
- G. No display area shall be located within 20 feet of a public road right-of-way line.
- H. Parking. In addition to the parking requirements for the use within the enclosed building, one space per each 600 square feet of outdoor display or sales area shall be provided. Sales and display areas located upon parking lots shall not reduce the number of spaces to less than the minimum requirement for all uses on the site.

§ 340-131. Open space developments.

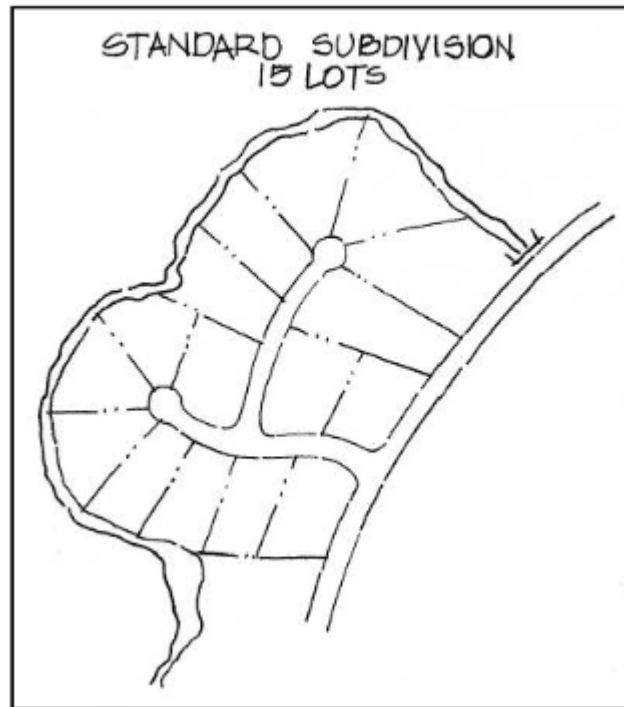
- A. Description and purpose. The purpose of an open space development (OSD) is to permit greater flexibility in development than is generally possible under standard district regulations. The intent of the regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the Township, ensuring access to open spaces, foster the preservation of significant natural features, large open spaces, or active

agricultural land that would otherwise be developed but will be preserved as a result of the OSD, and other design objectives intended to foster an improved living environment.

- B. A developer may opt to follow the requirements of the Planned Unit Development (PUD) District, which allows density bonuses in exchange for certain amenities. See Article **XII** of this chapter.
- C. Qualifying conditions.
- (1) The tract of land for which an OSD application is received must be either under single ownership or the subject of an application filed jointly by the owners of all affected properties.
 - (2) The property which is the subject of an OSD application must be a minimum of 20 contiguous acres. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the purpose of the OSD regulations, or include a noncontiguous parcel if significant natural features may be preserved as a result.
 - (3) The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which could be otherwise developed but will be preserved as a result of the OSD.
 - (4) Only traditional agricultural activities (except intensive livestock operations) and single-family dwellings and their accessory uses may be approved as part of the OSD.
- D. Review procedures.
- (1) Sketch plan approval.
 - (a) To be considered as an OSD, the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this section.
 - (b) In addition to the requirements for a preliminary site plan in Article **XIV** of this chapter, the application materials shall include 12 copies of all of the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - [1] Written documentation that the proposal meets the standards of this section.
 - [2] If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - [3] Arrangement and area calculations for open space, including upland and wetland open space areas.
 - (c) Parallel plan. The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:
 - [1] The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
 - [2] All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
 - [3] Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

- [4] While intended as a conceptual plan, the Planning Commission shall only approve the parallel plan after a determination is found that the submitted plan would otherwise be approvable under current Township ordinances and review considerations.

Parallel Plan



- E. The Planning Commission shall review the sketch plan in accordance with the requirements of this chapter and deny, approve, or approve with conditions, the sketch plan.
- F. Final site plan approval.
- (1) After receiving approval of a sketch plan, the applicant shall within one year submit a final site plan to the Planning Commission.
 - (2) The final site plan may be for either the entire project or for one or more phases.
 - (3) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file the application.
 - (b) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - (c) Arrangement and area calculations for open space, including upland and wetland open space areas.
 - (d) A completed application form, supplied by the Zoning Administrator.
 - (e) A final site plan meeting the requirements of Article **XIV** of this chapter.
 - (4) Failure to submit a final site plan for approval within the one-year period shall void the previous sketch plan approval and a new application shall be required to be submitted and

approved in accordance with these provisions.

- (5) The Planning Commission shall, upon receiving all required materials, recommend denial, approval, or approval with conditions, of the final site plan for the OSD.
 - (6) After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the OSD.
- G. Design principles. The overall intent of the open space development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the community, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end, the following general guidelines will be considered by the Planning Commission in evaluating proposed open space developments.
- (1) Open space. Any open space provided in the OSD shall meet the following considerations and requirements:
 - (a) Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire OSD may utilize the available open space.
 - (b) The OSD shall have a minimum of 50% open space. Any area used in the calculation of required open space shall have a minimum dimension of 50 feet.
 - (c) All land set aside as open space shall be deed-restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s), be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - (d) All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
 - (2) Development setback.
 - (a) Any building area, which for the purposes of this section shall mean any lot on which a principal use is located, shall be located at least 200 feet from any public street right-of-way not constructed as part of the OSD.
 - (b) No native or natural vegetation shall be removed from the two-hundred-foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may allow thinning of undergrowth or removal of noxious or invasive species. The Planning Commission may require natural vegetation to augment the natural buffer.
 - (c) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides a landscape screen. In any case, the setback shall be not less than one 100 feet. The one-hundred-foot landscape screen shall meet all of the following minimum requirements:
 - [1] Occupy at least 70% of the lineal distance of the property line abutting any public street right-of-way.
 - [2] Be on a strip of unoccupied land at least 50 feet in depth.
 - [3] Have at least 50% opacity from the roadside view at the time of planting.
 - [4] Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

- (d) OSD sites abutting more than one public street shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. No native or natural vegetation shall be removed from the one-hundred-foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- (3) Open space.
 - (a) Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
 - (b) Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight to 10 units per cluster for projects of less than 50 dwelling units and not more than 10 to 15 for projects with 50 or more dwelling units.
 - (c) The open space development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
 - (d) Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. These areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. These areas may, however, incorporate trails or other internal pedestrian circulation paths.
 - (4) The overall design of the open space development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.
- H. Review standards.
- (1) The following review standards will be used by the Planning Commission and Township Board in their consideration of an OSD. Before these developments may be approved, the Planning Commission and Township Board shall find:
 - (a) That the OSD meets the stated purposes of this section.
 - (b) The OSD is in substantial compliance with the design principles of this section.
 - (c) That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
 - (d) That the location of the buildings of the OSD do not unduly impact other single-family uses in the vicinity of the proposed development.
 - (e) That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
 - (f) That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.

§ 340-132. Pawnshops.

[Added 3-16-2011 by Ord. No. 54]

- A. Outdoor display or storage shall be prohibited.
- B. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
- C. Security measures shall be provided which are not visible from the exterior of the building.
- D. Such uses shall not be allowed within 500 feet of another pawnshop, adult use, or residential district, or within 1,000 feet of any existing church, school, park or playground. If the one-thousand-foot requirement cannot be met, the Planning Commission or Board has the authority to approve a distance of less than 1,000 feet.

§ 340-133. Outdoor storage and sales.

Outdoor storage and sales that is accessory to a permitted or special land use shall be subject to the following requirements:

- A. Outdoor storage or sales located within an enclosure that has a roof structure shall be considered to be within an accessory building and shall be subject to all applicable requirements. If the enclosure is attached to the principal building, it shall be considered to be a part of the principal building and subject to all of the requirements for the principal building.
- B. No sales, display or storage area may be located within a required yard.
- C. Parking areas may not be used for storage. Sales or display areas on parking lots may be permitted, provided that:
 - (1) The items displayed or sold must be seasonal in nature, and the display area must be constructed as temporary.
 - (2) If any parking spaces are displaced by the sales or display area, there shall be enough remaining parking spaces to meet the minimum parking space requirement for the use(s) on the site.
 - (3) Sales and display areas shall not interfere with safe and efficient traffic and pedestrian movements on the site.
- D. Outdoor storage and sales areas located within any yard adjacent to a residential district (except for a yard separated from the residential district by a street right-of-way) shall be screened with a solid fence or decorative wall with a maximum height of six feet and landscaping. Materials stored or displayed shall not be visible above the screening fence or wall. Landscaping shall be planted so that there is never a horizontal break in landscaping along the fence or wall that is wider than 10 feet.

§ 340-134. Places of worship.

- A. The facility shall be located on a minimum lot size of two acres; plus an additional 15,000 square feet for each 100 seating capacity or fraction thereof in excess of 100 members.
- B. The facility shall have a minimum of 200 feet of frontage and have direct access to a public street or road.
- C. Access driveways shall be located no less than 150 feet from the center line of the intersection of any street or 50 feet from any residential driveway.
- D. The main and accessory buildings and structures shall not be located within 50 feet of any residential district.
- E. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling over the property line.

- F. Parking. One parking space per each three seats in the main unit of worship.

§ 340-135. Private noncommercial recreational activities and institutional or community recreational centers.

- A. Minimum lot size shall be three acres with a minimum of 200 feet of frontage on a public street or road.
- B. All points of entrance or exit for motor vehicles shall be located no closer than 100 feet from the intersection of any two streets.
- C. The site plan shall show a landscape buffer along all side and rear property lines adjacent to residential dwellings on adjacent properties, to screen the operation from adjacent residences. The buffer shall consist of earthen berms and/or living plant materials creating a visual barrier six feet in height. The Planning Commission shall determine the required type of landscape buffer, including design and location of berms and plants and the number of required plants. A greenbelt, in accordance with § **340-163B(11)** of this chapter, shall be provided along all other property lines. The Planning Commission may require a more extensive buffer when dwellings on adjacent properties are within 50 feet of the subject property.
- D. Where the site adjoins a residential district, outdoor loudspeaker systems shall not be used.
- E. The intensity level of sounds leaving the site shall not exceed 65 decibels (dBA) at the lot line of residential uses.
- F. Parking. One space per each 300 square feet of UFA in offices and administration areas; one space per each 500 feet of GFA in recreation areas.

§ 340-136. Public/commercial stables.

- A. Minimum lot area shall be three acres for the first horse or similar equine animal, plus 1/2 acre per each additional horse boarded or housed.
- B. An accessory building used as a stable shall not be located nearer than 75 feet to any dwelling.
- C. The facility shall be constructed and maintained such that odor, dust, noise, or drainage shall not be a nuisance or hazard to adjoining premises.
- D. Riding trails shall be located no less than 25 feet from any lot line in a residential district.
- E. Parking. One space per employee, plus one space per each two horses or similar equine, based on the design capacity of the facility.

§ 340-137. Restaurants with drive-through facilities.

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into a private or public right-of-way, with a minimum of 10 stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation, access to parking spaces, and egress from the property by vehicles not using the drive-through facility.
- B. Parking. Restaurants with drive-through facilities shall meet the parking requirements of restaurants without drive-through, as required in Article **X** of this chapter.
- C. In addition to parking space requirements, at least three parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for

customers waiting for delivery of orders. The waiting spaces shall be designed to allow maneuvering without being blocked by another vehicle, and shall not impede traffic flow on the site.

- D. Any paved area shall have minimum side and rear yard setback of 20 feet.
- E. Public access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access.
- F. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
- G. The intensity level of sounds leaving the site shall not exceed 65 decibels (dBA) at the lot line of residential uses.
- H. Outdoor menu boards shall be located behind the front building line.

§ 340-138. Restaurants, taverns and other places serving food or beverages that provide dancing and entertainment.

- A. Parking. Restaurants taverns and other places serving food or beverages providing dancing and entertainment shall meet the parking requirements of restaurants without drive-through, as required in Article X of this chapter.
- B. Minimum lot area shall be one acre.
- C. No drive-through facility shall be permitted.
[Amended 9-20-2017 by Ord. No. Z-90]
- D. All buildings shall be set back a minimum of 50 feet from any property line in an adjacent residential district.
- E. Parking areas shall be set back a minimum of 15 feet from any property line in an adjacent residential district.
- F. The use shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.

§ 340-139. Self-storage buildings.

[Amended 3-18-2015 by Ord. No. Z-75]

- A. The use shall be developed on lots of at least two acres. No more than 70% of the lot may be used for buildings, parking lots and access.
- B. The lot shall abut and gain access from a paved primary road or state route.
- C. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
- D. A six-foot fence of a material acceptable to the Planning Commission shall enclose the area occupied by the use. If the use is adjacent to a residential zone or use, screening shall be in accordance with the provisions of § **340-163**. The wall or fence shall be set back at least 30 feet from the front property line.
- E. Outdoor storage of boats and recreational vehicles is permitted, provided the storage area is behind storage buildings and screened in accordance with the provisions of § **340-163** of this chapter.

- F. Minimum side and rear yards as specified for the district shall be maintained. No buildings or outdoor storage areas are permitted within the required setbacks.
- G. There shall be a minimum of 35 feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be 25 feet.
- H. Traffic direction and parking shall be designated by signs or painting.
- I. The storage of hazardous or toxic materials is prohibited.
- J. The lot area used for parking and access shall be provided with a paved surface and shall be drained to dispose of all surface water; however, the Planning Commission may permit the use of stone or gravel in areas used to access storage buildings or for outdoor storage provided appropriate dust control measures are used as needed.

§ 340-140. Theaters, assembly halls, auditoriums and similar places of public assembly.

- A. Lighting for parking areas or outdoors activity areas shall be designed to prevent light from spilling onto any residential district use or property line.
- B. Main buildings shall be set back a minimum of 100 feet from any residential district use or property line.
- C. For uses exceeding a seating capacity of 250 persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity and access on adjacent and nearby streets which are likely to provide access to the site.
- D. Access driveways shall be located no less than 100 feet from the center line of the intersection of any street or any other driveway.
- E. Parking. One space per each three seats.

§ 340-141. Vehicle repair establishment, with or without fuel sales, major or minor repair.

- A. Minimum lot area shall be one acre.
- B. Minimum lot width shall be 200 feet.
- C. Except as stated below, all buildings, structures, and equipment shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear lot line abutting a residential district.
- D. No more than one curb opening shall be permitted for every 100 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot, and two for any other street.
- E. No drive or curb opening shall be located nearer than 75 feet to any intersection or more than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- F. A raised curb six inches high shall be constructed along the perimeter of all paved and formal landscaped areas.

- G. All areas for driving and parking shall be paved.
- H. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building.
- I. Gasoline pumps are permitted within the front yard, provided that no gasoline pump shall be located less than 50 feet from any lot line. A canopy over the gasoline pumps may be located in the front yard, provided that the leading edge of the canopy is not less than 20 feet from the front lot line and not less than 10 feet from any other lot line.
- J. When adjoining a residential district, parking and storage areas shall be fenced and screened from the view of any abutting residential district or use by a decorative fence or wall, or a landscaped equivalent.
- K. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six-foot high sight-obscuring wall or fence. No outside storage area shall exceed an area of 200 square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five vehicles) shall be permitted for a period not exceeding 10 days.
- L. All exterior lighting, including signs, shall be designed and erected so as to shield the glare of the lights from view by adjacent property.
- M. Parking requirements:
 - (1) One parking space per each 300 square feet UFA dedicated to office area, plus three spaces per service bay.
 - (2) If retail sales of convenience items is included, one parking space per each 400 square feet UFA shall be provided.
 - (3) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least one vehicle.

§ 340-142. Vehicle service stations with fuel sales, including minor vehicle repair.

- A. Minimum lot area shall be 1/2 of an acre.
- B. Minimum lot width shall be 200 feet.
- C. All other requirements applicable to vehicle repair establishments, with or without fuel sales, major or minor repair (§ 340-141, Subsections C through M) shall apply.

§ 340-143. Vehicle wash establishments.

- A. Minimum lot area for establishments with self-service bays only shall be 1/2 acre. For establishments with a combination of self-service and automatic wash bays, the minimum lot area shall be one acre.
- B. No more than one curb opening shall be permitted for every 100 feet of frontage (or major fraction thereof) along any street, with a maximum of one per street when located on a corner lot, and two for any other street.
- C. No drive or curb opening shall be located nearer than 75 feet to any intersection or more than 25 feet to any adjacent residential district property line. No drive shall be located nearer than 50 feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

- D. All washing activities must be carried on within a building.
- E. Vacuuming activities may not be conducted in any required yard.
- F. Parking and stacking:
 - (1) There shall be two parking spaces, plus one space per each employee.
 - (2) Each self-service wash bay shall provide a minimum of three stacking spaces. An automatic wash bay shall provide a minimum of 10 stacking spaces.
 - (3) Each self-service vacuum station shall provide at least one stacking space in addition to the space located in front of the vacuum station.
 - (4) Stacking spaces shall not interfere with vehicle circulation on the site.

§ 340-144. Veterinary clinics, with or without large animals or livestock.

- A. Minimum lot area for facilities for large animals and livestock shall be two acres. Minimum lot area for all other facilities shall be one acre.
- B. Buildings wherein animals are kept, dog runs, and/or exercise areas shall be set back a minimum of 50 feet from any lot line in an adjacent residential district. No dog runs and/or exercise areas shall be located in a front yard or in any required rear or side yard.
- C. Parking. One parking space per examination room, plus one per employee.

§ 340-145. Wireless communication towers.

[Amended 1-16-2013 by Ord. No. Z-69]

- A. Purpose. The purpose of these regulations is to establish guidelines for the siting of wireless communication towers. The goals of these regulations are, among other things, to:
 - (1) Encourage the placement of towers in nonresidential areas;
 - (2) Minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Putnam Township;
 - (3) Encourage the joint use of new and existing tower sites among service providers;
 - (4) Locate wireless communication towers in areas where adverse impacts on the community are minimized;
 - (5) Encourage the design and construction of wireless communication towers to minimize adverse visual impacts; and
 - (6) Enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.
- B. Application of regulations.
 - (1) Except as provided by Subsection **C(3)**, these provisions shall not apply to any wireless communication tower for which special use approval has been properly granted prior to the effective date of this section or to attached wireless communications facilities (towers located on existing buildings or antennas to be co-located on existing structures).
 - (2) These provisions shall not apply to governmental wireless communication towers or facilities. Private wireless communication towers and facilities on governmental property are not

exempt.

C. General provisions.

- (1) There shall be no more than one wireless telecommunications tower and related facilities per lot.
- (2) A caretaker's residence may be provided within a main building. At least two additional parking spaces shall be provided to serve the residence.
- (3) Antennas for wireless communications services shall be required to locate on any existing or approved tower or suitable publicly or privately owned structure within a three-mile radius of the proposed tower unless one or more of the following conditions exist:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved structure, tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (b) The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the structure, tower or building, as documented by a qualified and registered professional engineer, and the interference cannot be prevented at a reasonable cost.
 - (c) Existing or approved structures, towers and buildings within a three-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and registered professional engineer.
 - (d) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing structure, tower or building.
- (4) Any proposed tower for wireless communication services shall be designed, structurally, electrically, and in all other respects, to accommodate the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights. Adequate space shall be reserved on the site for ground-mounted equipment serving additional users.
- (5) Wireless communication towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Federal Communications Commission requirements or engineering requirements require an alternate design.
- (6) In the M-1 (Light Industrial District) and C-2 (General Business District) Zoning Districts, the tower base shall be set back at least 1/2 the full height of the tower from all lot lines, and no tower in the M-1 and C-2 Zoning Districts shall be located less than 500 feet from any property line of adjacent property zoned RR, RS-1, RS-2, RS-3, RS-4, LR-1, LR-2, R-2 or R-3 or less than 500 feet from any residential dwelling (either existing or under construction) in any other zoning district at the time of the application.
- (7) In the A-O (Agricultural/Open Space) Zoning District, the tower base shall be set back at least the full height of the tower from all lot lines, and no tower in the A-O Zoning District shall be located less than 500 feet from any property line of adjacent property zoned RR, RS-1, RS-2, RS-3, RS-4, LR-1, LR-2, R-2 or R-3 or less than 500 feet from any residential dwelling (either existing or under construction) in any other zoning district at the time of the application.
- (8) The tower height shall be measured from the grade at the base of the tower to the topmost element of the tower and all antennas. Notwithstanding any of the setbacks required by this section, the Planning Commission and/or the Township Board may reduce the setbacks, provided the Planning Commission and/or the Township Board finds that reducing the

setbacks will not adversely affect immediately adjacent property and is in the best interest of the public health, safety and welfare.

- (9) Wireless communication towers shall be less than 200 feet tall and no taller than is reasonably necessary to accommodate wireless communications.
- (10) The Planning Commission may require structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements. The Planning Commission may also allow or require fencing around the tower and equipment area, if deemed necessary.
- (11) Wireless communication towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
- (12) A performance guarantee shall be provided for communication towers to ensure that if they are abandoned or unused, the tower shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One three-month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal or reactivate its use.

D. Design and construction details.

- (1) Applicants shall provide all information required by this Code and any additional information reasonably required or requested by the Township to consider a request under this section.
- (2) Towers shall be designed by a licensed professional engineer and shall be a monopole design. No guy wires are permitted.
- (3) Identification by a licensed professional engineer as to the necessary collapsible area on the site should the tower collapse for any reason. No structures, other than those associated with the facility, shall be located within this area.
- (4) Tower design shall prevent climbing, except for those persons required to do so.
- (5) Identification of the feasible number of co-locations to be accommodated on the tower and the site.

§ 340-145.1. Motorized vehicle/equipment racing and competitions.

[Added 2-17-2016 by Ord. No. Z-84]

- A. The site shall be located so at least one side abuts a county road or state highway and access shall be to/from that road.
- B. Except for the access point to/from a road, drive(s) and parking area(s) shall be a minimum of 75 feet from any lot line.
- C. The site shall have a lot area of not less than 20 acres.
- D. No new building or spectator seating shall be located within 200 feet of any lot line.
- E. The site shall be enclosed around the entire periphery with an obscuring screen fence at least six feet in height. Screen fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously. The Township may modify this requirement where existing and/or proposed landscaping sufficiently mitigates views and noise or where property conditions preclude the installation of such fencing.

- F. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- G. The site shall provide dedicated off-street parking and passenger loading areas.
- H. Sufficient stacking areas shall be provided on-site for vehicles entering the site such that traffic will not back up onto the road.
- I. Uses which may have events with an anticipated capacity of 200 or more people shall provide letters of review from the County Sheriff and Livingston County Road Commission with respect to the proposed event. Notice shall also be provided to the Township at least 30 days in advance of such an event.
- J. The use shall not result in the excessive creation of dust, noise, traffic or trespassing upon adjacent properties.
- K. Accessory commercial activities shall be limited to those necessary to serve only the patrons attending the event. In no case shall an accessory activity operate in the absence of the principal use.
- L. No temporary sanitary facility or trash receptacle shall be located within 200 feet of any lot line.
- M. All sanitary facilities shall be designed and constructed in strict conformance with requirements of the Livingston County Health Department.
- N. Adequate trash receptacles shall be provided throughout the site, and the applicant shall describe the timing and method of trash/waste disposal.
- O. The applicant shall provide an indication of hours of operation, which may be modified by the Township based on the nature of the use and the nuisance potential to surrounding property owners.
- P. Central loudspeakers/paging systems are prohibited adjacent to residential zoning districts.
- Q. The intensity level of any sound generated on site shall not exceed 65 decibels at the property line where adjacent to a nonresidential zoning district, or 55 decibels at the property line where adjacent to a residential zoning district.
- R. Parking shall be provided at a rate of one space per each employee, plus one space per each three seats in spectator areas and/or one space per each three persons of occupancy.
- S. A landscaped greenbelt meeting the requirements of § **340-163** and of not less than 50 feet in width shall be provided on all sides of the site. The Township may modify this requirement if existing vegetation provides suitable screening for surrounding properties.
- T. Before the issuance of a permit, the permittee shall obtain public liability insurance with limits of not less than \$1,000,000 per occurrence and property damage insurance with a limit of not less than \$100,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the Township, in writing, at least 30 days before the expiration or cancellation of said insurance. The Township must be named as an additional insured on this policy.
- U. In addition to the above requirements, the procedures and requirements of Chapter **106** of the Township Code must also be met when applicable.

§ 340-145.2. Commercial solar energy systems.

[Added 5-16-2018 by Ord. No. Z-92]

Please refer to § **340-39B(5)**, for specific use requirements.

§ 340-145.3. Agritourism activities.

[Added 8-21-2019 by Ord. No. Z-102]

- A. Intent and purpose. It is the intent of the Township to allow, with special land use approval, agritourism activities as defined in this Zoning Ordinance that are accessory to the primary agricultural land use in the A-0 Agricultural/Open Space District. The purpose of these regulations is to provide clear expectations for operators, residents, other businesses, and local officials regarding the standards of agritourism activities.
- B. Except as otherwise preempted by the Michigan Right to Farm Act, Act 93 of 1981, as amended, ^[1] the agritourism activities and standards described below may only be permitted with special land use approval pursuant to Article **XIII** of this chapter.
- (1) Cider mills or wineries selling product, in a tasting room, containing at least 50% of crops or produce grown on site.
 - (2) Seasonal outdoor mazes of agricultural origin, such as straw bales or corn.
 - (3) Bed-and-breakfast operation in accordance with the State Construction Code, Act 230 of 1972.^[2]
^[2] *Editor's Note: See MCLA § 125-1501 et seq.*
 - (4) The processing, storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least 50% of the stored or processed, or merchandised products are produced by the farm operator.
 - (5) U-pick operations in accordance with the following standards:
 - (a) Any buildings or structures associated with such use shall not be greater than 500 square feet total in area.
 - (b) Suitable trash containers shall be placed on the premises for public use.
 - (c) Any building or structure containing or associated with a roadside stand or farm market shall not be located within any setback as established for the zoning district in which such use is located.
 - (d) Adequate off-street parking shall be provided and may be allowed in the required front setback area. Parking shall conform to the parking regulations of the Zoning Ordinance.
 - (e) Two signs, not to exceed eight square feet each, may designate such use. Such signs shall not create a traffic hazard and shall not be located closer than 25 feet to the nearest edge of the roadway. Such signs shall be deemed temporary in nature, nonilluminated, and approved as to safety and stability by the Township Zoning Official.
 - (f) Any other signage or advertising media, including, but not limited to, flags, strings of lights, pennants, banners, searchlights, bare light bulbs, moving or twirling signs or any portion thereof, balloons, and/or other similar advertising devices, shall be prohibited.
 - (6) Community-supported agriculture or CSA.
 - (7) Uses listed above as Subsection **B(1)** through **(6)** may include any or all the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50% of the gross receipts from the farm.

- (a) Value-added agricultural products or activities, such as education tours of processing facilities, etc.
 - (b) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - (c) Petting farms, animal display, and pony rides.
 - (d) Wagon, sleigh and hayrides.
 - (e) Nature trails.
 - (f) Open-air or covered picnic area with restrooms.
 - (g) Educational classes, lectures, seminars.
 - (h) Historical agricultural exhibits.
 - (i) Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 50% produce grown on site.
 - (j) Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts limited to 25% of gross sales.
- (8) Other commercial/tourism business that is complementary and accessory to the primary agricultural land use of the subject property, including, but not limited to: a) small-scale entertainment (e.g., music concert, car show, art fair), b) organized meeting space (e.g., for use by weddings, birthday parties, and corporate events), c) designated, permanent parking for more than 20 vehicles.

[1] *Editor's Note: See MCLA § 286-471 et seq.*

C. Supplemental regulations.

- (1) Minimum lot area of 20 acres.
- (2) Access to road types.
 - (a) The uses listed in Subsection **B(1), (2), (7), and (8)** of this section must have direct access to one of the following road types, as described in the functional road classification of the township master plan:
 - [1] Rural minor collector.
 - [2] Rural major collector.
 - [3] Rural minor arterial.
 - [4] Other rural principal arterial.
 - (b) All other uses permitted by this section, not noted above, may have access on any road type within the Township with the condition that the increase in traffic shall not create a nuisance to nearby residents by way of traffic or noise, or increase the public cost in maintaining the roadway.
- (3) A 200-foot open buffer shall be provided on all sides of the property not abutting a roadway. Agricultural commercial/tourism business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.
- (4) A greenbelt buffer shall be provided according to the standards of § **340-163B(11)** along the property line where there is an abutting residence. Greenbelts are intended to screen views of

the proposed operation from the adjacent home or property. Landscaping shall meet the standards of § **340-163**.

- (5) Must provide off-street parking to accommodate use as outlined in § **340-160**.
 - (a) Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
 - (b) All parking areas shall be constructed in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 - (c) Paved or unpaved parking areas shall not be in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this Zoning Ordinance.
 - (6) The following additional operational information must also be provided, as applicable:
 - (a) Ownership of the property.
 - (b) Months (season) of operation.
 - (c) Hours of operation.
 - (d) Anticipated number of customers.
 - (e) Maintenance plan for disposal, etc.
 - (f) Any proposed signs.
 - (g) Any proposed lighting.
 - (h) Maximum number of employees at any one time.
 - (i) Restroom facilities.
 - (j) Verification that all outside agency permits have been granted, i.e., federal, state and local permits.
 - (7) All areas of the property to be used, including all structures on site, must be clearly identified.
- D. Discretion. The Township Board, based on the recommendation of the Planning Commission, may waive or modify the requirements of Subsections **B** and **C** above where property conditions clearly mitigate any potential adverse impacts to the Township's satisfaction.

Article XIV. Site Plan and Plot Plan Review

§ 340-146. Purpose.

- A. It is the purpose of this chapter to require site plan review and impact assessment report approval for certain buildings, structures, and uses that are expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. It is the purpose of the impact assessment to accompany a site plan and specifically address the anticipated impact of a proposed use on the natural features, economic climate, social environment, and any potential negative effects on the health, safety, and welfare of the residents of Putnam Township.
- B. The regulations contained in this chapter are intended to promote:
 - (1) The goals, objectives and intent of the Putnam Township Master Plan;

- (2) Safe and convenient traffic movement, both within a site and in relation to access streets;
 - (3) Harmonious relationships of buildings, structure, and uses, both within a site and with adjacent sites; and
 - (4) Conservation and protection of natural features and resources, both above and below ground.
- C. Procedures have been established to guide the Planning Commission and the applicant through the site plan review process. These procedures place certain responsibilities upon the applicant. Compliance with all of the procedural requirements, as well as all Zoning Ordinance standards, will minimize delays and assure expeditious review of the plan.

§ 340-147. Uses requiring site plan and plot plan review.

- A. Site plan review. A review of a preliminary and final site plan will be required by the Planning Commission in the following circumstances:
- (1) Special uses.
 - (2) Except as noted in Subsection **B**, below, permitted principal uses in the R-3 District (except for single and two-family dwellings), the MHC District, the commercial and industrial districts as outlined in Article **X** of this chapter, and the Public Lands District, including existing main buildings or principal uses where an alteration, addition, expansion, change or conversion constitutes an increase to the existing structure or use in excess of 1,000 square feet or 25% of the existing main building or principal use area, whichever is greater;
 - (3) Site condominium developments; and
 - (4) Planned unit developments.
- B. Plot plan review.
- (1) The Zoning Administrator shall be responsible for review and approval of plot plans for one-family detached dwellings; two-family dwellings; agricultural uses; family day-care and adult foster care family home facilities not meeting the requirements of Subsection **A(2)** above; accessory buildings and uses; and any other uses not requiring review by the Planning Commission. Additionally, anyone constructing a single-family or two-family dwelling unit in Putnam Township must meet all the requirements of the latest version of the Michigan Residential Code and shall be enforced by the Livingston County Building Department.
 - (2) Plot plan requirements.
 - (a) An application for a plot plan shall be filed with the Zoning Administrator before any work commences on the site. The Zoning Administrator shall verify the data on the plot to confirm its accuracy with the requirements of the Zoning Ordinance. The plot plan shall contain the following information:
 - [1] Building and driveway location.
 - [2] Proposed well and septic location (to be approved by the County Health Department).
 - [3] Setbacks.
 - [4] Legal description of parcel.
 - [5] Location and description of existing and/or proposed easements.
 - [6] Location and description of significant natural features; and other natural characteristics, including but not limited to wetlands, open space, stands of trees, floodplains, hills, and other significant natural features.

- [7] Name, address, and telephone number of owner and builder of the dwelling unit.
- (b) Once confirmation of the required plot plan information has been completed by the Zoning Administrator, he/she shall keep a copy of the plan in the Township office. The Zoning Administrator shall issue a temporary zoning compliance permit so as to allow the owner/builder to begin construction of the dwelling unit. Upon completion of construction of the unit, it shall be the duty of the owner/builder to contact the Zoning Administrator and request the issuance of a final zoning compliance permit. The Zoning Administrator shall confirm that the site meets the requirements of this chapter and does not harm the health, safety, and welfare of any Township residents.
 - (c) Once a final zoning compliance permit has been issued, the owner/builder is permitted to seek a final certificate of occupancy from the Livingston County Building Department. If the strict letter of this chapter is not carried out by the owner/builder, then the zoning compliance permit issued shall be revoked by the Zoning Administrator and civil infraction penalties may be imposed in accordance with legal procedures until the project is brought into compliance with the regulations of all applicable Township ordinances.
 - (d) Additionally, if the owner/builder does not follow the strict letter of this chapter, the Zoning Administrator shall issue an order to cease and desist all activities on the parcel until the site is brought in compliance. The Zoning Administrator shall provide the owner/builder with notification in writing 10 days before the zoning compliance permit will be revoked; however, the cease-and-desist order shall be executed immediately by the Zoning Administrator.
 - (e) The owner/builder may reapply for the final zoning compliance permit after making the necessary modifications to the site to ensure compliance.

§ 340-148. Conformance with ordinance requirements.

Any application for site plan review shall meet all requirements of this chapter prior to submittal of a site plan application. Variances from this chapter must be approved by the Zoning Board of Appeals, in accordance with Article **XVI** of this chapter, before review of any site plan by the Planning Commission.

§ 340-149. Application for preliminary site plan review.

A. Preliminary plan submission requirements.

- (1) Review of a preliminary site plan is required prior to submission of a final site plan. Accordingly, the owner of the subject property, or the owner's designated agent, shall file a request with the Planning Commission for preliminary site plan review. Applications for preliminary site plan review shall be submitted to the Zoning Administrator. The following materials are required:
 - (a) Three completed and signed copies of the application for site plan review on a special form for that purpose.
 - (b) Twelve individually folded copies of the preliminary site plan meeting the requirements of Subsection **B** of this section. The plans shall be prepared on twenty-four-inch-by-thirty-six-inch sheets and shall be drawn to a scale of not more than one inch equals 50 feet. For a plan consisting of three or more sheets, a cover sheet showing the entire project and proposed construction shall be included.
 - (c) Each preliminary application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. No part of the fee shall be refundable. An additional fee may be charged to cover costs of professional reviews of the plan.

- (2) These materials must be submitted to the Zoning Administrator at least 30 days prior to the Planning Commission meeting at which the review is requested. The Zoning Administrator shall determine completeness of the site plan application and all required information and data. Upon determining that the application is complete, the Zoning Administrator shall distribute the site plans and place the application on the Planning Commission's agenda. Incomplete applications will not be accepted.
- B. Preliminary site plans shall contain the following information and data, unless deemed unnecessary by the Zoning Administrator:

Table 44: Preliminary Site Plan Requirements

Small-scale sketch of an area within 1/4 mile of the subject property showing the property location.

Existing adjacent and proposed streets, existing buildings or structures, and curb cuts, all within 100 feet of the property.

All lot lines with dimensions.

Parking lots (including required parking calculations) and access points.

Locations for proposed buffer strips screening, or greenbelts, in accordance with § 340-163

Locations and description of significant natural features; and other natural characteristics, including but not limited to wetlands, open space, stands of trees, floodplains, hills, and other significant natural features.

Proposed buildings, including approximate dimensions and setbacks. For residential properties, include information on proposed number and type of dwelling units, including a calculation of units per acre.

Location of any signs (including method of illumination, if any) not attached to the building.

General topographical features, including contour intervals no greater than 10 feet.

Plan narrative (may be separate) including the following information:

Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space including dwelling unit densities by type, if applicable.

A written description of the proposed method of providing storm drainage, sewer and water service, as well as other public and private utilities.

Any other information deemed necessary to properly illustrate the development concept to the Planning Commission.

§ 340-150. Review of preliminary site plan.

A. Preliminary review process.

- (1) Distribution of plans. Upon submission of all required application materials, the preliminary site plan will be placed on the Planning Commission agenda for its review. The site plans and application will also be distributed to appropriate Township officials, including the Township Engineer and the Township Planner, for review.
- (2) Reports. The Township Planner and Engineer shall review the plans and submit a written report addressing all issues which must be resolved with input from the Planning Commission. The Zoning Administrator or Planning Commission may request the Township Attorney to submit a report.
- (3) Planning Commission consideration. At the first regular meeting at which a preliminary site plan proposal is considered, the Planning Commission will review the major issues identified in the Planner's and Engineer's reports, or other reports as submitted, as well as other issues relevant to the site plan.

- (4) The Planning Commission shall review the preliminary site plan and recommend changes necessary, if any, for the final site plan. The preliminary site plan shall be reviewed to determine initial conformance to the review standards of § **340-152** of this chapter.
 - (5) Review of the preliminary site plan by the Planning Commission shall vest no rights for approval of the final site plan.
 - (6) The Zoning Administrator shall, within 10 days of the date of the review of the preliminary site plan, transmit a written certification of the review to the applicant.
- B. Expiration of preliminary site plan. A review of the preliminary site plan shall be valid for a period of 180 days from the date of approval. The applicant may request an extension of an additional 180 days, provided that the request is submitted in writing within 30 days of expiration of the preliminary review. The Planning Commission may grant an extension if the applicant demonstrates that there is a need for the time extension and that the project will not be constructed without the extension.
- C. If an extension is not requested or approved, the preliminary site plan shall be considered invalid and a new preliminary site plan review application must be submitted.

§ 340-151. Review of final site plan.

- A. Submission of plans for final review. A final site plan shall be filed in not less than 30 days or not more than 180 days (unless an extension is granted according to § **340-150B**) following approval of a preliminary site plan.
- B. An application for final site plan review shall be submitted at least 30 days prior to the Planning Commission meeting at which review is requested. The final site plan will be distributed to the Township, including the Planner and Engineer for review. The applicant may submit final plans simultaneously to the Township, Planner and Engineer in order to expedite the review process.
- C. Applications for final site plan review shall be submitted to the Zoning Administrator. The following materials are required:
- (1) Three completed and signed copies of the application for site plan review on a special form for that purpose.
 - (2) Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. No part of the fee shall be refundable. An additional fee may be charged to cover costs of professional reviews of the plan.
 - (3) Twelve copies of the Environmental Permits Checklist/Hazardous Substances Form and requirements.
 - (4) Twelve copies of the Impact Assessment Report.
 - (5) Twelve copies of a detailed Traffic Impact Study (for any site over 10 acres in size or for a project expected to generate 100 directional vehicle trips during the peak hour of traffic of the generator or on the adjacent streets).
 - (6) Proof that the site plan and Impact Assessment Report have been submitted for review to affected county, state, or federal agencies, including but not limited to the County Road Commission, County Drain Commission, County Health Department, Putnam Township Fire Department, and Michigan Departments of Transportation, Environmental Quality, or other applicable departments.
 - (7) Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds

and other ponds or lakes, retaining walls; shall be submitted to and reviewed by the Township Engineer prior to Planning Commission review of the final site plan.

- (8) Twelve individually folded copies of the final site plan. The plans shall be prepared on twenty-four-inch by thirty-six-inch sheets and shall be drawn to a scale of not more than one inch equals 50 feet. For a plan consisting of three or more sheets, a cover sheet showing the entire project and proposed construction shall be included. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:

Table 45: Final Site Plan Requirements

General Information

Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions

Legal and common description of property

Scale of site plan and North point

Location map drawn at scale of 1 inch = 2,000 feet with North point indicated, including proximity to major thoroughfares and section corners

Architect engineer, surveyor, landscape architect, or planner's seal

Zoning classification of petitioner's parcel; zoning and use of all abutting parcels

Gross acreage

Plan narrative (may be separate) including the following information:

General description of any access easements, deed restriction, protective covenants, master deed or association bylaws, and attached copies of same, thereto.

A description of how the proposed final site plan meets the final site plan review standards of § 340-152 of this article.

Physical Features

Buildings and structures Location and dimensions of all proposed structures within the site and within 100 feet of the site

Dimensioned floor plans and typical elevation views. Include finished floor elevations and contact grade elevations.

Location and dimensions for proposed lot lines and boundary property lines. Center line of existing and proposed right-of-way line of any street. Setback and yard dimensions shall be included on each lot.

Streets, drives and parking areas Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles. Calculation methods shall be shown.

Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross-section of same showing surface, base, and subbase materials and dimensions; location and typical details of curbs, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve radii.

Acceleration, deceleration and passing lanes and approaches.

Locations of all curb openings within 100 feet of the site, including those across the street.

Designation of fire lanes.

Landscaping and screening A detailed landscape plan shall be submitted meeting all the requirements of § 340-163, Landscaping, buffering and screening.

Table 45: Final Site Plan Requirements

Utilities and stormwater	<p>Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly shown.</p> <p>Sanitary sewers and pumping stations, where applicable.</p> <p>Well sites.</p> <p>Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable.</p> <p>All site lighting, including building and parking areas and other security areas. Plans shall show height and type of light fixture.</p> <p>Stormwater control facilities and structures including storm sewers, retention and detention basins, drainageways and other facilities, including calculations for size.</p>
Environmental	<p>Chemical and fuel storage tanks and containers.</p> <p>Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.</p>
Other site features	<p>Sign locations and size.</p> <p>Trash receptacles and transformer pad locations and method of screening.</p> <p>Entrance details for plats or other major developments (as applicable).</p> <p>Location and size of underground tanks, where applicable.</p>

Any other pertinent physical features

Natural Features

Topography, grading and drainage	<p>Location of existing drainage courses and associated bodies of water on and off site, and their elevations.</p> <p>Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.</p>
Natural areas	<p>The plan shall clearly indicate those natural features to remain and to be removed. Mitigation plans, if deemed necessary by the Planning Commission, shall be provided to compensate for the loss of significant natural features, including but not limited to wetlands, floodplain areas, and tree stands.</p> <p>Location of woodlands. Groups of trees shall be shown by an approximate outline of the total canopy.</p> <p>Location and size of proposed improvements of open spaces and recreation areas.</p> <p>Location of existing wetlands, regardless of size. Provide estimated size for each wetland area.</p> <p>Location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.</p>
Setbacks	<p>Setbacks from all natural features, as defined in Article XV of this chapter, shall be shown</p>

Additional Regulations for Residential Developments

- Density calculations by type of unit by bedroom counts
- Designation of units by type and number of units in each building

Table 45: Final Site Plan Requirements

Carport locations and details where proposed

Specific amount and location of recreation spaces

Type of recreation facilities to be provided in recreation space

Detail of community building and fencing of swimming pool, if proposed

Additional Requirements for Commercial and Industrial Developments

Loading/unloading areas

Total of usable floor area

Number of employees at peak use

Other

Any other information deemed necessary by the Planning Commission to adequately review the application, in accordance with the purpose of this chapter.

D. An environmental permits checklist/hazardous substances including the following information shall be submitted with the final site plan application:

- (1) Hazardous substances and polluting materials as used in this section shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor, flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division, critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Environmental Quality, hazardous substances as defined by the U.S. Environmental Protection Agency and hazardous materials as defined by the U.S. Department of Transportation.
- (2) A description of any hazardous substances and polluting materials that are or may be stored, used or generated. Facilities containing these substances shall be designed to prevent spills and discharges to the air, surface of the ground, lakes, streams, rivers or wetlands.
- (3) A description of secondary containment methods for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (4) Location of general purpose floor drains. These drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank or a system authorized through a state groundwater discharge permit.
- (5) Statement of intent or copies of applications or permits issued by state and federal agency applicable to requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be submitted. No discharges shall be allowed without required permits and approvals.
- (6) Evidence that a floor plan has been filed with the local fire department, in full detail, identifying the location and identification of hazardous or polluting substances within the first three months of the commencement of business. The floor plan shall be updated with the local fire department on an annual basis.

E. Impact assessment report. A completed impact assessment report including the following information shall be submitted with the final site plan application:

- (1) Party responsible for preparation of the impact assessment and a brief statement of their qualifications.
- (2) Maps and written description of the project site including all existing structures, man-made facilities and natural features. The analysis shall also include information for areas within 250 feet of the property.

- (3) Impact on natural features. Written and mapped descriptions of the environmental characteristics of the site prior to development and following development. This shall include topography, soils, wildlife, woodlands, wetlands, drainage, lakes, streams, creeks, or ponds. Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland.
 - (4) Impact on stormwater management. Descriptions and appropriate maps/plans to demonstrate measures to control soil erosion and sedimentation during grading and construction operations and until permanent ground cover is established. The latest revision of the Soil Erosion and Sedimentation Control manual published by the Livingston County Drain Commissioner's office shall be used.
 - (5) Impact on surrounding land uses. A description shall be provided of any increases in light, noise, or air pollution which might have a negative effect on adjacent properties.
 - (6) Impact on public facilities and services. Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on police protection and fire protection. Letters from the appropriate agencies may be provided.
 - (7) Impact on utilities. Describe the method to be used to serve the development with water and sewer service; the method used to control drainage on the site and from the site. Describe the location of floor drains and where they will discharge. For sites served with sanitary sewer, calculations for pre- and postdevelopment flows shall be provided. Expected sewage rates shall be provided in equivalents to a single-family home.
 - (8) If an environmental permits checklist/hazardous substances storage was not required, submit a description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site, and method of containment, both above and below ground. Documentation of compliance with federal and state requirements shall also be required.
 - (9) If a traffic impact study is not required, a description of the traffic volumes to be generated based on national reference documents, such as the most recent volume of the Institute of Transportation Engineers Trip Generation Manual shall be provided.
- F. Traffic impact study. A traffic impact study for any site over 10 acres in size or for a project expected to generate 100 directional vehicle trips during the peak hour of traffic of the generator or on the adjacent streets including the following information shall be submitted with the final site plan application:
- (1) A description of the traffic volumes to be generated based on national reference documents, such as the most recent volume of the Institute of Transportation Engineers Trip Generation Manual.
 - (2) Counts of existing daily and peak-hour traffic on the adjacent streets and a description of any sight distance limitations along the subject property's frontage.
 - (3) Forecasted trip generation of the proposed use(s) for the morning and afternoon peak hours and average daily traffic generated.
 - (4) Description of impact on special transportation modes, such as school buses, trucks and bicycles.
 - (5) Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections. Rationale for the distribution shall be provided.
 - (6) Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Capacity analysis shall be provided for all street intersections where the expected traffic will comprise at least 5% of the existing intersection capacity and/or for roadway

sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township Engineer or the Livingston County Road Commission or the Michigan Department of Transportation.

- (7) Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- (8) A map illustrating the location and design of proposed access (including any sight distance limitations), dimensions from adjacent driveways and intersections within 250 feet, and other data to demonstrate that the driveway(s) will provide safe and efficient traffic operation.
- (9) General description and copies of any existing or proposed access or other traffic related easements.
- (10) A list of all sources shall be provided.

§ 340-152. Final site plan review standards.

Standards for review. In reviewing the preliminary and final site plans, the Planning Commission in its review shall determine whether the plan meets the following standards:

A. Site design characteristics.

- (1) All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings.
- (2) The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter.
- (3) The site shall be designed to conform to all provisions of this chapter.
- (4) Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this chapter relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.
- (5) All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.
- (6) Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- (7) Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.

B. Environmental standards.

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading.
- (2) Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.
- (3) Buildings and structures will be placed to preserve environmentally sensitive areas.
- (4) The Planning Commission may require that landscaping buffers and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

- (5) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Such sites shall be designed to meet all applicable state and federal regulations.

C. Vehicular and pedestrian circulation.

- (1) The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon.
- (2) Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site.
- (3) The width of streets and drives shall be appropriate for the existing and anticipated volume of traffic.
- (4) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- (5) Off-street parking and loading areas shall be provided where required with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (6) Safe, convenient, uncongested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- (7) The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.

D. Stormwater and erosion controls.

- (1) Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or watercourse, or cause alterations which could increase flooding or water pollution on or off the site.
- (2) Stormwater management facilities shall be designed, constructed and maintained to prevent flooding and protect water resources and may be incorporated into the open space portions of a development site.
- (3) Areas of natural drainage such as swales wetlands or ponds shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat preserve drainage patterns and maintain the natural characteristics of the land.
- (4) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water.
- (5) Provisions shall be made to prevent erosion and the formation of dust during and after construction. Efforts should be made to reduce/minimize the amount of impervious surfaces, such as using infiltration basins trenches or dry wells grassed (vegetated) waterways or swales, or rain gardens in yards or parking lots.
- (6) Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

E. Public services. The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the Township or other public

agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.

- F. The general purposes and spirit of this chapter and the Master Plan of the Township shall be maintained.

§ 340-153. Final site plan approval.

- A. Planning Commission action. Should the Planning Commission find that the final site plan is substantially changed from the reviewed preliminary plan to the extent that the comments and recommendations made by the Commission have not be incorporated, the Commission may require resubmission of a preliminary plan in accordance with the requirements of this article.
- B. The Planning Commission shall review the final site plan and shall recommend approval, approval with conditions, or denial, or may table the final site plan. The Commission may require changes in the proposed site plan as are needed to meet the standards of § **340-152** of this article.
- C. The Planning Commission may attach reasonable conditions to its recommendation for approval. If a site plan is recommended for conditional approval by the Planning Commission, the Commission, at its discretion, may require the applicant to submit to the Zoning Administrator 12 copies of revised plans with a revision date, indicating compliance with the conditions. The revised plan will be placed on the next available regular Planning Commission agenda for final review and recommendation of approval.
- D. Township Board Action. The recommendation of the Planning Commission shall be forwarded to the Township Board for final action. The Township Board shall approve, approve with conditions, or deny the request.
- (1) The Township Board may place additional or different conditions upon the approval than those recommended by the Planning Commission; however, the Board may decide, at its discretion, to remand the site plan back to the Planning Commission for a recommendation on any new or different conditions proposed by the Township Board.
 - (2) If a site plan is approved with conditions by the Township Board, the Board, at its discretion, may require the applicant to submit to the Zoning Administrator 12 copies of revised plans with a revision date, indicating compliance with the conditions. The revised plan will be placed on the next available regular Township Board agenda for final review and approval.
- E. The Township Board may require submission of a performance guarantee in accordance with the requirements of § **340-176**.
- F. If approved, a certificate of final site plan approval shall be issued to the applicant by the Zoning Administrator.
- G. After the Township Board has taken final action on a site plan and all steps have been completed, the Zoning Administrator will mark the three copies of the revised plans, as required in Subsection **C** above, as "approved," or mark the three copies of the submitted site plan "denied," as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Township Hall.
- H. Final site plan expiration and revocation.
- (1) The approval of a final site plan shall expire one calendar year from the date of the approval unless construction has begun in accordance with the plan and is proceeding meaningfully toward completion.
 - (2) If a final site plan is submitted for only a part of the area included in the reviewed preliminary site plan, successive final site plans shall be filed at intervals no greater than two years from the date of approval of the previously approved final site plan.

- (3) The Township Board may grant an extension on site plan approval for up to one additional year. All requests for extensions shall be made in writing prior to the expiration of approval, and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the site plan as approved.
- (4) The Zoning Administrator may revoke a final site plan approval when the construction of the development is not in conformance with the approved plans or if he determines that a violation in fact exists and has not been remedied. The Zoning Administrator shall give the applicant notice of intention to revoke the zoning compliance permit at least 10 days prior to the date of the revocation.

§ 340-154. Amendment of an approved site plan.

- A. Request. An owner or the owner's designated agent may request a change in an approved site plan. A change in an approved site plan which results in a major change as defined in this section shall require a plan amendment. Amendments shall follow the procedures and conditions required for original plan submittal and review and shall be considered as an amendment to the final site plan, unless the applicant elects to submit a preliminary site plan amendment. A change that results in a minor change as defined in this section shall not require a revision to the plan.
- B. Content of request. A request to change an approved site plan shall be made in writing to the Zoning Administrator. The request shall state clearly the reasons for the change. The reasons may be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interests of the Township and the applicant or developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions.
- C. Finding. The Zoning Administrator, upon finding such reasons and request reasonable and valid, shall notify the applicant in writing whether the change proposed is major or minor. If the change is deemed major, the applicant shall follow the procedures and conditions required for original site plan submittal and review, except that a preliminary plan need not be submitted.
- D. Major changes. Changes considered major (i.e., those for which an amendment is required) include one or more of the following:
 - (1) A change in the original concept of the development.
 - (2) A change in the original use or character of the development (unless the change in use would not otherwise require a site plan approval in accordance with this section).
 - (3) A change in the type of dwelling unit as identified on the approved site plan.
 - (4) An increase of one or more dwelling units.
 - (5) An increase in nonresidential floor area of over 5%.
 - (6) An increase of five or more off-street parking or loading spaces.
 - (7) Rearrangement of lots, blocks, and building tracts.
 - (8) A change in the character, layout or function of any street.
 - (9) A reduction in the amount of land area set aside for common open space or the relocation of such area(s).
 - (10) An increase in building height.
- E. Minor changes. If the Zoning Administrator determines that a proposed change to a site plan is not a major change as defined by this section, the Zoning Administrator may approve the change requested. The Planning Commission and Building Official shall be informed of approved changes

in writing. As the minor changes on the site plan drawings are approved by the Zoning Administrator, each shall be signed and dated by the applicant or developer and the owner(s) of the property in question.

§ 340-155. Modification of plan during construction.

All site improvements shall conform to the approved site plan. Any changes requested by the applicant shall not be made until the Zoning Administrator is notified. Upon investigation, the applicant shall either be required to correct the changes so as to conform to the approved site plan, be approved as a minor change, or resubmit the plan as a major change.

§ 340-156. Inspection.

The Zoning Administrator and Township Engineer and Building/Code Official shall be responsible for inspecting all improvements for conformance with the approved site plan. All building construction, site and subgrade improvements such as utilities, subbase installations for drives and parking lots, and similar improvements shall be inspected and approved by the County's Building Department and Environmental Health Department, in coordination with the Zoning Administrator, who shall obtain inspection assistance from the Township Fire Chief and/or professional consultants, where appropriate.

§ 340-157. As-built drawings.

- A. The applicant shall provide as-built drawings of all utilities and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to and approved by the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field-verified by a professional engineer or a representative thereof. The drawings shall be identified as "as-built drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

§ 340-158. Appeals.

The decision of the Planning Commission with regard to the site plan may be appealed to the Board of Appeals upon written request by the property owner or petitioner for a hearing before the Board of Appeals in accordance with the requirements of § 340-169A. Any appeal shall be filed within 21 days after the decision is rendered by the Planning Commission.

Article XV. Development Regulations

§ 340-159. Signs.

[Amended 12-16-2009; 4-16-2014 by Ord. No. Z-72]

- A. Signs not specifically permitted in this chapter are prohibited.
- B. Specific definitions. As used in this section, the following terms shall have the meanings indicated:

AREA

The total square footage of a sign face exposed to public view.

BANNER SIGN

An unsecured sign made of natural, flexible, synthetic or plastic material used to call attention to a special event; however, not including pennants or flags.

CANOPY SIGN

A sign which is part of, hung from the underside of, or attached to, a canopy, awning, marquee or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above the canopy, marquee, awning, or covered structure.

CONSTRUCTION SIGN

A sign erected by a building contractor indicating the name(s) of the contractor(s) doing construction work on the same premises and related information.

DEVELOPMENT SIGN

A sign indicating an imminent or ongoing development project on the same premises, with names of owners, architects, contractors, financiers, etc., which may also contain information regarding sales or leasing within the project.

DIRECTIONAL SIGN

Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance," "exit," "drive-through," etc.

ELECTRONIC MESSAGE CENTER (EMC)

A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix (mechanical means).

ENTRANCE DRIVE ARCH SIGN

A sign designed to span over and above an entrance drive but not limited to a curved shape.

FREESTANDING SIGN

Any nonmovable sign not affixed to a building.

GROUND SIGN

A freestanding sign affixed to the ground with a full footing where the display surface is less than four feet above the grade to the bottom of the display area. Ground signs can include EMC, reader board and illuminated signs.

ILLUMINATED SIGN

Any sign designed to give forth artificial light, or designed to reflect any light given from any source which is intended to cause light or reflection.

OFF-PREMISES SIGN

A sign located on a different parcel of land or lot or premises than where the business, product, service, event, or person or subject is being advertised.

ON-PREMISES SIGN

A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on the parcel of land or lot.

POLE SIGN

A freestanding sign which is supported by one or more uprights in permanent footings with all parts of the display surface of the sign eight feet or more above the grade at the base of the sign.

POLITICAL SIGN

A temporary sign used in connection with an official of the community, school district, county, state, or federal election or referendum and matters of individual free speech.

PORTABLE SIGN

A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels, signs mounted on vehicles for advertising purposes, and searchlights.

READER BOARD

A secondary portion of a sign, designed to allow for messages that are manually or electronically changeable.

REAL ESTATE SIGN

A sign advertising that the premises on which it is located is for sale, lease, or rent.

RESIDENTIAL ENTRANCEWAY SIGN

A permanent structure, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects by name, symbol, or otherwise.

ROOF SIGN

A sign which is erected, constructed and maintained upon or above the roof, or parapet wall of a building which is wholly or partially supported by said building.

TEMPORARY SIGN

A sign which is not permanently affixed to a wall, structure or the ground, including political signs, portable signs, banner signs, for-sale signs, garage, yard and estate-sale signs.

WALL SIGN

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from the building or structure.

WINDOW SIGN

A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

- C. Zoning compliance permit requirements. A zoning compliance permit shall be obtained for the erection, construction, alteration and/or replacement of any sign; except as otherwise provided in this chapter. Requests for a zoning compliance permit shall consist of a completed application form, provided by the Township, and a nonrefundable application fee as established by the Township Board. In addition, as part of the zoning compliance permit application, the applicant shall provide the following:

- (1) Total display area of the sign in square feet;
- (2) Proposed setback of the sign from the road right-of-way, drives and adjacent properties;
- (3) Elevation drawing of the proposed sign, indicating sign type, purpose, height, and ground clearance, if applicable;
- (4) Details regarding methods of lighting, if any;

- (5) Height and width of building (or height and width of occupant frontage, if applicable) if the sign is a wall sign;
- (6) Site area and frontage;
- (7) Site plan showing sign location and setback from property lines and other structures.

D. Specific sign requirements by district.

Agriculture/Open Space — A-O				
A-O Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All nonagricultural and nonresidential permitted and special land uses except as otherwise provided in this table	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	5	25	5 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated); 25 feet from side lot lines (illuminated)
Subdivisions or other residential developments	1 identification sign per entrance	6	32	
Agricultural uses except single-family residential	1 identification sign per farm or business	5	25	
Places of assembly Parochial and private primary and secondary schools	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	8	40	

A-O Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All nonagricultural and nonresidential permitted and special land uses	1 square foot for each linear foot of building frontage	20

A-O Entrance Drive Arch Sign Requirements				
Use	Number	Dimensions	Maximum Area (square feet)	Setbacks

A-O Entrance Drive Arch Sign Requirements				
Use	Number	Dimensions	Maximum Area (square feet)	Setbacks
All permitted and special land use	One per facility	Maximum height 16 feet Minimum height clearance 14 feet Minimum width clearance = approved drive width plus 10 feet	48	Outside of clear vision area

Single-Family Residential — RR, RS-1, RS-2, RS-3, RS-4, LR-1, LR-2				
SFR Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All nonresidential permitted and special land uses except as otherwise provided in this table	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	5	20	5 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated); 25 feet from side lot lines (illuminated)
Subdivisions or other residential developments	1 identification sign per entrance	5	20	
Places of assembly Parochial and private primary and secondary schools Township Halls, Fire and Police Stations	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	8	40	

SFR Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All nonresidential permitted and special land uses	1 square foot for each linear foot of building frontage	20

Two-Family and Multiple-Family — R-2, R-3				
R-2 and R-3 Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks

Two-Family and Multiple-Family — R-2, R-3				
R-2 and R-3 Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All nonresidential permitted and special land uses except as otherwise provided in this table	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	5	20	5 feet from right-of-way lines;
Subdivisions or other residential developments	1 identification sign per entrance	5	20	10 feet from side lot lines (nonilluminated);
Places of assembly	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	8	40	25 feet from side lot lines (illuminated)

R-2 and R-3 Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All nonresidential permitted and special land uses	1 square foot for each linear foot of building frontage	20
All residential developments		

Manufactured Housing Community — MHC				
MHC Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
Manufactured housing communities except as otherwise provided in this table	1 identification sign per entrance	5	20	5 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated);
Places of assembly	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	8	40	25 feet from side lot lines (illuminated)

MHC Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)

MHC Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All nonresidential permitted and special land uses	1 square foot for each linear foot of building frontage	20
All residential developments		

Resource Based Recreation — RBR				
RBR Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All permitted and special land use	1 per lot or development or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation)	6	32	5 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated); 25 feet from side lot lines (illuminated)

RBR Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All permitted and special land use	1 square foot for each linear foot of building frontage	32

RBR Entrance Drive Arch Sign Requirements				
Use	Number	Dimensions	Maximum Area (square feet)	Setbacks
All permitted and special land use	One per facility	Maximum height 16 feet Minimum height clearance 14 feet Minimum width clearance = approved drive width plus 10 feet	48	Outside of clear vision area

Commercial and Industrial — C-1, C-2, M-1				
C-1, C-2, M-1 Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks

Commercial and Industrial — C-1, C-2, M-1				
C-1, C-2, M-1 Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All permitted and special land uses	1 per lot or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation).	8	40	10 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated); 25 feet from side lot lines (illuminated)

Wall Sign Requirements			
Use	Area Formula	Maximum Area (square feet)	
All permitted and special land uses	1 square foot for each linear foot of building frontage	C-1	40
		C-2	40
		M-1	60

C-1, C-2, M-1 Canopy Sign Requirements		
The area of a canopy sign shall be included in the maximum area of wall signs allowed.		
Use	Area Formula	Maximum Area
All permitted and special land uses	40% of each canopy fascia, on up to 3 sides	25 square feet per fascia

Public Lands — P-L				
P-L Ground Sign Requirements				
Use	Number	Maximum Height (feet)	Maximum Area (square feet)	Setbacks
All uses	1 per lot or development or 2 per lot if 500 feet or more of frontage (minimum 250 foot separation).	8	32	10 feet from right-of-way lines; 10 feet from side lot lines (nonilluminated); 25 feet from side lot lines (illuminated)

P-L Wall Sign Requirements		
Use	Area Formula	Maximum Area (square feet)
All uses	1 square foot for each linear foot of building frontage	32

E. Exempt signs. The following signs shall not require a zoning compliance permit:

- (1) Temporary signs, not otherwise prohibited by this section, provided they comply with all of the following regulations:
 - (a) Size. The total aggregate sign area of all temporary signs on any one site shall not exceed 32 square feet and shall not exceed a height of six feet.
 - (b) Location.
 - [1] Temporary signs shall not be attached to any tree, shrub, or similar natural feature; utility pole; or to structural elements not capable of supporting such signs.
 - [2] Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
 - [3] Temporary signs shall not be placed or constructed so as to create a hazard of any kind.
 - [4] Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
 - (c) Time limitations. Each temporary sign shall be removed within 60 days of placement within any one-hundred-twenty-day period.
 - (2) Nonilluminated real estate sign (one per lot) of up to six square feet in residential districts, provided they are removed within 30 days after consummation of lease or sale of property.
 - (3) Nonilluminated development sign (one per lot) of up to 24 square feet in all districts that may not be erected prior to preliminary site plan application and must be removed within 30 days after completion of the project.
 - (4) Nonilluminated construction sign (one per lot) of up to 24 square feet in all districts that must be removed upon completion of construction.
 - (5) Nonilluminated "no trespassing," "no soliciting," or similar announcement signs on private property, each not exceeding two square feet in area.
 - (6) Name plates or street numbers of fewer than two square feet.
 - (7) Directional signs at drive entrances or other locations for providing direction to motorists on site, not exceeding two square feet in area and four feet in height.
 - (8) Road name signs and other signs established by state, county, or Township units of government when necessary for giving proper directions, identifying or promoting publicly held assets or otherwise safeguarding and informing the public.
 - (9) Non-advertising signs erected by state, county, or Township units of government or a public utility to warn the public of dangerous conditions and unusual hazards, including caving ground, dropoffs, high voltage, fire danger, explosives, severe visibility limits, etc., in any districts, of under two square feet.
 - (10) Window signs mounted on the interior of the window, provided that no more than 30% of the window area is obscured by window signs.
- F. Prohibited signs. The following signs are prohibited in all zoning districts:
- (1) A sign resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles or signs that imitate official traffic directional signs or devices.
 - (2) A sign using the words, "Stop," "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
 - (3) Signs on parked or moving vehicles where the sign is the primary use of the vehicle.

- (4) Signs that are affixed to trees, shrubs or similar natural features; however, "no trespassing" or similar signs of under two square feet are permitted.
 - (5) Signs affixed to fences or utility poles, or to structural elements not capable of supporting such signs.
 - (6) Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
 - (7) Banner signs used as permanent signs.
 - (8) Signs placed within the road right-of-way, other than approved traffic control signs and devices.
 - (9) Electronic message centers (EMC), except as allowed in a reader board in Subsection **M** below. An electronic sign displaying time and temperature only, provided that messages do not change faster than one change every two seconds, shall be permitted.
 - (10) Signs with moving or revolving parts.
 - (11) Roof signs.
 - (12) Pole signs.
 - (13) Off-premises signs except as provided for in this chapter.
 - (14) Beacons.
 - (15) Signs that emit music, verbal message or sound of any kind.
- G. Off-premises directional signs directing vehicular traffic to a place of worship, municipal facility, educational institution, or permitted agricultural enterprise may be permitted in all districts subject to review by the Zoning Administrator in accordance with the following standards:
- (1) No more than two signs per use shall be permitted.
 - (2) The sign shall be no larger than two square feet.
 - (3) The height shall be no more than six feet, but not less than three feet, except that variations in height may be granted by the Planning Commission to accommodate vehicular visibility or to avoid violated clear vision requirements.
 - (4) Illumination is prohibited.
 - (5) Placement in any road right-of-way is prohibited.
 - (6) Proof shall be supplied by the applicant that all appropriate standards of the Livingston County Road Commission are met.
 - (7) Permission of the property owner where the proposed sign is located must be provided.
- H. If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and the sign faces shall be removed and replaced with blank faces within 30 days after written notification from the Township to the sign owner, owner of the property where the sign is located, or other party having control over the sign. Any expense incurred by the Township incidental to removal shall be paid by the sign owner, owner of the property or other party having control over the sign.
- I. Installation and maintenance. All signs and sign structures shall be erected to conform to all applicable codes adopted by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be

kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

J. Clear vision. Signs erected in the Township shall not obstruct the clear view of traffic or a local traffic sign or signal, and shall conform to § 340-14, Clear vision. If the location or design of a sign may result in a conflict with pedestrian or vehicular movement or circulation, the Township may require a clearance of up to 10 feet from the finished grade level or curb elevation to the lowest part of such sign or a front setback of up to 10 feet.

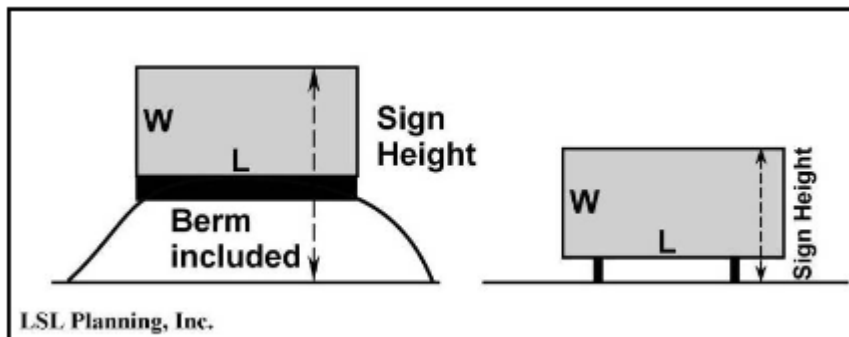
K. Measuring sign area.

- (1) Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed.
- (2) The square footage of the sign shall consist of the area of the smallest rectangle that completely encompasses the sign, including any protruding elements.
- (3) The area of a double-faced freestanding sign shall be computed using only one face of the sign, provided that: the outline and dimensions of both faces are identical; and the faces are back to back so that only one face is visible at any given time.



L. Measuring sign height.

- (1) The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
- (2) The permitted height of signs shall not be measured from an area of the ground that has been built up or constructed to provide for a higher sign height than permitted by this chapter. Accordingly, the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm.



M. Reader boards.

- (1) A reader board may consist of manually or electronically changeable messages.
- (2) An electronic reader board shall be subject to the following requirements:
 - (a) Each message shall be static. Messages may not be animated, scrolling or flashing.
 - (b) Each message shall be displayed for no less than five seconds.
 - (c) Transition from one message to the next shall be instantaneous, or may fade out and in from one message to the next, provided that the fading between messages does not last longer than one second.
- (3) Commercial and industrial districts. Up to 60% of the area of a permitted sign for a commercial or industrial use in a commercial or industrial district may be utilized as a reader board.
- (4) Agricultural/open space and residential districts. Up to 60% of the area of a permitted sign may be utilized as a reader board for the following uses:
 - (a) Places of worship.
 - (b) Parochial and private primary and secondary schools.
 - (c) Public buildings and facilities, including Township halls, fire and police stations and libraries, but not including publicly owned and operated warehouses, garages or storage yards.
- (5) Electronic message center (EMC) criteria: The illumination of an EMC shall conform to the criteria set forth in this section.
 - (a) EMC illumination measurement criteria: The luminance of an EMC shall be measured with a luminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full-color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance Table.
 - (b) EMC illumination limits: The difference between the off and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 footcandles.
 - (c) Dimming capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

Sign Area Versus Measurement Distance

Area of sign in		Area of sign in	
(square feet)	Distance	(square feet)	Distance
10	32	95	97
15	39	100	100
20	45	110	105
25	50	120	110
30	55	130	114
35	59	140	118
40	63	150	122
45	67	160	126
50	71	170	130
55	74	180	134
60	77	190	138
65	81	200	141
70	84	220	148
75	87	240	155
80	89	260	161
85	92	280	167
90	95	300	173

N. Illumination.

- (1) Except for electronic reader boards as permitted by this section, signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign (i.e., front-lit signs) or internal to it (i.e., backlit signs).
 - (a) The background of front-lit signs (external illuminated signs) may be any color, provided they are not reflective at night. However, they may use light-reflecting lettering and messaging.
 - (b) The background of backlit signs (internally illuminated signs) may be any color, provided the background is blacked out at night so that only the lettering and message is illuminated.
- (2) Use of glaring, undiffused lights or bulbs shall be prohibited.
- (3) All lighting fixtures or light sources for lighted signs shall be positioned and/or shaded so that the light source is not visible from normal traffic or pedestrian areas and does not project onto adjoining properties or thoroughfares.
- (4) Underground wiring shall be required for all illuminated signs not attached to a building.
- (5) All lighting shall not exceed 0.5 footcandle at a residential property line and 1.0 footcandle at a nonresidential property line.
- (6) Any illuminated sign located on a lot abutting or across a street from any residential zoned or occupied property shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business.

O. Nonconforming signs.

- (1) Nonconforming signs in use on the effective date of this chapter, except for prohibited signs, shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign. Extensive repairs constituting rebuilding must meet the requirements of the pertinent zoning district. A change solely in the wording of the copy or replacement of the sign face with a new face of the same size and height shall not require bringing the sign into conformance.
- (2) Prohibited signs, as listed in Subsection **F** of this section, shall be removed no later than six months after the effective date of this chapter.

§ 340-160. Parking and loading general requirements.

A. Parking space requirements.

- (1) The number of off-street parking spaces required for individual uses is listed with each zoning district, and in Article **XIII** of this chapter for certain special land uses.
- (2) Uses not listed. For uses not specifically listed in the use district articles, the Zoning Administrator shall determine if the proposed use is similar to a listed use, and apply the requirements of the similar use. The Zoning Administrator may request that the determination be made by the Planning Commission. The determination of the Zoning Administrator or Planning Commission may be appealed to the Zoning Board of Appeals.
- (3) Parking requirements undetermined. For special land uses where parking space requirements are not listed, the Planning Commission shall determine the appropriate number of parking spaces as a condition of approval of the special land use. The Planning Commission may, in determining the required number of spaces, require the applicant to provide a parking study, specific to the use in question, that determines peak and average parking demands for the use.

B. Determination of requirements. In determining the number of spaces required for a use, the following shall apply:

- (1) Fractional results less than 1/2 (or 0.5) shall be rounded down to the nearest whole number. Fractional results of 1/2 (or 0.5) or greater shall be rounded up to the nearest whole number.
- (2) When parking space requirements are based upon the number of employees, they shall be calculated upon the number of employees present during the maximum shift or work period.
- (3) When parking space requirements are based upon the number of seats and seating is provided on benches or pews, each 24 inches shall be considered to be one seat. In buildings where no fixed seating is provided, the number of seats shall be based upon the seating capacity within the building as determined by the Building Inspector.

C. Parking, general.

- (1) Off-street parking existing at the effective date of this chapter, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- (2) No new, altered or expanded parking lot serving any use other than single-family or two-family dwellings shall be constructed or occupied until site plan approval has been granted according to the requirements of Article **XIV** of this chapter.
- (3) Accessible parking spaces, in accordance with applicable state and federal requirements, shall be shown as required on the site plan.
- (4) Location.

- (a) Parking spaces and access drives serving one- or two-family dwellings shall be on the same lot as the dwelling(s) served.
 - (b) All nonresidential parking facilities shall be either on the same premises as the building or structure being served, or within 300 feet of the subject building or structure, this distance to be the actual travel distance between the building and the facility.
- (5) Except for single- and two-family dwellings, backing directly onto a street or road is prohibited.
- D. Parking and storage of commercial vehicles in agricultural/open space and residential districts. [Amended 6-15-2011 by Ord. No. 57]
- (1) A commercial vehicle parked outdoors for the purpose of loading or delivery of truck-borne goods or materials may be allowed in any zoning district for a period not to exceed 12 hours. However, the Zoning Administrator may permit a commercial vehicle to be parked outdoors for the purpose of loading and/or delivery for up to 48 hours, provided that the owner of the property or the operator of the vehicle can show good cause that the extended period is necessary. The Zoning Administrator shall keep a record of any allowed extension under this subsection, along with a statement of the reasons for such allowance.
 - (2) This section does not restrict open storage or outdoor parking of semi-tractor trucks (designed for a combined wheelbase of 50 feet or longer) and/or semitrailers, bulldozers, earth carriers, cranes or any other commercial construction equipment or machinery, temporarily parked while in use for approved construction on such lot (i.e., active building and/or zoning compliance permit).
 - (3) Parking and storage of commercial vehicles in agricultural/open space and residential districts are subject to the restrictions of Table 46.

Table 46: Parking and Storage of Commercial Vehicles
Vehicle Classification in Pounds

Lot Size	Class 1 and 2	Class 3 and 4	Class 5	Class 6	Class 7 and 8
	10,000 or less	10,001 to 16,000	16,001 to 19,500	19,500 to 26,000	26,001 or more
21,780 square feet or less	P ¹	NP	NP	NP	NP
1 acre or more	P ¹	NP	NP	NP	NP
3 acres or more	P ¹	P ²	P ²	NP	NP
5 acres or more	P	P ²	P ²	P ²	P ³
10 acres or more	P	P ²	P ²	P ²	P ^{2, 4}

Table notations:

P = Permitted

NP Not Permitted

=

¹ Any vehicle equipped with a utility box or other mounted equipment that is greater than 10 feet in length shall be prohibited.

² The commercial vehicle/commercially used trailer must be parked in a side or rear yard but may not be parked in a required side or rear yard setback.

³ No trailers associated with Class 7 or 8 vehicles are permitted.

⁴ Only one tractor/trailer combination exceeding 50 inches in combined length is permitted.

- (4) Notwithstanding the above, however, the parking or storage outdoors in a residential district of a commercial vehicle, or of a truck, van, or similar vehicle may be permitted as a residential accessory use, subject to the following requirements:
 - (a) No more than one commercial vehicle per dwelling unit shall qualify as an accessory use under this section.
 - (b) A truck or other vehicle that is used as part of an approved special land use or home-based business may be permitted subject to any conditions imposed by the Township at the time of approval of the special land use or home-based business permit.
 - (5) The Zoning Administrator may require additional screening through landscaping, fencing or a combination. This determination will be made based upon existing site conditions (such as topography and existing vegetation), the proposed vehicle placement and its proximity to any adjacent residence, as well as sight lines to/from any surrounding residence.
- E. Off-street parking lot construction and design requirements.
- (1) Setback requirements.
[Amended 3-18-2015 by Ord. No. Z-76]
 - (a) Except as may be otherwise permitted by this chapter, parking and pavement (other than permitted access drives from the right-of-way) are prohibited in required front yard setbacks. For multiple-family and nonresidential uses, the front yard setback adjacent to a parking area shall be landscaped in accordance with § **340-163** of this article.
 - (b) The Planning Commission may reduce the required front yard setback for parking in the C-1 and C-2 Zoning Districts to no less than 30 feet as a part of site plan review. When determining whether to allow a reduced setback or not, the Planning Commission shall give consideration to:
 - [1] The parking setback of surrounding parcels;
 - [2] Inclusion of additional screening;
 - [3] Compatibility of adjacent uses and/or zoning designations; and
 - [4] Any other conditions deemed appropriate by the Planning Commission.
 - (c) In residential districts, parking spaces and access drives are permitted within side or rear yards; however, no paving or portion of a parking space or drive may be less than one foot from a side or rear property line.
 - (d) In nonresidential districts, parking spaces and access drives are permitted within side or rear yards; however, no paving or portion of a parking space or drive may be less than one foot from a side or rear property line. Any parking space or drive adjacent to a property in a residential district shall be set back 30 feet from that property line, with a greenbelt as required by § **340-163** of this article.
 - (2) Dimensional requirements. All parking spaces and aisles shall conform to the Parking Lot Dimensional Requirements Illustration and Table.
 - (a) Parking spaces shall be a minimum of nine feet wide by 18 feet deep.
 - (b) All spaces shall be provided adequate access by means of maneuvering aisles of not less than 12 feet for one-way access and not less than 24 feet for two-way access.

Parking Pattern	Aisle Width		Parking Space		Total Width ³	
	2 Way	1 Way	Width ¹	Length ²	1 Way	2 Way
Parallel	18 ft.	12 ft.	9 ft.	25 ft.	30 ft.	36 ft.
30-75%	24 ft.	12 ft.	9 ft.	21 ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	55 ft.	60 ft.

1 Measured perpendicular to the longitudinal space centerline.
 2 Measured along the longitudinal space centerline.
 3 Total width of two tiers of parking spaces plus maneuvering lane

Parking Space Dimensions

Parking Lot Dimensional Requirements Illustration and Table

- (3) The entire parking area, including parking spaces and maneuvering lanes, shall be hard-surfaced with a paved material, such as asphalt or concrete, in accordance with specifications of the Township Engineer. Use of pervious hard surfacing materials is encouraged and may be approved by the Planning Commission. The Planning Commission may permit gravel lots in such cases as overflow parking, storage yards and truck transport lots or intermittent special event parking.
 [Amended 6-15-2011 by Ord. No. 56]
- (4) Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply, in which case a performance guarantee shall be provided which ensures that paving occurs by a specified time the following season.
- (5) Off-street parking areas shall be drained so as to dispose of stormwater. All surface water accumulated in the parking area shall be drained to prevent drainage of water onto adjacent property or toward buildings. Sunken landscape islands and rain gardens are preferred as a means to avoid large detention basins. The slope of any detention basin shall be located at least four feet from any property line or sidewalk, and shall be approved by the Livingston County Road Commission or the Michigan Department of Transportation, as applicable, if adjacent to a county or state road.
- (6) All parking spaces shall be striped with paint or other approved material, at least four inches in width. The striping shall be maintained and clearly visible.
- (7) Bumper stops or curbing sufficient to keep vehicles from encroaching on property lines, landscaping areas or sidewalks shall be provided. Where a parking space terminates adjacent to a sidewalk, the sidewalk shall be at least seven feet wide if the vehicle overhangs onto the sidewalk.
- (8) The off-street parking area shall be provided with lighting, landscaping and screening as required in this chapter.
- (9) Except as may be approved as a special land use for an open air business, the following is prohibited upon the areas designated for parking, access and maneuvering:
 - (a) The outdoor storage or display of merchandise;
 - (b) Motor vehicles for sale;
 - (c) Trucks or equipment;
 - (d) Wrecked, junked or unlicensed vehicles;

(e) Repair of vehicles.

(10) Parking lot access.

- (a) Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- (b) Ingress and egress to and from a parking lot located in a nonresidential district shall not be across land zoned in a residential district or land used for residential purposes.

(11) Stacking spaces.

- (a) Drive-up and drive-through uses requiring stacking spaces are all special land uses, and the number of required spaces for each use shall be provided as required in Article **XIII** of this chapter. Each stacking space shall be shown on a site plan.
- (b) Each stacking space shall have a minimum dimension shown of 22 feet in length by nine feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
- (c) The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
- (d) Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack into any adjacent public or private road.

(12) Snow storage.

- (a) For parking lots having more than 100 spaces, the site plan shall designate snow storage areas.
- (b) Storage areas may be provided only within a side or rear yard, and shall not be permitted to hinder the vision of drivers or pedestrians within the parking area.
- (c) The snow storage area shall be equal to at least 10% of the size of the planned parking lot. The area used for calculation of snow storage shall not include deferred parking areas, until such time as the deferred parking area is converted to parking.
- (d) Snow shall be removed as necessary to maintain the number of required parking spaces.

F. Maximum, deferred and shared parking.

(1) Maximum parking requirement.

- (a) To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to 10% greater than the minimum parking space requirements, as determined by the parking requirements in each zoning district, except as may be approved by the Planning Commission.
- (b) The Planning Commission, upon application or during the site plan review process, may grant additional spaces beyond those permitted in Subsection **F(1)(a)** above. In granting additional spaces, the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant. The Planning Commission may, upon approval of additional spaces, impose conditions to ensure that adequate additional landscaping is provided and the intent of this chapter is met.

(2) Deferred parking. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

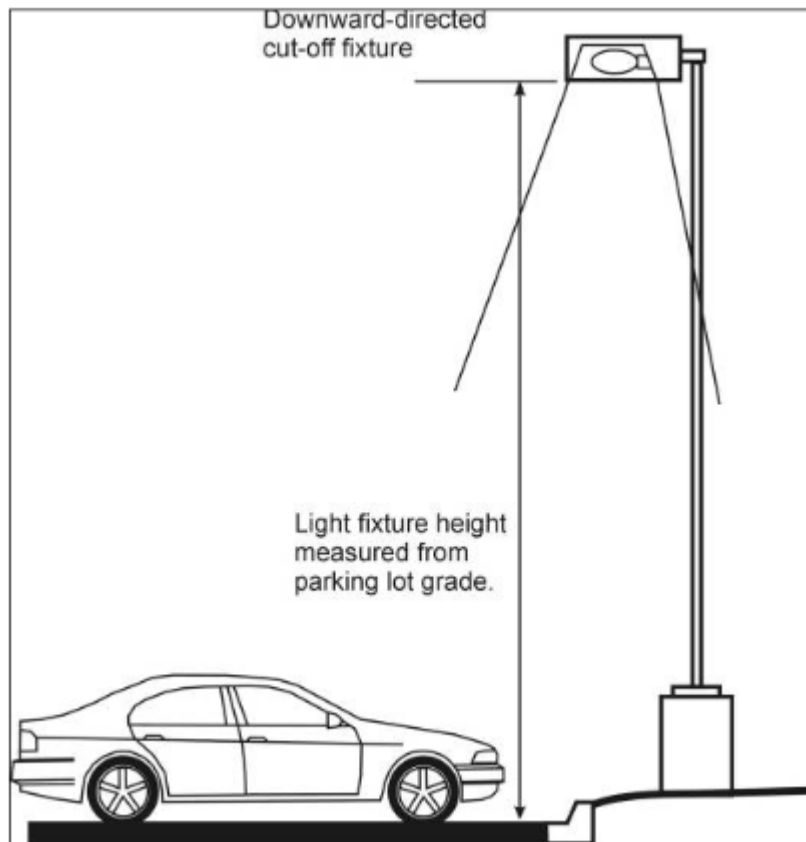
- (a) Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this chapter for parking area design and other site development requirements.
 - (b) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
 - (c) All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a determination that such additional parking is needed.
- (3) Shared parking areas.
- (a) The Planning Commission may approve a shared parking arrangement for two or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
 - (b) The shared parking arrangement shall be in a recordable format and signed by the owner(s) of each property. The agreement shall be recorded with the Livingston County Register of Deeds and a copy of the recorded document shall be provided to the Zoning Administrator.
 - (c) Required parking shall be calculated from the use that requires the greatest number of spaces.
 - (d) Should any use involved in the shared parking arrangement change to another use, the Planning Commission may revoke this approval and require separate parking facilities as required by this chapter.

§ 340-161. Exterior lighting.

The following lighting standards shall apply to all uses requiring site plan review.

- A. All outdoor lighting shall be shielded to reduce glare and shall be placed so that a nuisance is not created for adjacent residential districts or residential homes.
- B. All outdoor lighting, with the exception of those ground-based lights with the purpose of illuminating governmental flags, shall be directed and confined toward the ground and shall not impair the safe movement of automobile traffic on any street. Flag lighting shall be directed to illuminate the flag only and shall be placed so that lighting or glare is not directed toward streets or adjacent properties.
- C. Lighting shall be provided throughout any commercial or industrial parking lot and throughout any new residential development. Lights to illuminate parking lots shall not be attached to any building.
- D. Height.
 - (1) Light fixtures shall have a maximum height of 15 feet when in a residential district and 20 feet when the use or zoning district is adjacent to a residential district. Light fixtures shall have a maximum height of 25 feet when in a district adjacent to a nonresidential district.
 - (2) The height of a fixture shall be measured from the parking lot grade to the nearest portion of the light source. No portion of the fixture may extend more than one additional foot higher than the maximum heights listed above.
- E. Lighting shall be required by the Planning Commission for any roads being constructed as part of or in advance of any new development. Such lighting shall be of a decorative nature and type shall be at the discretion of the Planning Commission. All streetlighting shall be of a pedestrian or human scale.

- F. Reasonable use of lighting for security purposes shall be permitted; however, the Planning Commission retains the right to prohibit the full use of the total lights on a parcel, i.e., allowing only a portion of the lights to be in use 24 hours per day. This requirement does not extend to residential subdivisions where it may be necessary to operate all interior streetlighting 24 hours per day.
- G. Requirements.
- (1) Under-canopy lighting.
 - (a) Canopy lighting shall be mounted flush with the canopy surface.
 - (b) No light fixture shall protrude below the underside (fascia) of any canopy.
 - (2) Fixtures.
 - (a) Lighting fixtures shall be a down-lighted type having 100% cutoff.
 - [1] Protruding lenses shall be prohibited.
 - [2] Unless otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm light or natural lamp colors.
 - (b) Illumination levels. All lighting shall not exceed 0.5 footcandle at a residential property line and 1.0 footcandle at a nonresidential property line. Illumination levels shall be measured with a footcandle meter or sensitive photometer and expressed in footcandles



H. Lighting plans.

- (1) Compliance with the lighting design criteria shall be demonstrated by submitting the following information for review:

- (a) Lighting plan (as part of the site plan package) showing light fixture locations and type designations.
 - (b) Lighting equipment specifications and data sheets.
 - (c) Any other materials or information required to convey the intent of the lighting design.
- (2) Photometric plans. The Planning Commission may require the submission of a photometric plan (lighting grid) prepared by an electrical engineer graphically illustrating the planned layout and design of the lighting. This plan is required for all parking areas. The photometric plan shall show horizontal luminance levels in a point-by-point format with contour lines. The photometric plan shall be provided for an empty and a full parking lot. Canopy lighting must also be included in luminance levels.

§ 340-162. Natural features setback.

- A. Intent and purpose. It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. Furthermore, it is the purpose of this article to establish and preserve minimum setback from natural features in order to recognize and protect the special interrelationship and interdependency between the natural feature and the setback area. This includes the role of the setback area for meeting the natural feature's biological, hydrological, mineral, spatial, and ecological needs. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Zoning Enabling Act.^[1]

[1] *Editor's Note: See MCLA § 125.3101 et seq.*

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

NATURAL FEATURE

For the purposes of establishing setback standards in this section, a protected wetland or watercourse, as defined below.

NATURALLY VEGETATED

Vegetation consisting of any number of grasses, shrubs, trees and other native plants. It does not include lawn and other types of turf grasses and may not be groomed, mowed or otherwise altered.

PROTECTED WETLANDS

Any of the following:

- (1) All wetlands subject to regulation by the MDEQ, including:
 - (a) Wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond, whether partially or entirely contained within the project site.
 - (b) Wetlands, regardless of size, which are partially or entirely within 500 feet of the ordinary high water mark of any lake, stream, river or pond unless it is determined by the MDEQ that there is no surface water or groundwater connection between the wetland and the water body.
 - (c) Wetlands which are larger than five acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.
 - (d) Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the protection of the wetland is essential to the

preservation of the natural resources of the state from pollution, impairment or destruction.

- (2) Other wetlands subject to regulation by the Township of Putnam, including:
- (a) Wetlands two acres or greater in size, whether partially or entirely contained within the project site, which are not contiguous to an inland lake or pond, stream, or river.
 - (b) Wetlands smaller than two acres but not less than one acre in size that are not contiguous to a inland lake or pond, river or stream and are determined to be essential to the preservation of the natural resources of the Township of Putnam as provided for in § **330-14** of Chapter **330**, Wetlands Protection.

TOWNSHIP WETLAND CONSULTANT

A person(s) or firm knowledgeable in wetland protection and delineation, who is identified by the Township of Putnam to make wetlands determinations, delineate wetlands, and advise the Township on wetland resource policy, education, and restoration, in accordance with Chapter **330**, Wetlands Protection.

WATERCOURSE

Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. For the purposes of this section, Hi-Land Lake shall not be considered a watercourse. A watercourse may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended.

WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh.

C. Authorization and prohibition.

- (1) The natural feature setback shall be determined in accordance with the standards and provision in Subsection **E**, below, in relation to the respective types of natural features. The applicant is responsible for determining whether natural features, as defined above, exist on the site and determining the boundaries of such natural features. The applicant is also responsible for clearly marking and flagging the boundaries of the site's natural features. The determination and marking of natural features shall be made by either Michigan Department of Environmental Quality Staff, the Putnam Township Wetland Consultant or other outside professional consultant, trained to delineate wetlands and other natural features, retained by the applicant when necessary. Sources of information on natural features within Putnam Township include, but are not limited to, the Township Wetland Inventory Map, Natural Features Map and Livingston County Soil Maps.
- (2) The Township Wetland Consultant and Planning Commission will confirm these determinations during the zoning compliance permitting, site plan or plot plan review process. To ensure accuracy and compliance, the natural features setback line shall be field-verified by the Township Wetland Consultant. The field-verified setback lines shall be shown on all site plans, plot plans, and other construction drawings.
- (3) The Township Planning Commission, Zoning Administrator or Township Wetland Consultant shall determine the appropriate natural feature setbacks, in accordance with Subsection **E** below, whenever a plan is submitted to develop property or undertake an operation in, on or adjacent to a natural feature as defined by this section.
- (4) The Putnam Township Wetland Inventory Map or Natural Features Map is to be used by the Zoning Administrator, Planning Commission, and Zoning Board of Appeals to help determine if a subject property contains a natural feature and if the natural feature setbacks are necessary. The Putnam Township Wetland Inventory Map or Natural Features Map is not to

be used for site-specific natural feature determinations. Such determinations should be made through site visits. The Putnam Township Wetland Inventory Map or Natural Features Map may be amended in the future to reflect more recent findings of local natural features for setback requirements.

D. Naturally vegetated strip.

- (1) A minimum strip bordering each bank of any natural feature, as measured from the wetland boundary or ordinary high water line, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants and for the permitted uses noted in § 340-19, Accessory structures, Subsection G, Waterfront lots.
- (2) Any at-grade walkway constructed inside the strip shall be on dry land and may be oriented perpendicular to the water line. Because the intent of the native protective strip is water quality protection, impervious materials such as asphalt or concrete shall not be used.
- (3) The Zoning Administrator may allow limited clearing of the vegetative strip when required for the construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is of approximately the same quality (or greater) and extent as that which existed prior to the clearing.
- (4) Individual trees within the native protective strip which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse or water body may be removed upon verification of existing conditions from the Zoning Administrator.
- (5) The native protective strip shall not be used for any motorized vehicular traffic or parking, or for storage of junk, waste, or garbage, or for any other use not otherwise authorized by this chapter. The temporary storage of watercraft and associated equipment is permitted.

E. Setbacks throughout Township. The following setbacks from natural features shall apply in all districts except in the LR-1 District:

- (1) A thirty-foot naturally vegetated strip setback from the boundary or edge of a protected wetland, as defined in Subsection B, Definitions, and as shown on the Township Wetland Inventory Map.
- (2) A thirty-foot naturally vegetated strip setback from the ordinary high water line of any watercourse, as defined in Subsection B, Definitions, and as shown on the Township Natural Features Map.
- (3) A thirty-foot building and construction setback from the ordinary high water mark of any watercourse or above the elevation of the one-hundred-year floodplain, as shown on local Flood Insurance Rate Maps (FIRM), whichever is greater.
[Amended 10-17-2012 by Ord. No. Z-66]

F. Prohibited and allowed uses within the natural features setback area.

- (1) Prohibited uses.
 - (a) Removal of natural vegetation within the required naturally vegetated strip;
 - (b) Any land-disturbing activity, including grading, stripping or other practices, within the naturally vegetated strip;
 - (c) Filling or dumping within the naturally vegetated strip;
 - (d) Construction;
 - (e) Septic tanks or drain fields;
 - (f) Placement of any impervious surface;

- (g) Storage of landscape chemicals, hazardous materials, motorized vehicles and other potential pollutants.
- (2) Allowed uses.
- (a) Flood control structures and stormwater management facilities approved by the Livingston County Drain Commissioner;
 - (b) Utility rights-of-way and utility-related infrastructure;
 - (c) Unpaved pathways;
 - (d) Farm and forestry activities in compliance with federal and state Department of Forestry and Department of Agriculture requirements;
 - (e) Limited removal of diseased/hazardous trees, with verification provided by a certified arborist (verification might also be provided by MSU Extension, Department of Forestry, MDNR or MDEQ staff);
 - (f) Restoration activities, such as replacing nonnative vegetation with native species, consistent with accepted best management practices and all federal, state and local regulations;
 - (g) On waterfront lots as defined in Article II of this chapter, accessory structures as permitted in § **340-19G** of this chapter.

§ 340-163. Landscaping, buffering and screening.

- A. Intent. It is the intent of this section to require landscaping for all site condominium, multiple-family and nonresidential development, so as to integrate development into the natural landscape, provide shade, allow for the environmental and ecological benefits of plants and landscaping, and provide for the economic benefits of attractively landscaped developments.
- B. Landscape plan. A complete landscape plan shall be submitted as part of any final site plan review application. The landscape plan shall include, but not necessarily be limited to, the following items:
- (1) Identification of natural features, wetlands, natural drainage areas, woodlots, existing freestanding trees outside of a woodlot over 12 inches in diameter, and vegetative cover to be preserved.
 - (2) Location, spacing, size and descriptions for each plant type proposed for use within the required landscape area.
 - (3) Identification of areas to be grass or other ground cover and method of planting.
 - (4) Typical straight cross-section including slope, height, and width of berms and swales, or height and type of construction of wall or fence, including footings.
 - (5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - (6) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this section.
 - (7) General landscaping requirements:
 - (a) Landscaping requirements may be waived to the extent that existing vegetation to be retained on site meets or exceeds ordinance requirements for landscaping, screening or buffering.

- (b) The use of landscaping for alternative stormwater management techniques, such as green roofs, rain gardens and vegetative swales, is encouraged. Where such measures are incorporated into the site plan, the Township Board may waive some of the planting requirements of this section, upon a finding from the Planning Commission that the proposed site landscaping meets the intent of this section and that the alternative stormwater management techniques improve drainage or protect sensitive natural features (such as streams, lakes or wetlands) on the site and/or within the surrounding area.
- (c) Existing landscaping:
- [1] Existing trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures shall be implemented, such as the placement of a tree guard at the critical root zone around each tree. No vehicle or other construction equipment shall be parked or stored within the critical root zone of any tree or other plant material intended to be saved.
 - [2] All existing, healthy live trees in excess of 12 inches in diameter measured at 4 1/2 feet above the ground shall be preserved outside the immediate building area of the site.
 - [3] In the event that healthy plant materials which are intended to meet the requirements of this chapter are cut down, damaged or destroyed, said plant material shall be replaced with the same species as the damaged or removed tree or an approved substitute. The Planning Commission may require up to three new trees with a diameter of 2 1/2 inches each to replace any tree over 12 inches in diameter that is cut down, damaged or destroyed.
- (8) Landscaping within required setbacks.
- (a) All required front setbacks shall be landscaped with a minimum of one canopy or shade tree and four shrubs, for each 30 lineal feet (or major portion thereof) of frontage abutting the right-of-way. Accessways from public rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
 - (b) All required side and rear setbacks shall be landscaped with a minimum of one canopy, under story, or evergreen tree and three shrubs, for each 40 lineal feet (or major portion thereof) along property lines.
- (9) Parking lot landscaping.
- (a) Parking lots exceeding 10 parking spaces shall provide the equivalent of one landscape island or perimeter peninsula or bump-out for every 15 spaces of parking. Each landscape island, peninsula or bump-out shall be at least 180 square feet in size, with a minimum width of three feet. Landscape islands shall be landscaped with one canopy or ornamental tree and two shrubs for every 60 square feet of landscaping island. Receded landscape islands are encouraged to manage stormwater on site.
 - (b) Required landscaping at the perimeter of parking lots. In addition to the setback parking requirements listed above, separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
 - [1] Notwithstanding this requirement, on a corner property, landscaping must be located so that intersection visibility is not impaired, in accordance with § **340-14** of this chapter.
 - [2] A three-foot tall decorative wall or a hedgerow, consisting of evergreen shrubs at least three feet in height, shall be provided in front of any parking spaces located within 50 feet of a neighboring property or right-of-way line, to screen headlights.

[3] Landscaping may be required to serve as windbreaks.

(10) Screening.

(a) As part of site plan review, screening shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this chapter:

[1] Around all trash dumpsters for all multiple-family and nonresidential uses.

[2] Around permitted designated outdoor storage areas.

[3] Around any loading/unloading area.

[4] Around both roof and ground-mounted outdoor mechanical equipment, except for single-family and two-family uses.

(b) Screening shall be required on the subject parcel even if the surrounding area or adjacent parcels are unimproved.

(c) When any developed parcel changes to a different land use, screening shall be provided in compliance with this chapter.

(d) If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the Planning Commission shall determine the character of the screen based on the following criteria:

[1] Traffic access and circulation.

[2] Building and parking lot coverage.

[3] Outdoor sales, display, or manufacturing area.

[4] Physical characteristics of the site and surrounding area such as topography, vegetation, etc.

[5] Views and noise levels.

[6] Public health, safety, and welfare.

(e) Screening standards. All required screens shall meet the following standards:

[1] A screen shall consist of a solid, sight-obscuring fence or wall six feet high, which shall be constructed of material that is compatible with the architectural materials used in the site development.

[2] Containers and enclosures shall be located away from public view insofar as possible and shall not be located in any front yard or any required side yard. A container or enclosure may be located within a rear yard, provided that is located at least 20 feet from the rear lot line.

[3] Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

[4] Concrete pads of appropriate size and construction shall be provided for all containers, including but not limited to recycling containers or food service waste fat and oil containers.

[5] Containers or enclosures shall be enclosed on all sides and shall not contain any openings other than a gate for access, which shall be closed at all times when not in use. The Planning Commission may require bollards or similar barriers to protect the enclosure from being struck by vehicles.

[6] The fence or wall shall be constructed of masonry, treated wood, or other material approved by the Planning Commission if determined to be durable, weather-

resistant, rustproof, and easily maintained. The enclosure shall be maintained in good repair at all times.

[7] All other applicable standards of this section shall be met.

(11) Greenbelts.

(a) When required.

[1] A greenbelt shall be required whenever a property in a commercial or industrial district abuts property in the A-O District and/or any residential district, or when a property in the R-3 District abuts any property in the RS Districts or the R-2 District.

[2] The Planning Commission may also require a landscaped greenbelt in conjunction with approval of a site plan, planned unit development or special land use. When a greenbelt is required as a buffer between single-/two-family uses and multifamily or nonresidential uses, it shall be placed on the multifamily or nonresidential district property. The Planning Commission shall approve the location, size, shape, materials and other specifications for the greenbelt subject to the general requirements of this section.

(b) The required greenbelt may be comprised of berms, required plant material in this section, additional plant material where required landscaping materials are insufficient, walls, fences, or any combination thereof.

(c) When the property in the adjoining district is located on the opposite side of a street right-of-way, the greenbelt shall be located within the required front yard setback and shall be landscaped according to the requirements for front yard setback as required by Subsection **B(8)(a)** of this section. In addition, the greenbelt shall also be landscaped with a minimum of one evergreen tree for every 20 linear feet, or fraction thereof, of frontage abutting a public road right-of-way. Evergreen trees within a greenbelt shall be a minimum height of six feet at the time of planting.

(d) For greenbelts along all other property lines, in addition to the landscaping within the required side and rear setbacks listed in Subsection **B(8)(b)** of this section, the greenbelts shall be landscaped with four shrubs for every 20 linear feet and with grass, ground cover, or other natural landscape materials.

(e) Landscaped areas which do not contain trees or planting beds shall be covered with grass or other living ground cover.

(f) Detention/retention areas shall be permitted within the required greenbelt, provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

(g) The Planning Commission may reduce the landscaping requirements when berms, fences or decorative walls are used as buffers; however, along the property lines, there shall be no linear gaps between trees or shrubs greater than 50 feet. Trees located behind the fence or wall shall be counted toward this requirement.

(12) Landscaping requirements:

(a) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, or lighting, or obstruct vision for safety of ingress or egress.

(b) A raised, rolled, or subsurface curb or curb stops shall protect all landscape islands and landscaped areas immediately adjacent to parking spaces. There shall also be a means of protecting site trees against injury from mowing equipment.

(c) Landscaped areas shall be arranged to simulate a natural setting such as staggered rows or clusters. The Planning Commission may, if requested by the applicant, approve a

formal landscaping arrangement if it complements the site or building design and provides a more aesthetically pleasing appearance.

- (d) Landscaping shall be designed to blend with that on adjacent parcels where a road, walkway or other pathway flows between parcels.
- (e) All landscaping required by this chapter shall be planted before obtaining a certificate of occupancy, and/or the release of any appropriate financial guarantee, such as a bond, letter of credit, or escrow account, and shall be recorded with the Township in the amount of the cost of landscaping, to be released only after landscaping is completed.
- (f) All landscaping and landscape elements shall be planted, and earthmoving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- (g) The owner of property required to be landscaped by this chapter shall maintain such landscaping in a strong and healthy condition, free from refuse, debris, and insects. Any dead or diseased plants shall be removed and replaced within six months.
- (h) Minimum plant sizes at time of installation shall be according to the chart below.

Table 47: Minimum Plant Sizes at Installation

Plant Type	Minimum Size
Deciduous canopy tree	2.5 inches caliper 4 feet off the ground
Deciduous ornamental tree	2 inches caliper 4 feet off the ground
Evergreen tree	6 feet in height
Deciduous shrub	2 feet in height
Upright evergreen shrub	2 feet in height
Spreading evergreen shrub	18 to 24 inch spread

- (i) A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. The overall landscape plan shall not contain more than 25% of any one plant species.
- (j) Where a berm is provided for the purposes of screening and buffering, it shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four feet wide.
- (k) The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests. These plant materials may be permitted to remain in their natural setting but cannot be transplanted. The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

Table 48: Undesirable Plant Materials

Common Name	Genus Species
American Elm	Ulmus Americana
Ash (all varieties)	Fraxinus
Box elder	Acer negundo
Eastern red cedar	Juniperus Virginiana
European barberry	Berberis thunbergii
Horse chestnut (nut bearing)	Aesculus hippocastanum
Mulberry	Morus species
Northern catalpa	Catalpa speciosa

Table 48: Undesirable Plant Materials

Common Name	Genus Species
Poplar (all varieties)	Populus
Soft maple (silver)	Acer sacharinum
Tree of heaven	Ailanthus altissima
Willow	Salix spp.

C. Performance guarantee.

- (1) Unless waived by the Planning Commission, a performance guarantee shall be provided in accordance with the requirements of this chapter of sufficient amount to ensure the installation of all required landscaping. This guarantee shall remain in effect for up to two years after all landscaping is installed.
- (2) If installation of landscaping is interrupted by unusual weather events (such as an early frost or prolonged drought) or by the onset of winter, the applicant shall submit a performance guarantee in an amount equal to the cost of purchase and installation of the remaining landscaping.

Article XVI. Zoning Board of Appeals

§ 340-164. Creation of Zoning Board of Appeals.

The Zoning Board of Appeals is established and shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of seven members, as follows:

- A. The first member shall be a member of the Planning Commission, and shall be selected and appointed by the Township Board with consideration given to the member recommended by the Planning Commission.
[Amended 10-16-2013 by Ord. No. Z-71]
- B. The second member shall be a member of the Township Board, and shall be selected and appointed by the Township Board.
- C. The five remaining members shall be selected and appointed by the Township Board from the electors residing in the unincorporated area of the Township.
- D. The first and second members of the Zoning Board of Appeals shall serve concurrently with their term of office in their respective Township agencies. The five remaining members shall serve for three years. However, as of the effective date of this chapter, the next two new members appointed to the Zoning Board of Appeals shall be appointed for a term of one year, and the following two new members shall be appointed for a term of two years. Thereafter, all new or reappointed members shall be appointed for a term of three years.
[Amended 10-16-2013 by Ord. No. Z-71]
- E. Members of the Zoning Board of Appeals shall be removable by the action of the Township Board for nonperformance of duty or misconduct in office, upon the filing of written charges and after a public hearing.
- F. No elected officer of the Township or any employee of the Board may serve simultaneously as one of the remaining members of the Zoning Board of Appeals. A member of the Board, appointed by the Board shall not serve as chair of the Zoning Board of Appeals.

- G. The Township Board may appoint up to two alternate members for the same terms as the regular members.
- (1) An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings.
 - (2) An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - (3) The alternate member shall serve in the case until a final decision is made.
 - (4) The alternate member shall have the same voting rights as a regular member when called.

§ 340-165. Meetings.

- A. All meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings shall be open to the public.
- B. The concurrent vote of a majority of the membership shall be required to reverse any order, requirement, decision or determination taken by an administrative official under this chapter, to grant a variance from the requirements of this chapter, or to pass on or make appropriate determination on such matters as may be assigned to the Zoning Board of Appeals by the terms of this chapter.
- C. The Zoning Board of Appeals shall keep minutes of its proceedings, stating the grounds for every determination, and recording the vote of each member on each question, or if absent or failing to vote, indicating such fact. It shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be filed in the office of the Township Clerk and shall be of public record.
- D. The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its business.
- E. The Chair of the Zoning Board of Appeals, or in the absence of the Chair, the Vice-Chair, may administer oaths and compel attendance of witnesses. A subpoena from a court of competent jurisdiction may be used to seek the production of books, papers, files and other evidence pertinent to the matters before the Zoning Board of Appeals.
- F. The Township Board, under its power to set fees for hearings before the Zoning Board of Appeals, may elect to waive the fee for cause.

§ 340-166. Appeals.

- A. An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. An appeal shall be taken by filing with the Zoning Administrator or with the Board, a notice of appeal that specifies the grounds thereof. The Zoning Administrator shall immediately transmit to the Board all of the documents constituting the record upon that the action being appealed was taken.
- B. An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reason of the facts stated in the certification, a stay would cause imminent peril to life or property. In that case, the proceedings shall not be stayed except by the issuance of a restraining order by a court of record.
- C. The Zoning Board of Appeals shall select a suitable time and place for the hearing of the appeal. Due notice of the hearing, as specified in § 340-167 of this article, shall be given to all affected

parties. The Board shall render a decision upon the appeal without unreasonable delay. Testimony may be given at the hearing by any person, in person, or through any duly authorized agent or attorney.

D. The Zoning Board of Appeals shall review the record and decision and determine whether the record supports the conclusion that was reached. The Zoning Board of Appeals shall uphold the original decisions unless the record clearly shows the original decision meets one of the following: [Added 10-16-2013 by Ord. No. Z-71]

- (1) Was arbitrary or capricious;
- (2) Failed to ensure consistency with ordinance standards;
- (3) Was made in error, such as relying on false or inaccurate information;
- (4) Constituted an abuse of discretion; or
- (5) Was based on an erroneous interpretation of the Zoning Ordinance.

§ 340-167. Application.

An application to the Zoning Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Township Board, which shall be paid to the Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Zoning Board of Appeals may request additional detail on the drawing, including requiring a property survey prepared by a licensed surveyor, or other information which they deem necessary to make a decision on the application.

§ 340-168. Notice of public hearing.

- A. Upon receipt of a complete application the Township shall cause notices stating the time, place and subject of the hearing to be served personally or by first class mail addressed to the parties submitting the application, and those persons residing within 300 feet of the property which is the subject of the application.
- B. All notices shall be sent to the addresses listed in the last assessment roll.
- C. All notices shall be sent at least 15 days prior to the date of the scheduled hearing.
- D. In addition, a notice shall be published in a newspaper of general circulation within the Township, no less than 15 days prior to Zoning Board of Appeals meeting.
- E. The Board may recess any hearing, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

§ 340-169. Powers of Board of Zoning Appeals.

The Board of Zoning Appeals possesses limited and specific powers. It may not change the zoning district classification of any property. It may not change any of the stated terms of this chapter. It has powers to act on those matters where this chapter provides for an administrative review, interpretation, and to authorize a variance as defined in this section and in the Laws of the State of Michigan.

- A. The powers of the Zoning Board of Appeals include:
 - (1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning

Administrator, any other administrative official, or any body acting in an administrative capacity in carrying out or enforcing any provisions of this chapter.

- (2) Interpretation of the Zoning Ordinance, including the Zoning Map. To make interpretations of the text of the Zoning Ordinance and of the Zoning Map, including the verification of definite boundaries between zoning districts, and the location of proper setback lines, in the event that such boundaries or locations should be unclear or subject to dispute.
 - (3) Variances. To authorize nonuse variances from the strict application of the provisions of this chapter. In granting a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the Board shall state the grounds upon which it justifies the action.
- B. The Zoning Board of Appeals shall not have the power to grant variances to uses allowed in the zoning districts.

§ 340-170. Variance standards of review.

The Zoning Board of Appeals, after public hearing, may grant requests for nonuse variances from the provisions of this chapter where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done.

- A. Nonuse variance. A nonuse variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - (a) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - (b) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - (c) By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties; or
 - (d) Any other physical situation on the land, building or structure deemed by the Board of Zoning Appeals to be extraordinary.
 - (2) That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - (3) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - (4) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - (5) The variance will not impair the intent and purpose of this chapter.

- (6) That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

§ 340-171. Zoning Board of Appeals decision.

The Zoning Board of Appeals may require the appellant to submit all necessary surveys, plans or other information necessary for the Board to thoroughly investigate the matter before it. The Zoning Board of Appeals may impose conditions or limitations in granting an appeal, variance or other decision permitted by this chapter as it may deem necessary to comply with the spirit and purposes of this chapter.

- A. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or other body empowered to make administrative decisions; to decide in favor of any application on any matter upon which the Zoning Board of Appeals is required to pass under this chapter; or to effect any variance.
- B. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals; however, the Board shall have the option of certifying the decision on a form signed by the Chair at the meeting at which the decision is made. This form shall include any conditions or requirements imposed as a condition of approval and shall include the basis upon which the decision was made, including how the request does or does not meet the standards of review as outlined in § 340-169 of this article.
- C. The decision of the Zoning Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact, in accordance with the Michigan Zoning Enabling Act.^[1]
[1] Editor's Note: See MCLA § 125.3101 et seq.
- D. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

§ 340-172. Approval period.

[Amended 8-19-2009; 10-16-2013 by Ord. No. Z-71]

- A. The decision of the Zoning Board of Appeals shall expire after one year unless a building permit for the construction is obtained and construction is started in accordance with the terms of the permit and the requirements of the Zoning Board of Appeals. The Zoning Board of Appeals may grant no more than one extension, for up to one year, provided the applicant demonstrates that they have been diligently working toward completion and the delay is due to conditions beyond their control.
- B. Provided the conditions of Subsection **A** above are met, variances shall be vested in the affected property, and shall pass with the title to such property. No time limit shall be made a part of such determination.

Article XVII. Administration and Enforcement

§ 340-173. Administration and enforcement.

- A. An administrative official who shall be known as the "Zoning Administrator" shall be designated by the Township Board to administer and enforce this chapter. He/she may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this chapter are being violated, he/she shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance or to prevent violation of its provisions.

§ 340-174. Zoning Administrator duties and zoning compliance permits.

- A. Zoning compliance permits. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this chapter.
 - (1) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, or to commence any use for which a special land use or site plan review is required, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this chapter and any conditions attached to any required land use approvals, and has issued a zoning compliance permit.
[Amended 8-19-2009]
 - (2) It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building or parking area, or to commence the moving or alteration of any structure, including accessory buildings, exceeding 100 square feet in gross ground floor area, until the Zoning Administrator has given documented approval of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this chapter and has issued a zoning compliance permit. A structure that does not require a zoning compliance permit shall still comply with the requirements of this chapter.
 - (a) It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this chapter.
 - (b) Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this chapter.
 - (c) The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this chapter and all other applicable Township, county, and state regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
 - (d) The Zoning Administrator may refuse to issue a zoning compliance permit to a property where there are unresolved or outstanding violations to the Code of the Township of Putnam, including this chapter. Upon resolution of prior unresolved or outstanding violations, the Zoning Administrator shall issue the permit in accordance with Subsection **A(2)(c)** above.
 - (e) When the Zoning Administrator receives an application for a zoning compliance permit that requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.

- (f) A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- (3) A zoning compliance permit shall not be required for ordinary repairs or maintenance to one- or two-family residential dwellings or any structure accessory thereto, including but not limited to roofing, siding, and interior work, provided that such construction does not increase the gross ground floor area of the building by more than 100 square feet and/or does not change the use of the structure. In addition, a zoning compliance permit shall not be required for construction of a child's play structure in a side or rear yard.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in the ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this chapter. Prior to commencement of any approved special land use or occupancy of any use or structure for which site plan approval was granted, the Zoning Administrator shall have the authority to inspect the property in question to ensure that all requirements of this chapter and any conditions attached to the approval of the use(s) or structure(s) upon the property are met.
[Amended 8-19-2009]
- D. The Zoning Administrator may not make changes to this chapter or to vary the terms of this chapter in carrying out his/her duties.
- E. The Zoning Administrator shall require every application for a zoning compliance permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, be accompanied by a site plan prepared in accordance with specifications of Article **XIV** of this chapter.
- F. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this chapter and in conformance with the provisions of the building code, the Zoning Administrator shall permit a zoning compliance permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.

§ 340-175. Schedule of fees, charges and expenses.

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, appeals, special land uses, variances, site plan reviews, rezoning applications, planned unit developments and other matters pertaining to this chapter. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board. In the case of a permit or variance request where work or improvements have been completed prior to legal issuance of permits, the Township Board may require a higher fee.
- B. An appropriate fee established by the Township Board shall accompany any application. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice, including but not limited to legal, planning and engineering professionals regarding the application. The amount of the deposit shall be based on a reasonable estimate to provide such services; however, the Township Board may, by resolution, adopt a minimum deposit. Any unused portions of this fee shall be returned to the applicant after the Township has paid all costs for consultant services.

[1] *Editor's Note: See also Ch. 157, Escrow Account.*

§ 340-176. Performance guarantees.

- A. Unless specified as a requirement in this chapter, as a condition of approval of a site plan review, special land use, planned unit development, variance, or other approvals authorized by this chapter, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, streets, driveways, utilities, and similar items.
- C. Performance guarantees shall be processed in the following manner:
 - (1) Prior to the issuance of a zoning compliance permit, the applicant or his/her agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator. The Zoning Administrator may refer the estimate to a professional consultant for verification.
 - (2) The amount of the performance guarantee shall be not more than 100% of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies. The contingency amount shall not be less than 15% of the cost of materials, installation and other costs.
 - (3) The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
 - (4) Upon receipt of the required performance guarantee, the Zoning Administrator shall authorize the issuing of a zoning compliance permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this chapter and other applicable requirements of the Township.
 - (5) The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
 - (6) When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
 - (7) If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - (8) The Zoning Administrator shall maintain a record of required performance guarantees.

[1] *Editor's Note: See also Ch. 157, Escrow Account.*

§ 340-177. Amendments.

- A. Amendment to this chapter may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or

corporation filing an application therefor with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this chapter through the Zoning Administrator and also recommend ordinance amendments to the Township Board for adoption.

B. The following guidelines shall be used by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:

(1) Text amendment:

- (a) The proposed text amendment would clarify the intent of this chapter.
- (b) The proposed text amendment would correct an error in this chapter.
- (c) The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
- (d) The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
- (e) In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
- (f) The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
- (g) The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- (h) As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
- (i) The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

(2) Map amendment (rezoning). In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:

- (a) Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Putnam Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, consistency with recent development trends in the area.
- (b) Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
- (c) Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
- (d) Other factors deemed appropriate by the Planning Commission.

(3) Consideration of amendment by Township Board. Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify and subsequently adopt the proposed amendment, or adopt it as presented by the Planning Commission. The Township Board may refer any proposed modifications back to the Planning Commission for additional comment.

C. Amendment procedure.

- (1) Filing of applications. All petitions for amendments to this chapter shall be in writing, signed and filed with the Zoning Administrator, who will forward them to the Planning Commission upon a determination that the application is complete.
- (2) All petitions for amendments to this chapter, without limiting the right to file additional material, shall contain the following:
 - (a) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 - (b) The nature and effect of the proposed amendment.
 - (c) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the Township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting properties, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 - (d) Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
 - (e) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
- (3) Before submitting its recommendations of the petition to amend, the Planning Commission shall hold at least one public hearing, notice of which shall be given in accordance with the requirements of the Zoning Act. All notices of public hearing shall state the time, date, place and purpose of the public hearing.
- (4) In the case of a map amendment, in addition to the requirements of the Zoning Act, a sign provided by the Township shall be posted on the property to be rezoned, at least 15 days prior to the date of the public hearing, that notifies the public that a rezoning has been requested for the property and the phone number of the Township offices whereby the public may request additional information. This sign shall be a minimum of 16 square feet in area. The Township shall require a deposit to ensure return of the sign after the rezoning process is concluded.
- (5) Following the public hearing, the Planning Commission shall submit the proposed amendment with its recommendation and public hearing summary to the County Planning Commission for advisory review and recommendation. The County Planning Commission has up to 30 days to respond unless the County Board of Commissioners has passed a resolution waiving county right of review.
- (6) The Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefor along with any response by the County Planning Commission on the proposed amendment.
- (7) The Township Board, upon receipt of the recommendation of the Planning Commission, may, at its discretion, hold a public hearing on the amendment, after publication and notice in accordance with the requirements of the Zoning Act.
- (8) Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one notice of ordinance adoption shall be published accordance with the requirements of the Zoning Act.
- (9) Within seven days after publication, the amendment to the Zoning Ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on

the Official Zoning Map, the change shall be made on the map in accordance with provisions of Article **IV** of this chapter within seven days after enactment of the amendment.

D. Zoning agreements for conditional rezonings.

[Added 7-18-2012 by Ord. No. Z-64]

- (1) Zoning agreements. An applicant for a rezoning may voluntarily offer a zoning agreement as a condition for rezoning. An election to file a conditional rezoning with a zoning agreement shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006)^[1] and this chapter. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the Township and recorded with the County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in Article **XIV**. The zoning agreement must be voluntarily offered by the applicant and the Township shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided, the Township shall not enter into a zoning agreement that is not found acceptable to the Township Board.

[1] *Editor's Note: See MCLA § 125.3101 et seq.*

- (2) Scope of agreement. The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:
 - (a) Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the site;
 - (b) Minimize the impact of the development on surrounding properties, such as landscape screening above and beyond minimum requirements or design elements to create transition to adjoining uses; and
 - (c) Preserve natural features, historic resources, and open space.
- (3) Content of agreement. In addition to any limitations on use or development of the site, preservation of site features or improvements described in Subsection **D(2)** above, the zoning agreement shall also include the following:
 - (a) Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the conditions offered in the zoning agreement.
 - (b) Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal laws, and that the zoning agreement is valid and was entered into on a voluntary basis.
 - (c) Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.
 - (d) Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under Article **XIV**, or subdivision approval under the Township Subdivision Ordinance and obtaining other necessary approvals required by the Township and all applicable county and state agencies.

- (e) Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.
 - (f) Agreement and understanding that the approval of the conditional rezoning and the zoning agreement shall be binding upon the property owner and his respective heirs, successors, assigns, receivers or transferees.
 - (g) Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and the land shall be rezoned by the Township back to its original zoning classification.
 - (h) A legal description of the land to which the agreement pertains.
 - (i) Any other provisions as are agreed upon by the parties.
- (4) ©Special land use and site plan reviews. Any uses proposed as part of a zoning agreement that would otherwise require special land use or site plan approval shall be subject to the applicable review and approval requirements of Articles **XIII** and **XIV**.
- (5) Future rezonings. Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (Public Act 110 of 2006).
[2]
[2] *Editor's Note: See MCLA § 125.3101 et seq.*
- (6) Compliance with agreement. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this chapter, and further use of the property may be subject to legal remedies available to the Township.
- (7) Standards and procedures. A proposal for conditional rezoning shall be reviewed and processed in accordance with Subsections **B** and **C** above, except that the zoning agreement shall be included with the initial application submittal.

§ 340-178. Revocation of approvals.

- A. Any zoning compliance approval or site plan approval may be revoked after determination that one or more of the following circumstances exist:
- (1) A material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency.
 - (2) There has been a material departure from the commitments made and the requirements of an approved plan.
 - (3) Material and substantial pollution, impairment or destruction of the environment, or to another legally protected public interest, would occur if the project were to be constructed as previously approved.
 - (4) Failure to perform, unless due to actions or circumstances beyond the applicant's control.
- B. Proper notice shall be given prior to revocation of the approval. If the Planning Commission approved a site plan, they shall vote on the revocation. The Planning Commission shall hold a public hearing on revocation of plan that was originally approved or recommended by the Planning Commission after a public hearing. The Zoning Administrator may revoke zoning compliance permits.

§ 340-179. Enforcement.

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this chapter is hereby declared to be a nuisance, per se.
- B. A violation of this chapter constitutes a municipal civil infraction, as defined and administered under Chapter **55** of the Code of the Township of Putnam. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this chapter, shall be in violation of this chapter and shall be responsible for a municipal civil infraction.
- C. For purposes of this section, "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter or similar provision of this chapter for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- D. The Township Board, or their duly authorized representative(s), is hereby charged with the duty of enforcing the ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this chapter, and to correct, remedy and/or abate the noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by this noncompliance or violation may institute suit and/or join the Township in the suit to abate the same.
- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

§ 340-180. Stop-work order.

- A. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this chapter, such work or use shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop-work order, except work that the person is directed to perform to remove a violation, shall be in violation of this chapter.

§ 340-181. Repeal of prior ordinance.

The Zoning Ordinance previously adopted by the Township and all amendments thereto are hereby repealed. The repeal of the prior Zoning Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

§ 340-182. Effective date.

- A. The provisions of this chapter are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven days after publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Putnam Township. Publication shall be preceded by approval of the Putnam Township Board.

B. This chapter shall become effective on the sixth day of June 2008.