

# **UNADILLA TOWNSHIP ZONING ORDINANCE**

**Unadilla Township  
Livingston County, Michigan**

# **UNADILLA TOWNSHIP ZONING ORDINANCE**

*Adopted: May 13, 1999*

*Amended*

**Unadilla Township  
Livingston County, Michigan**

**As updated November 19th, 2011**

# Amendments

Ordinance #	Adoption / Effective Date	Summary of Amendment
Art 16, Sec 16.28 A & B	05-01-02	Communication Towers
Art 12, Sec 12.03 C	05-01-02	Principle Permitted Uses – Permitted Accessory Uses
Art 16, Sec 16.30	05-01-02	Storage Buildings
Art 18, Sec 18.06 B	05-01-02	Construction Buildings & Structures
Art 21, Sec 21.02 H	05-01-02	Permitted Vehicles in Residential Areas
Art. 18, Sec 18-24	01-09-03	Open space Preservation
Art 9, R-3 page 9-5, Text amend	08-14-03	Footnote F & O setback change to schedule of regulations
Art 18, Sec 18.04	01-15-04	Swimming Pools & Definitions
Art 20, Sec 20.05 & 20.06	08-31-04	New Private Road & Driveway /Shared Driveway
Art 12, Sec. 16.30	11-11-04	Revised marina language
Art. 9, Schedule of Regulations	03-17-05	Add Patterson Lake, remove 10000sf add 15000 sf
Art.18, Section 18.21	03-29-05	UME size of replacement home
Art 2, definition added	05-19-05	Flag Lot Definition & Corner Lot
Art 13, Sec 13.01	09-13-05	Churches & Religious Institutions B6, D9
Art 13, Sec 13.02	09-13-05	Churches & Religious Institutions B13, D13
Art 4, Sec 4.04	03-28-06	Preliminary & Final Site Plan Review process, flow chart
	03-28-06	Rezone from A-1 to B-1 (22-100-012 & 22-100-013)
	05/30/06	Rezone from A-1 to R-3 (24-300-007)
Tbl Contents, Art 9, Sched Reg	05/30/06	Text amendments, Sched of Reg & footnotes addition R-3a, R-5
	07/25/06	Rezone from R3 to B1 (21-201-004)
Art 20, whole	07/25/06	Private roads text changes
Art 2.02 definition	10/03/06	Lot area
Art 16.30 & 18.08	10/03/06	Delete section 16.30. & change 18.08 C, D, E & F
Art 11.01(D)(10) Language Definition	11/28/06	Landing Strip to <b>Airport</b>
Art 11.01(D)(20) Fence Height	11/28/06	Fence Height from 5' to <b>6'</b>
"B&B" Bed & Breakfast	11/28/06	Allow "B&B" in " <b>A-1</b> ", " <b>B-1</b> " & " <b>B-2</b> ", as a <b>special use</b>
Section 9, 9.09 lot of record	4/24/07	legally recorded lot created prior to effective date shall be considered a legal lot of record
Art 2, Sec 2.02 Definitions -	4/24/07	Building,
Art 13.01 B.7 added	5/10/07	Apartments above business in business district
Art 2 Definitions	8/7/07	State licensed Residential Facility
Comply with State ZEA	8/7/07	Zoning Enabling Act
Art 16.30	8/21/07	Homebased business
Township Zoning Map	1/7/08	Rezone from "R-3" to "B-1" 21-401-024
Art 22 Sec 4 A.8 Signs	4/22/08	Language changed
Art 2 Definitions	5/8/08	Kennel
Township Zoning Map	9/23/08	Re-zoned from R-2 & A-1 to all B-1 (35-301-017)
Re-zoning Ag/Res District	2/12/09	Re-zoned to 2 acre minimums
Art 17, PUD	7/28/09	Rewrote PUD entirely, corrected Index
Art 18.08 & 23.08	2/11/10	Fence Height & requirements changed "may not exceed 6 ft."
Art. 20.05	12/9/2010	Rewrote Private Road Article entirely
Art. 2	12/9/2010	Added Definition for Building Envelope

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# PREAMBLE

An Ordinance enacted by Unadilla Township under the *Michigan Zoning Enabling Act, Public Act 110 of 2006*, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

## Article 1 TITLE, INTENT, AND PURPOSE

### Section 1.01      TITLE

This Ordinance shall be known and cited as the Unadilla Township Zoning Ordinance.

### Section 1.02      INTENT and PURPOSE

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Unadilla Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Future Land Use Plan for the Township; and to provide for the administration and enforcement of such standards.

*End of Article*

Unadilla Township Zoning Ordinance

Article 1: Title, Intent, and Purpose

# Article 2

## DEFINITIONS

### **Section 2.01 CONSTRUCTION of LANGUAGE**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. 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:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Unadilla in the County of Livingston, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.
- L. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

**Section 2.02**                    **DEFINITIONS**

**A. Definitions Of Words And Phrases Beginning With The Letters "A" Through "E":**

**Abutting (lot or parcel):** A lot or parcel, which shares a common border with the subject lot or parcel.

**Accessory Building:** A building or structure customarily incidental and subordinate to the principle structure and located on the same lot as the principle building.

**Accessory Use:** A use customarily incidental and subordinate to the principle use of the land or building and located on the same lot as the principle use.

**Agriculture:** Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

**Alley:** A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

**Apartment:** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

**Automobile Service and Minor Repair Stations:** Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

**Basement:** That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "story."

**Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

**Billboard:** A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

**Buffer Area:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual, sound, or other barrier between properties, often between abutting properties in different zoning districts.

**Building:** Any structure having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, sheds, garages, greenhouses, and other principle or accessory structures. Amended 4-24-2007

**Building Envelope:** The building envelope of a lot is the space remaining after the minimum setback and open spae requirements of this Ordinance have been complied with. *(See Figure 2-5, at the end of this Section, pg. 2-20)* Added 12-9-2010

- Building Height:** In the case of a principle building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (*see Figure 2-1 at end of this Section*). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.
- Building Inspector:** An individual hired by Livingston County to administer the county building code.
- Building Lines:** A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.
- Campground:** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization for the establishment of five (5) or more temporary living quarters consisting of tents or vehicular-type structures. A campground shall not include a “seasonal mobile home park” licensed under public Act 419 of 1976, as amended.
- Carport:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.
- Cellar:** See definition for "Basement".
- Cemetery:** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.
- Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the county building code.
- Changeable Message Board:** A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.
- Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance.
- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that such patients are not lodged therein overnight.
- Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.
- Commercial Agriculture:** The use of land and/or structures for the growing and/or production of farm products for income.

**Communication Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice communication towers, guyed communication towers, monopole communication towers, or poles. The term includes, but is not limited to radio and television transmission communication towers, microwave communication towers, common-carrier communication towers, cellular telephone communication towers, alternative tower structures, and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure. This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna. This term does not apply to communication towers in association with residentially used property where such tower does not exceed fifteen feet in height above grade.

**Concentrated Livestock Operation:** A farm operation which exceeds the confinement of livestock or poultry in excess of fifty (50) animal units per confined acre or is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed or a sustained ground cover, including crops, vegetation, forage growth or post harvest residue, cannot be maintained over an area of one half ( ½ ) acres or more throughout the normal growing season where the animals are confined.

An “animal unit” is a unit of measure of animal waste produced on a regular basis, with a slaughter steer or heifer equal to one (1) animal unit and the following equivalencies applicable to other livestock:

- |                            |                               |
|----------------------------|-------------------------------|
| 1) slaughter steer/heifer: | 1.00 animal unit (all cattle) |
| 2) horses:                 | 2.00 animal units             |
| 3) mature dairy cow:       | 1.40 animal units             |
| 4) swine:                  | 0.40 animal units             |
| 5) sheep:                  | 0.10 animal units             |
| 6) all fowl:               | 0.05 animal units             |

For example purposes only, each of the following number of animals equal fifty (50) animal units:

- |                                |  |
|--------------------------------|--|
| 1) 50 slaughter steer/heifers; | 5) 500 sheep;                              |
| 2) 25 horses;                  | 6) 1,000 fowl; or                          |
| 3) 36 mature dairy cows;       | 7) 25 heifers plus 31 swine plus 125 sheep |
| 4) 125 swine;                  |  |

**Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

**Conservation Easement:** As defined in MCL 324.2140 of the Natural Resources and Environmental Protection Act, Act 60 of the Public Acts of 1995.

**Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

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

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

**Deed Restriction:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

**Drive-in Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Livingston County Road Commission or State of Michigan.

**Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

**Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling Unit:** One or more rooms with bathroom and principle kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

**Easement, Permanent Recorded:** A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Livingston County Register of Deeds.

**Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including water towers, communication towers, office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

**Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.

## **B. Definitions Of Words And Phrases Beginning With The Letters "F" Through "J":**

### **Family:**

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.



**Farm:** Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, or corporation and including all necessary farm buildings, structures, and machinery.

**Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** 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 and uncovered porches, unenclosed and covered porches, courtyards, or patios shall not be considered as part of the gross area, except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Footing:** That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

**Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

- a. **Family Home:** A facility which provides foster care to six (6) or fewer persons.
- b. **Group Home:** A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line, except in the case of a lakefront lot, in which case "frontage" shall be the total continuous length of the side or rear lot line abutting the public right-of-way or private road which provides vehicular access to the lot.

**Garage:** An accessory building or an accessory portion of a principle building designed or used principally for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principle use.

**Grade, Finished:** The elevation of the ground adjacent to the walls of a building.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Home Based Business:** A single family home and/or accessory structure on the same residential lot in which a business is constructed by the owner of the property. A Home Based Business is clearly secondary to the primary residential use.

**Home Occupation:** Any use customarily conducted entirely within a dwelling which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

**Horse:** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital:** An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

**Inoperable or Abandoned Motor Vehicle:** Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

**Junk Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

**C. Definitions of words and phrases beginning with the letters "K" through "O":**

**kennel:** A lot or premises on which four (4) or more dogs, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

**Amended 5-8-2008**

**Landscape nursery operation:** A land use principally characterized by the growing of shrubs or trees for subsequent sale. The term landscape nursery operation includes a facility where such shrubs or trees are grown as well as the facility from which such shrubs and trees are sold to the public on retail or wholesale basis. Such sales may also include accessory landscape materials in addition to the principle activity of shrub or tree sales.

**Land Use Permit:** A permit signifying compliance with the provisions of this Ordinance and authorizing the use, structures, and physical elements contained in such permit.

**Livestock:** Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, but excluding animals which meet this Ordinance's definition for "wild animal."

**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 or unloading merchandise or materials.

**Lot:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principle frontage upon a public street or on a private road (*see Figure 2-2*). A lot may consist of a single lot of record, a portion of a lot of record, or any combination of complete and/or portions of contiguous lots of record, provided that in no case shall a division or combination of any land area be created after the effective date of this Ordinance which does not meet this Ordinance's definition of a "lot."

**Lot Area:** The area of the horizontal area within the lot lines of a lot.

**Amended 10-03-2006**

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the right-of-way or easement arc has a radius less than one hundred and fifty (150) feet. (*see Figure 2-2*).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot, Depth Of:** The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines (*see Figure 2-3*).

**Lot, Flag:** A lot whose access to the public street is narrow, private right-of-way that is part of the lot and does not meet the frontage requirements of the district in which it is located. (*see Figures 2-3 and 2-4*)

Effective 05-19-2005

**Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (*see Figure 2-2*).

**Lot Lines:** The lines bounding a lot or parcel (*see Figure 2-4*).

- a. **Front Lot Line:** The line(s) separating the lot from any street right-of-way, private road or other access easement, except that the front lot line of a lakefront lot used for residential purposes shall be the line separating the lot from the ordinary high water mark.
- b. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance.

**Lot, Through:** An interior lot having frontage on two (2) more or less parallel streets (*see Figure 2-2*).

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 2-4*).

**Major Thoroughfare:** A public street, the principle use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Livingston County Road Commission or as a principle or minor arterial by the Michigan Department of Transportation.

**Manufactured Housing:** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**Major Automobile Repair Station:** Buildings and premises for the primary purpose of the engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

**Marina:** A watercraft basin providing dockage, and may also provide watercraft supplies, watercraft sales, and watercraft service.

**Master Deed:** The document recorded as part of condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Master Plan:** The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

- Mini Storage Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, and may also include outdoor storage for land and water vehicles.
- Minor Thoroughfare:** A public street identified as a county local road by the Livingston County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.
- Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.
- Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
- Modular (Pre-Manufactured) Housing Unit:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.
- Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.
- Natural Feature:** A wetland, as defined in the Township Ordinance, and a watercourse, including a lake, pond, river, stream or creek.
- Nonconforming Building (Nonconforming Structure):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- Nonconforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.
- Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space, Common:** Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

**Open Space, Dedicated:** Common open space dedicated through permanent recorded deed restrictions or easement.

**Open Space, Preservation Option:** A development option as authorized by Act 177 of the public Acts of 2001, as amended, and applied for, developed, and completed in accordance with the requirements in this ordinance in general and with requirements in Section 18.24 of the ordinance in particular.

**As Amended 01-09-2003**

**Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of water is so continuous or frequent as to leave a distinct mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

#### **D. Definitions Of Words And Phrases Beginning With The Letters "P" Through "T":**

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Park:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities, but excluding marinas.

**Parking Area, Off-Street:** A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

**Parking Space:** An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of a permitted vehicle.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**Planning Commission:** The Planning Commission of the Township.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

**Plot Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

**Principle Building:** A building on a lot in which the principle use exists or is served by.

**Principle Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Road:** A private way or means of approach which provides access to three (3) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

**Private Sanitary Sewage Disposal System:** An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

**Private Water Supply:** A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

**Public Sanitary Sewer:** A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

**Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Repair:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**Restaurant, Drive-through:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Restaurant, Standard:** An establishment whose principle business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principle method of operation includes one or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Roadside Stand:** A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

**Satellite Dish Antennae:** A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and is used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extraterrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

**School:** An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Seasonal Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed pursuant to P.A. 368 of 1978.

**Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

**Setback:** The minimum unoccupied distance between the lot line and the principle and accessory buildings, as required herein.

- a. **Front:** Minimum unoccupied distance, extending the full lot width, between the principle building and the front lot line.
- b. **Rear:** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. **Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 22: Signs, for additional definitions pertaining to signs.*)

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludge's, and solid commercials and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. *Refer to Article 5: Procedures for Special Land Uses.*

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.

**Stable, Private:** An accessory structure and/or land use where: horses are kept either for private use by the occupants of the parcel or are bred, reared, trained and/or boarded for remuneration; horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers are not part of the operations or activities of such structure or use; and no more than twenty (20) horses are maintained on the lot or parcel at any single time nor do such animals exceed the maximum animal density requirements of Section 18.22.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State of Michigan under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 TO 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care. 08-07-2007

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Storage:** To place or leave in a location (such as outdoors on a parcel or within an accessory structure) for preservation, later use or disposal, for a period of 14 consecutive days or more.

Added 10-03-2006

**Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if more than fifty percent (50%) of its cubic area is above the surrounding ground elevations.

**Story, Half:** That portion of a story which consists of half of its total height.

**Story, Height of:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principle means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.

**Street Line:** The legal line of demarcation between a street right-of-way and abutting land.

**Structural Alterations:** Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

**Swimming Pool:** Any structure *that contains* water over twenty-four (24) inches *in depth and which is used*, intended *to be used*, for swimming or *recreational* bathing.

**Township Board:** Elected members of the governing Board of Trustees of Unadilla Township.

**Township Engineer:** An engineer licensed in the State of Michigan who provides engineering services to the Township on an as needed basis, including assistance in the review of proposed land use developments.

**Travel Trailer:** A recreational vehicle designed to be used for temporary residence purposes.

**E. Words and phrases beginning with the letters "U" through "Z":**

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including



the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**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.

**Wild Animal:** Any animal not domesticated by humans; or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

**Yard:** An open space, on the same lot with a principle building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (*see Figure 2-4 at end of this Section*):

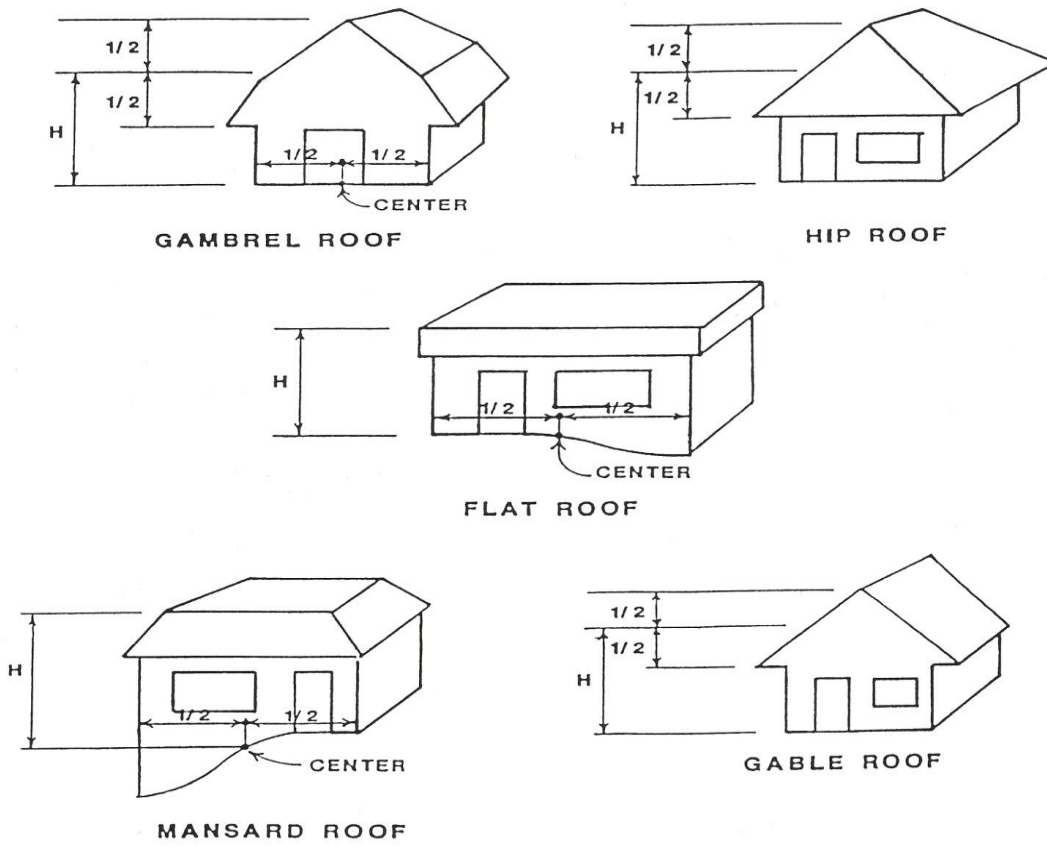
- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principle 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 foundation of the main building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering and enforcing this Ordinance and appointed by the Township Board of Trustees.

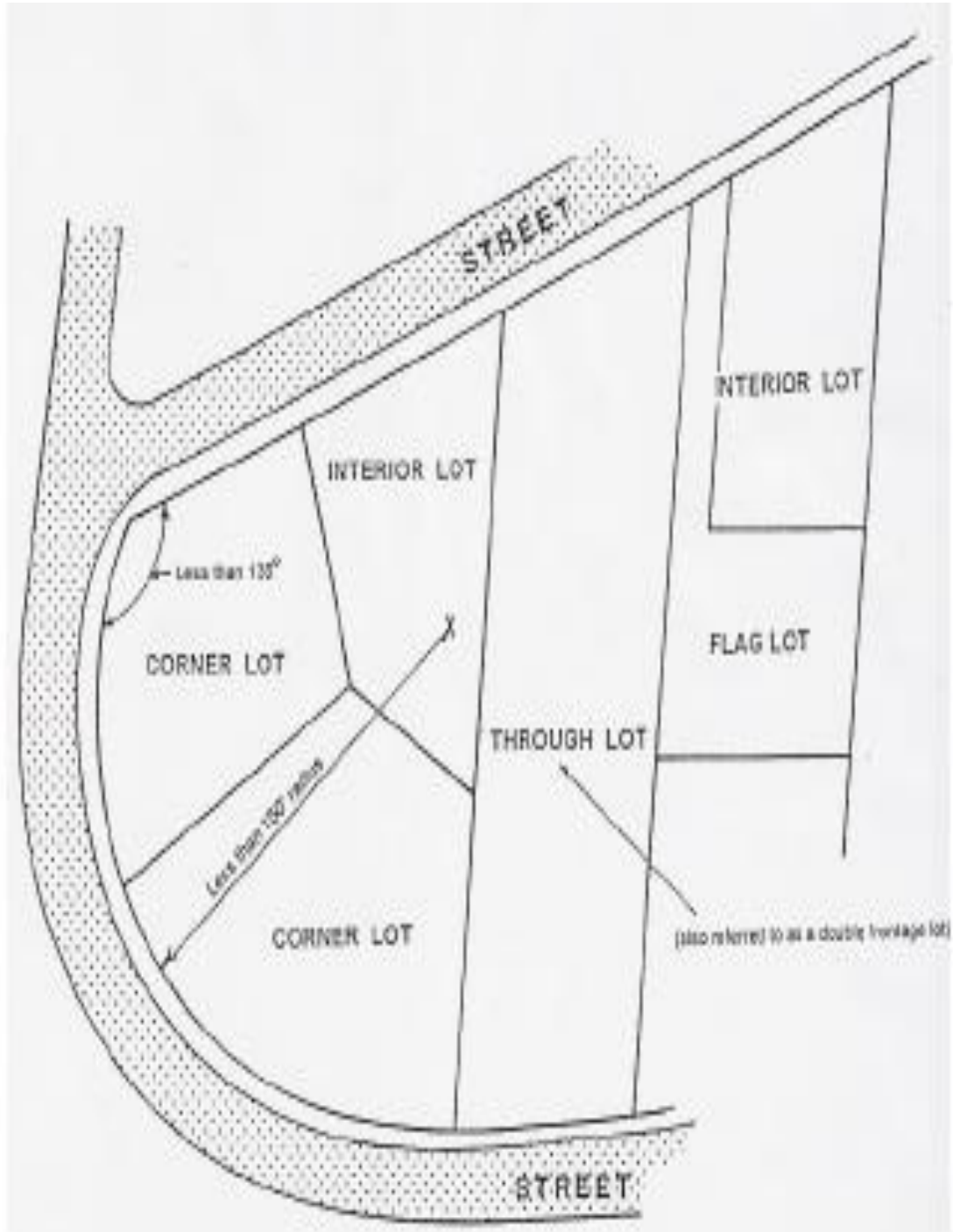
**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

*End of Article  
(Excluding Figures)*

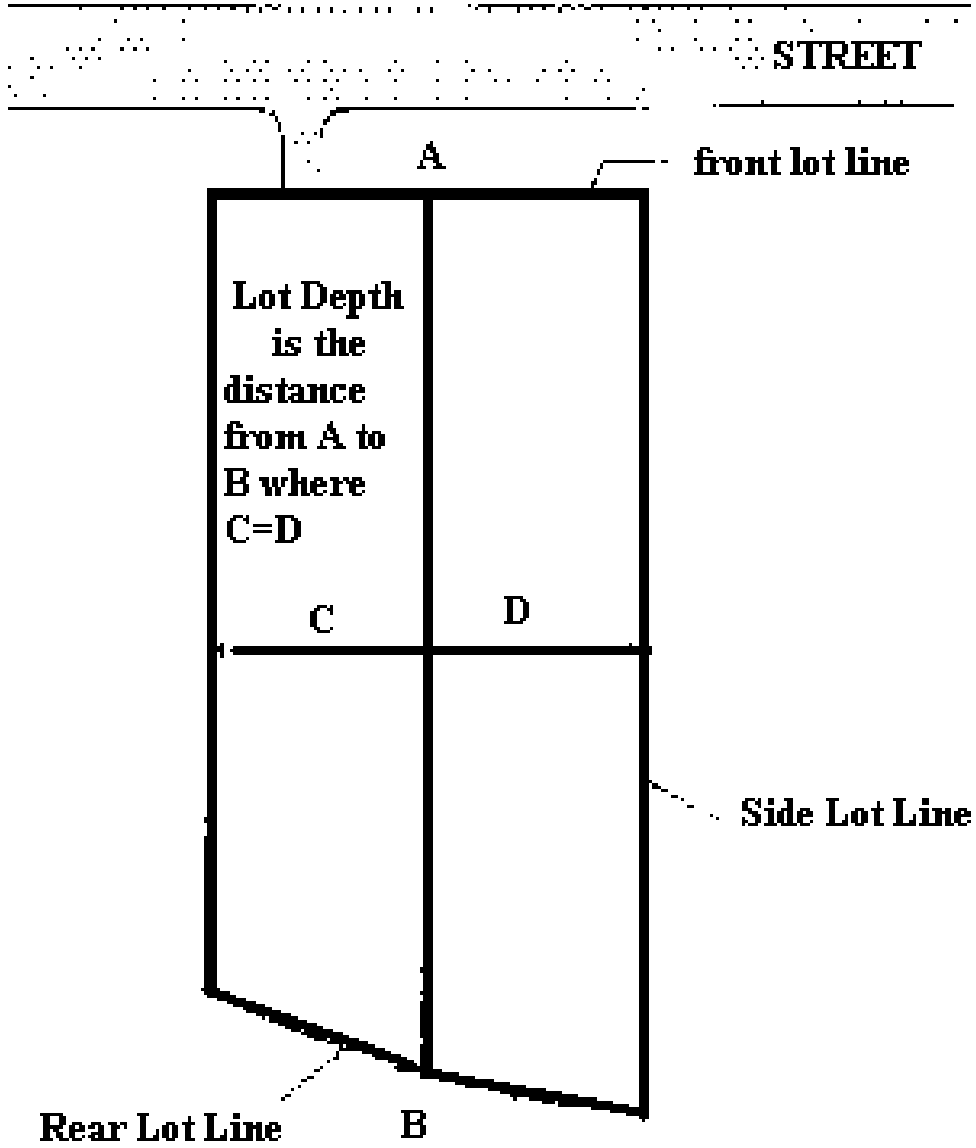
# Figure 2-1 BUILDING HEIGHTS



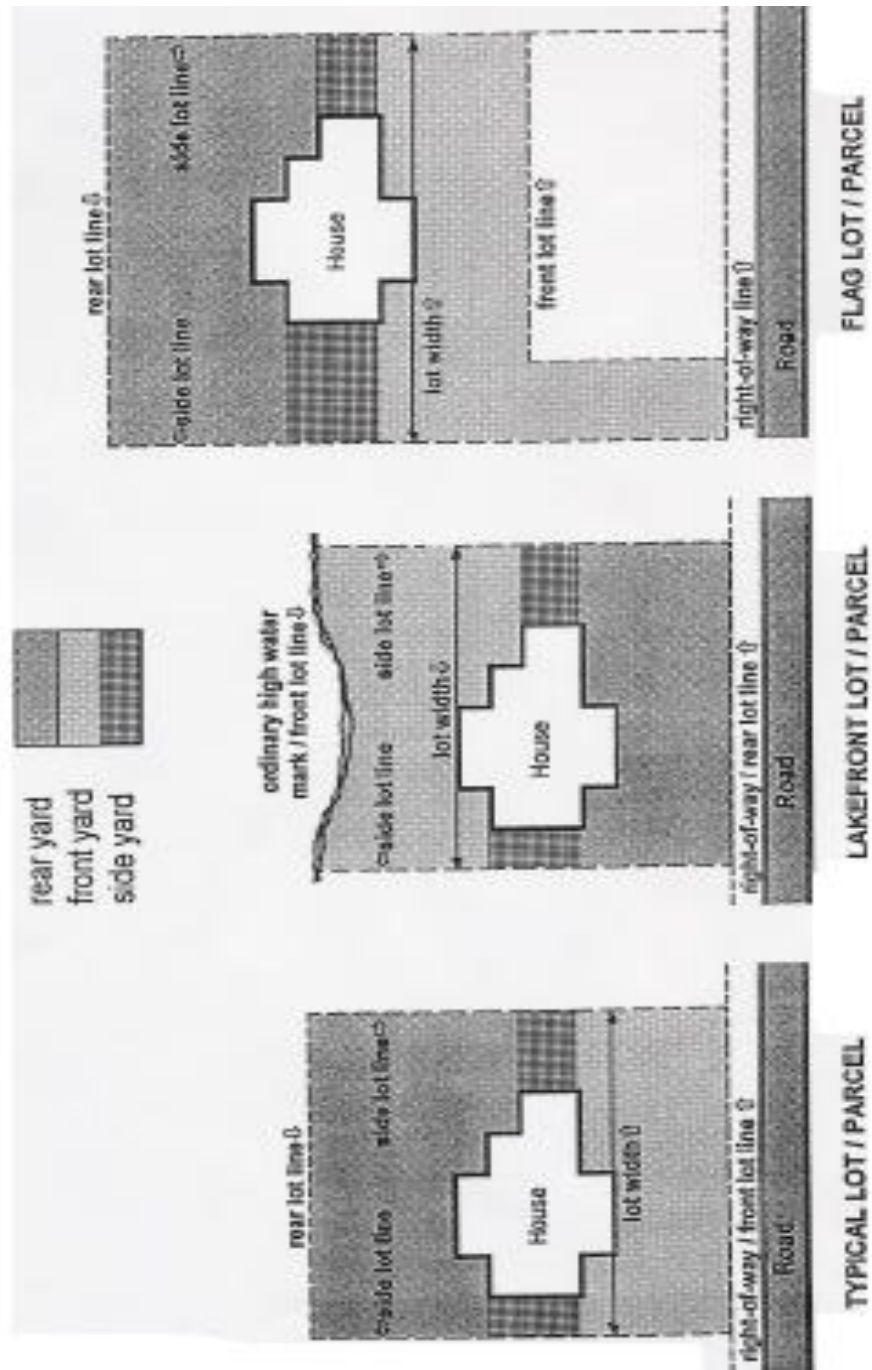
**Figure 2-2  
LOT TYPES**



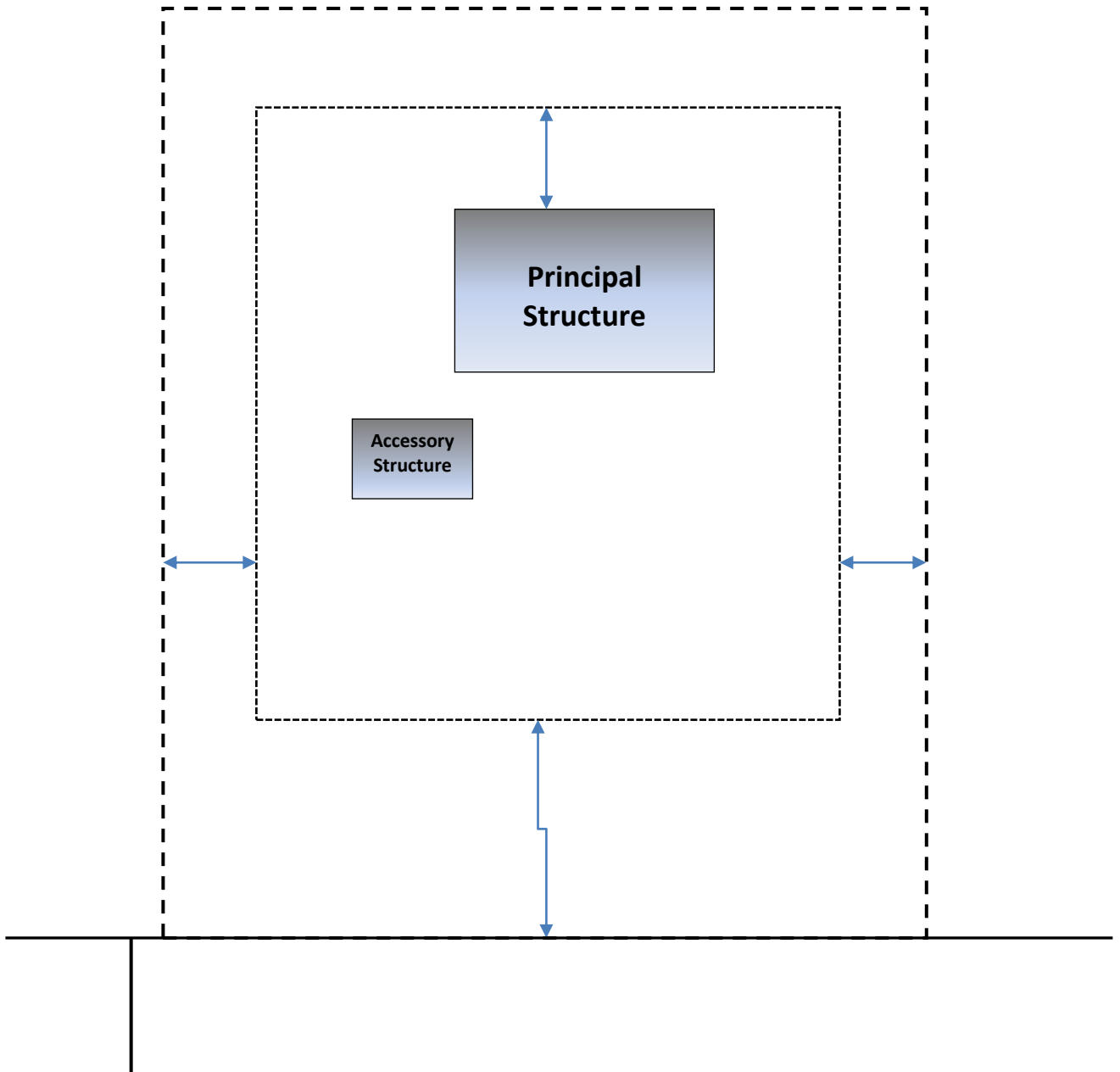
**Figure 2-3  
LOT DEPTH**



**Figure 2-4  
LOT LINES AND YARDS**



**Figure 2-5**  
**BUILDING ENVELOPE**  
**A-1 District**



*End of Article*

# Article 3

## ADMINISTRATION, ENFORCEMENT, and PENALTIES

### Section 3.01 ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; **P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act**, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

### Section 3.02 DUTIES of the ZONING ADMINISTRATOR

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, but not be limited to, the following duties:

- A. Receive Applications and Issue Permits:** All applications for Land Use Permits, site plan and plot plan approvals; and appeals shall be submitted to the Zoning Administrator who shall issue permits when all applicable provisions of this Ordinance have been met and, where necessary, approval has been granted by the Planning Commission, Township Board, or Zoning Board of Appeals.
- B. Maintain File of Applications and Permits:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. The Zoning Administrator shall provide the Township Clerk with a copy of all Land Use Permits which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance and shall make such inspections, at a minimum, at the time of staking out of building foundations or structure locations and upon completion of construction authorized by the permit. It shall be the responsibility of the permit holder to notify the Zoning Administrator when construction activities are ready for inspection. No person shall molest, hinder, or obstruct the Zoning Administrator in the discharge of his/her duties.
- D. Record and Report of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection. The Zoning Administrator shall report to the Township Board periodically at intervals not less than monthly, summarizing for the period since the last previous report, all Land Use Permits issued, all complaints of violation, any action taken on each complaint, and any other actions or observations of the Zoning Administrator.
- E. Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.

**Section 3.03 PERMIT PROCEDURES and REGULATIONS**

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Land Use Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Land Use Permit is requested comply with this Ordinance. Upon the issuance of a Land Use Permit, the applicant may erect or alter a building or structure for which the Land Use Permit has been issued only after receiving a Building Permit from the County Building Inspector.

**A. Land Use Permit Application Required:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Land Use Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the County Building Inspector. An application for a Land Use Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

1. Either a Plot Plan or Site Plan, according to the provisions of Sections 4.02 and 4.03 of this Ordinance.
2. Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Livingston County Health Department certifying in writing the approval of a private sanitary sewage disposal system plan specific to a designated location on the subject property, or when public sanitary sewage service is available and required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
3. Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Livingston County Health Department, certifying approval of a proposed private water supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

**B. Application Fees:** Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Planning Commission, Township Board and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. When Professional Review Fee is Required: For any application for approval of a Site Plan, Special Land Use, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the payment of a professional review fee. A fee may be requested for any project which may, in the opinion of the Zoning Administrator or Planning Commission, create conditions on the subject site hazardous to the general public health, safety, or welfare, including vehicular circulation patterns, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input is desired before a decision is made by the approving body.
2. Professional Review and Report: A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.



3. Fee Balance: The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Land Use Permit or other permit issued by the Township in response to the applicant's request.

**C. Processing of Application:**

1. Upon determination of the Zoning Administrator that the Land Use Permit application appears to be complete, the Zoning Administrator shall forward the application to the appropriate decision-making body.
  - a. The Zoning Administrator shall be the approving body for all “principle permitted uses” requiring plot plan approval, unless the Zoning Administrator defers approval to the Planning Commission. (see Article 4: Procedures for Site Plan and Plot Plan Review)
  - b. The Planning Commission shall be the approving body for all “principle permitted uses” requiring site plan review and special land uses, except those special land uses reserved for Township Board action. (see Article 5: Procedures for Special Land Uses)
2. The approving body shall follow all of the applicable procedural requirements of Article 4: Site Plan and Plot Plan Review, Article 5: Procedures for Special Land Uses, and any other applicable Articles of this Ordinance prior to rendering a decision on the application.

**D. Permit Issuance, Withholding, Expiration.**

1. Issuance: After adequate review and whenever the approving body finds that the buildings, structures, uses, and site improvements as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Land Use Permit in order to insure conformance with the requirements of this Ordinance (*see Section 3.06*). In any case where a permit is refused, the reasons shall be stated in writing to the applicant. No Land Use Permit shall be granted which relies upon a variance until ten (10) days following the decision of the Zoning Board of Appeals has expired.
2. Withholding Permit: The Zoning Administrator may withhold any Land Use Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Land Use Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

**E. Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Land Use Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Land Use Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

**F. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

### **Section 3.04 VIOLATIONS**

**A. Violations are Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se.

**B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation.

**C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served, at a minimum, upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records. The zoning administrator may also post such notice on the subject property. The removal of a notice of violation posted on the subject property is a violation of this ordinance.

1. **Revocation:** The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

**D. Violation Correction Period:** All violations shall be corrected within a period of fifteen (15) days after the violation notice is served. Should a violation not be corrected within the specified time period the Zoning Administrator shall notify the owner, or party of interest in writing, of the time and place of a hearing to be held before the Township Board on the conditions causing the notice of violation.

**E. Hearing Before Township Board:** The Township Board shall take testimony of the Zoning Administrator, the owner of the property, and any other interested party or witness. The person to whom the notice is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said action would cause an undue hardship. Following the hearing, the Township Board shall make written findings as to the nature and extent of the violation, if any, and extenuating circumstances, if any. The Township Board may extend the time by which the violation(s) must be corrected for a period not to exceed six (6) months. However, the Township Board shall not allow such violations to exist longer than this period.

**F. Legal Action:** If the owner or party in interest fails to appear at the hearing, or neglects to correct the violation within the time period specified by the Township Board, the Township Board shall transfer a report of their findings to the Township Attorney recommending that the appropriate action be taken. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (*see Section 3.05*).

**Section 3.05 PENALTIES and REMEDIES**

**A. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, Land Use Permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**B. Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

**Section 3.06 PERFORMANCE GUARANTEE for COMPLIANCE**

**A. Purpose:** In authorizing any Land Use Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with the project which are considered necessary by the approving body to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, common open space improvements, lighting, drainage and sidewalks.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the approving body, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the body or official requiring such guarantee. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the body which originally approved the Land Use Permit indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

2. Approval of Payment: The body which originally approved the Land Use Permit shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the approving body within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the approving body shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated and shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

**D. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principle structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**E. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

*End of Article*

# Article 4

## PROCEDURES FOR SITE PLAN & PLOT PLAN REVIEW

### Section 4.01 PURPOSE

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

### Section 4.02 APPROVAL of SITE PLAN or PLOT PLAN REQUIRED

**A. Planning Commission Approval for Site Plans:** Unless required otherwise by Section 4.02(B) below, site plan approval is required by the Planning Commission, prior to the issuance of a Land Use Permit, for the following land uses:

1. All principle permitted uses within any commercial or industrial zoning district.
2. All special land uses except planned unit developments.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces, except planned unit developments.

**B. Township Board Approval for Site Plans:** Site plan approval is required by the Township Board, prior to the issuance of a Land Use Permit, for the following uses:

1. Planned unit development projects.
2. All single and two family developments subject to the requirements of P.A. 288 of 1967, the Subdivision Control Act, as amended.
3. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
4. Open space preservation option.

**C. Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed in Section 4.02 (A) or (B) above.

### Section 4.03 PLOT PLAN REVIEW PROCEDURES

**A. Submittal of Plot Plan:** Plot plans shall be provided on a professional quality drawing of scale not less than 1"=100'. At least five (5) copies of the plot plan shall be submitted to the Zoning Administrator. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Land Use Permits for uses requiring a plot plan:

1. An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Land Use Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.
  - a. Name, address and telephone number of the applicant (and owner if different).
  - b. The location, shape, area and dimension of the lot.
  - c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  - d. A description of proposed use of the building(s), land or structures.
  - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
  - f. The yard, open space, and parking lot and space dimensions, and number of spaces.
  - g. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
  - h. Location of any septic system or drain field and well.
  - i. Configuration of the driveway and parking, county drains and site drainage patterns.

- j. Existing public right-of-ways or easements.
- k. Any other information deemed necessary by the approving body to determine and provide for the enforcement of this Ordinance.

**B. Plot Plan Review:** The Zoning Administrator shall review the plot plan for completeness and if such plans are not complete according to Section 4.03(A)(1), the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed plot plan, the Zoning Administrator shall record the date of its receipt and conduct a review of the plot plan to determine its conformity with the applicable provisions of this Ordinance and the provisions of Section 4.06. The Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator for approval shall be stated in writing, together with the reasons, and delivered to the applicant. A plot plan shall be approved by the Zoning Administrator if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**C. Approved Plot Plans:** Three (3) copies of the approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

**Section 4.04 SITE PLAN REVIEW PROCEDURES**

**A. Preliminary Review Application:** A preliminary site plan must be submitted. Applications for preliminary site plan approval shall be submitted to the Zoning Administrator at least twenty-five (25) business days prior to the regularly scheduled Planning Commission meeting at which the site plan is to be considered, on a special form for that purpose and shall consist of the following:

1. Twelve (12) copies of a completed application form supplied by the Zoning Administrator.
  - a. Copies to be received by the Township Zoning Administrator at least twenty-five (25) business days prior to regularly scheduled Planning Commission meeting date.
2. Twelve (12) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Property dimensions and topographic elevations at two foot intervals.
  - b. Significant vegetation.
  - c. Water courses and water bodies, including man-made surface drainage ways.
  - d. Existing public right of way, pavements, and/or private easements.
  - e. Existing and proposed uses, buildings, structures, and lots.
  - f. Zoning classification of abutting properties.
  - g. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.
  - h. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment or natural resources.

After receipt of the application and materials listed above, the Zoning Administrator shall have seven (7) business days to review the submittal for completeness. If the submittal is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies in writing within this time period. *Applications must be accepted as complete by the Zoning Administrator at least 14 business days prior to the Planning Commission meeting at which the application will be considered.*

*Added 3/28/06*

**B. Planning Commission and Township Board Review and Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the preliminary site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval of a preliminary site plan for a use requiring site plan approval by the Township Board approval pursuant to Section 4.02(B)(1-3) and forward its recommendation to the Township Board for final action on the preliminary site plan. Any conditions required by the Planning Commission or Township Board for preliminary plan approval shall be stated in writing, together with the reasons, and delivered to the applicant. If denied, the Planning Commission and Township Board shall cite reasons for denial. If approved, the applicant may submit a final site plan for the development. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation.

1. The applicant may submit a preliminary site plan for only a phase of a development, in which case the decision of the approving body shall apply to that development phase only, and all subsequent phases of the development must be submitted for preliminary site plan review.
2. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

**C. Submittal of Final Site Plan:** Final site plans shall be provided on a professional quality drawing of scale not less than 1"=100'. At least twelve (12) copies of the final site plan shall be submitted to the Zoning Administrator. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan, and such plans shall bear the seal and signature of the preparer. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Land Use Permits for uses requiring a site plan. *All plans shall be submitted at least twenty-five (25) business days prior to the regularly scheduled meeting date.* *Added 3/28/06*

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.

8. Proposed location of trash receptacles, accessory buildings and uses, and proposed location, shape, size, and dimensions of signs.
9. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
10. A storm drainage and storm water management plan for all streets, roof surfaces, and other impervious areas, including the location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
11. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
12. A statement from the applicant identifying all federal, state and local permits required, if any.
13. Project completion schedule.
14. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**D. Distribution of Final Site Plans:** Upon receipt of a final site plan, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator. *Plans must be received at least twenty-five (25) business days prior to the meeting date.*  
Added 3/28/06

**E. Planning Commission and Township Board Review and Action:** After conducting a review of the final site plan to determine its conformity with the applicable provisions of this Ordinance and the provisions of Section 4.06, the Planning Commission shall reject, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval for a site plan requiring Township Board approval pursuant to Section 4.02(B)(1-3) and forward its recommendation to the Township Board for final action. Any conditions required by the Planning Commission or Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed final site plan unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A final site plan shall be approved by the Planning Commission or Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**F. Approved Site Plans:** Three (3) copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission, or by the Township Supervisor in the case of a use listed in Section 4.02(B)(1-3), for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.



**Section 4.05 CONFORMITY to APPROVED SITE PLANS**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received written approval from the body which had approved the original site plan. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.04(C)(1). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

**Section 4.06 SITE PLAN and PLOT PLAN APPROVAL STANDARDS**

Each site plan and plot plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. All elements of the plan 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. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
- D. The plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.
- I. 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. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J. All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.
- K. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists.

- M. The plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final plan approval is granted.
- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
  - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
  - 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
  - 4. Federal, state and county agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

**Section 4.07 CHANGES and APPEALS**

- A. **Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures:
  - 1. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator unless the Zoning Administrator defers judgment to the Planning Commission. If the Zoning Administrator defers judgment to the Planning Commission, the Planning Commission may process the requested amendment as a major change.
  - 2. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, except as provided by Section 4.07(3) below, in the same manner as the original application was submitted, reviewed, and approved. Approval of changes shall be subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required herein.
  - 3. **Township Board Action:** The Planning Commission shall make recommendations to the Township Board regarding proposed major changes to a site plan for a special land use previously approved by the Township Board, prior to the Township Board taking final action on the proposed changes. Approval shall be subject to the findings of Section 4.07(3)(a-c) above.

- B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards contained in Section 4.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 4.02 shall require that the entire project be processed as a Site Plan according to the procedures of Section 4.04.
- C. Appeals:** With regard to Site Plan and Plot Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions.

*End of Article*



# Article 5

## PROCEDURES for SPECIAL LAND USES

### Section 5.01      **PURPOSE**

- A. Special Land Uses:** It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Land Use Permit for a Special Land Use. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use, which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.
- B.** Approval standards for special land uses are included in Article 16, Standards for Special Land Uses, except that approval standards for planned unit developments are included in Article 17, Standards for Planned Unit Developments.

### Section 5.02      **PROCEDURES for SPECIAL LAND USES**

An application for a Land Use Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures, except that applications for planned unit developments shall be submitted and processed under Article 17.

- A. Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Land Use Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Fifteen (15) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:
1. Special application form supplied by the Zoning Administrator.
  2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
  3. Preliminary site plan meeting the requirements of Section 4.04.
  4. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
- B. Forwarding of Application to Planning Commission:** Ten (10) copies of the site plan shall be forwarded to the Planning Commission. The Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.
1. County Road Commission.
  2. County Health Department.
  3. County Drain Commissioner.
  4. Fire Department providing service to that part of the Township.
  5. Other agencies as relevant.
- C. Planning Commission Action:**
1. Application Review and Public Hearing:

- a. The Planning Commission shall review the site plan and special land use application. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 5.02(B), the Planning Commission shall publish a notice of public hearing which shall:
    - 1) Describe the nature of the special land use request.
    - 2) Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - 3) State when and where the request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.
  - b. Notice shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the property in question, regardless of whether the property or occupant is located in the zoning jurisdiction. Notice shall be given not less than fifteen (15) days before the public hearing.
    - 1) If the name of the occupant is not known, the term “occupant” may be used in making notification.
  - c. The public hearing shall be held within forty-five (45) days of the meeting at which a complete application is first placed upon the Planning Commission’s agenda.
2. Planning Commission Decision and Basis for Decision: Upon review of the special land use application including the preliminary site plan and all supporting materials, and the hearing, and within sixty (60) days of the hearing, the Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.
- a. For those uses reserved for final action by the Township Board, as specified below in Section 5.02(D)(1), the Planning Commission shall only recommend approval, denial, or approval with conditions regarding the special land use application and site plan, and forward its recommendation to the Township Board for its consideration. The recommendation shall state the reasons for the decision reached.
3. Action on Final Site Plan: The approval of the special land use application shall become null and void after two (2) years from the date of approval granted by the Planning Commission, or by the Township Board as provided by (D) below, unless the applicant has submitted a final site plan for the project within such time period. The Planning Commission shall review and act upon such final site plan pursuant to Section 4.04. The Planning Commission may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements. For those uses reserved for final action by the Township Board, as specified below in Section 5.02(D), the Planning Commission shall only recommend approval, denial, or approval with conditions regarding the final site plan, and forward its recommendation to the Township Board for its consideration.
4. Issuance of Land Use Permit: A Land Use Permit for the special land use shall not be issued until the Planning Commission has granted approval of the final site plan, or approval is granted by the Township Board as provided by (D) below, and no construction shall be initiated until such permit has been issued.

#### **D. Township Board Action**

1. The Township Board will take action on only those special land uses listed below.
  - a. Public and private sanitary landfills and incinerators.
  - b. Junkyards.
  - c. Mobile home parks.
  - d. Mineral extraction.
  - e. Planned Unit Developments (*see Article 17*).
2. Upon review of the special land use application including the preliminary site plan and all supporting materials, the hearing, and the recommendation of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for special land use approval. The Township Board's decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved.
  - a. The approval of the special land use application shall become null and void after two (2) years from the date of approval granted by the Township Board unless the applicant has submitted a final site plan for the project within such time period. The Planning Commission shall review and act upon such final site plan pursuant to Section 4.04 but shall only recommend approval, denial, or approval with conditions regarding the final site plan, and forward its recommendation to the Township Board for final action.

#### **Section 5.03 APPEAL to CIRCUIT COURT**

An appeal on a special land use application decision shall be taken to the Circuit Court.

#### **Section 5.04 REAPPLICATION**

No application for a Land Use Permit for a special land use which has been denied wholly or in part by the Planning Commission or Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 5.03, except in the case of a planned unit development, in which case the provisions of Article 17 shall be followed.

#### **Section 5.05 AMENDMENTS**

- A. Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Amendments to the approved site plan shall comply with the application and review procedures of Section 4.06.
- B. Use or Activity:** A change in the character of the use or activity from what the originally approved Land Use Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:
  1. any addition of land to the legal description of the original special Land Use Permit;
  2. any establishment of another special land use(s).
  3. any addition of more sales or service area, or the addition of dwelling units; and
  4. any expansion or increase in intensity of use.

*End of Article*



# Article 6

## ZONING BOARD OF APPEALS

### Section 6.01            **PURPOSE**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### Section 6.02            **CREATION and MEMBERSHIP**

- A. Establishment:** A Zoning Board of Appeals first established by the Zoning Ordinance adopted February 13, 1986, is hereby retained in accordance with *Michigan Zoning Enabling Act, Public Act 110 of 2006*, as amended, and shall consist of three members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.
- B. Appointment of Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
- D. Conflict of Interest:** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

### Section 6.03            **ORGANIZATION**

- A. Rules of Procedure:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.
- B. Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

**D. Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

**Section 6.04 JURISDICTION**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance, including the interpretation of the zoning maps. . The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, Public Act 110, of 2006 as amended.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary Land Use Permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 6.05.

**Section 6.05 AUTHORIZED APPEALS**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

**A. Administrative Review:** The Zoning Board of Appeals shall 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 or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance.

- B. Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
  2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (*see Section 9.04*).
  3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.
  4. Provide for the completion, resumption, restoration, reconstruction, extension or substitution of nonconforming uses or structures upon terms and conditions provided in Article 19, Nonconforming Uses of Land and Structures, of this Ordinance.

**C. Variances and Required Findings:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements of this Ordinance such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

1. That there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
3. That the special conditions or circumstances do not result from actions of the applicant.
4. That the variance will relate only to property under control of the applicant.
5. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
6. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
8. That the variance shall not permit the establishment, within a district, of any use, which is not permitted as, a principle permitted use within that zoning district.

**Section 6.06 APPEAL PROCEDURES**

**A. Notice of Appeal**

1. Ordinance Interpretation and Variances: Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose and accompanied with such information as is necessary to decide such request. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. Administrative Review: 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 or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance, a written Notice of Appeal shall be completed and filed with the Zoning Administrator on forms established for that purpose within ten (10) days after the date of the decision being appealed. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.

**B. Fee:** A fee as established by the Township Board, shall be paid to the Zoning Administrator at the time the petitioner files a Notice of Appeal with the Zoning Administrator. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

- C. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to the person requesting the interpretation or appeal, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. The notice shall also indicate when and where written comments will be received concerning the request.
- D. Hearing:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, with notice conforming to the requirements of the Open Meetings Act.
- E. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The Zoning Board of Appeals shall state the grounds of each determination. Any decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of the county in which the property is located.
1. Conditions: In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (*See Section 18.15*). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
  2. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one (1) year of the granting of such variance and has been diligently pursued. Upon written application filed with the Township Clerk prior to the termination of the one (1) year period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding by the Board of Appeals that the project has a reasonable expectation of being completed within such time period.
- F. Rehearing:** No rehearing on a application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found to be valid, upon inspection by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including a new fee unless initiated by the Zoning Board of Appeals or Township Board. A request for rehearing shall be made within (8) days of the denial.

**G. Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal of an administrative decision which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

**H. Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the Zoning Board of Appeals may require a performance guarantee covering the estimated cost of conditions or improvements associated with a project, pursuant to Section 3.06.

**Section 6.07 STAY**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

**Section 6.08 REVIEW by CIRCUIT COURT**

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision.

**B. Standards for Review:** The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

**C. Inadequate Record:** If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

**D. Authority of Court:** As a result of the review provided by this Section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

*End of Article*



# Article 7

## PROCEDURES FOR AMENDMENTS

### **Section 7.01                    PURPOSE**

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Master Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Master Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02                    INITIATION OF AMENDMENTS**

The Township Board on its own motion may initiate proposals for amendments or changes, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 7.03                    FILING FEE**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 7.04                    PROCEDURES**

**A. Application:** An applicant shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. When the application involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information:

1. A legal description of the property and scaled map of the property, correlated with the legal description and clearly showing the property's location, prepared and sealed by a professional engineer or registered land surveyor. The Township Board or Planning Commission may waive this requirement if comparable documentation is provided.
2. A street number or other common description of land proposed to be rezoned.
3. The name and address of the applicant, and the name and address of the owner if the applicant is not the owner.
4. The applicant's interest in the property,
5. The present zoning classification and requested zoning classification of land proposed to be rezoned.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

**B. Conditional Rezoning of Land:** There may be certain instances where it would be in the best interest of the Township, as well as advantageous to a property owner seeking a change in zoning boundaries, if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The following procedures shall apply to a conditional rezoning:

1. An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use a development of the land as a condition to a rezoning of the land or and amendment to a zoning map. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process prior to the public hearing. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of their offer of conditions any time prior to final rezoning action of the Township Board provided that, if such amendment occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public

hearing with appropriate notice and a new recommendation. The Township may not add or alter the conditions approved under Section 7.04.

2. The required application and process for considering a conditional rezoning of land shall be the same as that for conventional rezoning requests without any offer of conditions, as provided in Section 7.04, except as modified in this subsection.
3. The approval of conditional rezoning application shall become null and void after two (2) years from the date approval granted by the Township Board, and the land shall revert to its former zoning classification.
4. Upon written request this time limitation may be extended by the Township Board if:
  - a. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and,
  - b. The Township Board finds that there has not been a change in circumstances that would render the current zoning and the statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within ninety (90) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in the following manner.

1. By one (1) publication in a newspaper of general circulation in the Township, at least fifteen (15) days before the date of the public hearing at which the application will be considered. If the notice is for Planning Commission or Township Board action to adopt an initial zoning ordinance, this is the only notice required.
2. For all other zoning notices involving ten (10) or fewer adjacent properties, written notice of the time, date, and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all structures within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.
3. Written notice of the time and place of the hearing shall also be provided to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, who registers its name and mailing address with the Township Clerk for the purpose of receiving the notice.
4. All notices shall include: The nature of the zoning request/application/action; the time, date and place of the meeting; the property that is the subject of the request (including a list of all existing street addresses within the properties if the request involves ten (10) or fewer adjacent properties); and when and where written comments will be received concerning the request.
5. An affidavit of all mailings shall be maintained.

**C. Planning Commission Actions**

1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not necessarily be limited to the following:
  - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b. What are the precedents and the possible effects of such precedent, which might result from the approval, or denial of the petition?



- c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Does the petitioned district change generally comply with the adopted Master Plan, and the existing and planned future land use pattern of adjoining municipalities?
  - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located?
  - g. Is the proposed change consistent with other zones, land uses and the trend of development in the area?
  - h. Was an error made in delineating the original district boundaries?
  - i. Are conditions, if any, reasonable and appropriate and in the best interests of the Township?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not necessarily limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
  3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board and County Planning Commission. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

**E. Township Board Actions**

1. After receiving the findings and recommendations of the Township Planning Commission and County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board. Only the Township Board may amend this Ordinance.
2. The Township Board shall not deviate from the recommendation of the Planning Commission without first referring the application back to the Planning Commission, which shall have the period of time as specified by the Township Board after such referral in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.
3. The Township Board must grant a hearing on a proposed zoning ordinance text amendment when properly requested by a property owner, before Township board adoption of a proposed amendment or rezoning, regardless of whether or not the Township Board has previously referred the application back to the Planning Commission for further consideration of changes desired by the Township Board. The property owner's request for a Township Board hearing must be by certified mail, addressed to the Township Clerk. Notice of hearing must comply with the requirements of 7.04 Procedures (C.) Notice of Hearing.

**F. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

**Section 7.05**                    **RESUBMITTAL**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

**Section 7.06**                    **COMPREHENSIVE REVIEW of ZONING ORDINANCE**

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

*End of Article*

# Article 8

**Reserved for Future Use**

*End of Article*



# Article 9

## ZONING DISTRICTS and MAP

### **Section 9.01 ESTABLISHMENT of DISTRICTS**

**A.** For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- C-1: Public Recreation District
- C-2: Resource Protection District
- A-1: Farm Residential District
- R-1: Low Density Residential District
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-3a *High Density Residential District (Restricted)*
- R-4: Lakes Residential District
- R-5: *Lakes Residential District (Restricted)*
- B-1: Local Business District
- B-2: General Business District
- I-1: Light Industrial District

### **Section 9.02 ZONING DISTRICT MAP**

**A.** The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled UNADILLA TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

**B.** This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Unadilla Township Zoning Ordinance adopted on the \_\_\_ day of \_\_\_, 1999.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: *On the following date(s) and by official action of the Township Board, the following change(s) were made:* (date of change(s) and brief description of change(s)).

**C.** Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

### **Section 9.03 REPLACEMENT of OFFICIAL ZONING MAP**

**A.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following words: *This is to certify that this is the Official Zoning Map, adopted on May 13, 1999, of the Unadilla Township Zoning Ordinance, and replaces and supersedes the Official Zoning Map which was adopted on \_\_\_\_\_, \_\_\_, and any amendments made thereon.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**Section 9.04 INTERPRETATION of DISTRICT BOUNDARIES**

- A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, and such condition is not clarified by Section 9.04(B) below, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:
1. Boundaries indicated as approximately following the streets or highway, the centerlines of said streets or highways shall be construed to be such boundaries.
  2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
  4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
  6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
  7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.
- B.** The following legal descriptions are provided to accurately identify the zoning classification of certain specified land areas which may not otherwise be clearly discernible according to the Official Zoning Map.
1. The B-1 zoning district generally located on the east side of Unadilla Road, south of Portage Creek Drain and north of Kaiser Road, is limited to the following land areas as of the effective date of this Ordinance:
    - a. EAST UNADILLA BLOCK 6 S ½ OF BLOCK 6 EXC. N 8 FT. ALSO BEG AT SW CORNER OF BLOCK 6. S 1 RD. E 8 RD. N 1 RD. W 8 RD. TO POB. ALSO BEG 8 FT S OF SE COR. OF BLOCK 6, N ALONG E LINE OF LOT 6 TO A POINT 8 FT. S OF CEN. OF BLOCK 6, E TO MILL RACE, SW ALONG MILL RACE TO A POINT DUE EAST OF POINT OF BEG., W TO BEG.
    - b. E UNADILLA, N ½ OF BLOCK 6 AND N 8 FT OF S ½ OF BLOCK 6 ALSO BEG 8 FT S OF CEN OF BLOCK 6 ON E LINE HWY, THEN TO MILL RACE NELY ALONG MILL RACE TO PORTAGE RIVER, NWLY ALONG RIVER TO HWY THEN SLY TO NW COR BLOCK 6 THEN 8 RODS ALG N LINE BLOCK 6 TO POB, EXC W 180 FT OF S 128 FT THEREOF.
    - c. EAST UNADILLA BLOCK 6 BEG. 25 FT. N OF SE COR OF LOT 2. N 128 FT. E 180 FT. S 128 FT. W 180 FT. TO BEG.

**Section 9.05            SCOPE of REGULATION**

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 6.05(B) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special approval), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.
- F. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principle uses.

**Section 9.06            ZONING of FILLED LANDS: USE of WATER**

- A. No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Environmental Quality. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Section 9.07            CONFLICTING REGULATIONS**

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

**Section 9.08 CATEGORIES within ZONING DISTRICTS**

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, land uses have been classified into three (3) categories:

- A. Principle Permitted Uses:** Principle permitted uses are the primary uses and structures specified for which the zoning district has been established.
  
- B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but require special consideration in relation to the welfare of adjacent properties and to the community as a whole due to their unique character and/or potentially injurious effects upon the primary uses and structures within the zoning district. All such proposed uses shall be subject to a public hearing following review by the Planning Commission and, in some cases, the Township Board.
  
- C. Accessory Uses:** Accessory uses are uses that are customarily incidental and subordinate to the principle use of the land or building and located on the same lot as the principle use.

**Section 9.09 SCHEDULE of REGULATIONS**

The requirements in the following table entitled "Schedule of Regulations" applies to all principle land uses and buildings permitted within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. In the event of any conflict between the provisions of the written text of the Ordinance and the content of Schedule A, the provisions of the text shall apply. *Any lot of record legally created prior to the effective date of this amendment (April 24, 2007) shall be considered a legal lot of record in its respective zoning district.* Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self created hardships of the owner. See Section 6.05(C).

**Amended 4-24-2007**



## Schedule of Regulations<sup>a</sup>

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage <sup>b</sup> (in feet)	Maximum Building Height		Minimum Yard Setback (Feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	Side Yard	Rear Yard	
<b>C-1: Public Recreation District</b>	10 acres	330	2½	35	50	15 <sup>c</sup>	15	5
<b>C-2: Resource Protection</b>	20 acres	660	2½	35	50	15 <sup>c</sup>	15	5
<b>A-1: Farm Residential</b>	SFD: 2 acres <sup>d</sup> TFD: 5 acres <sup>d</sup>	150	2½	35 <sup>g</sup>	50	15 <sup>c</sup>	15	10
<b>R-1: Low Density Residential</b>	SFD: 2 acres TFD: 4 acres.	150	2½	35 <sup>g</sup>	50	15 <sup>c</sup>	15	15
<b>R-2: Medium Density Residential</b>	SFD: 1 acre (43,560 sq.ft.) TFD: 2 acres (87,120 sq.ft.)	150	2½	35	50	15 <sup>c</sup>	15	30
<b>R-3: High Density Residential</b>	SFD: ¾ acre <sup>h</sup> (32,670 sq. ft.) TFD: 1 ½ acres <sup>h</sup> (65,340 sq. ft.)	SFD: 120 TFD: 150	2½	35	50	15 <sup>n</sup>	15	35
<b>R-3a</b> (see footnote e)	½ acre (21,780 sq.ft.)	<b>SFD: 80</b>	2½	35	50	15 <sup>n</sup>	15	35
<b>R-4: Lakes Residential</b>	SFD: 1 acre <sup>i</sup> (43,560 sq. ft.) TFD: 2 acres <sup>i</sup> (87,120sq. ft.)	SFD: 150 <sup>j</sup> TFD: 150 <sup>j</sup>	2½	35	50 <sup>l</sup>	15 <sup>c</sup>	15	35
<b>R-5:</b> (see footnote f)	none	none	2½	35	50 <sup>l</sup>	15 <sup>n</sup>	15	35
<b>B-1: Local Business</b>	10,000 sq. ft. <sup>m</sup>	50	2½	35	50 <sup>k</sup>	15 <sup>k</sup>	35 <sup>k</sup>	No Maximum Limit
<b>B-2: General Business</b>	1 acre (43,560 sq.ft.)	150	2½	35	50	15 <sup>k</sup>	35 <sup>k</sup>	50
<b>I-1: Light Industrial</b>	1 acre (43,560 sq. ft.)	150	2½	35	50	15 <sup>k</sup>	35 <sup>k</sup>	50

SFD=Single Family Dwelling    TFD=Two Family Dwelling    sq. ft.=square feet

*Any lot of record legally created prior to the effective date of this amendment 05/30/06 shall be considered a legal lot of record in its respective zoning district.*

Amended 05/30/06

See following page for explanation of footnotes.

# FOOTNOTES

## For Schedule of Regulations

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule. See Article 17 for site development standards regarding planned unit developments.
- b. Lot depth shall not exceed four times the width.
- c. The minimum side yard setback for a side yard abutting a road shall be fifty (50) feet. However, a lot of record that is in a neighborhood associated with Patterson, Woodburn, Joslin or Williamsville Lake and is fifteen thousand (15,000) square feet or less in the R-4 District shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet in height, but not to exceed the minimum required setback of fifteen (15) feet.
- d. The minimum lot area for lots which gain direct access to a major or minor thoroughfare shall be two (2) acres for single family dwellings and five (5) acres for two family dwellings.

**amended 2/12/2009.**

- e. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Unadilla Mobile Home Estates (Section Map 23-401, 23-402, 23-201), and the Berkshire Sub (Section Map 3-301).
- f. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Mecca /Templar Sub (Section Map 25-401), the Williamsville Plat (Section 28-301) Orlando Shores Sub (Section Map 28-302 and 303), and San Luray Sub (Section Map 34-301, and 34-401). Lots in the San Luray Sub greater than 1 (one) acre in size, (Section Map 29-400) are exempted from this district.
- g. The maximum height of farm buildings and farm structures shall be one-hundred (100) feet. All farm buildings and farm structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to half of the height of the building or structure.
- h. Three-quarters of one acre ( $\frac{3}{4}$  acre) for single family dwellings and one and one-half acre ( $1\frac{1}{2}$  acre) for two family dwellings, except where public sewer is available, in which case one-quarter of one acre ( $\frac{1}{4}$  acre) for single family dwellings and one-half of one acre ( $\frac{1}{2}$  acre) for two family dwellings.
- i. Where public sewer is available, the minimum lot area shall be one-quarter of one acre ( $\frac{1}{4}$  acre) for single family dwellings and one-half of one acre ( $\frac{1}{2}$  acre) for two family dwellings.
- j. One hundred (100) feet for single family dwellings or two family dwelling, except where public sewer is available, in which case forty (40) feet for single family dwellings and eighty (80) feet for two family dwellings. However, in no case shall the minimum lot frontage and width of a lakefront lot created after the effective date of this Ordinance and served by public sewer have a lot width of less than one hundred (100) feet.
- k. No new lots may be created with less than fifteen (15) foot side yard, thirty-five (35) foot rear yard, and fifty (50) foot front setbacks, except in the case where the side or rear yard abuts an Agricultural or Residential District, in which case the minimum side or rear yard shall be fifty (50) feet. Existing lots may have zero side yard set backs when they abut to another existing business and ten (10) foot front and rear setbacks, unless there are structures on abutting

parcels to the sides then they should align as closely as possible with the existing structures, front and back. Lots created outside of the original existing downtown Gregory business district must have a fifty (50) foot front yard set back.

- l. Fifty (50) feet, except that a lot of record of fifteen thousand (15,000) square feet or less in area shall have a minimum front yard setback of twenty (20) feet.
- m. Five thousand (5,000) square feet where public sewer is provided.
- n. A lot of record that is in a neighborhood associated with Woodburn/Patterson Lake Sub, Mecca Sub, Unadilla Mobile Home Estates, San Luray Sub, Berkshire Sub, Orlando Shores Sub, and Williamsville Plat, and is fifteen thousand (15,000) square feet in area or less shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet, but not to exceed the minimum required setback of fifteen (15) feet.

**“n” added 8-14-03**  
**“n” amended 3-17-05**

SAVE PAGE FOR FUTURE ADDITIONS TO SCHEDULE OF REGULATIONS

*End of Article*

# Article 10

## CONSERVATION DISTRICTS

### **Section 10.01 C-1: PUBLIC RECREATION DISTRICT**

**A. Intent:** It is the intent of the Public Recreation District to protect the quantity and quality of the publicly owned natural resources within Unadilla Township, the enjoyment and protection of which is of great public interest and importance to Unadilla Township, the State of Michigan, and other public entities. The lands within this district are comprised of public holdings, which, collectively, form the Pinckney State Recreation Area and other public park and/or resource conservation areas. Much of the land within this District is characterized by extensive wetland and woodland environments. Together, these public resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the intent of this district to carefully review and limit the introduction of land uses which will undermine the intent, quantity, quality and value of these public resources.

**B. Principle Permitted Uses:**

1. Public outdoor recreation activities of an open space character, including, but not limited to, playgrounds, play fields, golf courses, boating areas, fishing sites, and campgrounds.
2. Public conservation areas, game refuges, and similar uses.
3. Developed public open spaces such as botanical gardens and farm experimental areas.
4. Agriculture.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the principal permitted use.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities not otherwise permitted as principle permitted uses, including, but not limited to cemeteries, schools, and libraries.

### **Section 10.02 C-2: RESOURCE PROTECTION DISTRICT**

**A. Intent:** Lands within the Resource Protection District consist primarily of privately owned land characterized by extensive areas of wetland environments, the protection of which is of great public interest and importance to Unadilla Township and the State of Michigan. These public resources are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural character of the Township. It is the primary intent of the Resource Protection District to protect the quantity and quality of these wetland environments in addition to the public safety, through the discouragement of building within these unstable areas and limiting the alteration of these sensitive ecosystems. It is the intent of this district to carefully review and limit the introduction of new land uses which will undermine the intent, quantity, quality and value of the natural resources contained within.

**B. Principle Permitted Uses:**

1. Public outdoor recreation activities of an open space character including, but not limited to, playgrounds, play fields, boating areas, fishing sites, and campgrounds, but excluding golf courses.
2. Public conservation areas, game refuges, and similar uses.
3. Developed public open spaces such as botanical gardens and farm experimental areas.
4. Agriculture, excluding concentrated livestock operations.
5. Single family dwellings.
6. Day care facility, family home.
7. Foster care facility, family home.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the principal permitted use.

**D. Special Land Uses Permitted By Special Approval:**

1. Day care facility, group home.
2. Foster care facility, group home.

*End of Article*

# Article 11

## AGRICULTURAL DISTRICTS

### **Section 11.01      A-1: FARM / RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the Farm/Residential District to provide opportunities for the continuation of farming in the Township and the retention of land areas in Unadilla Township which are well suited for production of food and fiber, while similarly providing opportunities for residential development within an overall low density rural setting. This District's boundaries include substantial land areas currently under agricultural use and which support farming operations due to soil and topographic conditions and typical parcel sizes. The intent of this District is to provide opportunities for the continuance of these agricultural activities in the Township while also providing opportunities for the conversion of farmland and vacant land to primarily residential use in a manner more compatible with the continuation of agricultural activities than traditionally provided for. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the lack of public water and sewer in this District and the anticipated lack of such services for an extended period of time. This District is also intended to preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas and habitats for plant and animal life, and which have an important aesthetic and scenic value which contributes to the unique character of the Township.

**B. Principle Permitted Uses:**

1. Agriculture, excluding (D)(4) and (D)(5) below.
2. Single family dwellings.
3. Two family dwellings.
4. Day care facility, family home.
5. Foster care facility, family home.
6. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
7. State licensed residential facility excluding an adult foster care facility licensed by state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, roadside stands, agricultural buildings and structures, and private stables.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, conservation areas and game refuges, campgrounds, cemeteries, parks, schools, and libraries.
2. Private conservation areas, game refuges, and similar uses, but excluding campgrounds.
3. Mineral extraction.
4. Landscape nursery operations, greenhouses, and sod farms, including sales of plant materials and supplies.
5. Concentrated livestock operations.
6. Agricultural service establishments, including livestock auction yards and grain and seed elevators.
7. Veterinarian clinics.
8. Kennel.
9. Commercial stable.
10. Day care facility, group home.
11. Foster care facility, group home.
12. Private campground.
13. Shooting Range/Hunt Club
14. Private mortuaries, funeral homes, and cemeteries.
15. Private *airport*.
16. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
17. Communication towers not otherwise included in (B)(5) above.
18. Golf course/country club.
19. Planned unit development.
20. *Bed & Breakfast*

amended 11/28/06

*End of Article*



# Article 12

## RESIDENTIAL DISTRICTS

### **Section 12.01      R-1: LOW DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Low Density Residential District to encourage and provide opportunities for comparatively low density residential development patterns and lifestyles, and the protection of the natural resources located within the District. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the lack of public water and sewer in this District and the anticipated lack of such services for an extended period of time. This District includes existing farms and it is not the intent of this District to discourage the continuation of these agricultural operations. However, neither is it the intent of this District to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with the planned residential use of adjoining lands.

**B. Principle Permitted Uses:**

1. Agriculture, excluding (D)(11) below and concentrated livestock operations.
2. Public conservation areas, game refuges, and similar uses.
3. Single family dwelling.
4. Two-family dwelling.
5. Day care facility, family home.
6. Foster care facility, family home.
7. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
8. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, roadside stands, agricultural buildings and structures, and private stables.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities not otherwise included in (B)(2) above, including, but not limited to, campgrounds, cemeteries, parks, schools, and libraries.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Kennel.
4. Veterinarian clinic.
5. Day care facility, group home.
6. Foster care facility, group home.
7. Day care center.
8. Nursing home.
9. Outdoor commercial recreation, limited to golf courses and country clubs.
10. Bed and breakfast.
11. Landscape nursery operations, greenhouses, and sod farms, including sales of plant materials and supplies.
12. Private mortuaries, funeral homes, and cemeteries.
13. Communication towers not otherwise included in (B)(7) above.
14. Planned unit development.

**Section 12.02 R-2: MEDIUM DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Medium Density Residential District to encourage and provide opportunities for medium density residential development patterns which offer Township residents an increased variety of housing options and residential lifestyles, while similarly assuring a stable and sound residential environment with suitable open spaces associated with dwellings. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, in light of the current lack of public water and sewer in this District. The lot area requirements contained herein are minimum requirements, and larger lot areas may be required by county or state agencies if public sewer and water remain unavailable.

**B. Principle Permitted Uses:**

1. Single family dwelling.
2. Two family dwelling.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including cemeteries, parks, schools, libraries, structures associated with public utilities, and similar uses, but excluding administrative buildings, storage yards, and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Day care center.
6. Nursing home.
7. Bed and breakfast.

**Section 12.03 R-3: HIGH DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the High Density Residential District to provide opportunities for a variety of housing options of a more urban character than permitted in other residential districts, while similarly assuring a stable and sound residential environment with suitable open spaces associated with dwellings. The Township's unincorporated village area of Gregory, where this District is intended to be generally located, includes existing neighborhood areas in addition to areas of nearby vacant land suitable for accommodating additional similar village residential development, provided adequate provisions are available for sewage disposal, potable water, and other necessary support services. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, until such time when public sewer and water may be available and permit higher development densities. This District is intended to accommodate new residential development while similarly preserving the residential character of the existing neighborhoods in this District.

**B. Permitted Principle Uses:**

1. Single family dwelling.
2. Two family dwelling.
3. Day care facility, family home.
4. Foster care facility, family home.

5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses: 5-01-2002 (typing error labeled: Principle Permitted Uses)**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including but not limited to, cemeteries, parks, schools, and libraries
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Nursing home.
7. Private clubs and lodges.
8. Mobile home park.
9. Multiple family dwelling.

**Section 12.03 A. R-3A: HIGH DENSITY LAKES RESIDENTIAL DISTRICT (RESTRICTED)**

**A. Intent:** The intent of this district is to bring existing lots of record only into greater conformance. These lots of record only apply to what is referred to as the Unadilla Mobile Home Estates (Section Map 23-400, 23-401, 23-402, 23-201), and the Berkshire Sub (Section Map 3-301). No new lots may be created using this district.

**B. Permitted Principle Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:** Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted by Special Approval:**

1. Public facilities, including but not limited to, cemeteries, parks, schools, and libraries.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Nursing home.
7. Private clubs and lodges.
8. Mobile home park.
9. Multiple family dwelling.

**Section 12.04 R-4: LAKES RESIDENTIAL DISTRICT**

**A. Intent:** It is the primary intent of the Lakes Residential District to provide opportunities for residential development along the principle lakes of Unadilla Township. The surface waters of the Township are valuable assets and resources to the citizens of Unadilla Township, Livingston County, and the State of Michigan. The purpose of this district is to recognize and permit urban development patterns in association

with some of the Township's lake areas, while assuring the maintenance of safe and healthful conditions, protecting against water pollution, reducing hazards to persons and damage to property as a result of flood conditions, protecting fish and other aquatic life, and controlling development so as to preserve the economic and natural environmental value of these water resources. The requirements of this district are also intended to assure adequate provisions for on-site water supply and waste disposal, until such time when public sewer and water may be available and permit higher development densities. This District is established in recognition of existing urban lake area development patterns and land divisions.

**B. Principle Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
2. Marinas.
3. Day care facility, group home.
4. Foster care facility, group home.
5. Bed & Breakfast

amended 11/28/06

**Section 12.05 R-5 Lakes Residential District (Restricted)**

**A. Intent:** The intent of this district is to *bring existing lots of record only* into greater conformance. These lots of record only apply to what is referred to as the Mecca/Templar Sub (Section Map 25-401), the Williamsville Plat (Map Section 28-301), the Orlando Shores Sub (Section Map 28-302 and 28-303), and San Luray Sub (Section Map 34-301 and 34-401). Lots in the San Luray Sub greater than 1 (one) acre in size, (Section Map 29-400) are exempted from this district. No new lots can be created using this district.

**B. Principle Permitted Uses:**

1. Single family dwellings.
2. Two family dwellings.
3. Day care facility, family home.
4. Foster care facility, family home.
5. State licensed residential facility excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

**D. Special Land Uses Permitted By Special Approval:**

1. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
2. Marinas.
3. Day care facility, group home.
4. Foster care facility, group home.

*End of Article*

# ARTICLE 13

## COMMERCIAL DISTRICTS

### Section 13.01      **B-1: LOCAL BUSINESS DISTRICT**

**A. Intent:** The Local Business District is intended to provide for retail, service, and office establishments which primarily serve the day-to-day convenience and service needs of Township residents and visitors. It is the intent of this District that the buildings and uses within this District be of comparatively small size and bulk in light of the local market, such buildings and uses are intended to serve and maintain the desired rural character of the Township. It is the basic intent of this District to encourage future commercial development within planned centers and community service areas rather than in scattered locations throughout agricultural and residential areas, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

**B. Permitted Principle Uses:** The following are principle permitted uses provided no story of any single business contains more than ten thousand (10,000) square feet of floor area and no single building occupies more than thirty thousand (30,000) square feet of floor area:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building, but shall not provide dancing or entertainment or serve alcohol.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
6. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05
7. Any generally recognized residential use, whether apartment above a business or existing family home within the business district. Added May 10, 2007

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**D. Special Land Uses Permitted By Special Use Approval**

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, provided no story of any building contains more than twenty thousand (20,000) square feet of floor area and no single building occupies more than sixty thousand (60,000) square feet of floor area.
2. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses, provided no story of any building contains more than twenty thousand (20,000) square feet of floor area and no single building occupies more than sixty thousand (60,000) square feet of floor area.
3. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide dancing and entertainment, and serve alcoholic beverages.
4. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.

5. Public facilities including, but not limited to, cemeteries, parks, schools, and libraries.
6. Automobile service and minor repair stations.
7. Enterprises dealing primarily in the rental of equipment or appliances.
8. Communication towers not otherwise included in (B)(5) above.
9. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05
10. Bed & Breakfast Added 11/28/06

**Section 13.02 B-2: GENERAL BUSINESS DISTRICT**

**A. Intent:** The General Business District is intended to accommodate commercial land uses which serve the day-to-day convenience and service needs of Township residents and visitors as well as address the retail and service needs of a more regional population than just that of Unadilla Township. This District is intended to provide opportunities for comparison shopping while similarly providing opportunities for convenience shopping as complimentary uses. This District and its permitted uses typically encourage higher levels of vehicular traffic and it is the intent of this District that uses and buildings within this District be adequately served by surrounding road infrastructure, minimize negative impacts of such traffic upon adjacent land uses, and be compatible with the predominant rural character of the Township.

**B. Principle Permitted Uses**

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other establishments, which provide food or drink for consumption by persons seated within a building.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Motor vehicle, trailer, recreation vehicle, and boat sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
6. Open-air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
7. Farm, commercial, and equipment sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
8. Motels and hotels.
9. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.
10. Private clubs and meeting halls.
11. Veterinarian clinic.
12. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.
13. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution. Added 9/6/05

**C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**D. Special Land Uses Permitted By Special Approval**

1. Public facilities including, but not limited to, parking lots, cemeteries, parks, schools, and libraries.
2. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide dancing and entertainment and serve alcoholic beverages.
3. Automobile service and repair stations.
4. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
5. Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, shooting and archery ranges, and similar uses.
6. Communication towers not otherwise included in (B)(12) above.
7. Mini-storage facilities.
8. Nursing homes.
9. Adult entertainment businesses.
10. Sale of used cars, used farm machinery, and other used vehicles and equipment when not in conjunction with the sales of new units as the permitted principle use.
11. Major automobile repair station/body shop.
12. Industrial and construction equipment sales, and the service and repair of such items when done so as an accessory use to the principle use sales operation.
13. Churches & religious institutions, including housing for religious personnel affiliated with the church or religious institution.  
**Added 9/6/05**
14. Bed & Breakfast  
**added amended 11/28/06**





# Article 14

## INDUSTRIAL DISTRICTS

### **Section 14.01 I-1: LIGHT INDUSTRIAL DISTRICT**

**A. Intent:** It is the intent of the Light Industrial District to provide for a variety of manufacturing and industrial uses which do not require public sewer and water services and can be generally characterized as being of low intensity, including comparatively small building size and coverage and the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas should be designed to avoid negatively impacting adjacent conforming uses. All future land uses and activities in this District shall provide for safe sewage disposal and potable water.

#### **B. Principle Permitted Uses:**

The following are principle permitted uses when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

1. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
2. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
3. Central dry-cleaning establishments.
4. Monument and art stone production.
5. Printing and publishing.
6. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
7. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.
8. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments.
9. Communication towers of single pole construction not exceeding a height of 30 feet above grade, or more than 20 feet above a building or structure upon which it is attached.

#### **C. Permitted Accessory Uses:**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

#### **D. Special Land Uses Permitted By Special Approval:**

1. Tool and die manufacturing establishments.
2. Plastic molding and extrusion.
3. Automobile salvage and junkyards.
4. Laboratories; experimental, film or testing.
5. Communication towers and other broadcasting and receiving facilities.
6. Automobile painting, upholstering, rebuilding, conditioning, body and fender work, and repairing.
7. Communication towers not otherwise include in (B)(9) above.

*End of Article*

# Article 15

**This Article Reserved for Future Use**

*End of Article*



# Article 16

## STANDARDS FOR SPECIAL LAND USES

The following standards apply to the special land uses permitted by special approval in Articles 10 through 15 of this Ordinance. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. Section 16.01 includes general standards applicable to all special land uses. The remaining sections of this Article include standards, which are applicable to specific special land uses as designated.

### **Section 16.01      GENERAL STANDARDS APPLICABLE to ALL SPECIAL LAND USES**

**A.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Meet the site plan review requirements of Article 4.
8. Conform with all applicable county, state and federal requirements for that use.

### **Section 16.02      NURSING HOMES**

**A. The following site and developmental requirements shall apply:**

1. All ingress and egress for the site shall be from a paved minor or major thoroughfare.
2. No building shall be closer than fifty (50) feet to any lot line.

**B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a residential district or use.
2. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

**Section 16.03 PRIVATE AIRPORTS**

**A. The following site and developmental requirements shall apply:**

1. An airport shall be for use by the owner of the premises for the operation and maintenance of personal aircraft only.
2. The airport shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a distance of fifty (50) to both sides of the airport, as measured from the edge of the airport, and for a distance at the ends of the airport to allow a clear approach slope of 20:1.
3. Such as airport shall be situated on a parcel of at least twenty (20) acres in size.

**B. Special Performance Standards:**

1. Approval of an airport shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed airport.

**Section 16.04 AUTOMOBILE SERVICE and MINOR REPAIR STATIONS**

**A. The following site and developmental requirements shall apply:**

1. Ingress and egress to the facility shall be only from a paved major or minor thoroughfare.
2. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
3. All gasoline pumps and storage tanks shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Above ground storage tanks associated with watercraft services shall be limited to three hundred (300) gallon capacity, and shall be located not less than seventy-five (75) feet from any occupied building or any lot line. Such tank shall be mounted on a solid concrete slab constructed with a spill containment curb.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard.
3. A car wash may be established as part of the principle structure or as a separate structure but shall conform to all setback requirements for a principle structure.

**Section 16.05 BED and BREAKFAST**

**A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

**B. Special Performance Standards:**

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. Meals may be served to overnight guests only. Meals shall not be served to the public at large.
2. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single-family character.
4. Retail sales are not permitted beyond those activities serving overnight patrons.
5. No receptions, private parties or activities for which a fee is paid shall be permitted.
6. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
7. The establishment shall contain at least two (2) exits to the outdoors.
8. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed for rental purposes.
9. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door meeting building code requirements for egress.
10. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
11. Lavatories and bathing facilities shall be available to all persons using the premises.
12. No separate or additional kitchen facilities shall be provided for the guests.

**Section 16.06 ADULT FOSTER CARE FACILITY, Group Home**

**A. The following site and developmental requirements shall apply:**

1. A state licensed adult foster care group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.

**B. Special Performance Standards:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
2. Adult foster care property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care group homes serving twelve (12) or more individuals shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility for persons, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

**Section 16.07 COMMERCIAL STABLES**

**A. The following site and developmental requirements shall apply:**

1. A minimum of five (5) acres must be provided for the first horse, and an additional one half (½) acre must be provided for each additional horse, provided further that at least ten (10) acres is provided for the first six (6) horses, and an additional ten (10) acres be provided for each subsequent multiple of six (6) horses.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Stables may not be located in platted subdivisions or condominium subdivisions except where such subdivisions are specifically designed to incorporate the keeping of horses.
4. Animals confined in an outdoor area shall be prevented from approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
5. Enclosed stables and piles of manure or feed shall not be located nearer than one hundred (100) feet to any lot line.

6. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

**B. Special Performance Standards:**

1. All stables shall be operated in conformance with all applicable county, state and federal regulations.
2. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
3. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
4. No living quarters shall be located in any arena building.
5. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.

**Section 16.08 CHURCHES and RELIGIOUS INSTITUTIONS**

**A. The following site and developmental requirements shall apply:**

1. All ingress and egress for the site shall be from a paved major or minor thoroughfare.
2. The lot shall be at least two (2) acres in size.
3. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surfaces
4. No building or parking area shall be closer than fifty (50) feet from any lot line or right-of-way.
5. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation A spire is excluded.

**B. Special Performance Standards:**

1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
2. No day care center, private school, or other use requiring special approval shall be allowed without a separately approved zoning permit for each use.

**Section 16.09 VETERINARIAN CLINICS**

**A. The following site and developmental requirements shall apply:**

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential zoning district, or to any adjacent building used by the general public.

**B. Special Performance Standards:**

1. Uses permitted shall be limited to medical treatment, retail sales of products associated with the care or medical treatment of animals, and boarding. Boarding of animals not receiving medical treatment shall be limited to an accessory use and activity of the clinic.
2. There shall be no storage or boarding of animals outside of a fully enclosed building.
3. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.



**Section 16.10 DRIVE-IN ESTABLISHMENTS**

**A. The following site and developmental requirements shall apply:**

1. All egress and ingress to the site shall be from a paved major or minor thoroughfare.

**B. Special Performance Standards:**

1. The outdoor space used for parking and vehicular stacking shall be hard surfaced.
2. No driveway shall be closer than seventy-five (75) feet to any other driveway and the maximum number of driveways permitted is two (2).

**Section 16.11 DAY CARE FACILITY, Group Home**

**A. The following site and developmental requirements shall apply:**

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
  - a. Another licensed group day care home.
  - b. An adult foster care, small group home or large group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - 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.

**B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

**Section 16.12 PLANNED UNIT DEVELOPMENTS (See Article 17)**

**Section 16.13 SCHOOLS**

**A. The following site and developmental requirements shall apply:**

1. Ingress and egress to the site shall be only from a paved major thoroughfare.
2. The minimum lot or parcel size shall be five (5) acres
3. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
4. Parking areas shall not be located within fifty (50) feet of the front lot line or a residential use.
5. The principle building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

**Section 16.14      KENNELS**

**A. The following site and developmental requirements shall apply:**

1. The lot area shall be at least ten (10) acres in size.
2. Kennels may not be located in a platted subdivision or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line or any adjacent building used by the general public, nor within three hundred (300) feet of a public right-of-way. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only and shall conform to setback requirements.

**B. Special Performance Standards:**

1. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
8. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
9. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

**Section 16.15      MINI STORAGE FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. The facility shall have direct access to a paved minor or major thoroughfare.
2. The minimum lot or parcel size shall be 2 acres.
3. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
4. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty-five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
5. The lot area used for parking and access shall be paved and shall be graded and drained so as to dispose of all surface water.

**B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
3. Storage spaces shall not contain more than 400 square feet each.
4. Storage of goods shall be limited to personal property with no commercial distribution allowed.

5. All storage shall be within the enclosed building area except where specifically approved otherwise and so delineated on the approved site plan. However, under no circumstances shall outdoor storage occur within a front or side yard. Outdoor storage areas shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines, which do not abut a Conservation, Agricultural, or Residential District, or residentially used property.
6. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
7. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

**Section 16.16 MULTIPLE FAMILY DEVELOPMENT**

**A. The following site and developmental requirements shall apply:**

1. Multiple family dwelling units shall be permitted at a density no greater than eight (8) units per acre.
2. All developments for multiple family dwellings shall have direct access to a paved minor or major thoroughfare.

**B. Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
3. No dwelling unit shall have its principle access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
4. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations.
5. All developments shall provide for underground installation of all utilities.
6. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) of the site area or five hundred (500) square feet per four dwelling units, whichever is greater.
7. All group off-street parking facilities shall be adequately lighted during hours of darkness.
8. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
9. Only the following land and/or building uses shall be permitted.
  - a. Multiple family dwellings as defined in this Ordinance.
  - b. One (1) office space for conducting the business of the development.
  - c. Utility areas for laundry facilities and auxiliary storage for tenants.
  - d. Recreation areas such as community buildings, playgrounds, and open space for tenants.

**Section 16.17 OPEN AIR BUSINESSES**

**A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Ingress and egress to the facility shall be only from a paved minor or major thoroughfare.
3. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

**B. Special Performance standards:**

1. In the case of auto sales:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. All areas subject to vehicular use shall be paved.
  - c. Areas used for the parking or storage of vehicles shall be set back a minimum of fifty (50) feet from all lot lines.
2. Storage or display of goods and materials shall not occur in the required yards.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.

**Section 16.18 PUBLIC FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.
2. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
3. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
4. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

**B. Special Performance Standards:**

1. All buildings shall be harmonious in appearance with the surrounding area.

**Section 16.19 JUNKYARDS**

**A. The following site and developmental requirements shall apply:**

1. The minimum lot or parcel size for junkyards shall be ten (10) acres.
2. Ingress and egress to the facility shall be only from a paved major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.
3. All activities shall be confined to an enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
4. No portion of the enclosed area shall be located within one hundred (100) feet of a lot line nor within two hundred (200) feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
6. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the enclosed area and suitably landscaped. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

**B. Special Performance Standards:**

1. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
2. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

3. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
4. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

**Section 16.20 SHOOTING RANGES**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be forty (40) acres.
2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.

**B. Special Performance Standards:**

1. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.
2. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
3. The Planning Commission shall submit a copy of the site plan to the Township Police Department, and may submit the site plan to other law enforcement agencies for review and comment.
4. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
5. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.
6. Hours of operation shall be between 8:00 a.m. and dusk.

**Section 16.21 CAMPGROUNDS**

**A. The following site and developmental requirements shall apply:**

1. The lot shall be located on a minor or major thoroughfare.
2. The lot shall have a minimum width and frontage of three hundred thirty (330) feet and a minimum area of ten (10) acres.
3. Each campsite shall be set back from any right-of-way or lot line at least one hundred (100) feet.
4. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
5. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
6. At least one public telephone shall be provided in the facility.
7. No more than one permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
8. Each campsite shall have a picnic table and designated place for fires.

**B. Special Performance Standards:**

1. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
2. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.

**Section 16.22 GOLF COURSES and COUNTRY CLUBS**

**A. The following site and developmental requirements shall apply:**

1. The site shall be located on a paved minor or major thoroughfare.
2. The lot shall have a minimum width and frontage of six hundred (600) feet and a minimum area of eighty (80) acres for a nine hole golf course and one hundred sixty (160) acres for an eighteen (18) hole course.

3. No parking areas shall be located within seventy-five (75) feet of a property line.
4. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted but not be internally.
5. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

**B. Special Performance Standards:**

1. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
2. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
4. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
5. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
6. All principle or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line.
7. The total lot area covered with principal and accessory buildings shall not exceed five percent (5%).
8. A golf driving range accessory to the principle use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

**Section 16.23 DRIVING RANGE and MINIATURE GOLF/PUTT PUTT**

**A. The following site and developmental requirements shall apply:**

1. The site shall be located on a paved minor or major thoroughfare.
2. The lot shall have a minimum width and frontage of three hundred thirty (330) feet and a minimum area of ten (10) acres, except that a lot used for miniature golf without a driving range need only be three (3) acres in area and two hundred (200) feet in width and frontage.
3. No buildings or parking areas shall be located within seventy-five (75) feet of a property line.

**B. Special Performance Standards:**

1. The area devoted to a driving range shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
2. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
3. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
4. Operating hours shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.

**Section 16.24 ADULT RELATED BUSINESSES**

**A. Intent:** The provisions of this Section were created with the understanding that Unadilla Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location and cause deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

**B. Definitions**

1. Adult-Related Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "*adult bookstore*," "*adult theater*," "*massage parlor*," "*public bath*" and "*taxi dance hall*."
2. Adult Book Store: An establishment having as a substantial or significant portion of its stock and trade, books, magazines, periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, or an establishment with a segment or section devoted to the sale or display of such material.
3. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, for observation by patrons or customers.
4. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
5. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths*."
6. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
8. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

**C. The following site and developmental requirements shall apply:**

1. No adult related business shall be established on any premises where there exists more than one (1) other adult related business within one thousand (1,000) feet, measured between the closest property line.
2. The property on which an adult related business is located shall be situated at least five hundred (500) feet from a residential zoning district, church, or school. as measured between the closest property lines.

**D. Special Performance Standards**

1. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
2. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.

**Section 16.25 CEMETERIES**

**A. The following site and developmental requirements shall apply:**

1. The cemetery shall contain a minimum of twenty (20) acres in area.
2. All access to the cemetery shall be from a minor or major thoroughfare.
3. No structure shall be located within one hundred (100) feet of a lot line.
4. No more than five percent (5%) of the site area may be occupied by buildings.
5. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way
6. Parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

**B. Special Performance Standards:** All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Livingston County Health Department and the State of Michigan.

**Section 16.26 MOBILE HOME PARKS**

The regulations established by the Mobile Home Commission Act (Michigan Public Act 96 of 1987, as amended) and the Mobile Home Commission Rules govern all mobile home parks. Such standards shall apply to all mobile home parks in Unadilla Township and where any of these Ordinance's regulations or standards exceed those of the Mobile Home Commission Act, as amended, or the Mobile Home Commission Rules, such regulations or standards shall not apply unless officially approved by the Mobile Home Commission pursuant to the Michigan Mobile Home Commission Act and the Mobile Home Commission Rules.

**A. The following site and developmental requirements shall apply:**

1. Minimum Lot Area: Ten (10) acres.
2. Minimum Lot Frontage and Lot Width: Three hundred thirty (330) feet.
3. Mobile Home Park Open Space Requirements: All mobile home parks having fifty (50) or more mobile home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than two (2) percent of the park's gross acreage, except that at least twenty-five thousand (25,000) square feet of open space shall be provided.
4. Mobile Home Site Area: All mobile home parks shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space above and beyond the minimum required two (2) percent open space area required. In no case shall the open space and distance requirements be less than that required under Rules 941, 944, and 946 of the Mobile Home Commission General Rules.
5. Landscaping and Screening: If a mobile home park abuts an existing residential use, the park shall provide screening along the park boundary abutting the residential use. In all cases however, a mobile home park shall provide screening along the park boundary abutting a public right-of-way. Such landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height which are



spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

6. Access: The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved minor or major thoroughfare by a permanent easement, which shall be recorded by the developer. Sole access to the park via an alley is prohibited. All roads shall be hard-surfaced.
7. Mobile Home Park; Nonresidential Uses: No portion of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.

**B. Site Plan Review:** Pursuant to Section 1 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. Pursuant to Section 11 of Michigan Public Act 96 of 1987, the Planning Commission shall take action of the preliminary plan within sixty (60) days after a complete preliminary plan is submitted to the Zoning Administrator and all zoning permit application fees have been paid.

**Section 16.27 CONCENTRATED LIVESTOCK OPERATIONS and GROUND-SURFACE ANIMAL WASTE DISPOSAL**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be eighty (80) acres.
2. Minimum lot width shall be six hundred sixty (660) feet.
3. Farm buildings, structures, and confinement areas shall be setback a minimum distance of three hundred (300) feet from a public right-of-way or any adjacent property line, seven hundred fifty (750) feet from an existing residence other than the house of the operator of the livestock operation, fifteen hundred (1,500) feet from an existing church, business, recreation area, or public building, and two thousand (2,000) feet from any property within a subdivision plat or condominium subdivision.
4. Lagoons used for the collection of animal waste shall be setback a minimum distance of one half mile from any lake, stream, river, open ditch, or wetland.
5. The area utilized for the dispensing of waste material shall not be within three hundred (300) feet of a lot line or six hundred (600) feet of a right-of-way line.

**B. Special Performance standards:**

1. Animal waste collection units (lagoons) shall not be loaded until an emergency capture and containment facility has been installed at the site. The emergency capture and containment facility shall conform with current standards established or recommended by the Natural Resources Conservation Service and the Michigan Department of Natural Resources. Plans and specifications for the units shall be submitted to the Township for review and approval.
2. The size of any animal waste collection unit shall be determined by the Planning Commission at the time of the site plan review, and shall take into account the amount of available land for water disposal and recommendations by the Natural Resources Conservation Service, the Michigan Department of Natural Resources, or other authority consulted by the Township.
3. Four (4) test wells shall be installed near any animal waste collection unit and water samples are to be randomly tested at such unit monthly in the presence of a representative appointed by the Livingston County Health Department or other qualified independent laboratory. These water samples shall be submitted to the Health Department for review. At least two (2) tests shall be conducted prior to loading an animal waste collection unit. The applicant shall be responsible for all fees associated with monitoring and testing activities.
4. The disposal of animal waste that is generated from a concentrated livestock operation shall be conducted in an agronomically sound method according to the Accepted Agricultural Practices promulgated by the Michigan Commission of Agriculture. The Township Board may appoint a qualified testing laboratory to perform soil testing at the site to define acceptable levels for nitrogen, phosphorous and potash.

**Section 16.28**      **COMMUNICATION TOWERS**

**A. The following site and developmental requirements shall apply:**      **amended 5-1-02**

1. A minimum lot area of five (5) acres is required.
2. The setback of the communication tower from any adjacent parcel shall be no less than the height of the structure. The setback of the communication tower from any existing or proposed right-of-way or other publicly traveled roads shall be no less than the height of the structure.
3. The communication tower shall be monopole in design.
4. *New communication towers shall not be constructed or established closer than three (3) miles to any other such facility, measured as a straight-line distance.*
5. The maximum height of the new or modified communication tower and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.

**B. Special Performance Standards:**

1. Facilities shall not be demonstrably injurious to the community or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. All structures shall be located at least two hundred and fifty feet (250) from any single family dwelling.
5. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
6. Existing on-site vegetation shall be preserved to the maximum extent practicable.
7. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
8. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
9. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
10. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the County building code.
11. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
12. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
13. Minimum spacing between tower locations shall be one-quarter ( ¼ ) mile.
14. Height of the tower shall be less than two hundred (200) feet from grade.
15. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
16. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

**Section 16.29                    EXTRACTION OPERATIONS**

**A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 4.04, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
7. Proposed plans for fencing, and signs.
8. Estimated depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
  - f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
  - h. No backfill and grading materials shall be noxious, flammable or toxic.
  - i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

**B. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be forth (40) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
  - a. 100 feet from the right-of-way of any public street, private road, or highway.
  - b. 200 feet from abutting residentially used property, and 400 feet from an existing dwelling.
  - c. 150 feet from commercial or industrial zoned abutting property.
3. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.

**C. Special Performance Standards:**

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred-foot intervals along the perimeter.
2. Where deemed necessary by the Planning Commission, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within one thousand (1,000) feet of extraction operations.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Livingston County Drain Commissioner and Michigan Department of Natural Resources.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of topsoil when extraction operations are completed. No topsoil shall be removed from the extraction site.
5. The extraction shall be graded in a fashion, which will not cause water to accumulate in stagnant pools.
6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work can extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
10. The excavator shall be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to 100 percent of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.

**D. Other Conditions:** The conditions of any Zoning permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

1. When an operator disposes of his interest in extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Zoning permit may be transferred.
2. Extraction operations authorized by the zoning permit shall be inspected by the Zoning Administrator with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
3. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
  - a. The completion of the extraction.
  - b. The Planning Commission determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Planning Commission has received notification from the owner that operations are complete.
  - d. A zoning permit for the extraction has expired.

**E. Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

**Section 16.30 Home Based Business**

**Newly created August 21, 2007**

*The regulation of a Home Based Business as provided herein is intended to secure flexibility in the application of Ordinance requirements; such flexibility is not intended to allow the essential character of residential or agricultural districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.*

- A.** *The dwelling on the site shall be occupied by the owner of the Home Based Business.*
- B.** *The nonresidential use shall be secondary to the primary residential use.*
- C.** *The minimum lot size for a Home Based Business is two (2) acres.*
- D.** *The Home Based Business shall occupy no more than one accessory building in addition to the residential dwelling unit on the same lot.*
- E.** *There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the Home Based Business.*
- F.** *No equipment or process shall be used in such Home Based Business which creates noise, vibration, glare, vermin, animal waste, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.*
- G.** *No storage or display of goods within the dwelling unit or accessory structure shall be visible from adjacent property or road. No outside storage allowed.*
- H.** *The Home Based Business shall not require additional off-street parking spaces or loading or unloading areas.*
- I.** *The Home Based Business shall meet all state, county, and environmental regulations concerning explosive, flammable, or otherwise hazardous waste. Any use and or storage of explosive, flammable, or otherwise hazardous waste shall not pose any risk to neighboring properties.*

- J. *The Home Based Business shall occupy no more than twenty five percent (25%) or 1,200 square feet (whichever is less) of the floor area of the “dwelling unit” and may occupy all of the accessory structure.*
- K. *The Home Based Business shall permit no more than two (2) employees on the premises, other than members of the immediate family residing on the premises.*
- L. *No traffic shall be generated by such Home Based Business in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the Home Based Business shall be met off the street. Motor vehicles may be parked in an existing driveway, if it is sufficient size. No additional off street parking demand shall be created.*
- M. *All lights shall be directed on site and shielded to reduce glare to adjacent areas.*
- N. *Customer or employee hours shall be based on the type of use, and shall be limited by the Planning Commission at time of application.*
- O. *Upon sale of the property, the new owner must re-apply for a Special Use Permit in order to continue the Home Based Business.*
- P. *Limited retail sales may be permitted by the Planning Commission provided such sales do not result in traffic patterns in violation of (L) above.*
- Q. *Signs for the Home Based Business shall be limited to one (1) non-illuminated, non-protruding name plate, not more than twelve (12) square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.*

**Section 16.31      Marinas**

**newly created 9-10-02**

- A. *The following site and development shall apply:*
  - 1. *The property shall have a minimum area of one (1) acre located above the ordinary high water mark and shall front on a public road.*
  - 2. *All retail sales and services shall be enclosed. The maximum structure size or bulk shall be limited to fifty (50) square feet of net floor area for each boat slip.*
  - 3. *All structures, boat storage or parking shall be set back a minimum of one hundred (100) feet from abutting residential property lines except where the property line is the street right-of-way line, in which case the front setback established for the **zoning district** shall apply.*
  - 4. *Any parking associated with the use of the launching ramp and other marine activities must be accommodated on-site, (See Article 21, Off-Street Parking and Loading). Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dust proof surface.*
  - 5. *Marinas shall be designated and screened in accordance with the Landscaping, Screening and Buffer requirements of Article 23. Boat storage on trailers may be provided at a ration of 1 (10-foot x 20-foot space) for each 2 boat slips.*
  - 6. *Signs shall be installed in accordance with requirements of Article 22, Signs. No sign shall be placed off-site and signs that identify commercial activity shall be placed and designated so as not to distract the general public.*
  - 7. *Firefighting or fire prevention equipment shall be as specified by the local fire department.*

End of Article

# Article 17

## STANDARDS FOR PLANNED UNIT DEVELOPMENT

Rewritten 09-10-09

### Section 17.01      PURPOSE

The Planned Unit Development (PUD) shall be reviewed as a special land use subject to the regulations of Article 17 as set forth in this Ordinance. The standards and regulations contained in the Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in the Ordinance unless specifically noted otherwise, including standards for site plan approval set forth in Section 4.06 and the general standards for all special land uses in Section 16.01. The intent of the PUD is to permit exclusively residential development that results in an enhanced living environment through the preservation of open space. The provisions set forth in this article offer an alternative to traditional subdivisions and encourage innovative and livable housing environments through both permanent dedication of open space and a planned reduction of individual lot area requirements. PUD's are permitted in the A-1 and R-1 districts for single residences. The purpose of a PUD is to:

- A. Encourage the use of Township land in accordance with its character and adaptability;
- B. Assure permanent preservation of open space, wetlands, woodlands and other natural resources to remain in its natural state and for active or passive use;
- C. Provide recreational facilities within a reasonable distance of all residents of the PUD;
- D. Allow innovation and greater flexibility in the design of residential developments;
- E. Ensure compatibility of design and use between neighboring properties; and, encourage a less sprawling form of development, thus preserving open space as developed or undeveloped land;
- F. Ensure the continued availability of a broad spectrum of home ownership for individuals and families with a range of incomes;
- G. Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations;
- H. Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept;
- I. Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways;
- J. Encourage the use, reuse, and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses;

### Section 17.02      QUALIFYING CONDITIONS

To be eligible for a PUD, the applicant must submit a written proposal and site development plans that meets each of the following:

- A. **Minimum Project Size and Lot Width:** The minimum size of a PUD shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.
- B. **Open Space:** The proposed development shall contain a minimum of forty percent (40%) of the gross area of the site as open space as defined in Section 17.03C.
- C. **Road Access:** Ingress and egress to the proposed development must be provided by a public roadway. Ingress and egress may not be located on any private road.
- D. **Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD.

- E. Density Impact:** The proposed type and density of use shall not result in an unreasonable increase in the need for, or impact upon, public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact upon the subject site and/or surrounding land and/or property owners and occupants and/or the natural environment. In accordance with Section 17.05(E), the applicant shall prepare a parallel design plan showing the number of lots that could be developed on the site using existing zoning of the site and complying with applicable Zoning Ordinance standards and County and/or State requirements.
- F.** The intent of Section 17.01 is met.

**Section 17.03                    DESIGN STANDARDS**

A proposed PUD shall comply with the following project design standards:

- A. Location of Development:** A PUD may be approved within land zoned A-1 or R-1.
- B. Base Zoning Regulations:** Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district, shall remain in full force.
- C. Open Space Requirements:**
  1. A PUD shall maintain a minimum of forty percent (40%) of the gross area of the site as open space held in common ownership. Open space may include flood plain areas and wetlands; or year round submerged lands. A maximum of 50% within the open space may be wetland.
  2. Open space must be held in common ownership, with evidence of a plan for perpetually preserving the open space. Documents shall be presented that bind all successors and future owners in fee title to open space commitments made as a part of the proposal. All such open space must be perpetually to the homeowners through an appropriate conveyance with adequate provisions setting forth the responsibility for maintenance, cost sharing of expenses related thereto, and such other provisions as determined and approved by the Planning Commission to be in the best interest of the future residents and the community in general.
  3. The open space in a proposed community shall not include any land area that is devoted to a residential unit and residential unit minimum lot size, an accessory use, vehicle parking area, a public street right-of-way or private road easement or other easement that includes roads, drives, or overhead utilities, an approved land improvement or any land that has been or is to be conveyed to a public agency, and the area within stormwater detention or retention ponds.
  4. Open space may include any land area that is devoted to recreation, conservation or is preserved in an undeveloped state. Open space should consist of the land area on the parcel that contains the most significant natural features. Significant wildlife habitats, sensitive environmental lands and scenic vistas shall be given priority for preservation as open space. If open space areas of significance are determined by the Planning Commission, a condition of approval may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways convenient to the majority of the residents within the development, connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.
  5. Any structure(s) accessory to a recreation or conservation area may be erected within the open space. The type of accessory structure(s) and size thereof are subject to Planning Commission approval but shall in no case exceed, in the aggregate, one percent (1%) of the required open space area.
  6. Open space intended for active or passive recreation use by the residents, shall be easily accessible to pedestrians. Accessibility shall meet the needs of the handicapped and older citizens.



7. The open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
  - a. Recorded deed restrictions;
  - b. Covenants that run perpetually with the land; or
  - c. A conservation easement.
8. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the open space;
  - b. Require that the open space be maintained by parties who have an ownership interest in the open space;
  - c. Provide standards for scheduled maintenance of the open space;
  - d. Provide for maintenance to be undertaken by the Township of Unadilla in the event that the open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**D. Dwelling Density:**

1. Single-family residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this Article.
  - a. A-1 = 1 Dwelling per 1 acre
  - b. R-1 = 1 Dwelling per 1 acre
2. Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable township and county zoning and subdivision requirements.
3. By meeting all criteria in Section 17.02, the Planning Commission may recommend and the Township Board approve a density bonus of up to thirty-three (33) percent more dwelling units than that specified under the parallel plan based upon a demonstration by the applicant of consistency with the Master Plan and of planning and design excellence resulting in a material benefit to the Township, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations.
4. In the determination whether a project warrants additional density, the Township Board may also consider the following factors including, without limitation:
  - a. Innovative design;
  - b. Pedestrian or vehicular safety;
  - c. Long term aesthetic beauty;
  - d. Protection and preservation of natural resources and features;
  - e. Preservation of open space which avoids fragmentation of the resources base and contributes to an area wide open space network; and
  - f. Improvements to the Township's infrastructure.

**E. Residential Layout:**

1. Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
  - a. On the most suitable soils for subsurface septic disposal;
  - b. Within the edge of woodland contained on the parcel or along the far edge of open fields adjacent to any woodland;
  - c. In locations least likely to block or interrupt scenic vistas, as seen from public roadways.
2. Residential projects shall be designed to complement the visual context of the natural area and located on soils where development is compatible. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such matter that scenic views across or through the site are protected, and man-made facilities are screened from off-site observers and blend with natural character of the area.

3. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:
  - a. A 25-foot setback from the boundary or edge of a wetland, as defined in the Township wetland definition; and
  - b. A 25-foot setback from the ordinary high-water mark of a watercourse.

**F. Roadway:**

1. A PUD must have direct access onto a county or state roadway. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
2. Construction of private roads or private access drives as a means of providing internal road access and circulation is encouraged. Private roadways within a PUD shall meet the design requirements of Article 20, Access Controls and Private Roads.

**G. Buffering and Transition Areas:** Where the PUD abuts a single-family residential district or agricultural areas, the Planning Commission shall require a transition area to ensure compatibility with adjacent land uses. The Planning Commission and Township Board may require that the transition area consist of one (1) or more of the following:

1. A row of single-family lots or condominium sites similar to the adjacent single-family developments in terms of density, lot area, lot width, setbacks and building spacing;
2. Woodlands, natural features and/or a landscaped greenbelt sufficient to provide an obscuring effect;
3. Open or recreational space;
4. Berming landscaping, decorative walls/fences, or existing topography, to provide an effective buffer.

**H. Architectural and Site Element Design:** Residential facades shall not be dominated by garages. Units shall have side-entry garages or recessed garages where the front of the garage is within five (5) feet of the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. The maximum building height shall not exceed two and one half (2 ½) stories but not to exceed thirty-five (35) feet. Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.

**Section 17.04 PRE-PLANNING CONFERENCE**

- A. A pre-planning conference may be requested, which will be held with a committee consisting of a member of the Planning Commission, the Zoning Administrator, and/or the Planner for the purpose of determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-planning conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-planning conference. As part of the pre-planning conference, the applicant shall submit four (4) copies of a conceptual plan, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- C. The Township shall advise the applicant of the suitability of the PUD concept with the intent and objectives of the PUD Ordinance in Unadilla Township, whether it qualifies under the minimum requirements of Section 17.02, and whether the general concept is consistent with the Township Master Plan. In no case, shall any representations made by the committee, or its members, be construed as an endorsement of the PUD or an approval of the concept.

**Section 17.05 PUD APPLICATION and PRELIMINARY DEVELOPMENT PLAN**

Applicants seeking approval of a PUD shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall forward the completed application to the Planning

Commission to schedule a date and time for a public hearing and Planning Commission review of the application. Such application shall include the following:

- A.** A completed application form, supplied by the Zoning Administrator.
- B.** Payment of a fee, as established by the Township Board.
- C.** A narrative statement describing:
  - 1. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 17.01;
  - 2. How the proposed PUD is compatible with the Unadilla Township Master Plan;
  - 3. Phases of development and approximate time frame for each phase;
  - 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD
  - 5. Anticipated start and completion of construction;
  - 6. Location, type, and size of areas to be for common open space.
- D.** Site Analysis and supportive documentation that will illustrate the following:
  - 1. Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views;
  - 2. Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan;
  - 3. Preservation of significant existing trees and other vegetation, including protection of natural area buffer zones;
  - 4. Conservation of water, including but not limited to preservation of existing vegetation, reduction in amounts of irrigated areas and similar considerations;
  - 5. Stream corridor and wetland protection and buffering;
  - 6. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature;
  - 7. Floodplains and floodways;
  - 8. Wildlife movement corridors;
  - 9. Natural area buffer zones as delineated below;
  - 10. The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas;
  - 11. Hydrology and groundwater flow.
- E.** Submission of a parallel plan, not a full site plan that identifies buildable land areas and residential lots that are based on the minimum lot sizes of the underlying zoning designation.
- F.** Impact Statement: The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impacts resulting from the proposed PUD. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.
- G.** Ten (10) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. In addition, the preliminary plan shall include one (1) sheet showing the proposed project overlaid on an aerial photo. The preliminary plan shall contain the following:
  - 1. Name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow;
  - 2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres;
  - 3. Location map, existing zoning and land use of all abutting properties;
  - 4. Existing natural features on the site including soils, water, stands of trees; drainage ways, flood plains, wetlands, topographic features, and similar features;

5. Existing buildings on the site;
6. Proposed uses and their approximate locations;
7. Right-of-way and pavement edges of existing streets abutting the PUD;
8. Proposed perimeter setbacks and buffers
9. Minimum setbacks on interior lots, and distances between buildings;
10. Approximate locations of proposed access drives and streets within the PUD;
11. Proposed method and locations of providing water, sanitary sewer, and storm water drainage facilities;
12. Layout and typical dimensions of proposed lots;
13. Approximate phases of development;
14. Proposed residential density overall number of units and by area or phase;
15. Areas to be devoted to open space or other amenities.

**Section 17.06 NOTICE and PUBLIC HEARING FOR PUD**

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the Michigan Zoning Enabling Act, *PA 110, of 206 as amended*. The notice shall:
  1. Describe the nature of the proposed PUD plan;
  2. Describe the property which is the subject of the PUD application, by both legal description and street address;
  3. State the time, date, and place of the public hearing;
  4. State when and where written comments will be received concerning the application;
  5. Provide location for public review of all proposed plan documents.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

**Section 17.07 PLANNING COMMISSION RECOMMENDATION**

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Township Master Plan, compatibility with surrounding uses, and consistency with the intent and qualifying conditions of this Article; and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD application. In its recommendation to the Board, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of this Ordinance and identify those specific conditions, if any, it considers necessary.

**Section 17.08 TOWNSHIP BOARD ACTION**

After receiving the recommendation of the Township Planning Commission and applying the standards of Section 17.11, the Township Board shall review the application package, preliminary development plan, and the record of the Planning Commission proceedings. The Board shall then make its findings as to approval, approval with conditions, or denial of the PUD. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the Township Board.

**Section 17.09 FINAL DEVELOPMENT PLAN APPLICATION**

Within twelve (12) months of the Township Board's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- A. A completed application form, supplied by the Zoning Administrator;
- B. Payment of a fee, as established by the Township Board;

- C. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items;
- D. A site plan containing all of the information required in Section 4.04, C;
- E. Architectural elevations of typical buildings or, if acceptable to the Planning Commission, architectural standards may be submitted which specify the proposed building materials, height and design character to be required of all buildings;
- F. A complete landscape plan prepared by a registered landscape architect, planner, engineer, surveyor or architect along with details illustrating light fixtures and signs that meets or exceeds the Township's then current development standards;
- G. A PUD Agreement, as required in Section 17.12.

**Section 17.10 REVIEW OF FINAL DEVELOPMENT PLAN**

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of this Ordinance for a preliminary development plan.
- B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Section 17.11.
- C. The Planning Commission shall prepare a record of its findings and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the final development plan.
- D. The Township Board, upon receiving the Planning Commission's recommendation, and in accordance with the standards of Section 17.11, shall approve, deny, or approve with conditions the final PUD development plan.

**Section 17.11 STANDARDS FOR APPROVAL**

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 17.02.
- B. The uses to be conducted within the proposed PUD are consistent with the Township's Master Plan.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD, as described in Section 17.01 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- F. The proposed PUD will result in the preservation of significant open space areas that contribute meaningfully to the character and quality of the development.
- G. The Township shall evaluate the site analysis and the proposed plan to determine the following:
  1. Natural resources will be preserved to the maximum extent feasible;
  2. The proposed development respects the natural topography and minimizes the amount of cutting, filling, and grading required;
  3. The development will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands, and will preserve and incorporate such features into the development's site design;
  4. The proposed development will not cause off-site soil erosion or sedimentation problems;
  5. The conveyance and storage of stormwater will enhance aesthetics of the site;
  6. The development will not substantially reduce the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution at this site or other locations.

**Section 17.12 PUD AGREEMENT**

The applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Livingston County Register of Deeds.

**Section 17.13 CHANGES TO AN APPROVED PUD**

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Reduction of the size of any building and/or sign;
  - 2. Movement of buildings and/or signs by no more than ten (10) feet;
  - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
  - 4. Changes required or requested by the Township, Livingston County, or other State or Federal regulatory agency in order to conform to other laws or regulations, provided such change is otherwise considered a minor change.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

**Section 17.14 TIME LIMIT FOR APPROVED PUD DISTRICT**

- A. The PUD shall be under construction within one (1) year after the date of approval of the final development plan, except as noted in this section.
- B. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
  - 1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
  - 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed; and
  - 3. Prior to allowing an extension, twenty-five (25%) percent of the required performance guarantee must be submitted.

**Section 17.15 EFFECT OF FAILURE TO COMMENCE CONSTRUCTION OR OBTAIN EXTENSION**

Should any of the provisions of Section 17.14 A, not be fulfilled, or if the initial one (1) year period has expired without commencement of construction or without an extension being granted, or if an extension has expired without construction underway within the time period granted in the extension, the PUD approval shall be null and void.

*End of Article*

# Article 18

## GENERAL PROVISIONS

### **Section 18.01      PURPOSE**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations, which are applicable to all zoning districts unless otherwise indicated.

### **Section 18.02      ROADSIDE STANDS**

- A.** All roadside stands shall be considered accessory uses and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, providing it is grown or produced on the property, and conform with the following standards:
1. One roadside stand per lot, and no roadside stand shall be operated for more than sixteen (16) weeks in any calendar year.
  2. The property has direct access from a major or minor thoroughfare.
  3. One driveway is established with a width at least twenty-five (25) but not more than thirty-five (35) feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.
  4. No structure with a height greater than twelve (12) feet or larger than four hundred (400) square feet shall be erected for use as the roadside stand.
  5. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way nor closer than one hundred (100) feet to a lot with a dwelling unit on the lot.
  6. No roadside stand shall be located on a lot without a dwelling unit, nor run by anyone other than an occupant of the dwelling.
  7. At least six off-street parking spaces are provided.
  8. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
  9. No more than one ground or wall sign, not over twelve (12) square feet in area with a maximum height of six (6) feet, to be displayed only during the seasonal occupancy of the roadside stand.

### **Section 18.03      ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include communication towers and above-ground public facilities. See definition of “essential services” in Article 2.

### **Section 18.04      SWIMMING POOLS**

- A. Classification:** A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.
- B. Application:** The application for a land use permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.
- C. Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access.
1. Such fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate.
  2. Latching devices are to be located at a minimum height of four (4) feet above the ground.

3. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.
4. *Above ground pools of four (4) feet or more in wall height shall be exempt from complete enclosure by a fence. However, above ground pools shall be equipped with a removable ladder or locking gate system at all points of entry to the pool. Said ladder and gate system shall effectively control access to the pool. Said ladder shall be removed or gate locked when the pool is not in use.* **Amended 1-15-04**

**D. Sanitation:** Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed with.

**E. Placement:** No swimming pool shall be located in an easement or required front *or side* yard.

**F. Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

**G. Overhead wiring:** Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

**Section 18.05 MOVING BUILDINGS**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are approved by the Zoning Administrator; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

**Section 18.06 TEMPORARY USES and NONRESIDENTIAL BUILDINGS and STRUCTURES**

Temporary uses and nonresidential buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a temporary land use permit issued by the Zoning Administrator:

**A. Application, Permit, and Conditions**

1. **Application:** An application for a temporary land use permit shall be completed by the applicant and submitted to the Zoning Administrator. A temporary land use permit may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for action.
2. **Conditions of Approval:** No application for a temporary land use permit shall be approved unless the following conditions are met:
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The use shall not be typically located within a permanent building or structure.
  - c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.



3. **Permits:** The Zoning Administrator may impose conditions with the issuance of the permit, which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit. A temporary land use permit shall contain the following information:
  - a. The applicant's name.
  - b. The location and effective dates of the temporary use.
  - c. Conditions specified by which the permit was issued, such as:
    - 1) use and placement of signs.
    - 2) provision for security and safety measures.
    - 3) control of nuisance factors.
    - 4) submission of performance guarantee.
4. **Performance Guarantee:** The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section 18.06 should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary land use permit have been met and the temporary use or structure has been removed.

**B. Permitted Temporary Buildings, Structures, and Uses**

1. **Temporary Occupancy of Manufactured Homes.** **As amended 5-02-01**  
 The temporary occupancy of manufactured homes shall require a permit issued by the Zoning Administrator and shall be subject to the following conditions and fees set by the Township Board.
  - a. During the period of construction or repair of a dwelling, for a period of six (6) months, the owner of such dwelling premises, and members of such owner's family, shall be permitted to occupy as a temporary residence one manufactured home situated at such construction site provided that the owner intends to occupy as a residence such dwelling upon completion of its construction or repair. Upon application an additional six (6) month's extension can be granted from the Zoning Board of Appeals.
  - b. Such manufactured home shall not be located between the established setback line and the public roadway or curb line.
2. **Churches & Schools:** Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
3. **Christmas Tree Sales:** The display and sale of Christmas trees in a Conservation District or Commercial District, or at a church or campground, is permitted provided it is incidental and accessory to the principle use, except that a temporary land use permit is not necessary for Christmas tree sales where a nursery is permitted by right or by special land use approval. The temporary land use permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year.

4. **Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
  - a. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary land use permit for a period not to exceed three (3) days. Such activities in operation for a period of time in excess of three (3) days shall require a temporary land use permit from the Zoning Administrator.
  - b. In no instance shall more than four (4) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
  - c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line .
  - d. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
  - e. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
5. **Temporary Real Estate Offices:** Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.
6. **Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
7. **Sawmills (portable):** Sawmills shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary land use permit is issued. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unless that of the owner. The permit shall be valid for six (6) months, but may be renewed.
8. **Firewood Sales:** Firewood sales shall be limited to Commercial Districts, except that firewood sales may occur on a parcel in a A-1 or R-1 District provided the firewood sold is cut from that parcel in such District. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills in Subsection "7" above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.
9. Other temporary buildings, structures, and uses provided all provisions and conditions of Section 18.06(A) above are met.

**C. Habitation of Accessory Structures and Travel Trailers:** No garage, barn, or accessory buildings, or basement, whether fixed or portable, shall be used or occupied as a dwelling. Travel trailers or motor homes may be occupied for a period not to exceed fifteen (15) days in one year unless in an approved recreational vehicle park or campground.

**Section 18.07      TEMPORARY DWELLINGS**

- A. The Zoning Board of Appeals, upon receiving the Planning Commission's recommendation, may issue a temporary land use permit for a mobile home, subject to the following limitations and procedures:
  1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary land use permit may be issued to allow a mobile home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months; any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.

2. New Home Under Construction: The Zoning Board of Appeals may issue a temporary zoning permit for a mobile home for the period during which a new permanent dwelling is being erected on a vacant lot. Said permit shall be in effect for no more than six (6) months; any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
  3. Medical Reasons: A person(s) may make application to the Zoning Board of Appeals to occupy a mobile home as an accessory use to the principle dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Board of Appeals finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. The permit shall expire in one (1) year, an extension of one (1) year may be issued upon review. All temporary dwellings shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision and no closer than thirty (30) feet to an abutting lot line.
- B.** A temporary land use permit for a mobile home shall not be granted, for any reason, unless the Zoning Board of Appeals finds:
1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
  2. Proposed water supply and sanitary facilities have been approved by the County Health Department.
  3. All applicable dimensional requirements within said district shall apply to temporary dwellings.
  4. A performance guarantee shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit.

**Section 18.08 ACCESSORY USES, BUILDINGS, and STRUCTURES**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- A. Attached:** An accessory building, including carports which are attached to the principle building, shall comply in all respects with the requirements of this Ordinance applicable to the principle building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principle building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. Placement:** Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building and; except for accessory buildings in the Farm Residential District (A-1), Low Density Residential District (R-1), shall not be erected in the front yard; provided however, when topographic conditions prevent compliance with this provision, the Zoning Board of Appeals may vary the above requirements in such a manner as to contribute to the public safety and general welfare. Except for fences, no accessory building shall be closer than ten (10) feet to any interior side or rear lot line.

amended 12/9/10.

- D. Height:** No detached residential accessory building or structure shall exceed one (1) story or twenty-five (25) feet in height. Detached accessory buildings for other uses may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals approval if the building exceeds one (1) story or twenty-five (25) feet in height. This restriction shall not apply to agriculturally-related accessory structures on parcels greater than ten (10) acres in size, or accessory structures allowed by special land use approval. (See also Section 18.13)

amended 10/03/06

**E. Vacant Land:** Only one (1) accessory structure shall be permitted for each vacant parcel. The accessory structure shall not contain sleeping accommodations or sanitary facilities. No storage of equipment, trailers or vehicles shall be permitted outside of the structure. All accessory structures on vacant land shall meet all setback requirements and bulk zoning regulations as set forth in the schedule of regulations.

Amended 10/03/06

**Section 18.09 ONE SINGLE-FAMILY DWELLING to a LOT**

No more than one single-family dwelling unit may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

**Section 18.10 PERMITTED YARD ENCROACHMENTS**

The minimum yard size and setback requirements of this Ordinance are subject to the following permitted encroachments.

- A.** Buildings or structures shall be permitted to encroach no more than three (3) feet upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants, such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.
- B.** Attached terraces, patios, porches and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line, except if the yard proposed to be encroached abuts a public street or approved private road, in which case the principle structure setback shall be observed and no encroachment is permitted.
- C.** Awnings may project into a required yard area no more than five (5) feet.

**Section 18.11 FRONT SETBACK REDUCTIONS AND INCREASES**

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principle buildings within two hundred (200) feet of a proposed principle building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. In all cases however, the front yard setback shall be increased by thirty (30) feet as measured parallel to the centerline of the abutting street where a public right of way has not been granted.

**Section 18.12 ALLOCATION of LOT AREA and CONFIGURATION of LOTS**

- A.** The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.
- B.** Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 2-4).

**Section 18.13 HEIGHT REQUIREMENT EXCEPTIONS**

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A.** Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.

- B.** Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
- C.** Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
- D.** Public utility structures, but not including communication towers, except upon receipt of a land use permit.
- E.** Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.

**Section 18.14 HOME OCCUPATION**

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 2 of this Ordinance, shall satisfy the following conditions:

- A.** The nonresidential use shall only be incidental to the primary residential use.
- B.** No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C.** The home occupation shall not employ any individual other than persons residing on the premises.
- D.** The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.
- E.** There shall be no change in the exterior appearance of, or the interior structural characteristics of the building or premises, or other visible evidence of the conduct of such home occupation.
- F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- G.** Limited retail sales may be permitted on the premises provided such sales do not result in traffic patterns in violation of (F) above.
- H.** The home occupation shall not occupy more than thirty-three percent (33%) of the gross floor area of one floor of said dwelling unit.
- I.** Power shall be limited to electric motors with a total limitation of three (3) horsepower per dwelling unit.
- J.** The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
- K.** Visits by customers shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
- L.** A land use permit is required. It shall be issued by the Zoning Administrator when all the above requirements have been met, but not sooner than fourteen (14) days after the application has been received and a copy of the application has been transmitted to the Township Board and Planning Commission, and a copy is sent to abutting properties within three-hundred (300) feet by first class mail. Following a request by

the Township Board or Planning Commission, or an abutting property owner, the application may be subject to a public hearing according to the public hearing notice requirements for special land uses. In such a case, no public hearing shall be scheduled until the applicant has submitted a plot plan according to Section 4.03(A), which adequately portrays the presence of the proposed home occupation upon the lot.

**Section 18.15            CONDITIONAL APPROVALS**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land, use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes, which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions:** Any conditions imposed shall be recorded in the record of the approval action.

**D. Subsequent Change of Required Conditions:** These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**E. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

**Section 18.16            SATELLITE ANTENNA DISHES**

**A. Satellite dishes must meet the following conditions:**

1. Satellite antenna dishes shall comply with all setback and height requirements for accessory structures for the district in which a satellite dish antenna is to be located, but in no case shall a satellite antenna dish that exceeds three (3) feet in diameter be located within a front yard.
2. A satellite dish antenna shall not be placed in a manner that obstructs the view of any public right of way or intersection.

**Section 18.17            OUTDOOR STORAGE, SALES and MERCHANDISE DISPLAY**

**A.** Outdoor display and sales of merchandise is permitted within Commercial districts. The permitted outdoor display area shall be twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials.

**B.** Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts and Industrial districts, including equipment, vehicles, lumber

piles, crates, boxes, building materials and discarded materials, shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area.

C. In no case shall a truck, semi-trailer, or similar vehicle be maintained on a lot or parcel in a Conservation or Residential District for the purpose of storing materials or items within such vehicle.

**Section 18.18 Condominium Subdivisions**

The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

**A. Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this ordinance except as may be varied through a planned unit development. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located, except as may be permitted by a planned unit development.

**B. Utilities:** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**C. Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Livingston County Road Commission or, in the case of a private road, shall conform to the provisions and standards of Section 20.05.

**D. Review and Approval Procedures:**

1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a land use permit. The issuance of a land use permit shall require the submittal and approval of a final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body.
2. Sketch Plan Approval Required: The applicant shall submit a sketch plan pursuant to Section 4.04(A) and the Planning Commission and Township Board shall act upon the sketch plan pursuant to Section 4.04(B). Upon approval of the sketch plan, the applicant shall submit the approved sketch plan to those outside review agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies may include but not be limited to:
  - a. County Road Commission.
  - b. County Drain Commission.
  - c. County Health Department.
  - d. Michigan Department of Transportation.
  - e. Michigan Department of Natural Resources and Department of Environmental Quality.
3. Final Site Plan Approval Required: Following submittal of the sketch plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a site plan. The applicant shall submit a site plan, which shall be acted upon pursuant to Article 4. The site plan shall include:
  - a. all information required by Section 4.04(C).
  - b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

- c. **Master Deed/Bylaws Approval Required:** The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Mater Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
  - 4. **Issuance of Land Use Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a land use permit.
- E. Building Permit:** No building shall be erected prior to the issuance of a land use permit by the Zoning Administrator, and a building permit by the Building Inspector.
- F. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township engineer.
- G. Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1997, the Land Division Act, as amended.
- H. Changes:** Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 4.07.

**Section 18.19 EARTH SHELTERED HOMES**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

**Section 18.20 MAINTENANCE OF Junk Prohibited**

It shall be unlawful to have, possess, or maintain junk.

**Section 18.21 SINGLE and TWO FAMILY DWELLING STANDARDS**

- A. All single and two family dwellings shall have a minimum width and length of twenty-four (24) feet, contain a minimum floor area of one thousand (1,000) square feet, and comply in all respects with the county building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the county building code, then and in that event such federal or state standard or regulation shall apply. *A property owner in the "Unadilla Mobile Home Estates" consisting of single wide mobile homes and manufactured homes may waive the above width and square footage requirements and may rebuild or update within the former building envelope.*

**Amended 3/10/2005.**



- B.** All single and two family dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
- C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Livingston County Health Department.
- E.** All single and two family dwellings shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principle dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less.
- F.** All single and two family dwellings shall include a double pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run, and contain either a roof overhang of not less than six (6) inches on all sides, or alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- G.** All single and two family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within three hundred (300) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- H.** All subsequent additions to a dwelling shall be of similar quality workmanship as the original structure, including construction of a foundation as required herein.
- I.** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county building code provisions and requirements.
- J.** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State and Federal law or otherwise specifically required in this ordinance pertaining to mobile home parks.
- K.** *In the case of a modular or mobile home accessing the platted subdivision of the "Unadilla Mobile Home Estates", they may be rebuilt or updated within the form building envelope.\**

\*This change will take affect 7 days after publication or **March 29, 2005**.

**Section 18.22 KEEPING OF ANIMALS AS ACCESSORY USES**

**A. Wild Animals:** No wild animal, as defined in this Ordinance, shall be kept permanently or temporarily in any district in the Township.

**B. Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, including private stables, and which do not meet this Ordinance's definition for "wild animal," may be conducted as accessory to the principle residential use of a lot in a Farm Residential or Low Density Residential District, except in platted subdivisions or condominium subdivisions unless specifically designed to incorporate an equestrian center. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the District and the following additional conditions shall be met:

1. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
2. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
3. No animal shall be permitted to approach closer seventy-five (75) feet to an existing dwelling on an adjacent parcel.
4. The minimum lot area and maximum animal density shall be as follows:
  - a. A minimum lot area of one (1) acre is necessary for the keeping of small livestock, including rabbits and fowl but excluding swine, and the maximum animal density shall not exceed two (2) animals per one quarter (  $\frac{1}{4}$  ) acre.
  - b. A minimum lot area of ten (10) acres is necessary for the keeping of swine, and the maximum animal density shall not exceed one (1) animal per one (1) acre.
  - c. A minimum lot area of two (2) acres is necessary for the keeping of large livestock, including sheep, goats, llamas, ostriches, steer, and cows, but excluding horses, and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.
  - d. A minimum lot area of two (2) acres is necessary for the keeping of a horse, and the maximum horse density shall not exceed one (1) horse per one (1) acre of lot area.
5. Newly born horses, cows, donkeys, mules and similar large animals may be maintained on said parcel for up to one (1) year provided the maintenance of such animals on the premises shall not increase the permitted number of animals beyond the limitations of subsection (4) above by more than twenty-five percent (25%). Smaller newly born animals, such as pigs, sheep, and fowl shall not be kept on said parcel for more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (4).
6. Maintenance of animals and operation of private stables shall be in conformance with all applicable county, state, and federal regulations.
7. All animal facilities, including private stables, shall be constructed and maintained so that dust and drainage from the facilities shall not create a nuisance or hazard to adjoining property or uses.
8. No living quarters shall be located in any private stable.

**C. Household pets:** The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

**Section 18.23 EXCEPTION to FRONTAGE REQUIREMENTS**

The lot frontage of a lot may be reduced below the minimum lot frontage requirement of the District in which it is located where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. However, such frontage reduction shall result in a lot with a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over a minimum of sixty percent (60%) of the lot area.

**Section 18.24 OPEN SPACE PRESERVATION OPTION**

added 1-9-03

**A. Open Space Preservation Option** In Accordance with *the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended*, at the option of the developer and following site plan review requirements, land zoned A-1, R-1, R-2, R-3, and R-4 may be developed. Land developed under this option must adhere to the following requirements:

1. Minimum Open Space Required. In all developments proposed under the standards of this option, every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space. The land may be developed with the same number of dwelling units that could otherwise be developed under existing ordinances. The placement or construction of dwelling units must be such that dwelling units exist on no more than 50% of the total land area of the parcel.
2. Maximum Density. The maximum density of open space development is to be determined as follows:
  - a. The applicant must prepare and submit a parallel design for the project showing a feasible development under the requirements of all State, County and Township ordinances, rules and laws.
  - b. The Planning Commission must review the parallel design and determine the number of lots or units that could be feasibly constructed on the subject property. This number as determined by the Planning Commission is the maximum number of dwelling units allowed.
3. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under 18.24 (1):
  - a. Unbuildable land, including wetlands, floodplain area, opens bodies of water and streams.
  - b. The area of any public road right-of-way or private road easement.
  - c. Areas within lots or units.
  - d. Public or private golf courses.
4. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under 18.24 (1):
  - a. Undeveloped State-A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state may include a recreational trail, picnic area, children’s play area, greenway or linear park.
  - b. Landscaped greenbelts.
  - c. Public and private parks developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements.
  - d. Stormwater management facilities, including, detention, retention and sedimentation basins, up to 25% of the total amount of open space required less than 18.24 (1).

5. Open Space Standards. Open space intended to satisfy the minimum requirements state under 18.24(1) must adhere to the following standards:
  - a. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
  - b. Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to stormwater management basins.
  - c. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each forty (40) feet of read frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.
  - d. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road right-of-way within the development.
  - e. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
  - f. Views of open spaces from lots (or units) and roads within the development are encouraged. For larger developments (over 100 residential units or golf course communities), the Planning Commission may require viewsheds of lakes or other areas as a condition of approval. A viewshed shall be composed of at least 100 lineal feet of road frontage having an unobstructed view of a lake or other landscape features found acceptable to the Planning Commission.
  - g. Where lakes and ponds are located within or abut a development, the Planning commission may require open space to provide lake access.
  - h. Preservation of Open Space. At least fifty percent of an open space project must remain perpetually in an undeveloped state and shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board, such as:
    - i. Recorded deed restrictions;
    - ii. Covenants that run perpetually with the land;
    - iii. Dedication to a land conservancy approved by the Planning Commission; or,
    - iv. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).
  - i. Preservation of open space as described above under 18.24 (4) (h) shall assure that open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The recorded document utilized shall:
    - i. Indicate the proposed allowable use(s) of preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit the following:
      - 1) Dumping or storing of any material or refuse;
      - 2) Activity that may cause risk of soil erosion or threaten any living plant material;

- 3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
  - 4) Use or storage of motorized off-road and recreational vehicles;
  - 5) Cutting, filling or removal of vegetation from wetland areas;
  - 6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- ii. Require that the preserved open space be maintained by parties who have an ownership interest in the open space.
  - iii. Provide standards for scheduled maintenance of the open space.
  - iv. Provide for maintenance to be undertaken by Unadilla Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- j. Continuing Obligation. The preserved open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation or conservation purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
  - k. Allowable Structures. Any structure(s) or building (s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:
    - i. Maintenance buildings;
    - ii. Clubhouse;
    - iii. Recreation structures (gazebos, boardwalks, docks, etc.);
    - iv. Other structures as approved by the Planning Commission.

These accessory structures(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the required open space area.

- 6. Lot Size Reduction:
  - a. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations for each zoning district, may be reduced by up to fifty (50) percent when developed using the option provided under this subsection.
  - b. Notwithstanding 18.24(6)(a), lot areas are also subject to Livingston County Health Department requirements related to the use of on-site septic and wells, and/or for conformance with the requirements of P.A. 288 or 1967, the Subdivision Control Act.
  - c. Required yard setbacks shall not be reduced.
- 7. Land shall not be developed using this option in a manner that would necessitate the extension of public sewer or water outside of the Township's established utility district(s)

End of Article

# **ARTICLE 19**

## **NONCONFORMING USES of LAND and STRUCTURES**

### **Section 19.01      PURPOSE**

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

### **Section 19.02      NONCONFORMING LOTS**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

### **Section 19.03      NONCONFORMING USES of LAND**

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

- A.** No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B.** No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- D.** If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one (1) year, such nonconforming use shall not be renewed and the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.
- E.** See also Section 3.03(E).

### **Section 19.04      NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. The appraised replacement cost shall be determined by the Zoning Administrator according to an appraisal by an independent qualified licensed building contractor, at the expense of the applicant. The Zoning Administrator shall report the appraised replacement cost to the Zoning Board of Appeals. The appraisal may be appealed to the Zoning Board of Appeals according to Section 6.06.
- C. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. The appraised replacement cost shall be determined by the Zoning Administrator according to an appraisal by an independent qualified licensed building contractor, at the expense of the applicant. The Zoning Administrator shall report the appraised replacement cost to the Zoning Board of Appeals. The appraisal may be appealed to the Zoning Board of Appeals according to Section 6.06.
- D. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- E. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- F. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

**Section 19.05 CHANGE in NONCONFORMING USES**

Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

**Section 19.06 REPAIRS and MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 19.07 CHANGE of TENANCY or OWNERSHIP**

A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use

**Section 19.08 DISTRICT CHANGES**

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



**Section 19.09            HARDSHIP CASES**

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

**Section 19.10            ILLEGAL NONCONFORMING USES**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

**Section 19.11            PERMITS**

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a Land Use Permit pursuant to Section 3.03(E). Other permits and approvals may also be required.

End of Article

# ARTICLE 20

## ACCESS CONTROLS and PRIVATE ROADS

**Section 20.01      PURPOSE**

The intent of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Livingston County Road Commission, and other provisions of this Ordinance.

**Section 20.02      CURB CUTS and DRIVEWAYS:**

Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- A.** All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 4.03. Said plan shall be approved by the Zoning Administrator, or the Planning Commission in the case of a site plan, prior to the issuance of a land use permit. No such plan shall be approved unless such driveway access is onto a public street or an approved private road.
  
- B.** Driveways shall, at a minimum, meet the following standards:
  - 1. Culverts shall be installed in line with and on the same grade as the road ditch.
  - 2. Drives shall enter perpendicular to the existing public street or private road.
  - 3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).
  - 4. The driveway shall meet clear vision standards of the County Road Commission.
  - 5. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, as measured from the nearest edge of the driveway.
  - 6. Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a Commercial or Industrial district.
  - 7. All driveways leading to dwellings and garages shall have a compacted gravel or paved surface, and shall be designed to minimize erosion.
  - 8. Residential driveways shall be a minimum of ten (10) feet wide, the area of which, and above said driveway, shall be maintained to permit emergency vehicle access.
  
- C.** The *Livingston County Road Commission* shall inspect the driveway as developed for compliance to the above standards and shall so notify the Building Inspector of the outcome prior to the Building Inspector's issuance of an occupancy permit. **As amended 11-10-11**
  
- D.** New driveways for nonresidential land uses and multiple family dwellings shall align with existing or planned driveways, crossovers, turn lanes or other access features where feasible. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the County Road Commission are met.

- E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by a public body.
- F. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling except as designated on an approved plot plan or site plan. No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.

**Section 20.03 LOTS to HAVE ACCESS**

All parcels or lots hereinafter created in the Township shall have frontage on a public street, approved private road, *or shared private drive*, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. In a platted subdivision or condominium subdivision, corner lots shall take their access from an approved private road or approved public street. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard.

**Section 20.04 CLEAR VISION ZONE**

The following regulations shall apply to all landscaping, fences, walls, screens, or similar devices at street intersections:

- A. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the right-of-way of an intersecting street.
- B. No structure, hazard or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the County Road Commission and Township Board.

**Section 20.05 PRIVATE ROADS**

*As amended 12-09-2010*

**A. Intent.** The Unadilla Township Board hereby finds that unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Roadway access within Unadilla Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Livingston County Board of Road Commissioners or other municipal corporations, when public dedication is desirable or required, and to minimize the number of road cuts and help maintain rural character. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.

**B. Definitions and Use Criteria.**

1. **Private Driveways** - A private driveway may serve no more than one (1) parcel and shall not be considered a Shared Private Driveway or Residential Private Road. If at any time, two (2) or more parcels are to have access using the existing private driveway, it shall be brought into compliance with standards contained in this Ordinance.
2. **Shared Private Driveways (SPD)**- A Shared Private Driveway, herein defined, may be used for purposes of access to parcels created for single-family dwellings based upon the following conditions:
  - a) Such multiple residential driveways shall not be named and shall not serve more than four (4) residential parcels.
  - b) Any parcel having access onto the SPD shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.

c) All parcels receiving access from a SPD shall have their individual addresses posted on each property and also posted together at the entrance of the SPD where it intersects with the public or private roadway.

d) Such SPD shall have a recorded easement of at least sixty-six (66) feet. A complete statement shall be submitted of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and roadway.

3. **Residential Private Roads** – Residential private roads are all roads built in the Township that are not SPD's or public roads and that meets one (1) or more of the following criteria:

a) Serves more than four (4) single-family residential lots.

b) Has a length of more than twelve hundred (1,200) feet, measured on the roadway centerline of the public road to the centerline of the other intersection road, or the center of the turnaround.

**C. General Access and Permit Requirements.**

1. Every lot, unit or parcel in Unadilla Township that is improved with a building shall:

a) About public road, a residential private road, or multiple residence driveway (SPD) which meets the requirements of this Ordinance.

b) Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public road, residential private road, or multiple residence driveway.

2. Lots or units not served by a public road shall not be improved with a building subsequent to the date of adoption of this Ordinance, unless a residential private road permit or multiple residence driveway permit in accordance with this Ordinance has been issued.

3. No person shall construct, alter, or extend a residential private road or multiple residence driveway without compliance with this Ordinance and obtaining a permit as hereinafter provided.

4. All lots or units which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth within this Ordinance.

**D. Specifications for Multiple Residence Driveway (SPD) and Residential Private Roads.**

All multiple residential driveways and residential private roads shall meet the following minimum requirements and specifications:

1. A pre-application meeting with the Zoning Administrator is required.

2. A complete legal description including related utility and drainage easements of the land on which the road is to be built and the names and addresses of the owners is required.

3. A drawing on an aerial map showing the proposed road is required. Proposed improvements (including but not limited to roads, storm sewers and ditches) shown in plan and profile form indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in this Ordinance.

4. The roadway surface and turnaround area is required to be centered in the right-of-way.
5. The connection between the right-of-way and the public road shall conform to the standards and specifications of the Livingston County Road Commission. The applicant shall obtain a road permit issued by the Livingston County Road Commission prior to approval of any rights-of-way by the Township Board.
6. The rights-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the rights-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the Livingston County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the Livingston County Road Commission prior to the issuance of a permit.
7. The rights-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
8. Any extension of a private road or SPD shall meet ordinance standards and shall require Township approval.
9. Private roads and SPD's shall be designated with the word "private". Private roads shall be named by the applicant subject to review and approval by the Livingston County Road Commission. Private road names shall not conflict with any public road names. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County and the State.
10. All areas disturbed by construction must be top soiled, seeded and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
11. A fee shall be paid as established by the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
12. The application shall be signed by the applicant or agent thereof. If signed by an agent it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the rights-of-way or the abutting lots and shall be made under penalties of perjury.

**E. Permit Approval Procedure.**

1. Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Administrator to ensure completeness of an application.
2. Upon receipt of an application and payment of applicable fees, the Township Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the Township Fire Marshall and Land Division Officer for applicable review.

3. For private roads, the Township Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the private road has been built and conforms to the standards set forth in this Ordinance.

4. The Township Zoning Administrator shall consider the application and all relevant information including Fire Marshall approval and Land Division Officer approval and, if the application is complete, shall grant the permit.

5. Upon completion of road construction and inspections, the Zoning Administrator and Fire Marshall shall make recommendation to the Township Board for final approval

**F. Expiration of Approval of Permits.**

A permit shall be valid for a period of one year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Unadilla Township.

**G. Recording of Rights-of-Way.**

The rights-of-way, including all agreements shall be recorded in the office of the Register of Deeds for Livingston County prior to the issuance of any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

**H. Zoning Permits.**

No zoning permit will be issued for any lot accessed by a residential private road or SPD subject to the provisions of this Ordinance until the Township Board has issued a final approval of the road.

**I. Maintenance Agreement.**

A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Livingston County Register of Deeds for any maintenance for the residential private road or SPD. All parcels accessing the residential private road or the SPD shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road or SPD pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road or SPD and maintaining clear road width for ingress and egress of emergency vehicles.

**J. Variances.**

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical, other physical characteristics of a parcel, or when a variation of construction standards is requested, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured and substantial justice done. The Township Board may request inspection, review, and recommendation by the Township Engineer. Cost of such inspections, review, and recommendation from Township Engineer shall be the responsibility of the applicant.

**K. Violations.**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS and/or by imprisonment not to exceed ninety (90) days. Any access which is used in violation of the terms of this Ordinance shall be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the Circuit Court.



Residential Private Roads and Multiple Residence Driveway's shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

## **Table 20.05-1**

**TABLE 1**

### **MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE RESIDENTIAL ROADS AND MULTIPLE RESIDENCE DRIVEWAYS**

	<u><b>Private Residential Roads</b></u>	<u><b>Shared Private Driveway</b></u>
<b>Width of rights-of-way</b>	Sixty-six (66) feet	Sixty-six (66) feet
<b>Road Length</b>	Not Applicable	Not to exceed 1,200 feet
<b>Road Width</b>	Twenty-two (22) foot driving surface With adequate drainage two (2) foot shoulders	Fifteen (15) foot driving surface With adequate drainage
<b>Road Identification</b>	Road Name and stop sign at entrance	Stop sign but road name prohibited
<b>Sub-base</b>	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted Class II sand	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand
<b>Driving Surface</b>	Seven (7) inches of crushed 22A/23A limestone, or processed road gravel	Six (6) inches of crushed limestone, or processed road gravel
<b>For paved surface</b>	Optional and at builders discretion. Twenty (20) foot with gravel shoulders	Optional at builders discretion Fifteen (15) foot
<b>Turnaround Area/Cul-de-Sac</b>	Seventy-five (75) foot radius right-right-of-way with fifty (50) foot radius roadway surface	Seventy-five (75) foot radius of-way with fifty (50) foot roadway surface
<b>Ditches</b>	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
<b>Maintenance Agreement</b>	Required	Required
<b>Engineering Certification</b>	Required	Not Required

\*All private roads constructed in a condominium subdivision shall be constructed in accordance with the standards and specifications of the Livingston County Road Commission.

**Section 20.06      SHARED PRIVATE DRIVEWAYS**

*A shared private driveway shall not be established prior to receiving approval from the Zoning Administrator.* The Livingston County Road Commission must approve such a request upon satisfactory evidence submitted by the applicant that the location of the shared private driveway intersection with a public road has been approved by the Livingston County Road Commission and the following provisions have been met:

1. A shared private driveway shall only have direct access from a public or existing private road. No new private roads after the amendment of this ordinance shall be allowed to have private shared driveways, excluding site condominium developments (refer to site condominium ordinance).

**amended July 25, 2006**

2. An easement shall be recorded in the deeds of all parcels that access the shared private driveway.

3. No two (2) shared private driveways on the same side of the public road shall be located closer to one another than the minimum lot width measurement required for lots gaining direct access to such public road within the applicable zoning district.

**Added August 31, 2004**

*End of Article*

# ARTICLE 21

## OFF-STREET PARKING and LOADING

### Section 21.01      **PURPOSE**

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every facility customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

### Section 21.02      **GENERAL REQUIREMENTS**

- A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
- B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- C. Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons except where a temporary land use permit is issued pursuant to Section 18.06.
1. No sign shall be erected in parking areas other than not more than one directional sign at each point of ingress or egress; such sign may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed three (3) feet in height and six (6) square feet in area and shall not project beyond the property line of the premises.
- D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.
1. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  2. Record of Agreement: A copy of an agreement between joint users shall be filed with the application for a land use permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party.
- F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.
- G. Decrease in Parking Areas:** No off-street parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by

this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.07.

**H. Permitted Vehicles in Residential Areas:** Excluding vehicles used for agricultural operations on the lot or parcel on which such operations occur, the parking of motor vehicles in Agricultural and Residential districts shall be limited to the following:

1. Passenger vehicles, and one (1) commercial vehicle per dwelling unit.
2. One (1) recreational vehicle per dwelling unit.
3. *Commercial vehicles shall not be permitted in the R-4 Lakes Residential District except in conjunction with loading or unloading. In the case of loading and unloading, the vehicle shall not be parked or dropped for a period of time longer than is reasonable necessary for the loading or unloading.*
4. *Commercial vehicles must be owned or operated by the resident of the dwelling.*
5. *Commercial and recreational vehicles may only be parked on the lot behind the front building line of an existing dwelling or behind the front yard setback line, and cannot be placed within a front yard setback area.*
6. *The commercial or recreational vehicle cannot be used as a dwelling or as accessory living quarters. (A travel trailer or motor home may be used for temporary dwelling purposes, connected to the permanent dwelling's utilities, for a maximum of fourteen (14) consecutive days.*
7. *Commercial and recreational vehicles shall be parked on a pad or drive constructed of a proper base as approved by the Zoning Administrator.*

**As amended 5-1-02**

**Section 21.03                      PARKING SPACE REQUIREMENTS**

**A. Number of Parking Spaces and Reserved Parking Areas:** The number of required off-street parking spaces to be provided in all districts, by land use type, shall be as delineated in (B) through (E) below. In recognition that certain commercial uses generate heightened demands for parking spaces due to seasonal or holiday shopping patterns, and that their parking areas may be often underutilized during non-seasonal or holiday periods, the Planning Commission may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Planning Commission may subsequently require the applicant to construct such parking spaces upon its determination that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

**B. Residential Uses:**

1. **One and Two Family Dwellings:** Two (2) spaces for each single-family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

**C. Commercial Uses:**

1. **Automobile Service and Repair Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees.
2. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
3. **Bowling Alleys:** Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
4. **Clinics:** Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
5. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barbershops):** One (1) space per four hundred (400) feet of gross floor area.
6. **Commercial and Institutional Recreational Facilities:** One (1) space per three (3) patrons to the maximum capacity of the facility.
7. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. **Dance Halls, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed within maximum capacity load.
9. **Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses:** Stacking space for five (5) cars and one (1) space for each employee on the largest shift.
10. **Drive-in Restaurants or fast-food Restaurants:** One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.
11. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
12. **Kennels:** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
13. **Laundromat:** One (1) space for every three (3) washing or drying machines.
14. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole plus one (1) space for each employee.
15. **Motels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit plus one (1) space for each employee on the largest shift.
16. **Private Membership Recreational Facilities (excluding golf clubs or courses):** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshall.
17. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three-hundred (300) square feet of gross floor area.
18. **Standard Restaurants, Cafeterias, Taverns, Bars:** One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshall, plus one (1) space for each employee on the largest shift.
19. **Shooting Ranges:** One (1) space for each unit station plus one (1) space for each two (2) employees.
20. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
21. **Supermarket, self-service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area.

**D. Office Uses:**

1. **General Offices:** One (1) space for every two-hundred (200) square feet of gross floor area.
2. **Professional Offices and Banks:** One (1) space for every three-hundred (300) square feet of gross floor area.

**E. Industrial Uses:**

1. **Excavation Operations and Asphalt Batching Plants:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every three (3) employees for industry's largest working shift.
3. **Junkyard:** One (1) space for every two (2) employees.
4. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

**F. Institutional Uses:**

1. **Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats:** One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. **Boarding and Lodging Houses, Fraternities:** One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. **Day care facilities (day care center and group day care home, but not a family home day care):** One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. **Elementary and Middle Schools:** One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **Golf Courses and Clubs:** Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, proshop, etc.).
6. **High Schools and Colleges:** One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospitals, Sanitariums:** One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

**Section 21.04 SITE DEVELOPMENT REQUIREMENTS**

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

- A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- B. Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
  1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
  2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- C. Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The minimum width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:
  1. For ninety (90) degree right angle parking patterns, the maneuvering lane width shall be a minimum of twenty-two (22) feet for a two-way aisle and fifteen (15) feet for a one-way aisle.
  2. For sixty (60) degree parking patterns, the maneuvering lane width shall be a minimum of eighteen (18) feet.
  3. For forty-five (45) degree parking patterns, the maneuvering lane width shall be a minimum of eleven (11) feet.
  4. For parallel parking patterns, the maneuvering lane width shall be a minimum of twelve (12) feet for a one-way aisle and twenty-four (24) feet for a two-way aisle.
  5. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
  6. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.

- D. Surface:** All required off-street parking areas with a capacity of four (4) or more vehicles shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.
- E. Setback:** Except for single family and two family dwellings, and unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback.
- F. Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.
1. Lighting shall be designed and constructed so that:
    - a. direct or directly reflected light is confined to the development site
    - b. all light sources and light lenses are shielded
    - c. any light sources or light lenses are not directly visible from beyond the site boundary.
  2. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane at the top of the fixture, as may be certified by photometric test.
  3. Outdoor lighting shall be a down type, and have light sources which are one hundred percent (100%) shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation. Unless as otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
  4. Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

**Section 21.05           LOADING and UNLOADING SPACE REQUIREMENTS**

- A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 21.03 and shall not be considered as supplying off-street parking space.
- B. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
- C. Screening:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A).
- D. Location:** A loading-unloading area shall not be located within any front yard nor within any required side or rear yard setback area.

**E. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, fifty-five (55) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following table:

<u>Useable Floor Area (square feet)</u>	<u>Space Required</u>
Commercial uses, such as retail stores, personal services, amusement, automotive service.	First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 sq. ft.; none. Next 50,000 sq. ft. or fraction thereof; one (1) space. Each additional 100,000 sq. ft. or fraction thereof; one (1) space.
Wholesale and storage contractor's yards.	First 20,000 sq. ft.; one (1) space, including building. Each additional 20,000 sq. ft. or fraction thereof; (1) one space.
Manufacturing uses	First 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Funeral Homes and Mortuaries	First 5,000 sq. ft. or fraction thereof; one space. Each additional 10,000 sq. ft. or fraction thereof; one (1) space.
Hospitals	First 20,000 sq. ft.; one (1) space. Next 100,000 sq. ft. or fraction thereof; one (1) space. Each additional 200,000 sq. ft. or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.

*End of Article*





# Article 22

## SIGNS

### Section 22.01      PURPOSE

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage, which undermines the intended character of such areas.

### Section 22.02      DEFINITIONS

- A. Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
- B. Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.
- C. Freestanding Sign:** A sign which is not attached to a principle or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.
- D. Non-Commercial Sign:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.
- E. Off-Premises Sign:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.
- F. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.
- G. Real Estate Sign:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.
- H. Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.
- I. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.

**J. Wall Sign:** A sign which is attached directly to a building wall, or nonrigid fabric marquee or awning-type structure attached to a building, with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy or awning-type structure.

**Section 22.03 GENERAL STANDARDS**

**A. Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

**B. Sign Setbacks:** All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.

**C. Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

**D. Moving Parts:** Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs and barber poles which do not include business messages, are prohibited. Flags, banners or strings of flags or banners, which move due to wind or mechanical devices and which draw attention to a location are considered moving signs and are prohibited.

**E. Traffic Hazards:** No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

**F. Roof and Portable Signs:** Roof and portable signs shall not be permitted except where specially authorized through the issuance of a temporary zoning permit.

**G. Sign Materials and Maintenance:** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

**Section 22.04 SIGNS PERMITTED in ALL DISTRICTS**

A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required (see Section 22.09):

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.
4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
5. Regulatory, direction, and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices.
6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or three (3) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
7. Residential identification signs for single family dwellings, two family dwellings, home occupations, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot and shall not exceed two (2) square feet in sign area.
8. Residential development Permanent residential entranceway or identification shall be permitted in accordance with the following regulations:
  - a. One (1) such sign shall be permitted to be located at each entrance to a subdivision or other residential development. In certain circumstances the Planning Commission may determine that the interests of public safety are best served with entrance signs directed toward the traffic approaching from both sides on the adjacent road. In that event, the Planning Commission may permit not more than one (1) entrance sign on each side of an entrance for a total of two (2) entrance signs at the entrance. The signs shall be identical in the message displayed and shall be carefully integrated with the landscaping and lighting and the entrance to create an aesthetically pleasing and safe identification for the use.
  - b. Entrance structures shall not exceed six (6) feet in height and forty-eight (48) square feet in size. Signage shall not exceed thirty-five (35) square feet.
  - c. Such signs shall be set back a minimum distance of ten (10) feet from the right-of-way line.
  - d. Such signs shall comply with the requirements for Unobstructed Sight Distance in Section 22.

**As Amended 04-22-2008**

*OLD LANGUAGE consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding forty-eight (48) square feet and a height not exceeding six (6) feet.*

9. Real estate signs advertising a single lot or residence not exceeding an area of nine (9) square feet provided such signs are no closer than fifteen (15) feet to the right-of-way of a street. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign

no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding twenty-five (25) square feet and a height not exceeding five (5) feet. One (1) additional open house sign shall be permitted for a period of two (2) days provided such sign does not exceed sixteen (16) square feet in area or five (5) feet and is no closer than fifteen (15) feet to the right-of-way of a street.

10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed twenty-five (25) square feet in area and are an integral part of the structure.
13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed thirty (30) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

**Section 22.05 SIGNS PERMITTED in COMMERCIAL and INDUSTRIAL DISTRICTS**

In addition to the signs permitted pursuant to Section 22.04, the following business and institutional signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.

**B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building shall not exceed ten (10) percent of the vertical surface area of the facade forming the principle business frontage. In the case of a business center as defined in this Article, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting the maximum ten (10) percent area. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area.

**C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.

2. Area: The maximum sign area of a freestanding sign shall be thirty-five (35) square feet except that in the case of a business center which exceeds three hundred (300) feet in frontage along a single street, the maximum sign area of the business center freestanding sign shall be fifty (50) square feet.
3. Height: Freestanding signs shall not exceed a height of twenty (20) feet.
4. Setback: Freestanding signs shall comply with all side and rear yard setback requirements for principle buildings, except that in no case shall a freestanding sign be erected closer than seventy-five feet to a Residential District. Freestanding signs shall be set back from the front lot line a minimum distance of fifteen (15) feet in Commercial Districts and forty (40) feet in Industrial Districts.

**Section 22.06 SIGNS PERMITTED in CONSERVATION, AGRICULTURAL and RESIDENTIAL DISTRICTS**

In addition to the signs permitted pursuant to Section 22.04, business and institutional signs shall be permitted in Conservation, Agricultural, and Residential Districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.

**B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building shall not exceed ten (10) percent of the vertical surface area of the facade forming the principle business frontage. In the case of a business center as defined in this Article, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting the maximum ten (10) percent area. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area.

**C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. Area: The maximum sign area of a freestanding sign shall be thirty-five (35) square feet.
3. Height: Freestanding signs shall not exceed a height of six (6) feet.
4. Setback: Freestanding signs shall comply with all front yard setback requirements for principle buildings, and in no case shall a freestanding sign be erected closer than seventy-five feet to a side or rear lot line.

**Section 22.07 OFF - PREMISES SIGNS**

Off-premises signs or billboards are prohibited.

**Section 22.08 NONCONFORMING SIGNS**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

**Section 22.09 SIGNS REQUIRING PERMITS**

All signs larger in area than six (6) square feet, including wall signs, shall require a land use permit prior to construction and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

*End of Article*

# Article 23

## LANDSCAPING and SCREENING

### **Section 23.01      PURPOSE**

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

### **Section 23.02      APPLICATION**

These requirements shall apply to all uses for which site plan review is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth herein. No land use permit is required to erect a fence although the requirements of this Article shall be met.

### **Section 23.03      LANDSCAPE PLAN REQUIRED**

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 4). The landscape plan shall identify all buffer areas (see Section 23.04) and site landscaping (see Section 23.05) and shall include, but not necessarily be limited to, the following items:

- A. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- B. Minimum scale: 1" = 100'.
- C. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
- D. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- E. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Identification of grass and other ground cover and method of planting.
- I. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

### **Section 23.04      BUFFER AREAS**

- A. **Side and Rear Yard Buffer Areas:** All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area at least five (5) feet in height and ten (10) feet in width along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The buffer area shall be landscaped with trees, shrubs, groundcovers, or a combination thereof, and be generally void of impervious surfaces except walls used for screening. The required screening shall be provided by the applicant according to one of the following:



1. A buffer consisting of a solid wall, earthen berms, or living materials, or a combination thereof, so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of the landscape buffer between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall install solid fencing after the expiration of three (3) years in the event that the landscaping has not provided the minimum opacity required.
2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by the application of Section 23.04(A)(1), a solid wall shall be required by the Planning Commission. Such wall shall be five (5) feet or more in height as measured on the side of the proposed wall having the higher grade.

**B. Front Yard Buffer Areas:** A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a minor or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of 2 ½ inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

**C. Parking Lot And Loading Buffer Areas:**

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots and shall not be considered as part of a front, side, or rear yard buffer area. There shall be provided a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking area containing more than four (4) parking spaces is within one hundred (100) feet of a Residential district, a vegetative screen or fence shall be installed to fully screen views to the parking area from the neighboring Residential district pursuant to Section 23.04(A)(1). This provision shall not apply to roadside stands or uses granted a temporary land use permit.
3. All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A)(1) or (2).

**Section 23.05 SITE LANDSCAPING**

**A.** In addition to any buffer area or parking lot landscaping required by this Article, at least ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped with grasses and other live groundcovers, planting beds, and trees, or combinations thereof, except that a minimum of one tree shall be provided per ten thousand (10,000) square feet, or fraction thereof, of disturbed or altered area of the lot due to project construction or improvements. Existing undisturbed vegetation may be used to meet the requirements of this Section at the discretion of the approving body where, at the discretion of the approving body, it is determined that such vegetation is so located and is of such character so as to have a significant effect upon minimizing negative impacts of the proposed buildings, structures and activities upon surrounding properties.

**Section 23.06 MINIMUM STANDARDS of LANDSCAPE ELEMENTS**

**A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance,

low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Planning Commission.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**C. Berms:** Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of three (3) feet in width at the highest point of the berm, extending the length of the berm.

**D. Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled "To Remain" are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the applicant shall replace them with trees which meet Ordinance requirements.

**Section 23.07 INSTALLATION, MAINTENANCE and COMPLETION**

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or within six months of receipt of such Certificate.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

**Section 23.08 FENCING AND WALLS**

**A. Construction**

1. Materials:
  - a. Fencing shall consist of one or more of the following:
    - 1) Solid board fences with wood posts not less than three and one half inches by three and one half inches (3 ½ " x 3 ½ ") and solid board cover not less than three quarters (¾ ) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties. Stockade type fencing is not permitted.
    - 2) Wrought iron, open mesh or slatted fencing, provided that the ratio of one part open to six-parts of solid fencing is not exceeded.
  - b. Walls shall be of masonry, designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.
2. Height: Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening may not exceed six (6) feet in height. Gateposts and other

superstructures over site entrances and exits may be up to twelve (12) feet in height. A site review and approval by the Zoning Administrator will be required when fencing and screening materials of a height greater than three (3) feet are located within a required front setback or side setback adjacent to a street and may obstruct traffic viewing.

**B. Application:** Fences and walls shall be provided according to the provisions of Section 23.04 and 23.05 in addition to the following:

1. Mechanical Equipment:(this subsection does not apply to single-family or two family residential uses, or to any use in an Industrial district except if it abuts a Residential district: When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment.
2. Outdoor Storage in Commercial and Industrial districts: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height.
3. Public Utility Substations In Any District: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and live landscape materials.
4. Swimming Pools: See Section 18.04.

**C. Exceptions to Fencing and Wall Requirements:**

1. Location Adjustment: Where property line screening is required, the location may be adjusted so the fence or wall may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission.
2. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.
3. Barrier Fences: Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect the public safety or manage livestock and is approved by the Planning Commission.
4. Fire Hazard: No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

#### **Section 23.09 WAIVERS and MODIFICATIONS**

- A.** Any of the requirements of this Article may be waived or modified through site plan review and approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity would make required buffer areas, fencing, or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.
- B.** The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

*End of Article*

# Article 24

## ENVIRONMENTAL STANDARDS

### **Section 24.01      PURPOSE**

The purpose of this Article is to promote a healthy environment in Unadilla Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment. All provisions of this Article apply to all structures and uses unless otherwise noted.

### **Section 24.02      NATURAL RESOURCES**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following:

1. Published surface water drainage standards of the Livingston County Road Commission and Livingston County Drain Commissioner.
2. Applicable fire safety and emergency vehicle access requirements of the state building code, State Fire Marshall and Local Fire Code.
3. Soil erosion and sedimentation requirements of the Livingston County Drain Commissioner.
4. Requirements of the Michigan Department of Public Health and the Livingston County Health Department.
5. Michigan Department of Environmental Quality requirements for air or water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal.
6. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
7. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.

**B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Natural Resources.
3. Radio active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

**C. Sensitive Lands:**

1. Where a portion of a parcel is characterized by wetlands, hydric soils, flood plains, or steep slopes, new development on the parcel shall occur on those buildable portions of the parcel void of such sensitive resources where reasonably feasible.

2. Where permitted by law, the Township shall not approve any land use which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.
4. No stream, watercourse, drainage way or wetland, whether filled or partly filled with water or dry during certain seasons, shall be obstructed or altered in any way except when done in conformance with state and federal law and standards.
5. No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, stream or wetland, except as provided in the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended, and in the Goemaere-Anderson Wetland Protection Act, P.A. 203 of 1979, as amended.
6. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except as provided in the Soil Erosion and Sedimentation Act, P.A. 347 of 1972.

**D. Clearing, Grading, and Filling:** In order to protect soil resources, adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. Clearing of a Site: Removal of topsoil from a lot is prohibited.
2. Flow Restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field.
3. Elevation Restrictions: Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner, and approval by the Planning Commission.

**Section 24.03 POTABLE WATER, SEWAGE DISPOSAL, and STORM WATER MANAGEMENT**

**A. Potable Water:** Any structure for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.

**B. Sewage Disposal:** All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Livingston County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

**C. Storm Water Management:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing predevelopment runoff impact. No new land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

**Section 24.04 LIGHTING**

- A. No lighting shall in any way impair the safe movement of traffic on any street or highway.
- B. Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles, or be closer than thirty (30) feet to any street right of way line.
- C. Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.

**Section 24.05 COMMERCIAL and INDUSTRIAL USES**

All land uses and structures within commercial or industrial zoning districts shall conform to the following standards:

- A. No major repairs or refinishing shall be done outside of the principle structure.
- B. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Decibels (dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

- C. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured by any lot line of its source.
- D. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.

**Section 24.06 SURFACE WATER and GROUNDWATER MANAGEMENT and PROTECTION**

- A. All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month shall comply with the following requirements:
  - 1. The project and related improvements shall be designed to protect groundwater and water bodies on or near to the site, including lakes, ponds, streams, wetlands, floodplains, and groundwater.
  - 2. Stormwater management and drainage shall be designed to maintain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site. All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing predevelopment runoff impact.

3. Any general purpose floor drain, where there is a potential for hazardous substances to flow into the floor drain, shall be connected to a public sewer system if so authorized to accept hazardous waste, or to an on-site holding tank specifically constructed to accommodate hazardous wastes, in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources. Any such holding tank shall not be part of any septic system and shall be emptied by a licensed disposer of hazardous wastes. Hazardous substances shall be isolated from all floor drains, which do not drain into a containment tank. Monitoring manholes may be required by the Planning Commission.
4. Sites at which hazardous substances and polluting materials are stored, transported, used or generated shall be designed to prevent spills and discharges of polluting materials to the air surface of the ground, groundwater, lakes, streams, rivers or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be permitted without appropriate state and county permits and approvals.
6. Outdoor storage of hazardous substances is prohibited except in product-tight containers, which are protected, from weather leakage, accidental damage, and vandalism.
7. Secondary containment of hazardous substances shall be provided for all above ground storage use areas and shall be sufficient in cubic area to store one hundred twenty (120) percent of the volume of stored hazardous substance for the maximum time period necessary for the operator to recover any released substance.
8. All state and federal requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
9. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with federal and state requirements.
10. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of all local, state and federal agencies including any such requirements for leak detection measures, corrosion protection, spill prevention and overflow protection.
11. Records of monthly monitoring or inventorying shall be retained and available for review by state and local officials.

*End of Article*

# Article 25

**Reserved For Future Use**

*End of Article*





# **Article 26**

## **INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE**

### **Section 26.01            INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **Section 26.02            SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

### **Section 26.03            VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Section 26.04            REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of *the Michigan Zoning Enabling Act, Public Act 110 of 2006*, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

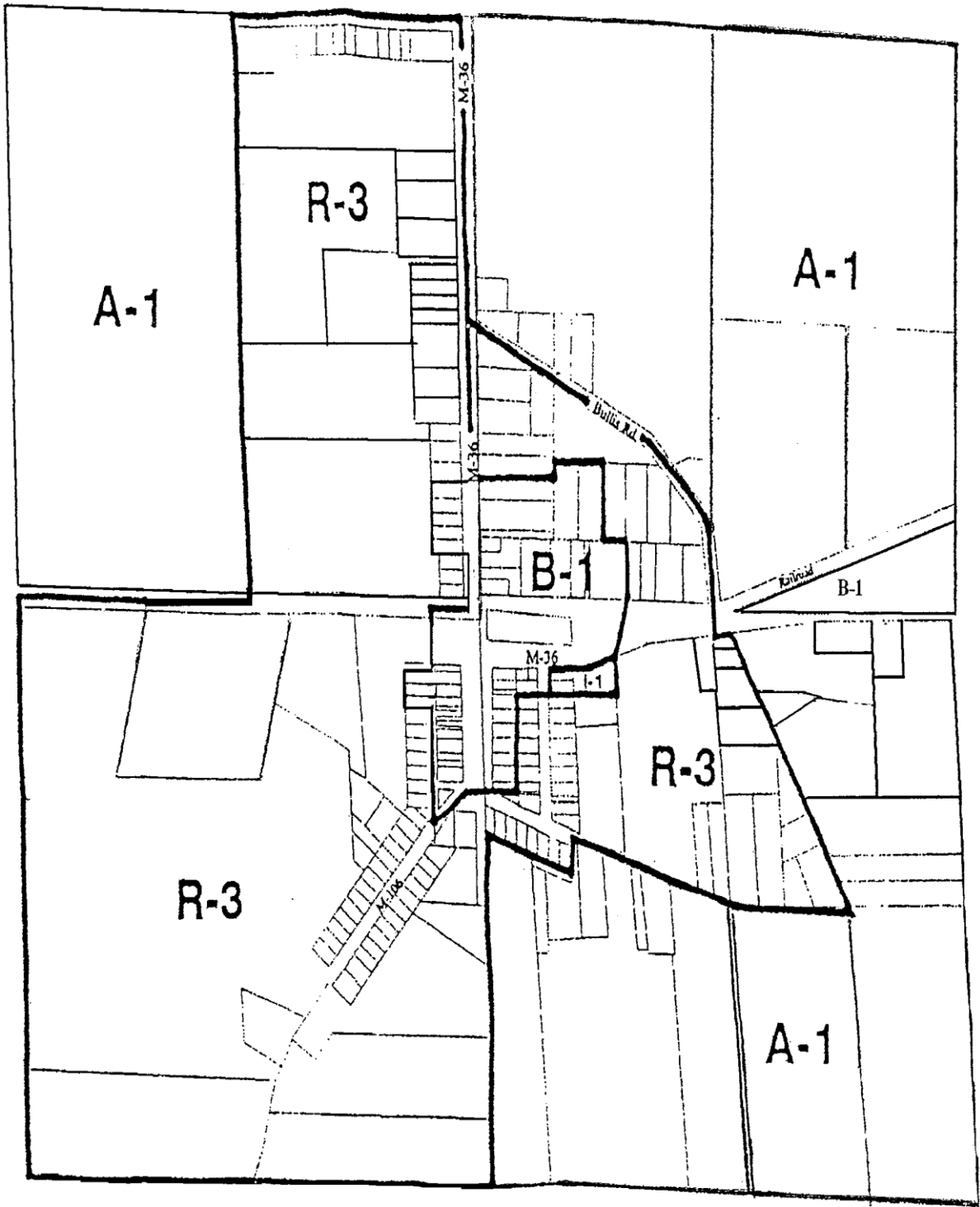
**Section 26.05            EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days following adoption and publication of a notice of adoption in accordance with the provisions and procedures of *the Michigan Zoning Enabling Act, Public Act 110 of 2006* as amended.

Made and passed by the Township Board of the Township of Unadilla, Livingston County, Michigan on the 13th day of May, 1999.

1. Date(s) of Public Hearing: September 9, 1998 and January 11, 1999.
2. Date of Adoption by Township Board: May 13, 1999.
3. Date Notice of Adoption Published in Newspaper: May 18, 1999.
4. Date Ordinance Shall Take Effect: May 25, 1999.

*End of Article*

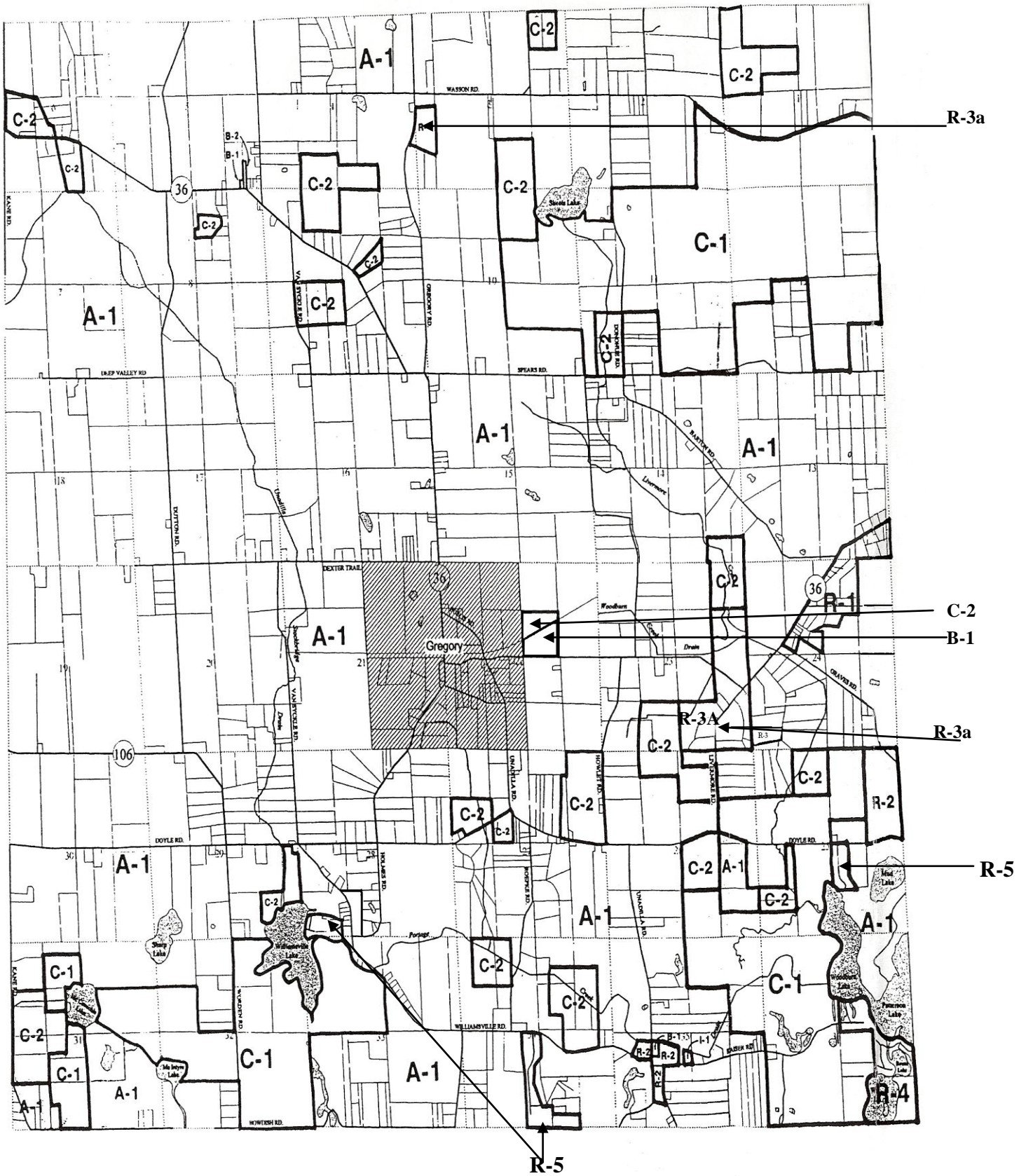


# Gregory Inset



Best Map Prepared By  
Livingston County Department of Planning

Unadilla Township Zoning Ordinance  
Gregory Inset Map



Unadilla Township Zoning Ordinance  
 Whole Map of Unadilla



