

DUNDEE TOWNSHIP ZONING ORDINANCE
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1

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Dundee Township Zoning Map

ARTICLE I

SECTION 1.1

This zoning ordinance shall be known and may be cited as the "Zoning Ordinance of the Township of Dundee".

ARTICLE II DEFINITIONS

For the purpose of this Ordinance, certain terms, words, and phrases shall, whenever used in this Ordinance, have the meanings herewith defined as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure" and "dwelling" includes "residence", and the word "person" includes "corporation", "co-partnership", "association", as well as an "individual" the word "shall" is mandatory and not directory.

Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING: A subordinate building, the use of which is clearly incidental and subordinate to that of the main building or to the use of the land.

ACCESSORY USE: A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use.

ADULT CARE FACILITIES: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations include governmental or nongovernmental establishment that provide foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such facilities shall be further defined as follows:

- a. **Adult foster care family home:** means a private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b. **Adult foster care small group home:** means a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

ADULT ENTERTAINMENT FACILITIES: Facilities, which exclude minors by virtue of age and further defined as follows:

- a. **Adult Bookstore or video store:** An establishment having as a substantial or significant portion of its stock in trade devoted to the sale, barter, or rental of books, magazines, other periodicals, posters, films, video tapes, video discs, or other media, whether printed or electronic, which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas.

- b. **Adult Cabaret:** An establishment, which features one or more topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- c. **Adult Motion Picture Theater:** An establishment used for presenting to others motion picture films, video cassettes, cable television or other visual media, distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- d. **Adult Motel:** A motel which presents materials distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for the entertainment of its patrons.
- e. **Adult Personal Service Business:** A business whose activities include a person or persons, while nude or displaying specified anatomical areas, providing personal services to another person or persons. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, theatrical performances, tattoo studios, body painting studios, and massage studios.

AGRICULTURE: The use of land for the raising of field or tree crops or animal or poultry husbandry as a principal means of livelihood.

AIRPORTS: Private and Public.

ALLEY: Any dedicated public way offering a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed".

ALTERNATIVE ENERGY FARM: A solar collection system or wind energy conversion system or collection of devices or elements which rely upon direct sunlight or wind as an energy source, and where energy produced is for commercial purposes rather than to serve an individual site.

ALTERNATIVE TOWER STRUCTURE: Clock towers, bell steeples, light poles, electric power transmission towers, and other similar mounting structures that support and/ or camouflage the presence of wireless telecommunication facilities.

APARTMENT: A room or suite of rooms used as a dwelling for one family which does its cooking within.

APARTMENT HOUSE: A residential structure containing three (3) or more attached apartments.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sill, lintels, bay windows, chimney and decorative ornaments.

AUTOMOBILE REPAIR: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, vehicle rust-proofing and any related activities (transmission repair).

AUTOMOBILE SERVICE STATIONS: A place where gasoline or any other automobile engine fuel, (stored only in underground tanks), kerosene, motor oil and lubricants or grease (for operation of motor vehicles), are retailed directly to the public on the premises; including the sale of minor accessories and services for motor vehicles, but not including bumping, painting, or rust-proofing.

AUTOMOBILE WASH ESTABLISHMENTS: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT: That portion of a building which is partially or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

BEDROOM: A room in a dwelling unit for or intended to be used solely for sleeping purposes by human beings.

BILLBOARD: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known of the general public. This definition does not include any bulletin boards used to display official court or public office notices.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BOARD OF ZONING APPEALS: The words "Board of Appeals" shall mean the Board of Zoning Appeals for the Township of Dundee.

BOARDING HOUSE: A dwelling where meals or lodging and meals are provided for compensation to four (4) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

BUILDING: An independent structure having a roof supported by columns or walls intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

BUILDING AREA: The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING INSPECTOR: This term shall refer to the Building Inspector of the Township of Dundee or his authorized representatives.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Township of Dundee permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

BUILDING SETBACK LINES: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

CHILD CARE FACILITY: A facility for the care of children less than eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

- a. **Foster family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- b. **Family day care home:** A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, including children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- c. **Group day care home:** A private home in which seven (7) to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- d. **Nursery schools, day nurseries, child care centers:** A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. 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. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as physicians, dentists, or the like.

CLUSTER SUBDIVISION: A subdivision of single-family structures arranged in closely related groups wherein the developer is allowed to reduce the minimum lot size requirements below the minimum permitted in the zoning district in which the subdivision is located, if the land thereby gained is preserved as permanent open space.

CO-LOCATION: The use of a wireless telecommunication tower by more than one

wireless telecommunication provider.

COMMERCIAL USE: A commercial use related to the use of property in connection with the sale, purchase, barter, display or exchange of goods, ware, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales or flea markets conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

COMMISSION: This term, and the term "Planning Commission", shall mean the Township of Dundee Planning Commission.

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under applicable State laws, even though State law may provide for different size regulations.

DENSITY: The number of dwelling units developed on an acre of land.

DISTRICT: A portion of the Township within which certain uses of land and/ or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DWELLING UNIT: A dwelling unit is any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall trailer coach automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit or the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING, MULTIPLE: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.

DWELLING, ONE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

DWELLING, ROW, TERRACE, OR TOWNHOUSE: A row of three or more attached one-family dwellings, not more than two and one half (2 1/2) stories in height, in which each dwelling has its own front entrance and rear entrance.

DWELLING, TWO-FAMILY: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room,

exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

ERECTED: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered as part of erection.

ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution 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 with, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety and welfare. Wireless telecommunications facilities and antenna are not included in this definition.

FAMILY: One person, or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operated, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten (10) or more acres in area; provided further, farms may be considered as including establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but establishments keeping or operating commercial dog kennels, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bonafide farm operations on the same continuous tract of land of not less than forty (40) acres.

FARM BUILDINGS: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

FILLING: Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

FLOOD: Flood shall mean an overflow of water onto lands, not normally covered by water, that are used or usable by man. Floods have two essential characteristics: The inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.

FLOOD BOUNDARY AND FLOODWAY MAP: That map or maps prepared by the U.S. Department of Housing and Urban Development, which indicate the location of the Floodway and Floodway Fringes within the Township, a copy of which is available for examination at the Office of the Building Official of the Township of Dundee.

FLOOD INSURANCE RATE MAP: The map or maps prepared by the US Department of Housing and Urban Development, which classifies the Floodplain into various zones for the purpose of determining flood insurance rates within the Township. A copy of which is available for examination at the Office of the Building Official of the Township of Dundee.

FLOOD-100 YEAR: A one-hundred year (100 year) flood shall mean a flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

FLOOD PLAIN: Flood plain shall mean the relatively flat area or low lands adjoining the channel or watercourse or a body of standing water, which has been or may be covered by floodwater.

FLOODPROOFING: Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or real property, water and sanitary facilities, structures and their contents.

FLOODWAY: Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge, flood water.

FLOOD AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of the building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

FLOOR AREA, USABLE: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients· including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story, the usable floor area shall be considered to be only that portion having a clear height above it of five (5) feet or more.

GARAGE, COMMUNITY: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

GARAGE, PRIVATE: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his family or domestic employees, and with a capacity of not more than three (3) vehicles, only one (1) of which may be a commercial vehicle with not more than a two and one-half (2 1/2) ton capacity.

GARAGE, PUBLIC: A space or structure other than a private garage for the storage, care, repair, or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be

considered as a public garage for the purpose of this Ordinance.

GARBAGE: The word "garbage" shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

GRADE: Grade is the highest point of ground contacting a portion of the base or foundation of a dwelling at least eight (8) inches above the center line of road.

GREENBELT: A strip of land, which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission.

HOME OCCUPATION: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby, provided further, that:

1. Not more than one (1) person outside of the family residing on the premises shall be engaged in such operations.
2. No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
3. No home occupation shall be conducted in any accessory building.
4. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
5. No home occupation shall generate other than normal residential traffic either in amount or type.
6. Parking needs generated by a home occupation shall be provided for in an off- street parking area, located other than in a required front yard.
7. One (1) non-illuminated nameplate, no more than two (2) square feet in area, may be attached to the building, which shall contain only the name and occupation of the resident of the premises.
8. No equipment _or process shall be used in such home occupation, which creates noise, glare, vibrat10n, fumes, odors or electrical interference detectable to the normal senses on the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
9. Tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, among others shall not be deemed to be home occupations.

HOMESTEAD RESIDENTIAL SITE: A homestead residential site is the original dwelling that has existed at least thirty (30) years, divided from a tract a land in an

Agricultural District, pursuant to Act 281, P.A. 1967, as amended, the Income Tax Act of Michigan. This homestead residential site shall be listed as a conforming use as a single family dwelling by the Building Inspector and meet the regulations outlined in Article XIV, Schedule of Regulations.

JUNK: For the purposes of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose of which the product was manufactured.

JUNK YARDS: A "junk yard" is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and includes any area of more than two hundred (200) square feet, but does not include uses established entirely within enclosed buildings.

KENNEL, COMMERCIAL: Any lot or premises on which three (3) or more dogs are kept either permanently or temporarily boarded.

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

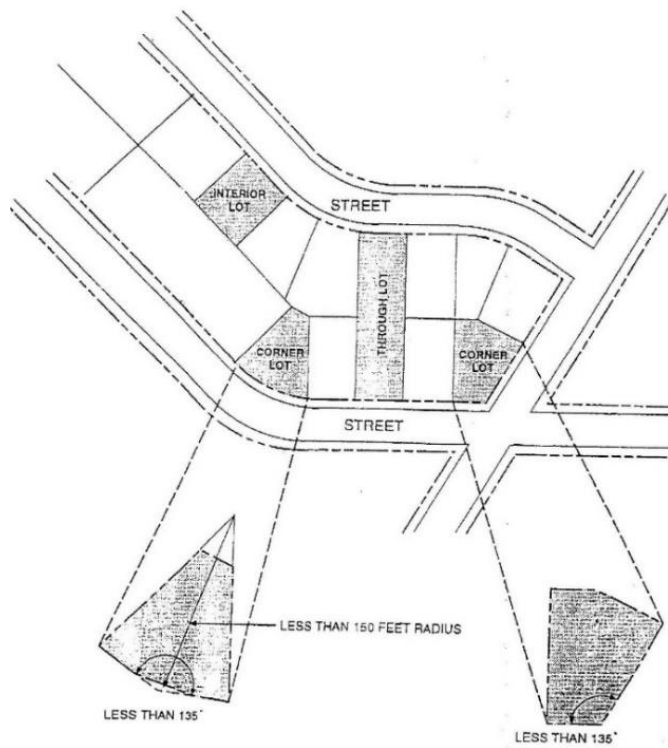
LOT: A lot is a regularly shaped and proportioned parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including open spaces and yards as required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision plat. (See the Lot Type Illustration for acceptable lot configurations.) Contiguous lots under single ownership and control and designated by its owner or acquired as a tract to be used, developed, or built upon as a unit shall be considered as a single lot for zoning purposes. In such case the outside perimeter of such lots shall constitute the front, rear and side lot lines thereof and shall be referred to as a zoning lot. (Eff. 3/97)

LOT AREA: The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said street.

LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

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

LOT TYPES



MOBILE HOME COMMISSION ACT: Act 419, Public Acts of 1976.

MOBILE HOME PARK: Means any parcel or tract of land under the control of any person, upon which three (3) or more Mobile Homes are located on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made, therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a Mobile Home and which is not intended for use as a temporary Trailer Park.

MOBILE HOME SITE: A parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirements of this Ordinance for a mobile home dwelling unit and meeting the requirements of this Ordinance for a mobile home site.

MOBILE HOME STAND: That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

MOTEL: A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager and/or caretaker. Units shall contain not less than two hundred and fifty (250) square feet of net floor area. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.

NON-CONFORMING USE OR BUILDING:

a. ***NON-CONFORMING USE:*** A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendment thereto, and that does not conform to the USE regulations of the zoning district in which it is located.

b. ***NON-CONFORMING BUILDING:*** A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g. Setbacks, height, lot coverage, parking) of this Ordinance in the zoning districting which it is located.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. The definition of nursery within the meaning of the Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

OCCUPIED: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two motor vehicles.

OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:

- a. Retail sale of trees, shrubbery, plant, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
- d. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products.

OPEN SPACE: Any area (open to the sky) on a lot not covered by a principal or accessory building.

OPEN STORAGE: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

PARK: A tract of land, designated and used by the public for active and passive recreation.
(Ord. 23, eff. July 25, 1996)

PARKING SPACE: Is hereby determined to be an area of one hundred and eighty (180) square feet, and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for storage or parking of permitted vehicles.

PLACE OF WORSHIP: A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis by a religious congregation. (Ord. 23, eff. July 25, 1996)

PLANNED UNIT DEVELOPMENT (PUD): A development which is planned to integrate residential use with collateral uses and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and to make provisions for open spaces, common areas, utilities, public improvements, and collateral non-residential uses.

POND, FARM: A body of water ranging in size from 1/4 acre to 1 acre in total area, from which none of the excavated material has been removed from the site, and which is being used for one or more of the following uses: to provide water for livestock, fish and wildlife, irrigation, fire control, or crop and orchard spraying.

POND, RECREATIONAL: A water impoundment made by constructing a dam or embankment, or by excavating a pot or "dugout" to provide for fish and wildlife, swimming, boating and other related uses.

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

PUBLIC BUILDING: Buildings that are financed largely by public funding and are available for public uses, as distinguished from buildings that are government financed but are intended for private use such as public housing. (Ord. 23, eff. July 25, 1996)

PUBLIC UTILITY: Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewage, communication, telegraph, transportation or water.

QUARRY EXCAVATION: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

RESTAURANT, CARRY-OUT: An establishment where food is prepared and served to customers solely for consumption off the premises.

RESTAURANT, DRIVE-IN: An establishment where food is prepared and served on the premises for consumption within automobiles, and an establishment with combined drive-in and sit-down facilities.

RESTAURANT, SIT-DOWN: An establishment where food is prepared and served for consumption within the principal building, with or without carry-out facilities.

ROADSIDE STANDS: A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not make into a commercial district land, which would otherwise be agricultural, nor shall its use be deemed a commercial activity. Such stand, if of a permanent character, shall not be more than one story high nor larger than twenty by twenty feet (20' x 20'), and must be set back from the nearest highway right-of-way line at least twenty-five (25) feet.

ROOMING HOUSE: See “Boarding House”.

RUBBISH: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

SETBACK: The minimum horizontal distance required to exist between the frontline of the building, excluding steps or unenclosed porches and the front street or right-of-way line.

SCHOOL: Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge. (Ord. 23, eff. July 25, 1996)

SIGN, OUTDOOR ADVERTISING: Any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in the definition of “Outdoor Advertising Sign”, and “Outdoor Advertising Structure” shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded:

- a. Signs not exceeding one (1) square foot in area and bearing only property number, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- b. Flags and insignia of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- d. Integral decorative or architectural features or buildings, except letters, trademarks, moving parts, or moving lights.

- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGNS, NUMBER AND SURFACE AREA: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SINGLE PARCEL OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots or record shall constitute the front, rear and side lot lines thereof.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including top soil, sand, gravel, clay or similar materials or combination thereof, except common household gardening and general farm care.

SPECIFIED ANATOMICAL AREAS: Less than completely covered human genitals, pubic region, buttock, anus, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 23, eff. July 25, 1996)

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation; acts of human masturbation, sexual intercourse, oral copulation, sodomy, or bestiality; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 23, eff. July 25, 1996)

STABLE, PRIVATE: A stable for the use of the property owner or tenant and members of his immediate family only with capacity for not more than two (2) horses provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains an area of not less than ten thousand (10,000) square feet for each additional horse stabled.

STABLE, PUBLIC: A stable other than a private stable, with a capacity for more than two (2) horses, and which is used for the boarding, breeding, and other equestrian activities for which a fee is charged.

STORY: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- a. A "Mezzanine" shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

STORY, HALF: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

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

STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed including outdoor advertising statuary.

SWIMMING POOL: The term "swimming pool" shall mean any structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth of greater than thirty (30) inches.

TEMPORARY BUILDING AND USE: A structure or use permitted by the Board of Zoning Appeals to exist during periods of construction of the main use or for special events, not to exceed one (1) year.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provisions for meals.

TOWNSHIP BOARD: Whenever in this Ordinance appear the words "Township Board", or "Board" it shall mean the Township Board of Dundee.

TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but does not exceed eight (8) feet in width or forty (40) feet in length. This term also includes folding campers and truck mounted campers but not mobile homes.

USABLE FLOOR AREA: For the purpose of computing parking: Is that area used for or intended to be used for the sale of merchandise or services or for the 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, or for utilities shall be excluded from this computation of "Usable Floor Area".

USE: The purpose, for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied or maintained, let or leased.

UTILITY ROOM: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance, which is granted when strict enforcement would cause undue hardship owing to circumstances unique to

the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

WIRELESS TELECOMMUNICATION ANTENNA: The device through which wireless communication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER: The structure in which the electronic receiving and transmitting equipment for wireless telecommunications is housed.

WIRELESS TELECOMMUNICATION FACILITY: A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer, which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to: private and commercial mobile radio service facilities, personal communication service towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

WIRELESS TELECOMMUNICATION TOWER: A structure, other than an alternative tower structure, intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

YARD: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height is provided above the adjacent ground level.

ARTICLE III

MAPPED DISTRICTS

SECTION 3.1 DISTRICTS

For the purpose of this Ordinance the Township of Dundee is hereby divided into the following districts:

1. AG - Agricultural District
2. R1A - Single Family Residential District
3. R1B - Single Family Residential District
4. R1C - Single Family Residential District (Ord. 1B-7, effective 6-23-92)
5. RE - Rural Estates
6. RM - Multiple Family Residential District
7. C - Commercial District
8. I - Industrial District
9. PID - Planned Industrial District
10. FP - Flood Plain District

SECTION 3.2 MAP

1. The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Zoning Map of the Township of Dundee. The Zoning Map attached hereto and on file in the office of the Clerk of the Township of Dundee and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described.
2. Except where reference on said Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys or such lines extended and the Township boundaries, as they existed at the time of the adoption of this Ordinance.
3. Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
4. Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals according to the rules and regulations which may be adopted by it.

ARTICLE IV
AMENDMENTS

SECTION 4.1 AMENDMENTS

The Township Board may amend, supplement or change the regulations and boundaries of districts or provisions of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended.

Applications or petitions to the Planning Commission for amendment involving requested reclassification of property shall be in writing and shall be accompanied by a filing fee in an amount set forth by the Township Board which shall be paid to the Township Treasurer at the time that the application is filed. (Such filing fee to be deposited in the general fund of the Township.

SECTION 4.2 APPLICATION FOR REZONING

An amendment to the official zoning map, hereafter referred to as "rezoning," may be initiated by the Township Board, the Planning Commission or by the owner or owners of the land that is the subject of the proposed amendment. Applications or petitions to the Planning Commission for amendment involving requested reclassification of property shall be in writing and shall be accompanied by a filing fee in an amount set forth by the Township Board which shall be paid to the Township Treasurer at the time that the application is filed. (Such filing fee to be deposited in the general fund of the Township.) Amendments or rezoning initiated by the Township Board or Planning Commission do not require an application or fee. An application for rezoning shall be accompanied by the following:

1. The name and address of the applicant and proof of ownership in the subject property. The applicant shall be the owner in fee simple title of the property, shall have legal interest in the property, such as a purchase agreement, or have written authority to act as an agent to the owner of the property.
2. A legal description and street address of the subject property.
3. A written description of how the requested rezoning satisfies the requirements identified in Section 4.4 below.
4. A site analysis plan, the scale of which shall be no less than 1" = 200' and includes the following information:
 - a. A title indicating the nature of the rezoning request, the applicant's name and the side address or general location;
 - b. A legend indicating the owner of record, surveyor or engineer, as applicable, the date of submission, scale and north arrow;
 - c. A survey or plat map illustrating the subject property and boundary dimensions;
 - d. Existing and proposed zoning classification(s) of the site and adjacent parcels.
 - e. The location of existing site boundary lines, buildings, structures or other

improvements, parking areas and driveways;

- f. The location, width and names of existing streets and public or private easements adjacent to the site;
 - g. The location of existing natural features, including but not limited to the location of existing drainage courses, floodplains, wetlands and other relevant information the Planning Commission has determined to be necessary and essential to making an informed recommendation to the Township Board.
5. An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "zoning agreement"). The offer for a zoning agreement shall be submitted at the time the rezoning application is filed or in response to comments received at the public hearing. An election to file a rezoning with a zoning agreement shall be in writing and shall be pursuant to the Township Zoning Act, specifically MCL 125.286i, as amended, and Section 4.5 below. When necessary, the zoning agreement shall also include and incorporate, by reference, a conceptual site plan review and approval as outlined in Article 16. The Township may voluntarily accept the offer for a zoning agreement, but shall not be obligated to accept such offer.

SECTION 4.3 PUBLIC HEARING AND REVIEW PROCEDURES

1. Upon submittal of a complete application for rezoning to the Township, the item shall be scheduled before the Planning Commission for a public hearing.
2. In all cases of a rezoning or a text amendment, the Planning Commission shall conduct a public hearing to present the request and to receive comments. Notice of the hearing shall be given as follows:
 - a. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Township shall give a notice of the proposed rezoning in the same manner as required under section 21.6.
 - b. If eleven (11) or more properties are proposed for rezoning, or if an amendment is proposed to the text of the ordinance, the Township shall give a notice of the proposed rezoning in the same manner as required under section 21.6, except for the individual property notices required by subsection 21.6.2.b., and 21.6.2.c. and except that no individual addresses of properties are required to be listed under section 21.6.1.b..
3. If an individual property or several adjacent properties are proposed for rezoning, the Township shall give separate notice by postmarked mail to the owners of property for which the approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary in question, and to the occupants of all structures within three hundred (300) feet not less than eight (8) calendar days before the hearing. Such notice shall be in addition to the publication required by paragraph 2 above. In the case of a rezoning, the Township may provide _notice of the public hearing indicating it will be considering the requested zoning district or other less intense zoning districts.

4. Where the applicant has offered a zoning agreement, the zoning agreement may be offered or amended in response to comments raised during the public hearing; provide that any amended or additional agreements are voluntarily offered by the applicant and they are in direct response to discussion at the public hearing.
5. Following the public hearing, the Planning Commission shall identify and evaluate factors relevant to the petition and the criteria in this article and shall make its recommendation to the Township Board. The rezoning application shall also be forwarded to the Monroe County Planning Commission for their review and recommendation.
6. The Planning Commission's recommendation, minutes of the public hearing and Monroe County's recommendation shall be provided to the Township Board to be placed on the agenda of the next regularly scheduled meeting of the Township Board to consider the proposed rezoning.
7. Where the applicant has offered a zoning agreement, the zoning agreement shall be reviewed by the Township Attorney prior to the Planning Commission making a recommendation to the Township Board on the rezoning application. The Township Attorney shall determine that the zoning agreement conforms to the requirements of Section 4.5 below and the Township Zoning Act as amended, and shall confirm that the zoning agreement is in a form acceptable for recording with the County Register of Deeds.
8. Following the submission of Planning Commission recommendation, the Township Board may hold additional hearings if the Township Board considers it necessary. Pursuant to Michigan Public Act 184 of 1943, as amended, the Township Board may by majority vote of its membership:
 - a. Adopt the proposed rezoning, including any agreement provided for in subsection 9 below:
 - b. Reject the proposed rezoning: or,
 - c. Refer the proposed rezoning back to the Planning Commission for further recommendation. Thereafter, the Township Board may either adopt the rezoning with or without the recommended revisions, or reject it.
9. If a zoning agreement has been offered by the applicant and recommended for approval by the Planning Commission, the Township Board may approve the zoning agreement if it meets all requirements of Section 4.5 below. If an applicant proposes a zoning agreement after the Planning Commission has made a recommendation on the rezoning request, the Township Board shall first remand the application back to the Planning Commission to resubmit a recommendation on the rezoning and the zoning agreement to the Township Board. The zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. All of the following shall apply to a rezoning that was conditionally approved along with a zoning agreement:
 - a. The zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the zoning agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a zoning agreement (i.e., "R1A-a").

- b. The Township Clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request. The approved zoning agreement shall be recorded by the applicant with the County Register of Deeds.
- c. Unless extended by the Township Board for good cause, the zoning agreement and associated rezoning shall expire two (2) years after adoption of the rezoning and zoning agreement, unless a building permit has been issued, construction has begun on the approved development of the property and proceeds diligently towards completion. In the event that the zoning agreement expires it shall be void and of no effect.
- d. Notwithstanding the above, if the property owner applies in writing for an extension of the zoning agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
- e. Should the zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the zoning agreement, the Township may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
- f. If the rezoning and zoning agreement become void as outlined above, then the land shall revert back to its original zoning classification as set forth in MCL 125.286i. Such reversion shall be initiated by the Township Board with notice and hearing as required for rezonings by the Township Zoning Act and this Ordinance.
- g. Any amendment to the zoning agreement following the original approval by the Township Board shall require review by the Planning Commission and a recommendation to the Township Board. Any amendment to the zoning agreement that the Planning Commission determines to be major changing the basic conditions of the rezoning shall require a public hearing by the Planning Commission and a recommendation to the Township Board, in the same manner as was prescribed for the original rezoning.

SECTION 4.4 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP (REZONING)

In considering any petition for an amendment to the official zoning map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Township Master Plan. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
2. Appropriate timing for the zoning change in consideration of any infrastructural

improvements necessary to support the zoning.

3. Compatibility of the site's physical, geological, hydrological and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
4. Compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.
5. Capacity of the public infrastructure and services to accommodate all the uses permitted in the requested district without compromising the "health safety and welfare" of the Township.
6. Capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. Apparent demand for the types of uses permitted in the requested zoning district in the Township, and surrounding area, in relation to the amount of land in the Township, and surrounding area, currently zoned and available to accommodate the demand.
8. Ability of the site to meet the dimensional regulations for the requested zoning district.
9. The requested rezoning will not create an isolated and unplanned spot zone.
10. If a rezoning is appropriate, the requested zoning district shall be more appropriate from the Township's perspective than another zoning district.
11. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
12. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, and enhance the overall quality of life in the Township.

SECTION 4.5 ZONING AGREEMENT

An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "zoning agreement"). The offer for a zoning agreement shall be submitted at the time the rezoning application is filed or in response to comments received at the Planning Commission public hearing. An election to file a conditional rezoning with a zoning agreement shall be in writing and shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), and section 4.6 below. When necessary, the zoning agreement shall also include and incorporate, by reference, a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval as outlined in article 16, which shall be conducted following the Township Board's approval of the conditional rezoning. The Township may voluntarily accept the offer for a zoning agreement, but shall not be obligated to accept such offer.

1. The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:
 - a. Serve the intended use of the property such as extension of or improvements to roadways, utilities or other infrastructure serving the site;
 - b. Minimize the impact of the development on surrounding properties; and
 - c. Preserve natural features, historic resources and open space.

2. Content of Agreement: In addition to any limitations on use or development of the site, preservation of site features or improvements described in 1 above, the zoning agreement shall also include the following:
 - a. Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the terms spelled out in the zoning agreements.
 - b. Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.
 - c. Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.
 - d. Agreement and understanding that the approval of the rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers or transferees.
 - e. Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
 - f. Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.
 - g. A legal description of the land to which the agreement pertains.
 - h. Any other provisions as are agreed upon by the parties.

3. Any uses proposed as part of a zoning agreement that would otherwise require approval of a special approval or site plan approval shall be subject to the applicable review and approval requirements of Articles 15 and 16.
4. Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act.
5. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the Township.

Section 4.6 ZONING AGREEMENTS FOR CONDITIONAL REZONINGS

An applicant for a rezoning may voluntarily offer a zoning agreement as a condition for rezoning. An election to file a conditional rezoning with a zoning agreement shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006) and this article. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the Township and recorded with the County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in article 16. The zoning agreement must be voluntarily offered by the applicant and the Township shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided, the Township shall not enter into a zoning agreement that is not found acceptable to the Township Board.

1. The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:

- (a) Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the site;
- (b) Minimize the impact of the development on surrounding properties, such as landscape screening above and beyond minimum requirements or design elements to create transition to adjoining uses; and
- (c) Preserve natural features, historic resources, and open space.

2. In addition to any limitations on use or development of the site, preservation of site features or improvements described in Item 1 above, the zoning agreement shall also include the following:

- (a) Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the conditions offered in the zoning agreement.
- (b) Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.
- (c) Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.
- (d) Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under article 16, or subdivision approval under the Township Subdivision Control Ordinance and obtaining other necessary approvals required by the Township and all applicable county, and state agencies.
- (e) Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.
- (f) Agreement and understanding that the approval of the conditional rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers or transferees.

(g) Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and the land shall revert back to its original zoning classification.

(h) A legal description of the land to which the agreement pertains.

(i) Any other provisions as are agreed upon by the parties.

3. Any uses proposed as part of a zoning agreement that would otherwise require site plan approval or special land use approval shall be subject to the applicable review and approval requirements of articles 15 and 16.
4. Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).
5. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance, and further use of the property may be subject to legal remedies available to the Township.

ARTICLE V GENERAL PROVISIONS

Except as hereinafter specifically provided, the following regulations shall apply:

SECTION 5.1 CONFLICTING REGULATIONS

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

SECTION 5.2 SCOPE

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

SECTION 5.3 STREETS, ALLEYS AND RAILROAD RIGHT-OF-WAYS

All streets, alleys and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, right-of-ways. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 5.4 PERMITTED USES

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

SECTION 5.5 PERMITTED AREA

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations of the district in which the building is located.

SECTION 5.6 PERMITTED HEIGHT

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, storage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, wireless telecommunication facilities, or similar structures may be erected above the height limits herein prescribed. Except for wireless telecommunications facilities, no such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building, nor shall a structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building. The height of wireless telecommunication facilities shall be established by Section 5.3.9.

SECTION 5.7 ZONING LOT

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one (1) such building on one (1) lot unless otherwise provided in this Ordinance.

SECTION 5.8 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this Ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An open porch or paved terrace may occupy a required front yard or rear yard provided that the unoccupied portion of the front yard or rear yard furnishes a depth of not less than twenty-one (21) feet.

SECTION 5.9 PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend to project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

SECTION 5.10 USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE

No front or other yard shall be used for the storage of automobiles or any other material or equipment; provided that in residential areas automobiles with a current license and in operating condition may be parked on an approved service driveway, extending from the street directly to a side yard or a garage. No machinery, equipment vehicles, lumber piles, crates, boxes, building blocks, or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without current license, shall be stored, parked abandoned or junked in any open area that is visible from the street, public place or adjoining residential property; and should such use of land occur, it shall be declared to be a nuisance. If such nuisance is not abated within ten (10) days after the owner of such land is notified by the Township, then the Township may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days, after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property.

SECTION 5.11 STREET ACCESS

No dwelling or building shall be erected on any lot or parcel of land in the Township of Dundee that does not abut on a public street, road or highway, provided that this Ordinance shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this Ordinance upon a lot or parcel of land that does not so abut such a street or highway.

SECTION 5.12 VISIBILITY

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the drive of vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two and one-half (2 1/2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points twenty (20) feet from the intersection of said curb lines.

SECTION 5.13 DWELLINGS IN NON-RESIDENTIAL DISTRICTS

No dwelling unit shall be erected in the C, I or FP Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in aid districts in conformance with the specific requirements of the particular district.

SECTION 5.14 ONE SINGLE FAMILY STRUCTURE PER LOT

No single family residential structure shall be erected upon a lot with another single family residential structure.

SECTION 5.15 ACCESSORY BUILDINGS

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
2. Accessory buildings shall not be erected in any required yard except a rear yard, unless all buildings are at least 200 feet from the front property line, providing further that in no instance shall such a building be nearer than three (3) feet to any side or rear lot line. Where easements exist, the easement line shall be considered as the side or rear lot line insofar as the location of accessory buildings shall be concerned. (Eff. 8/94)
3. An accessory building, not exceeding two (2) story or twenty (20) feet in height, may occupy not more than twenty-five percent (25%) of a required yard, plus forty percent (40%) of any non-required rear yard; provided, that in no instance shall the accessory building exceed one hundred fifty percent (150%) of the ground floor area of the main building. (Ord. 18-7, eff. 6-23-92)
4. An accessory building shall be located in the rear yard, except when structurally attached to the main building, and except that in row house development or apartment buildings, parking area location in the form of covered bays may be permitted in the rear of main buildings if the location is approved by the Zoning Board of Appeals.
5. No detached accessory building shall be located closer than ten (10) feet to any main building.
6. When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
7. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
8. Accessory buildings shall be permitted to be erected on a vacant lot only in conjunction with the issuance of a permit for a residential dwelling on that same parcel in zoning districts Residential R-1A, R-1B, R-1C, and Rural Estates. This also applies to the Agricultural District when the parcel is less than 10 acres. (Eff. 4/00)

SECTION 5.16 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS AND BOATS

Campers, travel trailers, motorized homes, snowmobiles and trailers of any type, and boats may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

1. No more than one (1) licensed camper or travel trailer, and no more than two (2) licensed boats, and no more than four (4) snowmobiles may be parked on a lot of record which is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lease.
2. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.
3. Licensed campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located in the rear yard and, in addition shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located. Further they may be stored inside yards at the discretion of the Building Inspector.
4. The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space, shall not be exceeded.
5. All campers, travel trailers, boats and the like, shall be locked or secured at all times when not in use so as to prevent access thereto by children.
6. A suitable covering (e.g. tarpaulin) shall be placed over all boats, whenever they are not enclosed, in order to prevent vandalism by, or injury to children.
7. Recreational equipment parked or stored shall not be connected to water, gas or sanitary facilities, and at no time shall same be used for living, lodging or housekeeping purposes.
8. All recreational equipment must be kept in good condition and have a current year's license and/or registration.
9. The parking or storage of a mobile home unit outside of a mobile home park, under these provisions, is expressly prohibited.

SECTION 5.17 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance, as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations locate in any zone. All automobile service stations erected after the effective date of this Ordinance, shall comply with all requirements of this section. No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existing on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.

2. An automobile service station building housing an office and/ or facilities for servicing, greasing and/ or washing motor vehicles shall be located not less than forty (40) feet from any street lot line.
3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street, and no more than two (2) curb openings are permitted on any street. No driveway or curb opening shall be located nearer than twenty-five (25) feet to any corner of exterior lot line, as measured along the property line.
4. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
5. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
6. An automobile service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than two (2) enclosed stalls for servicing, lubricating, greasing and/ or washing motor vehicles. An additional one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
7. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. Where an automobile service station adjoins property located in any residential zone, a screening wall five (5) feet in height shall be erected and maintained along the service station property line. All screening walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
9. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
10. When a structure designed and used for automobile service station purposes ceases to operate on a continuing basis for a period of ninety (90) days within any period of eighteen (18) months, the owner of the premises shall be served written notice by the Building Inspector of the requirement within sixty (60) days of the date of said notice, to either: 1) resume operation of the premises on a continuing basis as a lawful automobile service station or filling station, or 2) lawfully convert said structure to another permitted use and completely remove the debris from the premises.

All new automobile service stations or filling stations constructed after the effective date of this Ordinance shall be required to post a bond with the Building Inspector in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the above mentioned three (3) alternatives shall empower the Building Inspector to utilize said bond for the demolition and clearance of the premises in question.

If there should be declared a national emergency which could curtail the operation of motor vehicles or if the Planning Commission should determine that there exists a state of general economic depression or hardship, the provisions of this subsection (10) shall not apply.

11. Abandoned automobile service stations or gasoline filling stations may be converted to Principal Permitted Use in the District in which such station is located, provided the following conditions are met:

- a. The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.
- b. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed Township, County and State fire safety provisions.
- c. All buildings shall meet all applicable requirements of the Township Building Code for safety and structural condition.
- d. There shall be adequate off-street parking provided in accordance with Article XX.
- e. No outside storage areas shall be permitted.
- f. The use shall meet all Area, Height, Bulk and Placement requirements of the District in which such use is located in accordance with Article XIV.
- g. The use shall comply with all other requirements of the applicable District unless otherwise provided in this Ordinance.

SECTION 5.18 DRIVE-IN ESTABLISHMENTS

- 1. When a drive-in establishment adjoins property located in any residential district, a screening wall, five (5) feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by said five (5) foot screening wall. The screening wall shall be protected from possible damage inflicted by vehicles using the parking area by a suitable barrier.
- 2. The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier. Paving may be waived for a period of up to one (1) year by the Zoning Board of Appeals, then the lot must be maintained dust free.
- 3. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.
- 4. Before approval is given for any use, a site plan shall first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting signs and other design features, in accordance with the provisions of Article XVI.

SECTION 5.19 BUILDING GRADES

- 1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- 2. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
- 3. Final grade shall be approved by the Building Inspector.

SECTION 5.20 TEMPORARY BUILDINGS AND USES

Temporary buildings, trailers and other similar structures used as a field office in conjunction with construction work may be permitted in any district during such time that construction work is in progress, that adequate arrangements for sanitary facilities are made, that any such temporary field office shall be certified as such and as being in conformance with this Ordinance by the Building Inspector and provided further that any such temporary facilities shall be removed upon completion of construction work.

No temporary trailers shall be placed in any residential district unless a building permit has been issued for a permanent building on the same site. Further, said temporary trailer shall be permitted for six (6) months, only with one renewal of six (6) months. Before a certificate of occupancy shall be issued any temporary building shall be removed from the site within ten (10) days.

Circuses, carnivals, open air concerts, festivals and other transient amusement enterprises may be permitted in any district upon approval by the Township Board, based upon a finding that such an activity will not adversely affect public health, safety, morals and the general welfare.

1. The Township Board may require the following protections for the welfare of the community:
 - a. Necessary and reasonable sanitary facilities.
 - b. Adequate security for the protection of the general public who attends the festivities and to protect private property.
 - c. Adequate medical protection or ambulance facilities on the premises.
 - d. Compliance with all State Health Codes and all State Fire Protection and life guards if necessary and appropriate.
2. Any contracts to provide for such protection shall be provided by recognized legal entities and approved by the Board.
3. The Board may require the posting of a Bond running to the Township in a reasonable amount to hold the Township free from all liabilities incident to the operation of such above activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity and which damages shall be provable before a court having jurisdiction over the premises or which the damages occurred and payable through such court.

SECTION 5.21 SEWAGE DISPOSAL

No human excreta or domestic, ~~commercial~~ or industrial wastes shall be deposited on the surface of the premises. Where a sewer system is available, all sanitary fixtures, such as water closets, lavatories, catch and slop sink, laundry trays and bath tubs shall be connected to such system. Where a sewer is not available all facilities used in connection with the disposal of human excreta and water carried wastes shall be connected with and the wastes there from discharged into a private disposal system, the operation of which creates neither a nuisance nor pollutes a stream or lake or a water supply.

SECTION 5.22 OUTSIDE PRIVIES

Whenever earth pit outhouses, septic tank privies or chemical toilets are used for the disposal of human excreta for farm dwelling or for non-farming, the construction and maintenance shall comply with the provisions of the Monroe County, Michigan Sanitary Code, as presently established or hereafter amended, a copy of which is on file in the office of the Township Clerk.

SECTION 5.23 STORAGE: DUMPING OF WASTE, JUNK, GARBAGE, ETC.

The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping, disposal, or accumulation of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district in the Township of Dundee except in the I, Industrial District, and then only after a petition has been submitted to the Township Board and such Board may approve and order the issuance of temporary certificates to the petitioner by the Building Inspector. This approval may be given by the Township Board only in appropriate cases where such petition is accompanied by a suitable agreement between the Township and the petitioner together with an appropriate bond to secure performance by the petitioner pursuant to this section that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect on, or leave the surface of the land, at the expiration date of such permit, in an unstable condition or unfit for the growing of turf, or for other land uses permitted in the district in which such dumping occurs, except as provided in any other existing Ordinances. The dumping of dirt, sand, rock or other materials excavated from the earth is permitted in any district provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district. The Bond required hereunder shall be in such amount as shall be reasonably necessary to insure conformity with this Section.

SECTION 5.24 RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or required compliance with his lawful order, except as provided in Section 6.6.

SECTION 5.25 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

Nothing in this Ordinance shall be deemed to require any changes in the plans, construction or design use of any building upon which actual construction as lawfully begun prior to the adoption of the Ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such buildings shall be completed within two (2) years from the date of passage of this Ordinance.

SECTION 5.26 VOTING PLACE

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

SECTION 5.27 APPROVAL OF PLATS

No proposed plat of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such plat equals or exceeds the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statutes of the State of Michigan and all other provisions of the Dundee Township Code.

SECTION 5.28 ESSENTIAL SERVICES

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township of Dundee, it being the intention hereof to exempt such essential services from the application of this Ordinance, except as hereinafter required.

SECTION 5.29 COMMERCIAL RADIO, TELEVISION TOWERS

All commercial radio, television shall be permitted in any agricultural, commercial or industrial district which has access upon a major thoroughfare. The setbacks for such towers from all abutting streets or adjacent property, shall be a distance equal to the height of such tower. The structural plans must be approved by the Township Engineer. (Ord. 1B-6, eff. 2-90) Wireless communication facilities are not included in this provision.

SECTION 5.30 OPEN AIR BUSINESS USES

Open air business uses, where permitted in C-District shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. There shall be provided around all sides of the site, except at entrances, exits and Ion& sides of the premises enclosed by buildings, a screening wall five (5) feet m height in order to intercept windblown trash and other debris. Where the site abuts any residential zoned district, the requirements for protective screening shall apply as specified.
4. Off-street parking areas and aisles, as required under Article XX shall be paved in accordance with the requirements thereof.
5. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
6. Before approval is given for any use, a site plan shall be first submitted to the Building Inspector for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting and other design features.
7. All open air business uses shall comply with all Township and County health regulations regarding sanitation and general health conditions.

SECTION 5.31 EXTERIOR LIGHTING (All Districts) (Ord11-02)

- (1) *Intent and purpose.* It is the intent of this Section is to protect the health, safety, and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security, and visibility for occupants, users, pedestrians, and motorists. To do so, this section provides standards for various forms of lighting that will: 1) minimize light pollution; 2) maintain safe nighttime driver performance on public roadways; 3) preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”; 4) reduce light trespass from light sources onto adjacent properties; 5) conservation of electrical energy; and 6) curtail the degradation of the nighttime visual environment.

(2) *Applicability.* All site plans shall include a detailed lighting plan that demonstrates compliance with the standards of this section. Such lighting plan shall include a photometric grid indicating lighting intensities on the site and at all site boundaries and shall include detailed specifications for proposed light fixtures.

(3) *Lighting Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(a) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

(b) **Footcandle.** The standard imperial unit used to measure the amount of light falling onto a surface, such as a roadway or parking lot.

(c) **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

(d) **Glare.** Direct light emitted by a lamp, luminous tube lighting or other light source.

(e) **Lamp.** The component of the luminaire that produces the actual light including luminous tube lighting.

(f) **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

(g) **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

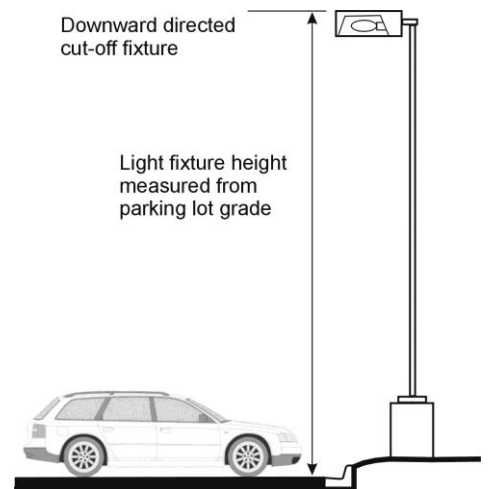
(h) **Luminaire.** The complete lighting system including the lamp and light fixture.

(i) **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

(j) **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

(k) **Fully Shielded Fixture.** Outdoor light fixtures shielded or constructed so that zero percent (0.0%) of the lamp lumens are emitted above ninety degrees (90°). A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this section.

(l) **Sky Glow.** The “haze” or “glow” that surrounds highly populated areas and reduces the ability to view the nighttime sky. Specifically, light that enters the sky from an outdoor lighting system by indirect light reflected from atmospheric particles such as fog, dust, or smog.



(4) Submittal Requirements. The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Township Supervisor or designee prior to lighting installation:

- (a) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
- (b) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
- (c) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
- (d) Use of the fixture proposed.
- (e) Any other information deemed necessary by the Planning Commission, Township Supervisor or designee to determine compliance with provisions of this section.

(5) Lighting Standards. All lighting must comply with the following standards:

(a) Freestanding Pole Lighting

1. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide, LED or induction full cutoff fixtures or approved decorative fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent “sky glow”.
2. The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential or agricultural district can be a maximum of 0.5 footcandles at the property line. The only exception is for gas station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above standards shall apply to intensity at the property line. All gas station and canopy lighting and other canopy lighting must be recessed.
3. The Planning Commission, Township Supervisor or designee (depending upon who has approval authority over the project) may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
4. The maximum height of parking lot light fixtures shall be twenty (15) feet, except that the planning commission may permit a maximum height of thirty (30) feet within commercial and industrial zoning districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
5. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
6. Except where used for security purposes and not creating off-site glare, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise,

except where such use continues after 11:00 p.m. but only for so long as such use continues.

(b) Building-Mounted Lighting

1. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent sky glow.
2. The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
3. The Planning Commission, Township Supervisor or designee (depending upon who has approval authority over the project) may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
4. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc.

(c) Window Lighting

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
2. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Article 19, Signs.

(d) Private Road Street Lighting

1. Street lights along private residential roads may be required by the Planning Commission as part of a condominium or site condominium project. Where required, the applicant shall provide a full lighting plan.
2. Where such lighting is required, the Planning Commission shall use the following standards for guidance:
 - a. Lighting may be provided along both sides of the street, or staggered on opposite sides with spacing generally between four hundred (400) and six hundred (600) feet.
 - b. Fixtures should be fully shielded and downward directed unless decorative light fixtures are used that provide no off-site glare and are in keeping with the character of the site.
 - c. Fixture height should not exceed 15 feet.
 - d. Lighting intensity should be limited to a range between one (1) and six (6) footcandles, depending upon the fixture style, with the greater intensity at intersections and crosswalks.

- e. A determination should be made that the proposed lighting plan will not adversely impact surrounding properties.

(e) Other Lighting

1. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
2. Lighting shall not be of a flashing, moving or intermittent type.

SECTION 5.32 LANDSCAPING ~~rorct.11-021~~

1. **Intent.** The intent of this section is to promote the public health, safety and welfare by establishing minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic and visual distraction. Buffer zones protect less-intense uses from the noise, light, traffic, litter and other impacts. These regulations are further intended to maintain and enhance the natural, rural character of Dundee Township.
2. **Scope of Application**
 - a. The requirements set forth herein shall apply to all lots, sites, parcels and uses that are developed, expanded, or changed following the effective date of this Ordinance. This section applies to any application for site plan, subdivision or condominium approval. Single and two family dwellings located on individual lots of record are exempt from the regulations of this section.
 - b. The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.
 - c. The requirements set forth herein are minimum requirements, and nothing herein shall preclude the applicant and the Township from agreeing to more extensive landscaping.
 - d. Creativity in landscape design is encouraged. The standards are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the Township to preserve the natural, rural character of the Township.
3. **Definitions.** Whenever used in this Ordinance, the following words and phrases shall have the following meaning ascribed to them:
 - a. **Buffer Zone:** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this zoning ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

- b. **Greenbelt:** A strip of land of definite width and location along a public road right-of-way or private road easement reserved for the planting of trees, and ground cover to enhance the visual image of the Township.
- c. **Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative non-living materials, such as wood chips, crushed stone, boulders or mulch.
- d. **Shrub:** A woody plant of one (1) to thirteen (13) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance. Shrub planting species utilized in landscape plan shall have sufficient mature height to achieve desired screening or landscaping effect.
- e. **Tree:** A woody plant which at maturity is thirteen (13) feet or more in height with an erect perennial trunk and having a definite crown of foliage.
 - 1) **Deciduous tree:** A tree that sheds its foliage at the end of the growing season.
 - 2) **Evergreen tree:** A tree that has foliage that persists and remains green throughout the year.
 - 3) **Ornamental tree:** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of 25 feet or less.
 - 4) **Canopy tree:** A deciduous tree which has a height of 25 feet or more feet and a trunk with at least five (5) feet of clear stem at maturity.

4. Landscaping Requirements

- a. **General Requirements.** Unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Areas to be preserved in a natural state may be planted with native groundcover and maintained in an unimproved state.
- b. **Greenbelts.** Within all districts, a twenty (2) foot wide greenbelt shall be planted adjacent to and outside of the public right-of-way, which shall conform to the following standards:
 - 1) Within the Commercial District, a minimum of one (1) deciduous canopy tree shall be planted for each forty (40) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
 - 2) Within the Industrial District and for all subdivisions and condominiums in the residential districts, a minimum of one (1) deciduous canopy tree and one (1) evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
- c. **Buffer Zones.** In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided in accordance with the following. These regulations do not apply along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

Table 5.32A identifies where and what type of buffer is required based upon the zoning of adjacent property. The proposed use is listed on the left column and adjacent property zoning across the top row. Table 5.32B details the minimum landscape elements that must be included in each type of buffer zone.

**Table 5.32A
Required Buffer Zones**

The purposed use will be adjacent to:			
The purposed use will be:	Residential District	Commercial District	Industrial District
Single Family Residential ¹	None	B	B
Multiple Family Residential	B	B	B
Commercial ²	B	C	C
Industrial	A	B	None

Footnotes:

- 1) Applies to applications for subdivision plat or condominium site plan approval only.
- 2) Includes non-residential special approval uses in a residential district such as churches, schools and public utility buildings.

TABLE 5.32B
DESCRIPTION OF REQUIRED BUFFER ZONES

Buffer Zone	Minimum Width	Minimum Plant Materials
A	50 feet	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward.
B	20 feet	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward.
C	10 feet	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward.

d. **Landscaping of Off-Street Parking Areas**

- 1) When off-street parking and loading of a non-single family residential use abuts a residential zoning district, the parking lot and loading area shall be screened from such contiguous, residential district by a solid, ornamental masonry wall at least six (6) feet tall meeting the requirements of Section 5.32.8, in addition to the landscape plant materials required in Section 5.32.4.c, above. In lieu of a wall, the Planning Commission may permit or require one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary, in addition to the landscape plant materials required in Section 5.32.4.c, above.

- 2) In addition to screening which may be required around off-street parking and loading areas, all off-street parking areas containing greater than twenty (20) spaces shall also provide one (1) canopy tree for each ten (10) parking spaces. The trees required shall be placed within landscape islands in the interior of the parking lot or around the perimeter of the parking lot.
 - e. **Landscaping of Rights-of-Way.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property.
 - f. **Utility Structures.** Utility structures such as electrical transformers shall be screened from view by landscaping. A minimum of three (3) evergreen shrubs shall be planted adjacent to the utility structure to screen it from view. All landscape plantings shall be spaced a minimum of twenty (20) feet from any fire hydrant. Trees shall be placed to avoid growing into overhead utility lines.
5. **Maintenance of Unobstructed Visibility for Drivers.** Where a driveway intersects a public right-of-way or private road or where a site abuts the intersection of public rights-of-way or private roads, all landscaping within thirty (30) feet of the intersecting right of way lines shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement.
6. **Modification of Landscape Requirements.** The Planning Commission may reduce or modify the location of the landscape requirements contained in this section based upon a determination that the landscaping required in this section will not be necessary or effective in meeting the intent of this Ordinance. In making such a determination, the following shall be considered.
 - a. The existence of natural vegetation that will meet the requirements of this ordinance and will be preserved as part of the site plan.
 - b. Parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 - c. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.
 - d. The intent to comply with the standards has been demonstrated by the applicant with alternatives considered to achieve the intent of this section.
7. **Plant Material Requirements.** Unless otherwise specified, all landscape materials shall comply with the following standards:
 - a. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Monroe County, in conformance with the standards of the American Association of Nurserymen or ANSI American Nursery Stock Index. Landscaping used shall be native to the states of Michigan and Ohio.
 - b. The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Ordinance:

**MINIMUM PLANT MATERIAL SIZE
AT TIME OF PLANTING**

Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous canopy trees	2 1/2 inches	--	--
Ornamental trees	2 inches	6 feet	--
Evergreen trees	--	2 feet	2 1/2 feet
Shrubs	--	2 feet	15 inches
Hedges	--	3 feet	--

- c. Grass areas shall be planted using species normally grown as permanent lawns in Monroe County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw, mulch or hydro-seed shall be used to protect newly seeded areas.
- d. Landscaping shall be installed in a sound, professional manner to ensure the continued growth of healthy plant material. Required landscaping shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the first appropriate planting period.
- e. Use of the following plant materials is not encouraged because of susceptibility to storm damage, disease, or other undesirable characteristics:

UNDESIRABLE PLANT MATERIALS	
COMMON NAME	GENUS SPECIES
Silver Maple	Acer sacharinum
Box Elder	Acer negundo
Tree of Heaven	Ailanthus altissima
European Barberry	Berberis thunbergii
Northern Catalpa	Catalpa speciosa
Eastern Red Cedar	Juniperus virginiana
Poplar	Populus deltoids
Willow	Salix spp.
American Elm	Ulmus Americana

- 8. **Obscuring Wall Requirements.** Where permitted or required by this Ordinance, obscuring walls shall be subject to the following regulations.
 - a. Required obscuring walls shall be six (6) feet in height, and shall be constructed of brick or other materials that are architecturally compatible with the materials used on the principal building and found to be suitable by the Planning Commission.
 - b. Masonry walls shall be erected on a concrete foundation, which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

SECTION 5.33 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

All fences, walls and other protective barriers (referred to in this section as "fences") of any nature, description, located in the Township of Dundee shall conform to the following regulations:

1. The erection, construction or alteration of any fence shall be approved by the Building Inspector in compliance with the provisions of this Ordinance.
2. Fences in other than AG, or I Districts, unless specifically provided otherwise, shall conform to the following requirements.
 - a. No fence shall hereafter be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land, with the bottom of the fence no more than 9 inches above the natural grade, unless the Township Board shall give its special approval as provided in Article XV.
(Ord. Eff. 5/23/95)
 - b. No fence shall hereafter be located in the road right-of-way in the R1A, R1B and R1C districts except as restricted by Section 5.12. (Ord. rn-7, eff. 6-23-92)
 - c. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top of or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing utility buildings or equipment in any district or whenever deemed necessary in the interest of public safety or protection of private property.
3. Fences in the AG, or I District may be located on property or right-of-way lines of a lot provided that such fences shall be maintained in a good condition and shall not constitute an unreasonable hazard.
4. No fence shall be erected, established or maintained on any corner lot, which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level.

SECTION 5.34 OUTDOOR TRASH CONTAINERS

Outdoor trash containers shall be permitted in the RM, C and I Districts provided that they comply with the following requirements.

1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
2. A solid screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six (6) feet.
3. The trash container(s), the screening wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
4. There shall be compliance with all Township, County and State health ordinances and statutes.

SECTION 5.35 PRIVATE SWIMMING POOLS

All swimming pools erected in the Township of Dundee shall comply with the requirements of the Section.

1. ***Application:*** The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utility, plan and specifications to scale of pool walls, slope bottom, walkways, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
2. ***Pool location:*** Minimum side yard setback shall comply with the provisions of the respective districts as set forth in this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet as measured from the outside wall of the pool to the rear property line, or less than the established easement width at the rear property line. There shall be not less than four (4) feet between the wall of the pool and any building on the lot.
3. ***Fence:*** For the protection of the general public all swimming pools shall be completely enclosed by a wooden privacy fence, chain link, or masonry fence, capable of preventing unauthorized entrance, not less than four (4) feet height nor more than six (6) feet in height and located at least four (4) feet from the outside perimeter of the pool wall, provided, that if a building not having any means of access thereto is located on the lot, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use. (Ord. 1B-7, eff. 6-23-92)
4. ***Permits:*** Upon compliance with all requirements of this Section and upon determination by the Building Inspector and the Monroe County Health Department that the proposed swimming pool will not be injurious to the general public health, safety and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.
5. ***Supervision:*** No person shall maintain an outdoor swimming pool on his premises without providing adequate supervision at all times when the pool is in use so that no person may be injured or drowned therein. (Ord. m-7, eff. 6-23-92)

SECTION 5.36 STABLES

1. **Public Stables** - Shall be located only in the AG, Agricultural District on lots 10 acres or larger.
 - a. Stables shall not be located closer than one hundred (100) feet to any residential dwelling in an AG or RE District.
 - b. Property used for Public Stables purposes shall be adequately fenced to prohibit trespass on neighboring lands.
 - c. Maximum density for public stables shall not exceed one (1) horse per acre.

2. **Private Stables** - Private stables located on non-farm single-family residences in the AG, Agricultural, and RE, Rural Estates, Districts must have a minimum of five (5) acres of land to accommodate a maximum of two (2) horses. Additional horses may be allowed provided an additional ten thousand (10,000) square feet of land is provided for each horse over and above the minimum lot size.
 - a. Stables shall not be located closer than one hundred (100) feet to any residential dwelling in an AG or RE District.
 - b. Property used for private stable purposes shall be adequately fenced to prohibit trespass on neighboring lands.
 - c. Private stables must be constructed so that the corral and pasture are behind the rear setback line of the principal building and/or behind the rear setback line of the nearest residential uses.
 - d. Maximum density for private stables shall not exceed one (1) horse per acre.

SECTION 5.37 PONDS (Ord. IB-7, eff. 6-23-921)

Ponds excavated for recreational, scenic or farm purposes shall be a permitted use in the Agricultural and Residential Districts subject further to the requirements and standards listed below:

1. The pond must be located on a parcel of at least two (2) acres in size.
2. Property owner shall live in a permanent residence on proposed pond site before construction of scenic/recreation pond; or shall have obtained a home building permit from the Township and be at a stage in construction where fill is required, as determined by the Township Building Inspector. A farm pond for purpose of irrigation or watering of livestock may be constructed on site where no permanent residence exists; however, there shall exist proven evidence of commercial agricultural operations, operated by a sole proprietorship, partnership, or corporation, and including all necessary farm buildings, structures and machinery.
3. The pond size shall be not less than twenty thousand (20,000) square feet, nor more than five (5) acres.
4. The pond begins at the excavation point of the original grade and must be setback a minimum of fifty (50) feet from property lines and dwellings and a minimum of seventy-five (75) feet from roads.
5. The pond shall be constructed in conformance with the design standards of the Soil Conservation Service, and have a permit from the Monroe County Drain Commission in accordance with the provisions of Act 347, P.A... 1972, The Soil Erosion and Sedimentation Act.
6. For the protection of the general public, appropriate safety measures shall be provided such as warning signs, and rescue facilities, such as life rings.
7. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system nor any closer than fifty (50) feet to a well.

8. Pond slopes shall comply with the following, depending on the use of the pond. The Township Supervisor or their designee may allow deviation from these requirements when Strict interpretation is not practical:
 - a. Fishing & Swimming: Minimum size must be at least ½ acre to 1 acre in size, with as much of the pond as possible having a water depth of 15 feet or more. Side slopes beneath the surface of the water for fishing ponds must be at least 1:3 (1 vertical foot to 3 feet horizontal) to discourage aquatic plant growth. Side slopes beneath the surface of the water for swimming must not exceed 1:4 for safe entry and exit. Fishing ponds shall have irregular shorelines and protection from storm water runoff.
 - b. Wildlife: Side slopes beneath the surface of the water must not exceed 1:10 (1 foot vertical to 10 feet horizontal). At least 50% of the pond shall not exceed 4 feet deep, to encourage aquatic plant growth. Wildlife ponds shall have irregular shorelines.
 - c. Stock Watering: Pond must be at least ¼ acre to 1 acre in size. Side slopes beneath the surface of the water for stock watering ponds must not exceed 1:4 for safe entry and exit.
9. The current Dundee Township permit fee is payable upon application.
10. If the pond is to be used in any part for livestock purposes, the setbacks shall be one hundred (100) feet from dwellings and lot lines.
11. A performance guarantee shall be posted with the Township prior to the issuance of a permit for excavation of a pond and shall be sufficient to cover the cost of restoration of the site if the pond is not properly excavated in accordance with the plans approved by the Planning Commission and the permit from the Monroe County Drain Commission. The amount of the performance guarantee shall be determined by the Building Inspector based upon two (2) dollars per cubic yard of soil to be removed or based upon a cost estimate supplied by a licensed contractor. The performance guarantee shall be refunded upon inspection and approval of the completed pond by the Building Inspector.
12. No earth excavated during construction of the pond shall be removed from the parcel, unless special approval has been obtained from the Dundee Township Board. Special approval shall be based upon the recommendation of the Planning Commission following a public hearing conducted in accordance with Section 15.2. The special approval standards of Section 15.3 shall be met in addition to the following requirements:
 - a. The following information shall be provided:
 1. The amount of earth to be removed from the property.
 2. The destinations for the earth to be removed, including a description for its intended use.
 3. The off-site route over which materials will be hauled from the site, including an identification of the truck routes that will be used and the physical capabilities of these routes to accommodate the truck traffic. A Haul Route Permit shall be obtained from the Monroe County Road Commission prior to the issuance of a permit for the pond's construction.
 - b. Dust control measures shall be utilized to ensure minimal impact on surrounding uses. All vehicles used to transport material to be removed from the property shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If

materials excavated from the site are deposited or spilled upon the public road way, it shall be the responsibility of the licensee, without requiring any action or request by the Township, to immediately remove the spilled or deposited material.

- c. A time limit shall be set for completing the soil removal. Soil removal from the site shall be limited to Monday through Friday, 8 AM to 5 PM.
- d. The removal of soil under this section shall be limited to a total of five thousand 5,000 cubic yards of material. Removal of material in excess of the five thousand 5,000 cubic yards shall require a license from the Township Board under the requirements of the Dundee Township Mineral Extraction Ordinance.

13. The cleaning & maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the building inspector prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by the Township Board.

All requirements stated in Section 5.37 Ponds shall be adhered to during the cleaning process.

SECTION 5.38 REGULATED LAND USES (Ord. 23, eff. July 25, 1996)

1. ***State of Intent:*** It is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable' operational characteristics, particularly when several of these uses are concentrated under certain circumstances which produce or result in a deleterious effect upon the use and enjoyment of adjacent areas and the surrounding neighborhood. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of property values in the surrounding neighborhood. The special regulations that are set forth in this Section are designed to prevent the concentration of such uses in any one area.
2. ***Regulated Land Uses:*** Uses which are subject to the conditions of this Section shall be referred to as regulated land uses. Such uses shall include the following facilities:
 - a. Adult bookstore
 - b. Adult cabaret
 - c. Adult motion picture theater
 - d. Adult motel
 - e. Adult personal service business
 - f. Any use similar to the above listed uses
3. ***Locational Requirements:*** Regulated land uses shall be permitted by special approval in the C, Commercial District and the I, Industrial District subject to the following locational requirements.
 - a. No regulated land use shall be established within one thousand (1,000) feet of any residential dwelling which is zoned AG, Agricultural District or RE, Rural Estate District. The required separation distance shall be measured from the nearest point along the property line of the regulated use to the nearest point of the protected residential dwelling.
 - b. No regulated land use shall be established within one thousand (1,000) feet

of any property which is zoned R IA, R IB, R IC, Single Family Residential District or RM, Multiple Family District. The required separation distance shall be measured from the property line of the regulated use to the protected zoning district boundary, using the closest points along the property line and the zoning district boundary involved.

- c. No regulated land use shall be established within one thousand (1,000) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- d. No regulated land use shall be established within five hundred (500) feet of another regulated land use nor within five hundred (500) feet of an establishment licensed by the Michigan Liquor Control Commission. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.

This section shall not be construed as to prohibit a regulated land use from obtaining and operating under a license duly granted by the Michigan Liquor Control Commission.

- e. No more than one (1) regulated land use shall be permitted in a single structure.
 - f. The Planning Commission shall apply the above listed separation requirements to uses located in adjacent communities as well as those located in Dundee Township.
4. ***Application Procedure:*** Because regulated land uses possess unique characteristics and because minors are excluded from such facilities by virtue of age, these facilities shall be permitted only upon approval of the Township Board subject to the procedures specified in ***Article XV, Standards for Special Approval Uses.***
5. ***Approval Criteria:*** No regulated land use shall be approved by the Township unless all the following criteria are fulfilled:
- a. The establishment, location, maintenance, and operation of the regulated land use will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
 - b. The regulated land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
 - c. The establishment of the regulated land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
 - d. The regulated land use will not be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities and specified anatomical areas from any public right-of-way or from any other property.

This provision shall apply to any display, decoration, sign, show window, or other opening; and

- e. The regulated land use will conform to all other requirements of the zoning district.
 - f. Prior to granting approval to any regulated land use, the Township Board may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated land use as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Township Board may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled.
6. **Appeal Procedure:** The Board of Appeals may reduce any of the foregoing spacing requirements if it finds that the following conditions exist:
- a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing requirement will still be required.
 - b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, or disrupting neighborhood development.
 - c. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of neighborhood renewal.
 - d. Where all other applicable regulations within the Zoning Ordinance or other pertinent general law ordinances will be observed.
7. **Resubmittal Procedure:** No application land use which has been denied wholly or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of denial, except upon the ground that new evidence or proof of changed conditions are found to be valid, as determined by the Township Board.

Section 5.39 WIRELESS TELECOMMUNICATION FACILITIES AND WIRELESS TELECOMMUNICATION ANTENNAE (Ord. 9-98)

All wireless telecommunication facilities and wireless telecommunication antenna shall be subject to the requirements of this section, as well as any other applicable provisions of this Ordinance.

1. **Zoning District Requirements:** Wireless telecommunication Facilities and wireless telecommunication Antenna shall be permitted as follows:

Zoning District Requirements	Type of Wireless Telecommunication Facility or Antenna			
	Wireless telecommunication facility	Wireless telecommunication antenna mounted on an alternative tower structure	Co-location of wireless telecommunication antenna(s)	Replacement of an existing wireless telecommunication tower
Agricultural District	Permitted subject to special use and approval and site plan approval	Permitted subject to special use approval and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
Single Family Residential Districts	Permitted subject to special use an site plan approval	Permitted subject to special use an site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
Rural Estate Residential District	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
Multiple Family Residential District	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
Commercial District	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
Industrial District	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required

2. ***Compliance with Federal Regulations:***

- a. All telecommunication towers shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) or any other federal or state agency with authority to regulate telecommunication towers and/or antennas.
- b. In the event of a change in federal or state regulation, the owner of the telecommunication tower and/or antenna shall bring its facility into compliance with the revised regulations within 6 months of the effective date of such regulations, unless a different compliance schedule is mandated by the state or federal agency.

3. ***Compliance with Building Codes:*** All wireless telecommunication facilities and towers shall be constructed in compliance with the applicable building codes, including Electronic Industries Association/Telecommunication Industry (EIA/ TIA) standards for the construction of antenna towers and antenna support structures.

4. ***General Site Location Requirements:***

- a. ***Parcel or lot area requirements:*** A wireless telecommunication facility may be located on a parcel or lot with other principal uses provided the lot or parcel meets one of the following criteria:
 1. If the property is undeveloped or occupied by a nonresidential use, it must have a minimum area of 2.5 acres.
 2. If the property is occupied by a residential use, it must have a minimum area of 20 acres.

Notwithstanding these requirements, the portion of the lot or parcel leased for the wireless telecommunication facility may be smaller than the minimum lot or parcel area.

b. ***Setback requirements:***

1. In nonresidential zoning districts, wireless telecommunication towers shall be setback at least 200 feet from the front property boundary, at least 100 feet from any side property boundary, and at least 50 feet from the rear property boundary of adjoining property zoned for nonresidential use. If the adjacent property is zoned for residential use, the provisions of paragraph 2 shall apply.
2. In residential zoning districts (including Agricultural, Single-Family, Rural Estate, and Multiple Family Residential Districts), wireless telecommunication towers shall be setback at least 200 feet from all adjoining property zoned for residential use. If the tower height exceeds 200 feet, the setback distance shall be increased 1-foot for each additional 1-foot of height over 200 feet.
3. Other structures associated with the wireless telecommunication facility (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the facility is located.
4. The setback requirements of this section are minimums. The Planning Commission may require additional setback distance as part of a

conditional land use approval or for towers located within 1000 feet of property zoned for residential use.

- c. **Co-location requirements:** Wireless telecommunication towers shall be designed to permit co-location by at least two additional entities proposed locations for wireless telecommunication facilities and shall be adequately sized and configured to allow the placement of at least two additional telecommunication equipment shelters.
- d. **Tower design:** Wireless telecommunication towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission) unless the applicant can demonstrate that such structure cannot accommodate the user or obtrusiveness, except as otherwise required by a state or federal agency.
- e. **Signs:** Wireless telecommunication towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which defines the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- f. **Fencing:** Wireless telecommunication facilities shall be enclosed by a security fence not less than 6 feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- g. **Screening:** Wireless telecommunication facilities shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation or topography provide an effective natural screen or where the security requirements of the principal use prevent screening (utility substations), the Planning Commission may modify this requirement.
- h. **Lighting:** Wireless telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the Planning Commission shall cause the least disturbance possible.
- i. **Equipment shelter design:** The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.
- J. **Off-street parking:** Wireless telecommunication facilities shall provide 1 off-street parking space to accommodate maintenance vehicles. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.
- 5. **Permitted Additional Antenna:** Wireless telecommunication antenna shall be considered a permitted accessory use when placed on or attached to any existing wireless telecommunication structure which constitutes a principle use, provided that all other applicable ordinance requirements are complied with. The initial wireless telecommunication antenna placed on an alternative tower shall be subject to special land use and site plan approval in the AG, R1A, R1B, R1C, RE and RM Districts and subject to site plan approval in the C and I

Districts. Subsequent antennas on alternative tower structures shall be considered permitted accessory uses in all districts.

6. **Permitted Tower Placement:** An existing wireless telecommunication tower may be replaced for the purposes of accommodating the co-location of additional wireless telecommunication antenna subject to the following review and approval process:
 - a. Tower replacements which result in the addition of 50 or fewer feet of additional tower height shall require site plan review and approval by the Planning Commission.
 - b. Tower replacements which result in the addition of more than 50 feet. in height shall require conditional land use review and approval by the Planning Commission.
 - c. Tower replacements which require the installation of tower lights shall require conditional land use review and approval by the Planning Commission.
7. **Application Requirements:** In addition to the applicable requirements Article XV, Standards for Special Approval Use, and Article XVI, Site Plan Review, the following information shall be provided in support of an application to construction of a wireless telecommunication facility:
 - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.
 - b. A report which addresses the review criteria contained in subsection 8, below. This report shall include a map depicting the existing and know proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Dundee Township as well as within the proposed service area radius. Known proposed locations shall include, at minimum, pending telecommunication facility applications in adjacent communities, approved telecommunication facility applications in adjacent communities which have not yet been constructed, and sites which are a part of the applicant's long-term network development plan.
 - c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
 - d. A statement which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.
 - e. The Planning Commission may require a visual impact assessment to determine the visual impact of the wireless telecommunication facility on scenic views.
8. **Review Criteria:** A wireless telecommunication facility shall not be approved unless it can be demonstrated by the applicant that there is a need for the facility which cannot be met by placing wireless telecommunication antenna on an existing tower or other suitable structure, or replacement of an existing tower:

- a. No existing towers or alternative tower structures have the structural capacity to support the proposed antenna nor can existing towers or alternative tower structures be reinforced to support the proposed antenna.
 - b. No existing towers or alternative tower structures are located within the geographic area which meets the systems engineering requirements.
 - c. The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless telecommunication facility.
 - d. The installation or use of an alternative technology is unsuitable or infeasible.
9. ***Removal of Abandoned Facilities:*** Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the Township to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

Section 5.40 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the principal uses permitted by right or special approval uses listed in that district. Such determination shall be made at a public hearing, with notice given following the procedures contained in Article 15. Such public hearing shall not replace the requirement for a separate public hearing to consider a special approval use, following the procedures and requirements of Article 15, if such use is determined to be a special approval use. The applicant shall be required to submit pertinent information on the physical and operational characteristics of the proposed use and any additional information that may be requested by the Planning Commission.

1. ***Determination of Compatibility:*** In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted by right or special approval in the district. Such characteristics shall include, but are not limited to, traffic generation, parking, types of service offered, types of goods produced, methods of operation, and building characteristics.
2. ***Conditions by Which Use May be Permitted:*** If the Planning Commission determines that the proposed use is compatible with permitted uses in the district, the Commission shall decide whether the proposed use is most similar to those uses permitted by right or as a special approval use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.
3. ***Use Provided For in Other District:*** No use shall be permitted in a district under the terms of this Section if said use is specifically listed as a use permitted by right or as a special approval use in any other district.

Section 5.41 PARKING OF SEMI-TRUCKS AND CONSTRUCTION EQUIPMENT ON AGRICULTURAL AND/OR RESIDENTIAL LOTS

The storage or parking of semi-tractor trucks and/ or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery in an agricultural or residential district is prohibited with the exception of the following:

1. In an agricultural district parking and storage of such larger vehicles for farming operations is permitted provided such vehicles are used exclusively for such agricultural use. The vehicles may be used for other offsite uses that are not associated with the agricultural uses provided while such vehicles are on the property, they shall only be used for agricultural purposes. In order to qualify for the additional use, the owner of the vehicle(s) shall petition the Planning Commission, providing a plan for use. Notice of the Planning Commission hearing shall be sent to the owners and occupants of all lots adjacent to the petitioner's lot, no more than eight (8) days prior to the hearing. The Planning Commission may grant approval to allow the additional use based upon finding that:
 - a. All vehicles are owned by the property owner of record; and,
 - b. The vehicles are parked and used in a manner that will not have an adverse impact on the aesthetic character of the surrounding area or landscaping will be provided to mitigate any aesthetic impact; and,
 - c. The location of the vehicles parking shall not be located within a required front or side yard setback. The setback must be equal to or greater than the dwelling setback.
2. In an agricultural or residential district parking of one (1) semi-tractor without a trailer is permitted on a residential lot where the operator of such semi-tractor resides within the principal dwelling on that lot. An individual may petition the Planning Commission to allow a second semi-tractor on the lot. The petitioner shall provide a sketch plan or survey of the property illustrating the location(s) where the semi-tractors will be parked. Notice of the Planning Commission hearing shall be sent to the owners and occupants of all lots adjacent to the petitioner's lot no more than eight (8) days prior to the hearing. The Planning Commission may grant approval to allow a second semi-tractor on the lot based upon a finding that:
 - a. Both semi-tractor operators reside within the principal dwelling on that lot: and,
 - b. The semi-tractors are parked in a location that will not have an adverse impact on the aesthetic character of the surrounding area or landscaping will be provided to mitigate any aesthetic impact; and
 - c. The location of the semi-tractor parking shall not be located within a required front or side yard setback. The setback must be equal to or greater than the dwelling setback.
3. Construction vehicles may be parked while in use for approved construction on the property only while a current building permit is in effect or during other site landscaping or utility work not subject to a building permit. Such vehicles shall only be parked on the property while in use for a construction project that is being diligently earned on toward completion.

Section 5.42 GARAGE SALES

Garage sales, yard sales, barn sales or similar activities shall be permitted as an accessory use on a residential lot, provided the total time of all garage sales shall not exceed eight (8) days within a calendar year.

SECTION 5.43 OUTDOOR WOOD STOVES AND FURNACES (Ord. No. 09-10-02 Eff. 07/12/10)

The Building Inspector may issue a permit for a wood stove or furnace located outside the principal building only under the following conditions:

1. The stove/furnace shall be for the purpose of heating a dwelling and/or accessory structure(s) on the same lot.
2. The stove/furnace unit shall be forty (40) feet from any other structure on the lot.
3. The stove/furnace unit shall be located a minimum of one hundred (100) feet from all property lines.
4. The unit may only be located in a rear or side yard and shall not be located in the front yard.
5. An area at least thirty (30) feet in diameter around the unit shall be free of ignitable vegetation and debris.
6. The outdoor stove/furnace shall utilize a chimney with a minimum height of fifteen (15) feet.
7. Trash, garbage, plastics, gasoline, rubber, naphtha, materials treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, cardboard and materials that could pose a hazard to surrounding residents shall not be used for fuel.
8. The unit shall not be located where smoke will create a nuisance to neighboring properties.
9. The unit shall be certified by the Environmental Protection Agency (EPA).

SECTION 5.44 SOLAR PANELS (Ord. No. 09-10-01 Eff. 07/12/10)

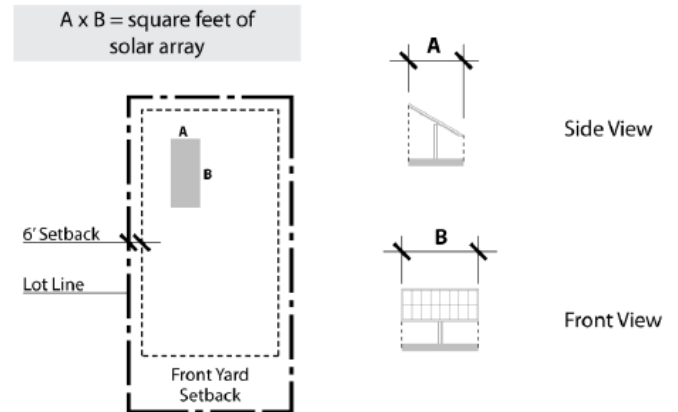
Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

1. **Attached to building.** Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
 - a. Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - (1) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - (2) Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.
 - (3) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - (4) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features in accordance with Section 11.6.2.

b. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street.

2. **Free-standing.** Solar panels that are not attached to a building shall be permitted as accessory structures subject to the following regulations:

- a. Free-standing solar panels shall be permitted in the rear yard only.
- b. Free-standing solar panels shall be setback six (6) feet from the side and rear lot line.
- c. Free-standing solar panels shall not exceed a height of four (4) feet.
- d. The surface area covered by a free-standing system shall not exceed two percent (2%) of the lot or three hundred sixty (360) square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.



e. All power transmission lines shall be underground.

f. Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

3. **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

4. **Building permit.** Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with the Building and Electrical Codes.

SECTION 5.45 ALTERNATIVE ENERGY FARMS (Ord. No. 36 Eff. 3/11/2014)

1. Compliance with Federal and State Regulations
 - a. Alternative energy farms shall comply at all times with applicable County, State and Federal requirements.
 - b. Facilities shall be constructed according to the adopted building code for the State of Michigan.
 - c. Failure to comply with such regulations shall be considered a violation of this ordinance.
2. Minimum Lot Area: A minimum of 10 acres shall be required.
3. Setback Requirements. Setbacks for Alternative Energy Farms are listed in the table below. The Planning Commission may require additional setbacks as part of a conditional land use approval.

	Solar	Wind
Front	200 ft.	500 ft.
Side	100 ft.	500 ft.
Rear	100 ft.	500 ft.
From Residential Districts or Sites Containing Residential Uses	100 ft.	500 ft.
Setback from Residential structures	200 ft.	500 ft.
Distance from Non-Residential structures	100 ft.	500 ft.

4. Site Development Requirements
 - a. Maximum Height
 1. Freestanding solar collection devices shall not exceed forty (40) feet in height.
 2. Roof mounted solar collection devices shall not extend more than 10 feet from the top of the roof. The total height of the building including the solar collection devices shall not exceed forty (40) feet.
 3. Commercial wind energy conversion systems shall not exceed three hundred (300) feet in height. Tower blades may not extend closer than thirty (30) feet to the ground.
 - b. Fencing and storage
 1. All wind energy towers shall be fenced to prevent trespass.
 2. Where needed for safety or security, the Planning Commission may require fencing around the entire perimeter of the farm.
 3. At a minimum, equipment and materials, whether temporary or permanent, used to maintain or operate the farm shall be housed in a completely enclosed building.
 4. The Planning Commission may allow outside equipment where it is necessary to the operation, or where no other feasible alternative exists, such as for solar panels. In such cases, equipment shall be fully enclosed within a fence at least six (6) feet in height.
 5. Where required, fencing shall be setback at least ten (10) feet from all property lines.
 - c. Landscaping:
 1. Farms shall be effectively screened to obscure views from adjacent residential uses and public rights-of-way. In locations where the visual impact will be minimal or where existing vegetation or topography provide an effective natural screen or where the security requirements of the principal use prevent screening, such as for utility substations, the Planning Commission may modify this requirement.
 2. Solar Farms shall include screening, capable of providing year round screening, shall be provided along the non-reflective axis of the solar collection device or collection of devices.

- d. Lighting: Lighting shall be prohibited, except as may be required by another regulating agency, or where the Planning Commission finds it is necessary for security or safety purposes.
 - e. Accessory Buildings and Structures: All structures, including those accessory to the operation, shall be constructed in accordance with the requirements for principal structures.
 - f. Access/Driveways: Access to Alternative Energy Farms shall be paved with a durable hard surface, such as asphalt or concrete. The Planning Commission may modify this requirement for driveways that are not expected to generate more than one service call per day.
5. Performance Standards
- 1. Alternative Energy Farms shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Where possible, a rust-resistant, non-obtrusive color and finish shall be used on visible towers and equipment.
 - 2. The applicant shall demonstrate that an alternative energy farm will not unreasonably interfere with the use of or view from, sites of significant public interest, such as a park or civic building.
 - 3. Use of guy wires is prohibited.
 - 4. Alternative Energy Farm operations shall not exceed 60 dBA as measured at the property line.
6. Removal of Abandoned Facilities.
- 1. Alternative Energy Farms not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove all equipment and materials associated with the operation within 90 days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the Township to remove said items at the owner's expense.
 - 2. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.
7. Submittal Requirements: The following information shall be submitted to the Township, in addition to the information required for special land use and site plan review.
- 1. Manufacturer's specification sheets, including specific engineering tests that verify the safety of proposed systems.
 - 2. Elevation drawings showing the height, color and design of all buildings, structures and visible equipment.
 - 3. Engineering drawings showing compliance with the Building Code and certified by a licensed professional engineer.
 - 4. Siting elevations, existing photography, and a photo simulation of the proposed visual impacts.
 - 5. A narrative that explains how the site will not unreasonably interfere with the use of or view from sites of significant public interest such as a public park or civic building.
 - 6. The Planning Commission may require a visual impact assessment to determine the visual impact of the wireless telecommunication facility on scenic views.
 - 7. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
 - 8. Any additional information as may be required by the Planning Commission as appropriate, to demonstrate compliance with the regulations.
 - 9. Proof of liability coverage naming the Township of Dundee as a certificate holder.
 - 10. A sound pressure level modeling and analysis study.
 - 11. An environmental impact analysis.
 - 12. An avian and wildlife impact analysis.
 - 13.** A shadow flicker analysis.

ARTICLE VI
NON-CONFORMING USES AND BUILDINGS

SECTION 6.1 NON-CONFORMANCE REGULATED

Any lawful use of the land or building existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a "non-conforming use" and not in violation of this Ordinance, provided however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Article.

SECTION 6.2 NON-CONFORMING USES OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with an assessed value exceeding \$500.00, the use may be continued so long as it remains otherwise lawful provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

SECTION 6.3 NON-CONFORMING USES OF STRUCTURES

If lawful use involving individual structures with an assessed value of five hundred (500) dollars or more or if, structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified by this Ordinance for the district in which such use is located.
3. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

4. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use or to a use permitted in a more restricted distant, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the non-conforming status of land.

SECTION 6.4 NON-CONFORMING STRUCTURES

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. If any such non-conforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

SECTION 6.5 NON-CONFORMING LOTS OF RECORD

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 at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions 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.

SECTION 6.6 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty-five (25) percent of the current State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 6.7 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent the reconstruction repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, Acts of God, or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the State Equalized Valuation of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six (6) months of the time of such damages and it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

**ARTICLE VII
AGRICULTURAL AND
SINGLE-FAMILY RESIDENTIAL DISTRICTS**

SECTION 7.1. STATEMENT OF PURPOSE

- (a) **AG-1 Agricultural District:** The purpose of the AG-1 Agricultural District is to preserve and protect the Township's supply of prime agricultural land. This district is also established to control the indiscriminate infiltration of urban development into agricultural areas which will adversely affect the agricultural use of land. This district is intended to apply to areas designated as prime farmland in the Agricultural section of the Township Master Plan and areas designated as Agricultural on the Future Land Use Map.
- (b) **AG-2 Agricultural District:** The purpose of the AG-2 Agricultural District is to maintain agricultural uses in the rural reserve areas of the Township, while allowing limited amount of rural residential development. This district is intended to apply to areas designated as rural reserve in the Agricultural section of the Township Master Plan to the east of US-23.
- (c) **RE Rural Estate Residential District:** The purpose of the RE Rural Estate Residential District is to permit single-family residential development of a rural non-farm nature in areas without public sewer and water facilities. For the Rural Estate Residential District, in promoting the general purpose of this Ordinance, the specific intent of this district is:
- (1) To encourage the construction of and the continued use of the land for single-family dwellings.
 - (2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
 - (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
 - (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
 - (5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.
- (d) **R-1A, R-1B and R-1C Single-Family Residential Districts:** The purpose of the R-1A, R-1B and R-1C Single-Family Residential Districts are to establish districts in which the principal use of land is for single-family dwellings. For the single-family residential districts, in promoting the general purposes of this Ordinance, the specific intent of these districts is:
- (1) To encourage the construction of, and the continued use of the land for single-family dwellings.
 - (2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
 - (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
 - (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
 - (5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 7.2. SCHEDULE OF USES

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 7.2 may be used for the purposes denoted by the following abbreviations:

- P: **Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.
 - S: **Special Land Use:** The following uses may be permitted by obtaining special land use approval when all applicable standards cited in Article 15 are met.
 - : **Not Permitted:** The land use is not permitted in this District.
- “Requirements” indicates additional requirements or conditions applicable to the use.

TABLE 7.2 SCHEDULE OF USES							
	AG-1	AG-2	RE	R-1A	R-1B	R-1C	Requirements
Residential							
Single family detached dwellings	-	-	P	P	P	P	
Single-family farm dwellings	P	P	P	P	P	P	
Homestead residential dwellings	P	P	P	P	P	P	
Two family dwelling			S	S	S	S	
Bed and breakfast inn	S	S	S	-	-	-	7.3(a)
Agriculture							
Farms	P	P	P	P	P	P	7.3(b)
Farm ponds	P	P	-	-	-	-	7.3(c)
Growing of vegetables, fruit, flowers, trees and shrubs	P	P	P	P	P	P	
Horses, cattle or similar livestock	P	P	-	-	-	-	7.3(d)
Nurseries with up to 15,000 square feet of total greenhouse area or five (5) acres of plant production area	P	P	-	-	-	-	7.3(b)
Nurseries with more than 15,000 square feet of total greenhouse area or more than five (5) acres of plant production area	S	S	-	-	-	-	7.3(b)
Private stables	P	P	P	-	-	-	
Public stables and riding academies	S	S	-	-	-	-	7.3(e)
Raising of fur bearing animals and kennels	S	S	-	-	-	-	7.3(f)
Roadside stands	P	P	-	-	-	-	7.3(g)
Mining							
Removal of soil, sand or other materials but not being an extractive operation	S	S	-	-	-	-	
Recreational							
Gun clubs	S	S	-	-	-	-	7.3(h)
Private parks, country clubs, racquet or tennis clubs, golf courses, and golf driving ranges	S	S	S	S	S	S	7.3(h)

Publicly owned and operated parks, playfield, and other recreational facilities	S	S	P	P	P	P	
Institutional							
Cemeteries	S	S	S	S	S	S	7.3(i)
Churches and other places of worship, including other facilities normally incidental thereto	S	S	S	S	S	S	7.3(j)
Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit	S	S	P	P	P	P	
Publicly owned and operated museums and libraries	-	-	P	P	P	P	
Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and such use is not injurious to the surrounding area	S	S	S	S	S	S	
Human Care, Medical, Veterinary							
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	
Adult foster care small group home (7 to 12 adults)	S	S	S	S	S	S	7.3(k)
Foster family home	P	P	P	P	P	P	
Day care home, family (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	
Day care home, group (7 to 12 children less than 24 hours per day)	S	S	S	S	S	S	7.3(l)
Nursery schools, day nurseries and child care centers (not including dormitories)	S	S	S	S	S	S	7.3(l)
Hospitals	S	S	-	-	-	-	7.3(m)
Offices of a veterinarian and animal clinics	S	S	-	-	-	-	
Transportation and Communication							
Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft	S	S	-	-	-	-	7.3(n)
Commercial radio, and television towers	S	S	-	-	-	-	
Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure	S	S	S	S	S	S	
Accessory and Temporary							

Accessory buildings and uses customarily incidental to the above principal permitted uses	P	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	
Recreational ponds	S	S	S	S	S	S	7.3(o)
Temporary uses and buildings, including buildings and structures for use incidental to construction work for a period not to exceed one (1) year	S	S	S	-	-	-	
Wind Energy Conversion Systems	S	S	S	S	S	S	7.3(p)

SECTION 7.3 REQUIREMENTS APPLICABLE TO SPECIFIC USES

The following uses shall be required to meet of the following specific requirements:

(a) Bed and Breakfast Inns:

- (1) The bed and breakfast in shall be a private residence, owned by the innkeeper and the residence in which the innkeeper resides while renting the rooms to transient tenants.
- (2) The bed and breakfast inn may offer sleeping accommodations to transient tenants in five (5) or fewer rooms for rent.
- (3) A restaurant that is open to the general public shall not be permitted and the bed and breakfast inn may only offer breakfast to the transient tenants.
- (4) The bed and breakfast inn shall be operated in its entirety within the principal dwelling and not within any accessory building, except for incidental storage in use of a residential type garage.
- (5) There shall be no exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling.
- (6) There shall be no alteration or construction not customarily found in residential dwellings; except such modifications as recommended by the Fire Department and accepted by the Planning Commission such as fire protection and fire suppression equipment.
- (7) Guests are not allowed to stay longer than fourteen (14) consecutive days or thirty (30) days in any one calendar year at any bed and breakfast location.
- (8) All bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the Township Building Inspector.
- (9) All bed and breakfast permit holders shall be reviewed on an annual basis and shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations.
- (10) Sufficient off street parking shall be required as for commercial lodging establishments. Existing buildings and structures either on the premises of the bed and breakfast inn or on adjacent property shall be removed in order to provide parking for the bed and breakfast inn. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses in such form and manner as may be required by the Planning Commission.
- (11) All requirements of the Fire Department compliance with and subsequent fire safety inspection reports shall be complied with.

(b) Farms: Farms, which shall include: 1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production, subject to (4) below; and all structures, machinery, vehicles, uses, activities and storage incidental to and a necessary part of the commercial production of farm products, shall be subject to the following:.

- (1) Farms shall follow generally accepted agricultural and management practices as defined by the

Michigan Commission of Agriculture.

- (2) Farm buildings shall not be located nearer than one hundred (100) feet from a front lot line, sixty (60) feet from all other lot lines or one hundred (100) feet from any dwelling.
 - (3) Horses, cattle or similar livestock shall be confined in a suitable fenced area or other enclosure.
 - (4) Nurseries with no more than 15,000 square feet of total greenhouse area or five (5) acres of plant production area shall be permitted. Larger nurseries shall only be permitted after special land use approval
 - (5) Establishments involved in industrial processing of agricultural products, dog kennels, stockyards, slaughterhouses, stone quarries, gravel, or sand pits, or the removal, and sale of topsoil, fertilizer works, truck terminals or the disposal of garbage, sewage, rubbish, or junk shall not be considered a farm.
- (c) **Farm Ponds:** Farm ponds constructed and maintained according to Soil Conservation Service specifications, and having a permit from the Michigan Department of Natural Resources according to Act 346, P.A. 1972, The Inland Lakes and Streams Act.
- (d) **Horses, cattle or similar livestock shall be confined in a suitable fenced area or other enclosure.** A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle or similar livestock. Such enclosure shall be set back one hundred (100) feet from any adjacent dwelling.
- (e) **Public Stables and Riding Academies:** Any building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling unit.
- (f) **Raising of Fur Bearing Animals and Kennels:** No building wherein animals are kept shall be located nearer than one hundred (100) feet to any dwelling unit, and that no dog run or exercise area shall be located in any required yard space.
- (g) **Roadside Stands:** Roadside stands shall be for the display and sale of produce raised on the same premises. The roadside stand shall be located not less than twenty-five (25) feet from the street or highway right-of-way line and further provided that an open space for parking, twenty-five (25) feet off the highway or street right-of-way be provided for patrons of such roadside produce stand. A maximum of one (1) roadside stand shall be permitted on any premises.
- (h) **Private Parks, Country Clubs, Gun Clubs, Golf Courses, and Golf Driving Ranges:** Private parks, country clubs, gun clubs, golf courses, and golf driving ranges shall be subject to the following conditions:
- (1) Any structure on the parcel shall be setback at least two hundred and fifty (250) feet from a lot line of any adjacent Residential District.
 - (2) All ingress and egress from the parcel shall be directly onto a major thoroughfare.
- (i) **Cemeteries:** Cemeteries shall be subject to the following conditions:
- (1) The cemetery site shall contain an area of at least twenty (20) acres.
 - (2) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All egress and ingress to the site shall be directly onto said major thoroughfare.
 - (3) The perimeter of the site shall be fenced in accordance with Section 5.33.
 - (4) Any structure located on the site shall be at least one hundred (100) feet from any lot line.
- (j) **Churches and Other Places of Worship:** Churches and other places of worship, including other facilities normally incidental thereto shall be subject to the following conditions:
- (1) Unless established prior to the enactment of this Ordinance, a church site shall contain an area of at least two (2) acres.
 - (2) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All

ingress and egress to the site shall be directly onto said major thoroughfare.

- (3) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than five (5) feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with Section 5.32.
- (k) **Adult foster care small group home (7 to 12 adults):** Adult foster care group homes shall be at least one thousand five hundred (1,500) feet from another group home, day care home or similar facility.
- (l) **Nursery Schools, Day Nurseries, Child Care Centers and Group Day Care Homes:** Nursery schools, day nurseries and child care centers group day care homes shall comply with the following requirements:
 - (1) These child day care facilities shall be located at least one thousand five hundred (1,500) feet from any other child care facility.
 - (2) An on-site drive shall be provided for drop offs\loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
 - (3) For each child so cared for, there shall be provided and maintained a minimum of seven hundred (700) square feet of outdoor play area. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.32. The required open space shall not be located within a required front yard.
- (m) **Hospitals:** Hospitals shall be subject to the following requirements:
 - (1) Minimum site size shall be five (5) acres.
 - (2) The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said thoroughfare.
 - (3) Minimum main and accessory building setback shall be one hundred (100) feet.
 - (4) Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
 - (5) No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.
- (n) **Airports, Landing Fields and Platforms, Hangars, Masts and Other Facilities for the Operation of Aircraft:** The site shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto said major thoroughfare.
- (o) **Recreational Ponds:** Recreational ponds shall be situated on parcels of less than ten (10) acres, constructed and maintained according to Soil Conservation Service specifications, and have a permit from the Michigan Department of Natural Resources as required according to Act 236, P.A. 1972 The Inland Lakes and Streams Act, and fenced. The fence shall be constructed of at least 5' of #12 1/2 gauge, 2" x 4" welded wire secured to metal posts.
- (p) **Wind Energy Conversion Systems (WECS).** A WECS to service the energy needs of the property where the structure is located is allowed with special land use approval, subject to the following requirements:
 - (1) Only one (1) WECS shall be permitted per parcel.
 - (2) The tower shall not be taller than eighty (80) feet. The height of the overall WECS with the blade in the vertical position shall not exceed one hundred and thirty (130) feet above ground level.
 - (3) All towers shall be set back a distance at least equal to one and a half (1 ½) times the height of the overall WECS from all property lines. The height shall be measured to the top of the blade at its highest point.
 - (4) All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
 - (5) The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS from operation in high winds within eighty percent (80%) of design limits of the rotor.
 - (6) Noise emissions from the operation of a WECS shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.

(7) To prevent unauthorized climbing, the WECS must provide an anti-climb device.

SECTION 7.4 AREA, HEIGHT, AND PLACEMENT REQUIREMENTS.

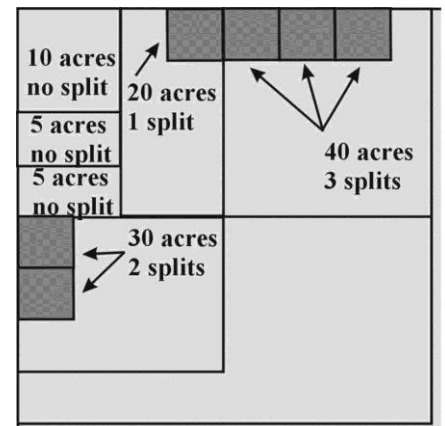
All lots and buildings shall meet the following dimensional requirements:

TABLE 7.4 AREA, HEIGHT, AND PLACEMENT REQUIREMENTS											
Districts	Min. Lot Size per Unit			Min. Yard Setback (ft) (e)				Min. Floor Area		Max. Building Height	
	Area	Width (ft.)	Depth (ft.)	Front (b)(c)(d)	Least	Total	Rear	(sq.ft.)	% Max.	Stories	(ft.)
AG-1 Agriculture-1 (a)	40 acres	660 Home- stead 190	200 4:1 max depth: width	50	25	50	50	1,000	30	2 ½	35
AG-2 Agriculture-2	5 acres	300	200 4:1 max depth: width	50	25	50	50	1,000	30	2 ½	35
RE Rural Estates	5 acres	300	NA	50	20 (f)	55	35 (f)	1,400	30	2 ½	35
R-1A Residential with sewers	22,500 sq.ft.	150	150	50	15 (f)	35	35 (f)	1,200	30	2 ½	35
without sewers	40,000 sq.ft.	200	200	50	15 (f)	35	35 (f)	1,200	30	2 ½	35
R-1B Residential with sewers	15,000 sq.ft.	100	150	50	15 (f)	35	35 (f)	1,000	30	2 ½	35
without sewers	30,000 sq.ft.	150	200	50	15 (f)	35	35 (f)	1,000	30	2 ½	35
R-1C Residential	43,264 sq.ft.	208	208	50	20 (f)	55	35 (f)	1,200	30	2 ½	35

Footnotes to Schedule of Area, Height, and Placement Requirements

(a) **Permitted lots in AG-1 Agriculture District.** The minimum lot area in the AG District shall be forty (40) acres; provided divisions of less than forty (40) acres may be allowed as follows:

- (1) For each parcel of twenty (20) acres, one additional lot may be created.
- (2) An additional lot may be created for each ten (10) acres beyond the original twenty (20) acres.
- (3) Parcels less than twenty (20) acres shall not be permitted to create additional lots.



Any lot created according to the above requirements shall be at least two (2) acres in area and shall have a minimum of one-hundred and ninety (190) feet of public road frontage. Where there are existing residential lots with areas less than twenty (20) acres adjacent to the parent parcel, the lots to be split shall be adjacent to such existing residential lots. The lots shall meet county health department requirements for well and sanitary septic systems. Lots shall meet the dimensional requirements for homesteads in the AG District

- (b) **Front Setback Measured from Right-of-way:** In determining the required front yard setbacks in any zoning district, it shall be the distance between the structure parallel to the roadway and the right-of-way line. For lots located on the county functional roadway classification plan being of a minor collector or higher the yard setback shall be measured from the sixty six (66) foot future right-of-way.
- (c) **Corner Lot Setback:** In all residential districts the width of side yards which abut upon a street, on the same side of which other residential lots front, shall not be less than the required front yard setback for said homes. All buildings, structures, and accessory uses shall maintain such required yard space.
- (d) **Front Setback, Built-up Blocks:** When twenty-five (25) percent or more of all the buildings in the same block at the time of passage of this Ordinance has been built up with buildings having more or less setback than herein provided, no building hereafter erected or altered shall project beyond the minimum setback line so established.
- (e) **Natural Features Setback:** A twenty five (25) foot natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, river or channel, and to the edge of any drainage way or regulated wetland. The Zoning Board of Appeals may modify this requirement based upon the standards of section 22.6.6.
- (f) **Residential Agriculture Buffer:** Where residential lots adjoin a lot zoned AG Agriculture, a fifty (50) foot setback shall be maintained between the principal dwelling and the boundary of the AG District. The principal dwelling shall also comply with the setback requirement from a barn required under section 7.3(b).

ARTICLE X
RM, MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 10.1 STATEMENT OF PURPOSE

The Multiple-Family Residential District is designed to permit an intensive residential use of land. RM areas shall abut upon major thoroughfares for good accessibility and may be located between single-family residential areas and other non-residential uses. It is intended that various sizes of residential accommodations, for ownership and rental, shall be provided to meet the needs of the community.

SECTION 10.2 PRINCIPAL PERMITTED USES

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

1. All Principal Uses Permitted, and Permitted Uses After Special Approval under Section XIV in the R 1A, R 1B and R 1C Districts subject to the terms and conditions therein, except that:
 - a. cluster subdivisions shall not be permitted; and
 - b. wireless telecommunication facilities are subject to special use approval.
2. Multiple-family dwellings provided that all such dwellings shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress shall be directly onto said thoroughfare.
3. Two family dwellings
4. Community garages serving the principal residential building.
5. Maintenance and management buildings to serve multiple dwellings.
6. Private swimming pools designed and operated as an accessory use only for occupants of the main building or buildings and their personal guests in accordance with Section 5.35.
7. Hospitals, provided the following conditions are met.
 - a. All such hospitals shall be developed only on sites consisting of at least five (5) acres in area.
 - b. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said major thoroughfare.
 - c. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set

back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

- d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories, regardless of what zoning district is adjacent the proposed hospital site, shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
 - e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
 - f. The site plan shall show any future construction and projected maximum patient census.
 - g. Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least six (6) feet in height.
 - h. Noise producing activities, such as ambulance and delivery areas, power plants and laundry facilities, shall be located not less than five hundred (500) feet from any residential area.
8. Convalescent and/or nursing homes not to exceed a height of two and one-half (2 1/2) stories when the following conditions are met:
- a. All such convalescent or nursing homes shall be developed only on sites consisting of at least five (5) acres in area.
 - b. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said major thoroughfare.
 - c. No building shall be closer than forty (40) feet from any property line.
9. Boarding house (rooming house) not to exceed a height of three (3) stories.
10. Accessory buildings and uses customarily incidental to the above principal permitted uses.
11. Off-street parking in accordance with the requirements of Article XX.
12. Mobile Home Parks constructed, licensed, operated and managed in accordance with provisions of the Mobile Home Commission Act, Act 419, P.A. 1976, and connected to a public water or sewer system and/or on-site water and wastewater treatment system acceptable by the Michigan Department of Public Health and Michigan Department of Natural Resources, and subject further to the requirements of Article XVII.
13. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to Section 5.3.9.

SECTION 10.3 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

Area, Height, Bulk, and Placement Requirements unless otherwise specified and as provided in Article XIV.

ARTICLE XI
C, COMMERCIAL DISTRICT

SECTION 11.1 STATEMENT OF PURPOSE

This district is established to provide suitable location for retail, service and professional office enterprises which service a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience", as distinguished from "comparison", goods and services, because they serve the day to day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area.

This district is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of consumers.

SECTION 11.2 PRINCIPAL PERMITTED USES

In the C District, no use shall be permitted, unless otherwise provided in this Ordinance, except the following:

1. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry, small household articles, tobacco and similar establishments.
2. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmiths, and similar establishments.
3. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
4. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open store are prohibited.
5. Carry-out restaurants
6. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
7. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
8. Business service establishments performing services on the premises such as office machine and typewriter repair, printing and blue printing.
9. Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, upholster, caterer,

exterminator, building contractor (including electrical, glazing, heating, painting, hanging, plumbing, roofing, ventilating and plastering), except outside storage yards and similar establishments that require a retail adjunct.

10. Photographic film developing and processing.
11. Physical culture establishments, including gymnasiums, reducing salons, masseurs and steam baths.
12. Television and radio studios and towers subject to the requirements of Section 5.29.
13. Assembly halls.
14. Funeral parlors or mortuaries.
15. Hotels and Motels.
16. Other uses similar to the above, subject to the following restrictions:
 - a. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business or servicing, except for off-street parking and loading, shall be conducted within a completely enclosed building.
17. Bus passenger stations.
18. Off-street parking lots.
19. Accessory buildings and uses customarily incidental to the above principal permitted uses.
20. Off-street parking in accordance with the requirements of Article XX.
21. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to Section 5.39.

SECTION 11.3 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Township Board after recommendation from the Planning Commission.

1. Planned neighborhood shopping centers subject to the following requirements:
 - a. Minimum site size shall be two (2) acres.
 - b. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
 - c. No main or accessory buildings shall be located nearer than twenty-five (25) feet to any perimeter property line.
 - d. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.

- e. All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
 - f. All off-street parking shall be within its own area as specified in Article XX and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
2. Hospitals, nursing homes, or convalescent homes, but not including institutions for the care of the feeble-minded or insane.
 3. Automobile car wash establishments including steam-cleaning, but not rust-proofing, provided off-street waiting space is provided in accordance with Section 20.2.
 4. Veterinary hospitals and clinics.
 5. Drive-in restaurants or other drive-in establishments serving food and / or beverage, provided that the entrance to or exit from any such use is located at least thirty-five (35) feet from the intersection of any two (2) streets, that all such uses shall have direct access to a major thoroughfare, that all lighting or illuminated display shall not reflect onto any adjacent residential zone, and that consideration is given to proximity of existing places of congregation of children (e.g. schools) regarding traffic safety and sanitation.
 6. Automobile gasoline and automobile service stations subject to the requirements of Section 5.17.
 7. Wholesale stores, storage facilities, buildings warehouses, distributing plants, freezers, and lockers.
 8. Open air business uses as follows::
 - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - b. Retail sales of fruit and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks or similar recreation uses.
 - d. Bicycle, trailer, motor vehicles, boat or home equipment rental services.
 - e. Outdoor display and sale of garages, swimming pools and similar uses.
 9. New and used car sales rooms, including outdoor sales space.
 10. Sales rooms and outdoor sales space for recreation vehicles, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment.
 11. Planned Community Shopping Centers, provided the following criteria are met:
 - a. Such center shall consist of a group of establishments engaging exclusively

retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.

- b. Such center shall occupy a site of not less than ten (10) acres.
- c. No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
- d. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
- e. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare. Turning and approach lanes shall be provided when determined necessary by the Township Engineer.
- f. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
- g. All signs shall be affixed to the face of the building and shall be a uniform design throughout except that one ground pole sign advertising the name of the shopping center is allowed.
- h. All off-street parking shall be within its own area, as specified in Article XX and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
- i. All vehicle and pedestrian areas shall be illuminated during business hours of darkness. All lighting fixtures shall be installed so as to reflect light away from adjoining residential properties.

SECTION 11.4 SITE PLAN REVIEW

For all uses permitted in a C District, a site plan review shall be submitted to the Township Board and no building permit shall be issued until after the Township Board has reviewed and approved the site plan in accordance with Article XVI.

SECTION 11.5 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, Height, Bulk and Placement Requirements unless otherwise specified and as provided in Article XIV.

SECTION 11.6 COMMERCIAL DESIGN STANDARDS

All new buildings within the Commercial District shall meet the following standards:

1. **Materials.** A minimum of ninety (90) percent of the exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, stone, split-face block, wood siding, metal panels or vinyl siding. The remaining maximum ten (10) percent of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS) or concrete block. The Planning Commission may permit other

materials for facades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses. The Planning Commission shall review building materials and colors as a part of site plan approval.

2. **Roofs.** As a part of building design, roofs shall be designed in keeping with the overall architecture of the building. Single story building should be designed with pitched roofs. Where flat roofs are proposed, the roof shall be enclosed by parapets and peaked architectural features with a full roof return, decorative cornices or other details, at least forty-two (42) inches high, or of a height sufficient to screen roof-top mechanical equipment.
3. **Front Facade.** Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.
4. **Canopies.** Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. The Planning Commission may require a peaked roof to complement the principal building. Signs and color bands shall not be permitted along the canopy. Any canopy lighting shall be flush with the canopy.

ARTICLE XII
I, INDUSTRIAL DISTRICT

SECTION 12.1 STATEMENT OF PURPOSE

The I, Industrial, District is established to provide for light, primary industrial uses. Provision of this District ensures that these essential facilities are kept from encroaching in areas or districts where they would be incompatible. All activities carried on within the Industrial District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent, which shall be produced as a result of that activity.

SECTION 12.2 PRINCIPAL PERMITTED USES

Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by a six (5) foot screening wall on those sides abutting any residential district.

1. **Wholesale and Warehousing:** The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.
2. **Industrial Establishments:**
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics, toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radio and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.
 - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials, bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, semi-precious or precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textile, wax, wire, wood (excluding saw and planing mills) and yarns.
 - c. Tool and die shops: metal working machine shops involving the use of grinding or cutting tools, manufacturing of tools, dies, jigs and fixtures, publishing, printing or forming of box, carton and cardboard products.
 - d. Laboratories - research or testing.
 - e. Central dry cleaning plants and laundries.
3. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, warehouses including storage yards, water and gas tanks and holders.
4. Accessory buildings and uses customarily incidental to the above principal permitted uses.

5. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to Section 5.39.

SECTION 12.3 PERMITTED USES AFTER SPECIAL APPROVAL

The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Township Board after recommendation from the Planning Commission.

1. The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of the District:
 - a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of drive-in or open front store are prohibited.
 - b. Barber and beauty shops.
 - c. Truck tractor and trailer sales, rental and repair.
 - d. Motels
 - e. Automobile service stations in accordance with Section 5.17.
2. Dog kennels.
3. Drive-in theaters, provided that any such site is adjacent to a major thoroughfare; that there shall be no vehicular access to any residential street, that suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters shall be located no closer than five hundred (500) feet to any residentially zoned or developed property.
4. Industrial parks, subject to the following provisions:
 - a. Permitted uses shall include all principal permitted uses in this I District.
 - b. The minimum site size for an industrial park shall be five (5) acres.
 - c. All industrial parks shall be so located as to have at least one (1) property line abutting a major thoroughfare. All ingress and egress shall be directly on to said major thoroughfare.
 - d. No main or accessory building shall be situated less than fifty (50) feet from any residential property line.
 - e. No parking access and/or service area may be located less than twenty-five (25) feet from any residential property line.
 - f. Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park and shall be in accordance with Article XX.
 - g. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along these property lines

which about a residential district.

- h. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
- i. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets, and adjacent properties from unreasonable glare or hazardous interference of any kind.

5. Industrial Establishments:

- a. The assembly and/ or manufacture of automobiles, automobile bodies and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
 - b. Processing, refining, or storage of food and food stuffs.
 - c. Breweries, bump shops, distilleries, machine shops, metal buffering, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rust-proofing shops and welding shops.
 - d. Automobile bump shops, tire vulcanizing and recapping shops.
 - e. Accessory buildings and uses customarily incidental to the above permitted principal uses, including living quarters of a watchman or caretaker.
 - f. Any other uses similar to any of the above principal permitted uses.
6. Open storage yards of construction contractor's equipment and supplies, building materials, sand, gravel or lumber.
- a. Such uses shall be located at least two hundred (200) feet from any residential district.
 - b. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of dimensions and materials specified by the Planning Commission shall be required around the stored materials.
 - c. No required yard spaces shall be used for the storage of equipment or material.
7. Junk yards
8. Mining, excavating or other removal of sand, earth, minerals, other materials naturally found in the earth, subject obtaining a license from the Township Board under the requirements of the Dundee Township Mineral Extraction Ordinance. All requirements of the Dundee Township Mineral Extraction Ordinance are incorporated herein by reference.
9. Heating and electric power generating plants and all accessory uses; coal, coke, and fuel yards and water supply and waste water treatment facilities in accordance with all applicable State and Federal Regulations.

SECTION 12.4 COMPLIANCE WITH COUNTY AND STATE REGULATIONS

Any use permitted in the I District must comply with all applicable County and State health and pollution laws and regulations.

SECTION 12.5 SITE PLAN REVIEW

For all uses permitted in an I District, a site plan shall be submitted to the Township Board, and no building permit shall be issued until after the Township Board has reviewed and approved the site plan in accordance with Article XVI.

SECTION 12.6 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, Height, Bulk and Placement Requirements unless otherwise specified and as provided in Article XIV.

SECTION 12.7 INDUSTRIAL DESIGN STANDARDS

A minimum of sixty (60) percent of the exterior finish material of any building facades visible from the public street or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, stone, split face block or scored block. The Planning Commission may permit other materials for facades that are not visible from a public street or parking lot and are adequately screened from adjoining land uses. The Planning Commission shall review building colors as a part of site plan approval

ARTICLE XIII
PLANNED INDUSTRIAL ZONING DISTRICT (PID)
(Ord. 4-01)

SECTION 12A.1 STATEMENT OF PURPOSE

This Planned Industrial District (PID) is established under the Planned Unit Development legislation, as authorized by Section 16(c) of the Township Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:

- a. Providing for the development of limited industrial uses that will have limited adverse impact on surrounding land uses and natural features.
- b. Providing for the development of limited industrial uses that will serve as a transition between existing general industrial uses to other lower intensity land uses.
- c. Protect significant natural features that the property owner and Township wish to preserve, such as flood plains, wetlands and woodlands.
- d. Permit flexibility in the regulation of land development to encourage innovation in land use, preserve significant natural features and safeguard the site, and surrounding area. The PID standards are not intended to circumvent standards and requirements of the Zoning Ordinance, but to facilitate the achievement of the stated purposes set forth herein.
- e. Coordinated development on industrial sites in a manner that ensures the efficient provision of public services, and utilities and minimizes adverse traffic impacts.

SECTION 12A.2 QUALIFYING CONDITIONS

The following provisions shall apply to all PIDs:

- a. The PID site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- b. A PID zoning classification may be initiated only by a petition and shall meet the requirements of Section 4.1, *Amendments*, in addition to the provisions herein.
- c. The site shall be a minimum size of ten (10) acres.
- d. The site shall provide at least one of the following:
 - 1) Have significant natural features which will be preserved through development under the PID standards, as determined by the Planning Commission; or,

- 2) Provide mitigation to offset infrastructure or transportation impacts not possible under conventional zoning.

SECTION 12A.3 USES PERMITTED

The applicant and the Township Board shall establish a list of permitted uses for a PID, based upon the recommendation of the Planning Commission. The Planning Commission shall make a finding that uses permitted shall be of a nature and design to have minimal external impacts to surrounding land uses and natural features. Such list of permitted uses shall be documented in the PID Agreement required under Subsection (5) (b) below.

SECTION 12A.4 DESIGN STANDARDS

a. Site Design Standards

- 1) The PID shall utilize quality architecture to ensure buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously with surrounding land uses and maintain a positive image for the Township. Elevation drawings shall be reviewed by the Planning Commission as a part of final site plan review. For any side of a building facing a public road or adjoining zoning district that permits residential, at least fifty percent (50%) of the facade shall be constructed of, or covered with brick, glass, glass block, EIFS, decorative concrete block (fluted, scored or split face), stone or vinyl siding.
- 2) Signage, lighting, landscaping, building architecture and materials, and other features of the project shall be designed to achieve an integrated and controlled development, consistent with the character of the Township, surrounding development, and natural features of the area.

b. Buffer Zones

- 1) Where the proposed nature of uses or structures are of a significantly larger scale or different character than surrounding land uses, the Township may require a 50 foot wide buffer area consisting of natural woodlands or a landscaped greenbelt containing a minimum of two (2) evergreen trees and one (1) deciduous tree every 30 feet.
- 2) All outdoor storage shall be within the rear or side yard and shall be screened by a wall or wood fence. Such outdoor storage screening wall shall be setback a minimum of 50 feet from any lot line and shall be surrounded by a landscape buffer consisting of a minimum of two (2) evergreen trees and one (1) deciduous tree every 30 feet.

c. **Environmental Protection Standards**

- 1) The development shall be designed so as to preserve natural features. The limits of tree clearing and grading shall be clearly shown on the PID Concept Plan. If animal or plant habitats of significant value exist on the site, the Township may require that the PID Concept Plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. A minimum 50-foot wide undisturbed open space setback shall be maintained from the edge of any river, stream, wetland or 100-year flood plain and any flood plain shall remain undisturbed.
- 2) An environmental impact study shall accompany the PID concept plan and specifically address the anticipated impact of a proposed use on the natural features, economic climate, social environment, public infrastructure and public services in the Township. The environmental impact study shall describe the environmental characteristics of the site prior to development and the impact of the proposed development on the existing site conditions, including topography, soils, woodlands, wildlife habitat, drainage, groundwater recharge, wetlands, surface water flows, rivers, streams, creeks and ponds, flood stages, water temperature, stream bank erosion, water pollution and water quality for fish. The environmental impact study shall also describe the compatibility of the proposed PID with current and planned adjacent development, including conformance with the Master Plan, traffic, lighting, air pollutants, noise and aesthetic impacts. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided.

d. **Traffic Circulation, Operations and Access.** The PID shall provide safe, convenient, un-congested and well-defined circulation to and within the PID. Roads accessing the site shall be sufficient to accommodate the amount of traffic and type of truck traffic generated by the proposed PID. The Township may require the preparation of a traffic impact study documenting the impacting of the proposed PID on the road system.

e. **Dimensional Standards.** All I-Industrial District regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met, subject to paragraph (f) below.

f. **Deviations from the Applicable Zoning Regulations.** To encourage flexibility and creativity consistent with the intent of the PID regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

A table shall be provided on the PID Concept Plan and in the PID Agreement that specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations or general provisions that would otherwise be applicable. The PID Agreement shall specify the reasons for the deviation and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviation is being sought. Only those deviations consistent with the stated purpose of this district shall be allowed.

SECTION 12A.5 APPLICATION AND REVIEW PROCEDURE

A PID zoning classification shall follow the public hearing procedures and requirements for rezoning under Section 4.1 Amendments in addition to the following information:

- a. **Application.** The submission shall include application requirements of Section 4.1, current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, completed application form, application fee, Conceptual PID Site Plan and draft PID Agreement.
- b. **Conceptual PID Site Plan.** The petition for rezoning to PID shall be accompanied by a Conceptual PID Site Plan that contains the following information:
 - 1) The applicant's name and address.
 - 2) The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan.
 - 3) Date of preparation and any revisions.
 - 4) Property lines, dimensions, legal description and size of property in acres.
 - 5) Small location sketch of the subject site and area within one-half mile.
 - 6) Zoning and current land use of applicants' property and all abutting properties and of properties across any road.
 - 7) Lot lines and all structures on the property and within one-hundred (100) feet of the PID property lines.
 - 8) Location of any access points on both sides of the street within one-hundred (100) feet of the PID site along streets where access to the PID is proposed.
 - 9) Natural features, including topography, existing drainage patterns, surface water bodies, flood plain areas, wetlands and the limits of major stands of trees.
 - 10) Conceptual layout of proposed land use, acreage allotted to each use, building footprints, roadways, parking areas, driveways.
 - 11) General location of landscape buffers.
 - 12) A preliminary layout of storm water drainage, detention pond location, water supply and wastewater disposal systems and utilities.
- c. The environmental impact study required under Subsection 4.c.2) above.
- d. **PID Agreement.** The PID Agreement shall be entered into by both the applicant and the Township Board. Such agreement shall upon approval be recorded with the

County Register of Deeds and shall include the following:

- 1) Set forth the list of uses that will be permitted in the PID.
 - 2) Set forth the conditions upon which the approval is based, with reference to the PID Concept Plan and a description of all deviations from Township regulations which have been requested and approved.
 - 3) Assure that woodlands, wetlands and flood plains will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.
 - 4) Assure all site improvements will be made including landscape buffers and prescribe the means, timing and maintenance for such improvements.
 - 5) Assure the construction, improvement and maintenance of all roads and necessary utilities to mitigate the impacts of the PID project through construction by the developer, bonds or other satisfactory means.
 - 6) Address any other concerns of the Township regarding construction, maintenance and protection of natural resources and surrounding land uses.
- e. **Public Hearing.** The Planning Commission shall review the rezoning request, the Conceptual PID Site Plan, and PID Agreement, conduct a public hearing in accordance with Section 4.1), and make a recommendation to the Township Board and County Planning Commission based upon the approval standards of Subsection 6. below.
- f. **Approval.** Following receipt of a recommendation from the Township and County Planning Commissions, the Township Board shall either approve or deny the rezoning request, the Conceptual PID Site Plan and PID Agreement. Conditions may be attached to the approval of the Conceptual PID Site Plan and PID Agreement to insure that public services and facilities will be capable of accommodating increased demand, and traffic, protect the natural environment, insure compatibility with adjacent land uses and protect the social, and economic well-being of the community.
- g. **Final PID Site Plan(s).** Following the PID rezoning, approval of the PID Concept Plan and recording of the signed PID Agreement the applicant shall submit final site plans meeting the requirements of Article 16, *Site Plan Review*. All final site plans shall be in accordance with the approved PID Concept Plan and PID Agreement.
- h. **Amendments and Deviations from Approved PID Concept Plan.** Any modification to the approved PID Concept Plan or PID Agreement shall require approval by the Township Board, based upon a recommendation by the Planning Commission.

SECTION 12A.6 APPROVAL STANDARDS

Approval of the Conceptual PID Site Plan and PID Agreement shall only be granted where all of the following standards have been met:

- a. The PID meets the qualifying conditions and the design standards of this Article.
- b. The uses proposed shall have a beneficial effect, in terms of public health, safety and welfare on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and transportation system, surrounding properties, or the environment.
- c. The PID is generally consistent with the vision statements, goals, objectives and future land use map of the Township Master Plan.
- d. Judicious effort has been used to preserve significant natural features, surface water, groundwater and the integrity of the land.
- e. The PID is consistent with, and promotes the stated purpose of this Article and the Zoning Ordinance.

**ARTICLE XIII
FP, FLOOD PLAIN DISTRICT**

SECTION 13.1 STATEMENT OF PURPOSE

Consistent with the letter and spirit of Act 184 of the Public Acts of 1943 as amended the Township Board of Dundee Township finds that potential growth the spreading of development, and increasing demands upon natural resources can have the effect of encroaching upon, despoiling, polluting, or eliminating many of its watercourses and wetlands, and other natural resources and processes associated therewith which if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the Township. **Therefore, the purposes of this Article are:**

To provide for the protection, preservation, proper maintenance and use of township watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity, or siltation, a loss of fish or other beneficial aquatic organisms, a loss of wildlife and/or vegetation from the destruction of the natural habitat thereof:

To provide for the protection of the Township's potable fresh water supplies from the dangers of drought, overdraft, pollution or mismanagement.

To secure safety from floods; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to prevent loss of life, property damage and other losses and risks associated with flood conditions; to preserve the location, character and extent or natural drainage courses.

Boundary lines of the Flood Plain District are inclusive of, and sometimes exceed, the area designated in the HUD Flood Hazards Boundary Maps for Dundee Township dated February 22, 1974. Boundaries of the Flood Plain District were mapped according to easily identified property lines, road systems, and other natural boundaries.

The following regulations shall apply to the FP, Flood Plain District and shall be subject further to the provisions of Article V, General Provisions.

**SECTION 13.2 RULES AND REGULATIONS FOR MANAGEMENT OF THE
FLOOD PLAIN DISTRICT**

The following rules and regulations are established so as to provide a clear statement of the minimum requirements for sound and proper use and development of land in the Flood Plain District. These requirements are so designated to minimize financial burdens or environmental losses which might occur in the absence of such rules and regulations.

The duties of managing the Flood Plain District shall include, but not be limited to the following:

1. A special permit shall be required for any use of development of land within the Flood Plain District not specifically allowed in Section 13.3, Principal Uses Permitted.

2. Review all special approval permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Utilize any base flood elevation data available from federal, state or other sources, when such data has not been made available by the Federal Insurance Administration, in order to administer this Ordinance.
4. Information to be obtained and maintained:
 - A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - B. For all new or substantially improved flood proofed structures:
 - (1) Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
 - Ø Obtain certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the criteria specified in Section 13.2, 6C, herein.
 - (3) Maintain for public inspection all records pertaining to the provisions of this Ordinance.
5. Alteration of Watercourses:
 - A. Notify adjacent communities and the Michigan Department of Natural Resources Hydrological Survey Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
6. General Standards:
 - A. Anchoring
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side.
 - b. Framed ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.
 - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

B. Utilities

- (1) On-site disposal systems shall be located to avoid impairment of them or contamination from them during flooding.
- (2) Sanitary and storm sewer drains shall be equipped with valves capable of being closed, manually or automatically, to prevent backup of sewage and storm waters into the building structure. Gravity draining of basements may be eliminated by mechanical devices.

C. Flood proofing

- (1) Foundations of all structures shall be designed and constructed to withstand flood conditions at the proposed construction site.
- (2) Basements, lower floors, or appurtenances located below the elevation of the 100-year flood shall be designed and constructed to prevent passage of water into the building or structure and withstand flood conditions, including hydrostatic pressures of elevated water tables and the momentum of flood flows. Materials for construction shall be of the type not deteriorated appreciably by water. Windows, doorways, and other openings into the building or structure shall be designed and constructed incorporating adequate flood proofing.
- (3) All electrical equipment, circuits and installed electrical appliances shall be flood proofed to prevent damage resulting from inundation by the 100-year flood.
- (4) Chemical storage, explosive, buoyant and flammable liquid storage shall be located above the 100-year flood level or shall be adequately flood proofed to prevent flotation of tanks or other appreciable damage or escape into the floodwaters of toxic materials.

D. Landfill

Land may be filled in accordance with the Soil Erosion and Sedimentation Act of the State of Michigan and provided that all other requirements under this Ordinance and other State statutes and County regulations are satisfied.

E. Subdivision proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

F. Area and Bulk requirements

Appropriate attention must be given to area and bulk restrictions for the use being considered by special approval, as such requirements have not been specified in Article XIV, Schedule of Regulations.

SECTION 13.3 PRINCIPAL USES PERMITTED

1. Cultivation and harvesting of crops according to recognized soil conservation practices.
2. Pasture, grazing land, forestry, outdoor plant nursery, orchard, and harvesting of any wild crops.
3. Wildlife sanctuary, woodland preserve, arboretums.
4. Outlet installations for sewage treatment plants, sealed public water supply wells.
5. Recreational uses such as parks, day camps, picnic groves, shooting ranges, golf courses, hunting, fishing, tennis clubs, and boating clubs, provided no building is located in the floodway.
6. Commercial uses such as parking lots, railroads, streets, utility lines, storage yards for equipment and material not subject to major damage or displacement by flood and not including inflammable liquid provided such use is accessory to a use permitted in an adjoining area.

SECTION 13.4 USES PERMITTED ON SPECIAL APPROVAL

The Dundee Township Board, after recommendation from the Planning Commission, shall have the power to issue permits for the location or alteration of obstructions which are otherwise not specifically permitted. The application for the permit shall contain such information as the Commission shall require, including complete maps, plans, profiles, and specifications of the obstruction and watercourse.

In passing upon such application, the Commission and Township Board shall consider:

1. The danger to life and property by water which may be backed-up or diverted by such obstruction.
2. The danger that the obstruction will be swept downstream to the injury of others.
3. The availability of alternate locations.
4. The construction or alteration of the obstruction in such manner as to lessen the danger.
5. The permanence of the obstruction.
6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction.

SECTION 13.5 USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by conditional use permit shall be prohibited in the FP, Flood Plain District.

SECTION 13.6 SITE PLAN REVIEW

All principal and special approval uses listed above are subject to the requirements and provisions of Article XVI, Site Plan Review, and any other applicable regulations included in this Ordinance.

ARTICLE XIII
PUD, PLANNED UNIT DEVELOPMENT DISTRICT
(Ord. 06-05-01, Eff. 7/ 04/05)

SECTION 13A.1 STATEMENT OF PURPOSE

This Planned Unit Development (PUD) is established under the Planned Unit Development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) for the purpose of:

- (a) Provide for mixed use development with mixture of compatible uses integrated into a cohesive plan for a site. PUD's may include a mixture of residential and non-residential uses. Residential components are also intended to meet the purposes stated in section 503 for open space cluster developments.
- (b) Providing for the development of limited industrial, commercial and office uses that will have limited adverse impact on surrounding land uses and natural features or serve as a transition between existing commercial or industrial uses to other lower intensity land uses.
- (c) Protect significant natural features that the property owner and Township wish to preserve, such as flood plains, wetlands and woodlands.
- (d) Permit flexibility in the regulation of land development to encourage innovation in land use, preserve significant natural features and safeguard the site, and surrounding area. The PUD standards are not intended to circumvent standards and requirements of the Zoning Ordinance, but to facilitate the achievement of the stated purposes set forth herein.
- (e) Coordinated development on commercial or industrial sites in a manner that ensures the efficient provision of transportation facilities, public services, and utilities and minimizes adverse traffic impacts.
- (f) Ensure compatibility of design and function between neighboring properties.
- (g) Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- (h) Encourage development that is consistent with the goals stated within the Township's Master Plan.

SECTION 13A.2 QUALIFYING CONDITIONS

The following provisions shall apply to all PUD's:

- (a) The PUD site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- (b) A PUD zoning classification may be initiated only by a petition and shall meet the requirements of Section 4.1, *Amendments*, in addition to the provisions herein.
- (c) The site shall provide at least one of the following:
 - 1. Have significant natural features which will be preserved through development under the PUD standards, as determined by the Planning Commission;

2. Provide mitigation to offset infrastructure or transportation impacts not possible under conventional zoning;
 3. Provide a complementary mixture of uses; or,
 4. Redevelop an existing site that is blighted or contains nonconforming situations where creative design can address unique site constraints and allow for redevelopment that is more compatible with surrounding uses.
- (d) The proposed type and density of use shall not result in an unreasonable increase in the use of roads, public services and public facilities, or improvements to public infrastructure is proposed to meet the projected demands of the PUD.
- (e) The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.
- (f) The PUD shall not have an adverse impact on future development as proposed in the Township Master Plan.
- (g) The proposed development shall be consistent with the intent and spirit of this Ordinance.

SECTION 13A.3 USES PERMITTED

The applicant and the Township Board shall establish a list of permitted uses for a PUD, based upon the recommendation of the Planning Commission. The Planning Commission shall make a finding that uses permitted shall be of a nature and design to have minimal external impacts to surrounding land uses and natural features. Such list of permitted uses shall be documented in the PUD agreement required under section 13.A.5(d) below. The types of PUD's, based upon the uses proposed shall be as follows:

- (a) Mixed-use PUD may include a mixture of residential, commercial, office, recreational & open space uses shall be permitted based upon the zoning/ land use designation of each PUD component. Where the pre-PUD zoning is residential, a minimum of 75% of the PUD land area shall be occupied by residential or open space and non-residential uses may occupy no more than 25% of the land area. The residential components of the PUD shall comply with the requirements of Article 15A, in addition to the requirements of this Article.
- (b) Nonresidential PUD's shall be permitted where the pre-PUD zoning is commercial, or industrial or where the Master Plan designates a site as commercial or industrial. A mixture of office, commercial light industrial & open space uses shall be permitted, subject to the limitations herein.

SECTION 13A.4 DESIGN STANDARDS

(a) Site Design Standards.

1. The PUD shall utilize quality architecture to ensure buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend

harmoniously with surrounding land uses and maintain a positive image for the Township. Elevation drawings shall be reviewed by the Planning Commission as a part of final site plan review. For any side of a building facing a public road or adjoining zoning district that permits residential, at least fifty percent (50%) of the facade shall be constructed of, or covered with brick, glass, glass block, EIFS, decorative concrete block (fluted, scored or split face), stone or vinyl siding.

2. Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the Township, surrounding development, and natural features of the area.
- (b) **Residential Uses.** All mixed-use PUD's containing residential uses shall also comply with the requirements of Article XV.A, in addition to the requirements of this section. Residential density shall be determined in accordance with section 15.A.03, based upon the pre-PUD zoning district. The open space requirements of section 15.A.05 shall be calculated based upon the area of the site allocated to residential, recreational, and open space and shall not apply to areas dedicated to a commercial, office or industrial use.
- (c) **Dimensional Standards.** All regulations of the pre-PUD district applicable to setbacks, parking and loading, general provisions, and other requirements shall be met, subject to paragraph (d) below.
- (d) **Deviations from the Applicable Zoning Regulations.** To encourage flexibility and creativity consistent with the intent of the PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A table shall be provided on the PUD concept plan and in the PUD agreement that specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations or general provisions that would otherwise be applicable. The PUD agreement shall specify the reasons for the deviation and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviation is being sought. Only those deviations consistent with the stated purpose of this district shall be allowed.
- (e) **Buffer Zones.**
1. All non-residential uses shall provide a minimum 20-foot wide greenbelt along the road frontage landscaped with a minimum of one (1) deciduous tree for every 40 feet of greenbelt length. Residential uses shall conform to the greenbelt requirements of section 15A.07.
 2. Where the proposed nature of uses or structures are of a significantly larger scale, greater intensity or different character than surrounding land uses, the Township may require a 50-foot wide buffer area along one or more lot lines consisting of natural woodlands or a landscaped greenbelt containing a minimum of two (2) evergreen trees and one (1) deciduous tree for every 30 feet of buffer length.

3. All outdoor storage shall be within the rear or side yard and shall be screened by a wall or wood fence. Such outdoor storage screening wall shall be setback a minimum of 50 feet from any lot line and shall be surrounded by a landscape buffer consisting of a minimum of two (2) evergreen trees and one (1) deciduous tree for every 30 feet of buffer length.

(f) **Environmental Protection Standards.**

1. The development shall be designed so as to preserve natural features. The limits of tree clearing and grading shall be clearly shown on the PUD concept plan. If animal or plant habitats of significant value exist on the site, the Township may require that the PUD concept plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
2. A minimum 50-foot wide undisturbed open space setback shall be maintained from the edge of any river, stream, wetland or 100-year flood plain and any flood plain shall remain undisturbed.
3. An environmental impact study shall accompany the PUD concept plan and specifically address the anticipated impact of a proposed use on the natural features, economic climate, social environment, public infrastructure and public services in the Township. The environmental impact study shall describe the environmental characteristics of the site prior to development and the impact of the proposed development on the existing site conditions, including topography, soils, woodlands, wildlife habitat, drainage, groundwater recharge, wetlands, surface water flows, rivers, streams, creeks and ponds, flood stages, water temperature, stream bank erosion, water pollution and water quality for fish. The environmental impact study shall also describe the compatibility of the proposed PUD with current and planned adjacent development, including conformance with the Master Plan, traffic, lighting, air pollutants, noise and aesthetic impacts. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided.

- (g) **Traffic Circulation, Operations and Access.** The PUD shall provide safe, convenient, un-congested and well-defined circulation to and within the PUD. Roads accessing the site shall be sufficient to accommodate the amount of traffic and type of truck traffic generated by the proposed PUD. The Township may require the preparation of a traffic impact study documenting the impact of the proposed PUD on the road system.

SECTION 13A.5 APPLICATION AND REVIEW PROCEDURE

A PUD zoning classification shall follow the public hearing procedures and requirements for rezoning under Section 4.1 Amendments in addition to the following:

- (a) **Application.** The submission shall include application requirements of Section 4.1, current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, completed application form, application fee, conceptual PUD site plan and draft PUD agreement.

- (b) **Conceptual PUD Site Plan.** The petition for rezoning to PUD shall be accompanied by a conceptual PUD site plan that contains the following information:
1. The applicant's name and address.
 2. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan.
 3. Date of preparation and any revisions.
 4. Property lines, dimensions, legal description and size of property in acres.
 5. Small location sketch of the subject site and area within one-half mile.
 6. Zoning and current land use of applicant's property and all abutting properties and of properties across any road.
 7. Lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines.
 8. Location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
 9. Natural features, including topography, existing drainage patterns, surface water bodies, flood plain areas, wetlands and the limits of major stands of trees.
 10. Conceptual layout of proposed land use, acreage allotted to each use, building footprints, roadways, parking areas, driveways.
 11. Residential dwelling unit types and densities.
 12. General location of open space and landscape buffers.
 13. A preliminary layout of storm water drainage, detention pond location, water supply and wastewater disposal systems and utilities.
- (c) The environmental impact study required under section 13.A.4 (f) 3 above.
- (d) **PUD Agreement.** The PUD agreement shall be entered into by both the applicant and the Township Board. Such agreement shall upon approval be recorded with the County Register of Deeds and shall include the following:
1. Set forth the list of uses that will be permitted in the PUD.
 2. Set forth the conditions upon which the approval is based, with reference to the PUD concept plan and a description of all deviations from Township regulations which have been requested and approved.
 3. Assure that open space, woodlands, wetlands and flood plains will be preserved as shown on the site plan, and that woodland preservation areas

impacted during construction shall be replaced on a caliper for caliper basis.

4. Assure all site improvements will be made including landscape buffers and prescribe the means, timing and maintenance for such improvements.
 5. Assure the construction, improvement and maintenance of all roads and necessary utilities to mitigate the impacts of the PUD project through construction by the developer, bonds or other satisfactory means.
 6. Address any other concerns of the Township regarding construction, maintenance and protection of natural resources and surrounding land uses.
- (e) **Public Hearing.** The Planning Commission shall review the rezoning request, the conceptual PUD site plan and draft PUD agreement, conduct a public hearing in accordance with Section 4.1, and make a recommendation to the Township Board and County Plan Commission based upon the approval standards of section 13. A.6 below.
- (f) **Approval.** Following receipt of a recommendation from the Township and County Planning Commissions, the Township Board shall either approve or deny the rezoning request, the conceptual PUD site plan and PUD agreement. Conditions may be attached to the approval of the conceptual PUD site plan and PUD agreement to insure that public services and facilities will be capable of accommodating increased demand, and traffic, protect the natural environment, insure compatibility with adjacent land uses and protect the social, and economic well-being of the community.
- (g) **Final PUD Site Plan(s).** Following the PUD rezoning, approval of the PUD concept plan and recording of the signed PUD agreement the applicant shall submit final site plans meeting the requirements of Article 16, *Site Plan Review*. All final site plans shall be in accordance with the approved PUD concept plan and PUD agreement. Where a subdivision is proposed, tentative and final preliminary plats shall be submitted for review by the Planning Commission and approval by the Township Board in accordance with the Land Division Act, (Public Act 288 of 1967, as amended). Subdivision plats shall not be approved unless they are in accordance with the approved PUD concept plan and PUD agreement.
- (h) **Amendments and Deviations from Approved PUD Concept Plan.** Any modification to the approved PUD concept plan or PUD agreement shall require approval by the Township Board, based upon a recommendation by the Planning Commission.

SECTION 13A.6 APPROVAL STANDARDS

Approval of the PUD site plan and PUD agreement shall only be granted where all of the following standards have been met:

- (a) The PUD meets the qualifying conditions and the design standards of this Article.
- (b) The uses proposed shall have a beneficial effect, in terms of public health, safety and welfare on present and future potential surrounding land uses. The uses proposed

will not adversely affect the public utility and transportation system, surrounding properties, or the environment.

- (c) The PUD is generally consistent with the vision statements, goals, objectives and future land use map of the Township Master Plan.
- (d) Judicious effort has been used to preserve significant natural features, surface water, groundwater and the integrity of the land.
- (e) The PUD is consistent with, and promotes the stated purpose of this Article and the Zoning Ordinance.
- (f) If a mixed-use PUD includes residential uses, then all requirements of Article XV.A shall be complied with, in addition to the requirements of this Article.

ARTICLE XIV
SCHEDULE OF REGULATIONS
LIMITING HEIGHT AND BULK
OF BUILDINGS AND AREA BY LAND USE

Districts	Minimum Lot Size Per Unit			Minimum Yard Setback Feet (k)				Minimum Floor Area		Maximum Height of Buildings	
	Area	Width in Feet	Depth in Feet	Front (a)(b)(c)	Least	Total	Rear	Square Feet	Percent Maximum	Stories	Feet
Multi-Family(RM)	1 acre (i)	150	250	50	15	30 (g)	35 (g)	(h)	30	2%	35
Commercial (C)	1 acre	100	300	50	5 (d)	10 (d)	10	--	40	2	28
Industrial (I) by special app.	1 acre 5 acres		300 600	50 100	20 40	40 80	20 40	-- --	30 30	3 3	40 (f) 40
Flood Plain (FP)	UI	--	--	--	--	--	--	--	--	--	--

Amended 3/06

FOOTNOTES TO TABLE SECTION 14.2

(a) **Front Setback Measured from Right-of-way:** In determining the required front yard setbacks in any zoning district, it shall be the distance between the structure parallel to the roadway and the right-of-way line. For lots located on the county functional roadway classification plan being of a minor collector or higher the yard setback shall be measured from the future right-of-way as follows:

- Section or Half-section roads -- 86 feet
- Local roads or subdivisions roads -66 feet

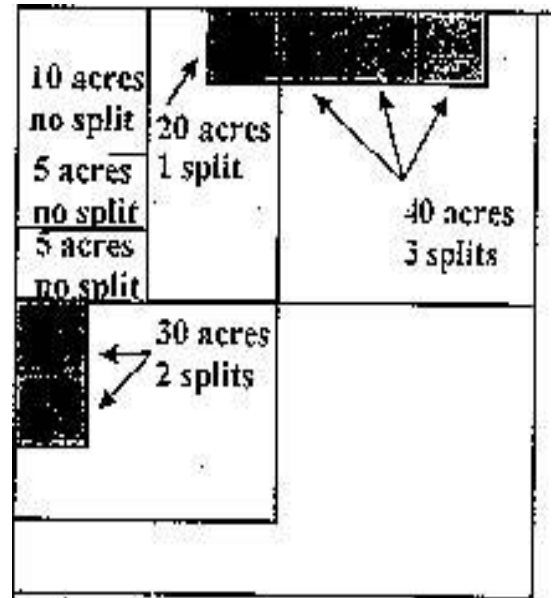
(b) **Corner Lot Setback:** In all residential districts the width of the side yards which abut upon a street, on the same side of which other residential lots front, shall not be less than the required front yard setback for said homes. All buildings, structures, and accessory uses shall maintain such required yard space.

(c) **Front Setback, Built-up Blocks:** When twenty-five (25) percent or more of all the buildings in the same block at the time of passage of this Ordinance has been built up with buildings having more or less setback than herein provided, no building hereafter erected or altered shall project beyond the minimum setback line so established.

(d) **Zero Side Yard Setback:** In the Commercial District, where the walls facing side lot lines are of fireproof masonry construction and have no openings, and no side yard setback of any limit shall be required.

(e) **Permitted lots in AG- 1 Agriculture District.** The minimum lot area in the AG-1 District shall be forty (40) acres; provided divisions of less than forty (40) acres may be allowed as follows:

- (1) For each parcel of twenty (20) acres, one additional lot may be created. **(Ord. 4-04-01 - 4/27/04)**
- (2) An additional lot may be created for each ten (10) acres beyond the original twenty (20) acres. **(Ord. 04- 04-01 - 4/27/04)**
- (3) Parcel less than twenty (20) acres shall not be permitted to create additional lots.



Any lot created according to the above requirements shall be at least two (2) acre m area and shall have a mm1mum of one-hundred and ninety (190) feet of public road frontage. Where there are existing residential lots with areas less than twenty (20) acres adjacent to the parent parcel, the lots to be split shall be adjacent to sue existing residential lots. The lots shall meet county health department requirements for well and sanitary septic systems. Lots shall meet the dimensional requirements for homesteads in the AG District.

- (f) **Height Limit in Industrial:** May be higher upon approval of the Township Board of Appeals as being within the firefighting facilities of the Township, as recommended by the Township fire chief. Consideration will be given upon written application by the owner to the Township Board of Appeals.
- (g) **Two Family Units in RM Multi-Family District:** When a two-family unit is constructed it must conform to the residential "A" requirements for height, bulk and area.
- (h) **Minimum floor Area in RM Multi-Family District:** The floor area for multi-family units shall be as follows:
- Efficiency unit - 400 square feet
 - One-bedroom unit - 620 square feet
- (i) **Density in RM Multi-Family District:** The minimum land area required is one acre. To determine density of land per unit the following factors will be applied:
- Efficiency unit - 2,000 square feet of land/unit
 - One-bedroom unit - 2,500 square feet of land/unit
 - Additional unit - 500 square feet of land/unit
- U) **Flood Plain District:** Height, bulk and area requirements cannot be adequately specified in the Schedule of Regulations for the Flood Plain District because of the variety of uses which may be permitted upon special approval in the district. However, consideration of appropriate height, bulk and area regulations is required for approval of the uses as specified in Section 13.02.
- (k) **Natural Features Setback:** A twenty five (25) foot natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, river or channel, and to the edge of any drainage way or regulated wetland. The Board of Zoning Appeals may modify this requirement based upon the standards of section 22.6.6.
- (l) **Residential Agriculture Buffers:** Where residential lots adjoin a lot zoned AG Agriculture, a fifty (50) foot setback shall be maintained between the principal dwelling and the boundary of the AG District. The principal dwelling shall also comply with the setback requirement from a brain required under section 7.2.3.

**ARTICLE XV
STANDARDS FOR SPECIAL APPROVAL USES**

SECTION 15.1 STATEMENT OF PURPOSE

This section provides a set of procedures and standards for special use of land or structures which because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand practical latitude for the investor or developer, but at the same time maintain adequate provisions for the protection of the health, safety, convenience and general welfare of the community.

SECTION 15.2 SPECIAL APPROVAL PROCEDURES

The application for a Special Approval Use shall be submitted and processed under the following procedure:

- A. An application shall be submitted through the Building Inspector on a special form for that purpose. Each shall be accompanied by the payment of a fee as established by the Township Board.

In the event the allowance of a desired use requires both a rezoning and permission for a Special Approval Use, both requests may be submitted jointly, subject to the following:

1. The Ordinance procedure for each shall be followed as specified.
 2. All applicable standards and specifications required by the Ordinance shall be observed.
- B. The following is required for all Special Approval Uses.
1. The special form shall be completed in full by the applicant including a statement by the applicant that Section 15.2 can be complied with.
 2. A completed site plan as specified in Article XVI, Site Plan Review.
- C. The application together with all required data shall be transmitted to the Township Planning Commission for review. The Township Planning Commission shall then hold a public hearing. In such cases the notice requirements for public hearings shall be followed. (Ord. 1-D, eff. 8/93)
- D. A Special Approval Use granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Building Inspector shall notify the applicant in writing that the expiration of the permit for the Special Approval Use may terminate following determination by the Township Board.
- E. The Township Board shall have the authority to revoke any Special Approval Use after the applicant has failed to comply with any of the applicable requirements of this Article or any other applicable sections of this Ordinance.

SECTION 15.3 SPECIAL APPROVAL STANDARDS

Before formulating recommendations for a Special Approval Use application, the Township Planning Commission shall require that the following general standards in addition to those specific standards established for each use, shall be satisfied:

(Ord. 1-D, eff. 8/93)

A. The Township Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find/adequate evidence that each use on the proposed site will:

(Ord. 1-D, eff. 8/93)

1. 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.
2. 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.
3. Not create excessive additional requirements at public costs for public facilities and services.
4. Not involve uses, activities, processes, materials and equipment or conditions or operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
5. Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.

B. The Township Board upon review, may approve or disapprove of a special approval use, and may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall constitute a violation of this Ordinance in accordance with the provisions of Section 20.1, herein.

C. All applicable licensing ordinances shall be complied with.

ARTICLE XV-A
OPEN SPACE CLUSTER DEVELOPMENT OPTION
(Ord. 11-02)

SECTION 15A.01 INTENT

The open space cluster development option is intended to permit, with Township approval, development of areas throughout the township which shall be substantially in accord with the goals and objectives of the Dundee Township Master Plan. It is the intent of this section to offer an alternative to conventional development through the use of Planned Unit Development legislation, as authorized by Section 16c of the Township Zoning Act (Public Act 184 of 1943), as amended) for the purpose of:

1. Encouraging the use of land in accordance with its character and adaptability;
2. Allowing innovation and greater flexibility in design;
3. Assuring the permanent preservation of natural, agricultural, social, cultural and historic resources;
4. Providing open space and recreational facilities within a reasonable distance of all residents of the development;
5. Provide complete non-motorized circulation to, from and within the development;
6. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts;
7. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,
8. Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

SECTION 15A.02 ELIGIBILITY CRITERIA

To be eligible for open space cluster development consideration, the applicant must present a proposal for residential development that meets each of the following:

1. **Recognizable Benefits.** An open space cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as preservation of farmland, woodlands and open space, particularly along major thoroughfares, buffering development from streams and wetlands, extensive landscaping, unique site design features, aesthetic improvements and provision of buffers between incompatible uses.

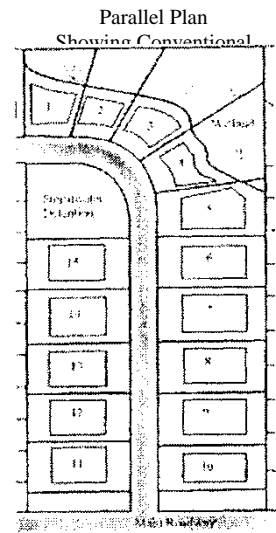
2. **Qualification Requirements.** The proposed development shall provide at least one (1) of the following open space benefits:
 - a. *Significant Natural Assets.* The site contains significant natural assets such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats, which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
 - b. *Recreation Facilities.* If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as parks, passive recreational facilities, soccer fields, ball fields, pathways or similar facilities, but excluding golf courses. The design and development of recreational facilities shall not adversely impact to natural features, with the intent to place a higher priority on natural features preservation.
 - c. *Agriculture.* A site can qualify if the development will preserve the required open space for agricultural and agricultural buffering purposes.
3. **Guarantee of Open Space.** Usable open space shall be provided and the applicant shall guarantee that all open space portions of the development will be maintained in the manner approved, as required herein.
4. **Cohesive Neighborhood.** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
5. **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 document 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.
6. **Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan.

SECTION 15A.03 DWELLING DENSITY

1. **Density Determination by Parallel Plan:** The number of dwelling units allowable within an open space cluster development shall be determined through preparation of a "parallel plan." The applicant shall prepare, and present to the Township for review, a parallel plan for the project that is consistent with State,

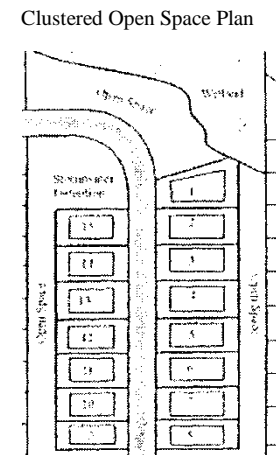
County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required by the underlying zoning district, public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention.

2. **Density Determination:** The Township shall review the design and determine the number of lots that could be feasibly constructed with the underlying zoning following the parallel plan. This number, as determined by the Township, shall be the maximum number of dwelling units allowable for the open space cluster development. The regulatory flexibility of an open space cluster development may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under subsection 3 below.



SECTION 15A.04 AREA AND BULK REGULATIONS

1. **Lot Sizes:** Lot areas and width may be reduced below the minimum requirements of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot size reduction.
2. **Regulatory Flexibility:** The setback requirements of the underlying zoning district shall be used as guidelines for the open space cluster development plan. To encourage flexibility and creativity consistent with the intent of the open space cluster development regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that specifically details all deviations and any regulatory modification. Deviations shall only be approved through a finding by the Township that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Ordinance shall be considered.



SECTION 15A.05 OPEN SPACE REQUIREMENTS

1. **Common Open Space:** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.

2. **Amount of Open Space:** An open space cluster development shall maintain a minimum of 50% of the gross area of the site as dedicated open space held in common ownership.
3. **Areas Not Considered Open Space:** The following land areas are not calculated as dedicated open space for the purposes of meeting the requirements of Section 15A.05.2:
 - a. Area proposed as single family residential lots or site condominiums,
 - b. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
 - c. The area of any road right-of-way or private road easement, and
 - d. Any submerged land area of a pond, lake or stream, provided protected wetlands and storm water detention ponds designed to function and appear as natural wetland may be counted as open space.
4. **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the open space cluster development (i.e. centrally located and not isolated corners of the development). The common open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
 - a. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
 - b. Open space shall be situated to maximize the preservation of any existing site woodlands.
 - c. A minimum one-hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 - d. A minimum one-hundred fifty (150) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel occupied by a agricultural use.
 - e. Where adjacent land includes open space or pathways, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be interconnection to allow pedestrian movement between neighborhoods.

Open Space Protection: The dedicated open space shall be set aside in perpetuity by the developer through an irrevocable conveyance that is found acceptable to the Township Attorney, such as a conservation easement. The conservation easement shall assure that the 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 one. The conservation easement shall provide the following;

- f. Allowable use(s) of the dedicated open space shall be indicated. The Township 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 of motorized off-road vehicles;
 - 5) Cutting, filling or removal of vegetation from wetland areas;
 - 6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the Township in the event that the open space is not adequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the owners of the open space.
- h. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, provided such change shall not diminish compliance with the requirements of this ordinance.
- i. Nothing herein shall prevent the conveyance of open space to a public agency for recreational or conservation use.

SECTION 15A.06 NATURAL FEATURES

1. **Limits of Tree Clearing:** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.
2. **Animal or Plant Habitats:** If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

SECTION 15 A . 0 7 LANDSCAPING

The following landscaping requirements shall be met in addition to other landscaping requirements contained in the Zoning Ordinance:

1. **Street Trees:** Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy trees shall be provided on each side for every forty (40) feet of road. Existing trees to be preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.
2. **Frontage Greenbelt:** A minimum one-hundred (100) foot deep greenbelt shall be maintained along the exterior public roads. This greenbelt shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage arranged in natural groupings. Preservation of existing trees within the greenbelt may be credited towards meeting the landscaping requirement.

SECTION 15A.08 DESIGN STANDARDS

1. **Residential Facades:** Residential facades shall not be dominated by garages; at least 40% of residential units shall have side entry garages or recessed garages where the front of the garage is at least five (5) feet behind 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 aesthetic of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.
2. **Site Elements:** Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. Residential entrance signs and commercial signs shall be approved as part of the final open space cluster development.

SECTION 15A.09 AGREEMENT

The applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township Attorney. The Agreement, after review by the Planning Commission and approval by the Township Board shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds. Approval shall be effective upon recording. Said agreement shall provide:

1. A survey of the acreage comprising the proposed development.
2. The manner of ownership of the developed land.
3. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
4. Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this.
5. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
6. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.
7. Provisions to ensure adequate protection or natural features.
8. The preliminary site plan shall be incorporated by reference and attached as an exhibit.

SECTION 15A.10 APPROVAL PROCESS

1. **Review Process:** An open space cluster development may be approved by the Township Board, based upon a recommendation by the Planning Commission following the review procedures and approval standards of this Chapter and the Township Subdivision Control Ordinance, where a subdivision is being proposed, or Article 16, Site Plan Review, if a condominium or multiple family development is being proposed.
2. **Public Hearing:** The Commission shall conduct at least one (1) public hearing for the purpose of receiving public comments on the proposed open space cluster development. Notification of the public hearing shall be the same as that required for special land uses in Section 15.2, Special Approval Procedures. At the public hearing, the Planning Commission shall review both the open space cluster development preliminary site plan and the parallel plan.

3. **Planning Commission Recommendation to the Board:** Following the public hearing the Commission shall review both the open space cluster development preliminary site plan and the parallel plan and make recommend to the Board approval, denial, or approval with conditions. The Commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the Commission's recommendation shall be forwarded to the Board and to the applicant prior to the Board's consideration of the open space cluster development. The Planning Commission shall also concurrently make a recommendation to the Township Board regarding the tentative preliminary plat or preliminary site plan, as applicable.
4. **Conditions:** Reasonable conditions may be required with the special approval of an open space cluster development, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Dundee Township Master Plan.
5. **Final Approvals:** Following preliminary approval, the application shall follow the procedures and requirements for final approvals following the subdivision or site plan review process, as applicable. All final site plans or final preliminary plats subsequently submitted shall conform with the preliminary open space cluster development plan, all conditions attached to preliminary approval and the requirements of this ordinance. Where the Planning Commission determines that changes to the final site plan or final preliminary plat significantly deviate from the preliminary open space cluster development plan, the Planning Commission shall conduct another public hearing and review the plan as an amended resubmission of the preliminary site plan under the standards of this chapter.
6. **County and State Approvals:** All lots that are not served by public water and sewer shall conform to the requirements of the Monroe County Health Department. Documentation of Health Department approval of all lots shall be provided prior to final site plan approval. Final plans shall be approved by the Monroe County Road Commission and the Monroe County Drain Commission prior to the Township Board granting final site plan approval.

**ARTICLE XVI
SITE PLAN REVIEW**

SECTION 16.1 SITE PLAN REVIEW PROCEDURES

Prior to the creation of a use or erection of a building in the District and conditions cited below, a site plan shall be submitted, in accordance with this Article, to the Planning Commission for approval. Site plans are required for the following uses and development to be created in the following districts if the proposed project is over one (1) acre in size and/or if more than one (1) principal building is proposed to be built on a given lot of record or on a group of adjacent lots in common ownership.

1. For Permitted and Special Approval Uses in:
 - a. Multiple-Family Residential District
 - b. Commercial District
 - c. Industrial District
2. For Special Approval Uses in:
 - a. Agricultural District
 - b. Single-Family Residential Districts
3. For any rezoning petition which, in the opinion of the Planning Commission, may produce a subsequent request to the Board of Appeals for a difficult or complex variance.
4. The construction of a public road or highway (Eff. 4/00)

SECTION 16.2 SITE PLAN CRITERIA

1. The date, north arrow and scale. The scale shall not be less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
2. All lot and/ or property lines are to be shown and dimensioned, including building setback lines on corner lots.
3. The location and height of all existing and proposed structures on the subject property.
4. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan.

7. The name and address of the property owner and/or petitioner.
8. Provide a locational sketch to scale showing properties and respective zoning within one quarter (1/4) mile of the subject property and owner.
9. The locations of all rubbish receptacles.
10. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, above and below grade.
11. Location of all fire hydrants.
12. A summary schedule should be affixed, if applicable, which gives the following data:
 - a. The number of dwelling units proposed, to include the number, size, and location (by code if necessary) of one-bedroom units, two-bedroom units, etc.
 - b. The residential area of the site in acres and in square feet, including breakdowns for any subareas or staging areas (excluding all existing or proposed right-of-ways).
13. Location of all surface drainage facilities with sizes and types.
14. Contour shall be shown on all industrial, multiple-family and mobile home park development site plans (2 foot intervals minimum). Topography to be shown on all site plans.
15. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensions floor plans for each type of dwelling unit.

SECTION 16.3 SUBMITTAL

The site plan and all related information specified above shall be presented to the Planning Commission in ten (5) copies by the property owner petitioner. Prior to presentation to the Commission, the property owner or petitioner shall have secured approval of the Monroe County Road Commission, and/or Michigan Department of Transportation, Monroe County Drain Commission and the Monroe County Health Department, if necessary. Copies shall be distributed to the following parties for review and information:

- One copy to the Secretary of the Planning Commission
- One copy to the Township Clerk
- One copy to the Township Building Department
- One copy to the Township Fire Chief
- One copy to be left at the Township Hall

SECTION 16.4 REVIEW PROCESS

1. In the process of reviewing the site plan, the Planning Commission shall consider:
 - a. The location and design of driveways providing vehicular ingress and egress from the site in relation to pedestrian traffic.

- b. The traffic circulation features within the site and location of parking lots and may make such requirements with respect to any matters as will assure:
 - 1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - 2) Satisfactory and harmonious relationships between the development of the site and existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
 - d. Other information as may be reasonably required by the Planning Commission to base an opinion of the proposed development.
2. The Planning Commission may submit plans to other local agencies or departments so that they might comment on any problems the plans might impose.
 - a. Any application for site plan approval shall be accompanied by a fee as determined by the Township Board. Such fee may be utilized by the Township Board to obtain the services of one or more expert consultant qualified to advise as to whether the proposed development will conform to the applicable Township Ordinances, policies, and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission. Such consultants should report to the Planning Commission as promptly as possible.
 - b. The review by the Planning Commission shall follow the criteria set forth herein for review by the Township Board. Within forty-five (45) days after submittal of the site plan to the Township by the applicant, the Township Planning Commission shall either recommend approval, disapproval or request modifications in the site plan. The Township Board shall take no action on the site plan until it receives a written recommendation in connection with the site plan from the Planning Commission.
 - c. When an applicant receives final site plan approval, he must develop the site exactly as approved by the Township Board.
 - d. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, or if said development is not completed within two (2) years. In either case the Township Board shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review, the Township Board may revoke its approval of the development, or extend the period of validity of the approved site plan upon evidence of intent to complete by the developer in accordance with the approved site plan.

SECTION 16.5 REVOCATION

Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Board shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review, the Township Board may

revoke its approval of the development if the Board feels that a violation in fact exists and has not been remedied prior to such hearing.

SECTION 16.6 APPEALS

The decision of the Township Board with respect to the site plan is appealable to the Board of Appeals upon written request by the property owner or petitioner for a hearing before said Board of Appeals. In the absence of such request being filed within thirty (30) days after the decision is rendered by the Township Board, such decision becomes and remains final.

ARTICLE XVII
MOBILE HOME PARK REGULATIONS

SECTION 17.1 GENERAL REQUIREMENTS

1. Each mobile home within a mobile home park shall contain a complete bathroom, including flush toilet, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers and other recreational vehicles shall not be occupied in a mobile home park.
2. Mobile home skirting shall be vented. Louvered or similar vents shall be at least a minimum of 600 square inches per 1,000 square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the mobile home and to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow, and rain.
3. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited except in an approved enclosed storage facility.
4. Canopies and awnings may be attached to any mobile home and may be enclosed, subject to mobile home site regulations, herein. When enclosed, such shall be considered a structure and part of the mobile home and building and occupancy permits issued by the Building Inspector shall be required.
5. All garbage and rubbish shall be stored, and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage and Disposal, of the Mobile Home Commission Rules. Garbage and trash removal shall be made at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.
6. A mobile home park shall not limit occupancy to certain makes of mobile homes and shall not restrict occupancy to those mobile homes which might be sold by the management company.
7. Entry fees shall be prohibited.
8. All structures and utilities to be considered, altered, or repaired in a mobile home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Mobile Home Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. All structures and improvements to be constructed or made under the Township Building Code shall have a building permit issued therefore by the Building Inspector. Such structures or improvements shall have a minimum of two inspections prior to a final inspection therefore by the Building Inspector.
9. A Mobile Home Park shall have a public water and sewer system and/or on-site water and waste water treatment system acceptable by the Michigan Department of Public Health and Michigan Department of Natural Resources.
10. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke,

noxious odors, unusual noise, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.

11. All land in a Mobile Home Park shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a mobile home park site plan, shall not bisect or divide a mobile home park to avoid unwarranted public traffic from traveling through the park.
12. A mobile home park shall not be occupied unless at least twenty-five (25) or fifty (50) percent of the expected total, whichever is less, mobile home sites are available for occupancy at the time of opening of the park.
13. A mobile home park shall not be developed on less than twenty (20) acres. Individual sites within a park shall be developed with sites having 5,500 square feet per mobile home unit being served. This 5,500 square feet may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under R 125. 1946, Rule 946 of the Michigan Administrative Code.
14. The minimum setback for a park shall be 50' from a public right-of-way.
15. The mobile home park shall be constructed pursuant to P.A. 419 of 1976, being MCL 125.1101 et seq. and the rules promulgated thereunder.
16. Landscaping and/ or greenbelts shall be in conformance with the provisions of Article XVI — Site Plan Review, and Article V — General Provisions, where applicable. Common laundry drying yards, trash collection stations, surface mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by manmade screens. Required landscape strips shall not be included in the calculation of required recreational areas. Parking shall not be permitted in any required buffer area.
17. All mobile home parks shall be located within the Multiple Residential District as designated in Article X of this Ordinance.

SECTION 17.2 MOBILE HOME SITE REGULATIONS

1. The Mobile Home Code, as established by the Mobile Home Commission under the authority of Act 419 of the Public Acts of 1976, regulates mobile home park density, design, construction, licensing, and individual mobile home installation (anchoring). All mobile home parks shall be constructed according to the standards of the Mobile Home Code which includes specifications for internal road widths, lengths, turning radii, alignment, gradients, construction materials, curbing, parking, utilities, pedestrian circulation, pad size, maintenance setbacks and screening. Any variance from these established standards granted by the Township must be filed with the Michigan Mobile Home Commission, however, the Commission may approve, disapprove, or revoke the variance upon notice and hearing.

SECTION 17.3 UTILITIES

Each mobile home shall be suitably connected to sanitary sewer, water and other available utility lines and such connections shall meet the following regulations.

1. A public water system or water system approved by the Michigan Department of

Public Health, and in accordance with Act 399, P.A. 1976 - The Safe Drinking Water Act - shall be provided within a Mobile Home Park. The water supply shall be adequate for firefighting purposes.

2. A public sewer system or water treatment system approved by the Michigan Department of Public Health and the Michigan Department of Natural Resources, shall be provided within a Mobile Home Park.
3. Each mobile home space shall be provided with at least a four (4) inch sanitary connection. The sewer shall be closed when not connected to a mobile home and shall be capped so as to prevent escape of odors. The sewer condition shall be watertight and self-draining and shall not exceed ten (10) feet in length above ground.
4. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
5. All electrical lines to each mobile home site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Above ground lines are allowed for the connection between the mobile home unit and the individual site utility pedestals.
6. If an exterior television antenna installation is necessary, a master antenna shall be provided and service therefrom shall be extended to individual mobile home sites by underground lines. The master antenna shall be placed so as not to be a nuisance to park residents and surrounding areas, and must have sufficient land area surrounding the base equivalent to 1 1/2 times the height of the tower for safety reasons. The master antenna shall not exceed a height of 40 feet, and be adequately screened to prevent access by children.
7. An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all State and Township electrical regulations.
8. All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Michigan Mobile Home Commission as provided for in Act 419 of the Public Acts of 1976.

SECTION 17.4 ACCESS AND PARKING

1. All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced unless, otherwise provided herein, and shall further comply with the General rules of the Michigan Mobile Home Commission as provided for in Act 419 of the Public Acts of 1976.
2. Each mobile home park shall have at least one private or public collector street located within the park and connecting it with a public street. Mobile home sites shall not front onto or have access to a collector street or to any public street serving the park, access shall be obtained from site access streets. A collector street shall be a street which carries traffic from the site access streets
in the park to the principal common areas and facilities of the park and to the public roads which provide access to the park.
3. All entrance streets for a park shall be designed as collector streets and shall have a minimum width of thirty-seven (37) feet, back of curb, for a minimum distance of two hundred (200) feet from the edge of pavement of the public street which provides access to the park. Tapering of pavement to a narrower width shall meet

Monroe County Road Commission standards.

4. Cul-de-sac streets shall have a turnaround with a minimum outside radius of fifty (50) feet and shall have a maximum length of three hundred (300) feet.
5. Entrances and exits for a mobile home park from County or State highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the mobile home park shall be approved by the Mobile Home Commission.
6. Where a proposed Mobile Home Development is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the MHP parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk(s). Said sidewalk(s) shall be necessary for only those portions of a Mobile Home Park fronting upon a public thoroughfare, and in accordance with the provisions of Article IV of the Dundee Township Subdivision Regulations, being section 401.

SECTION 17.5 STORAGE AREAS

The on-site, outdoor storage of boat trailers, boats, camping units, horse trailers, and similar equipment shall be prohibited. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment. Said storage shall be surfaced with gravel, asphalt, or similar substances and shall be screened from view with plant materials or manmade screening devices.

SECTION 17.6 PROCEDURES AND PERMITS

Application for permit to construct a mobile home park shall be submitted to the State of Michigan Department of Commerce, Mobile Home Commission. The Mobile Home Commission is the agency charged with licensing of mobile home parks. Preparation of the application, support data and local agency review of the above mentioned materials shall conform to the requirements of Act 419.

ARTICLE XVII A
MOBILE HOMES LOCATED OUTSIDE OF MOBILE HOME PARKS

SECTION 17A.1 MOBILE HOME GENERAL REQUIREMENTS

NO PERSON shall use, occupy or permit the use or occupancy of a mobile home as a dwelling within any district allowing single family homes in Dundee Township, not designated as a Mobile Home Park, unless:

1. A permit for the placement thereof has been obtained from the Township Building Inspector. Said permit shall be accompanied by a non-refundable fee, in accordance with the Schedule of Fees as established by the Dundee Township Board, to defray the costs of inspection as provided in this Ordinance; and
2. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Dundee Township Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated; and
3. Said mobile home shall be connected to a potable water and sanitary sewage disposal facilities approved by the Monroe County Health Department. If public water and sanitary disposal facilities are available to said premises, said mobile home shall be connected thereto; and
4. The mobile home shall be placed onto a permanent foundation wall. The wall shall meet all requirements of the Dundee Township Construction Code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile home. The mobile home shall be anchored to the foundation wall in accordance with sound building code procedures and/or manufacturers guidelines. The wheels, tongue and hitch, or other appurtenances, shall be removed before attachment of the mobile home to the foundation wall.
5. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to, said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), and as from time to time amended.
6. If placed in a flood zone, said mobile home shall meet the requirements as outlined in Section 13.2.6 of this Ordinance; and
7. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

SECTION 17A.2 AESTHETIC COMPATIBILITY

The foregoing requirements in Section 17A.1 notwithstanding the Mobile Home situated in a residential district within Dundee Township shall be aesthetically compatible in design and appearance with conventional on-site constructed housing, and other types of approved manufactured housing. Compatibility shall be determined by the following standards.

1. Exterior walls shall be finished with natural or simulated natural materials, common to single-family dwellings, such as but not limited to beveled siding, vertical siding, board and batten siding or brick.

2. Front and rear or front and side exterior doors.
3. A roof drainage system which will collect, and concentrate the discharge of roof drainage and will avoid roof drainage along the sides of the dwelling.

SECTION 17A.3 MOBILE HOME DEFINITION

As used herein the term "Mobile Home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year round living as a single family dwelling. Provided, however, that the term "Mobile Home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

SECTION 17A.4 CERTIFICATE OF OCCUPANCY

No person shall occupy any mobile home as a dwelling within Dundee Township until a Certificate of Occupancy shall be issued by the Building Official or Zoning Administrator, which permit shall indicate satisfactory compliance with all requirements of the Dundee Township Zoning Ordinance and Building Code.

ARTICLE XIX SIGNS

SECTION 19.1 INTENT

The purpose of this Article is to regulate and limit the construction or reconstruction of signs and billboard to protect the public peace, morals, health, safety and general welfare. Such signs will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, be permitted. Further, the regulation of such permitted signs and billboards is meant to prevent them from causing annoyance or disturbance to the residents of Dundee Township.

SECTION 19.2 SCOPE OF REQUIREMENTS

It will be unlawful for any person, firm or corporation to erect, construct, or alter any sign in Dundee Township except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

For purposes of this Section, the word "sign" shall, unless specifically stated otherwise, also include within its meaning the words "advertising signs" and "billboards".

SECTION 19.3 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

Banner Sign: A sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.

Billboard: A sign that is affixed to or erected upon a freestanding framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

Construction Sign: A temporary sign identifying the designer, contractors and subcontractors, and material suppliers participating in construction on the property on which the sign is located.

Directional Sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Election Campaign Sign: Signs advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source.

Freestanding Sign: A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs".

Ground or Monument Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Identification Sign: A sign that identifies the business, owner or resident and/ or the street address and which sets forth no other advertisement.

Illuminated Sign: A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include signs indicating the hours of business, no smoking signs, signs used to designate bathrooms and signs providing information on business affiliations.

Institutional Bulletin Board: A sign containing a surface area upon which a religious institution, school, library, or community center places the announcement of its institutional services or activities.

Marquee Sign: An identification sign attached to a marquee, canopy or awning projecting from and supported by the building, and not less than nine (9) feet, at its lowest point, above sidewalk level.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

Nameplate: A non-electric on premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign:

1. A sign which is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto.
2. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.

Obsolete Sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-Premise Advertising Sign: An advertising sign whose message relates to a business, service, commodity or profession lawfully being conducted, sold or offered, on premises other than that upon which the sign is located.

On-premise Advertising Sign: An advertising sign whose message relates to a business, service, commodity or profession lawfully being conducted, sold or offered on the same premises.

Pole or Pylon Sign: A type of freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a clear space of at least nine (9) feet from the ground to the bottom of the sign.

Portable Sign: A free standing sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped or inverted "T" shaped sign structures. This includes hot-air and gas filled balloons, pennants, streamers, ribbons, pinwheels, non-governmental flags, searchlights and signs mounted on a portable structure, including those with wheels. Prohibited portable signs shall not include signs which are expressly permitted in this ordinance.

Projecting Sign: A sign which projects from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and no less than nine (9) feet, at its lowest point, above sidewalk or ground level.

Public Sign: A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real Estate Sign: A sign located on premises containing one (1) parcel of land or one (1) building for sale, rent or lease, or one (1) building under construction and intended for sale, rent or lease.

Roof Sign: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign: A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

Subdivision Sign: A sign placed at the primary entrance to a subdivision, or mobile home park, containing information only about that subdivision.

Temporary Sign: A sign not constructed or intended for long term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

Vehicle Signs: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

Wall Sign: A sign attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches from the wall of the building or more than three (3) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall. Signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or parapet shall be considered wall signs.

Window Sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall be considered wall signs.

SECTION 19.4 GENERAL PROVISION

- A. **Exempt Signs.** The following signs are specifically exempt from the provisions of this Article, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance:
1. address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses;
 2. banners, advertising a public entertainment or event, provided that they receive a permit from the Township Building Inspector, are only used in a location designated by the Township Building Inspector, and are erected no more than fourteen (14) days before the event they advertise and are removed within one (1) business day following the event;
 3. construction signs provided that there shall be only one such sign per development project; with a maximum height of six (6) feet; not exceeding sixteen (16) square feet in area; set back a minimum fifteen (15) feet from any property line or public street right-of-way; and that such signs shall be erected during the construction period only and shall be removed within fourteen (14) days of the date a final approval for occupancy is issued;
 4. garage sale and estate sale signs announcing the sale of household goods, provided the following; there is only one (1) sign per premises; that they are on premise only, entirely on private property; that they do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale;
 5. "help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet;
 6. historical marker including plaques or signs describing state or national designation as a historical site or structure and containing narrative, not exceeding twelve (12) square feet in area;
 7. incidental signs not exceeding a total of two (2) square feet, a total of two (2) signs per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window;
 8. memorial signs or tablets, names of buildings and date of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area;
 9. non-commercial signs including signs containing non-commercial messages, such as those designating the location of public telephones, restrooms restrictions. on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area;
 10. private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices;

11. residential nameplates identifying the occupants of the building, the home occupation, or for professional purposes provided such sign shall be limited to one (1) per dwelling and not exceed two (2) square feet in area; then sign shall not be illuminated and must be attached to an exterior building wall;
12. signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked;
13. permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three (3) square feet in area, limit of one (1) sign per vending machine, gas pump or ice container;
14. political signs, any sign erected on vacant property must have the owner's permission; such signs are not placed within the public street right-of-way; such signs are spaced at least ten (10) feet apart; such signs do not exceed sixteen (16) square feet in area; and that such signs are removed within one (1) business day following the election for which they are erected;
15. portable real estate "open house" signs provided the following conditions are met:
 - a. the size of each sign shall be a maximum of four (4) square feet in size and three (3) feet in height above grade;
 - b. there shall be only two (2) such signs placed off-premise and one (1) on-premise;
 - c. signs shall not be affixed to other signs, utility poles, fire hydrants or trees;
 - d. signs may be located in the public right-of-way but shall be placed at least fifteen (15) feet from the pavement edge;
 - e. the person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which such signs are placed;

the signs shall be allowed for a maximum of eight (8) hours per day; and
 - f. the signs shall be removed within one (1) hour following closing of the open house.
16. publicly authorized warning signs, such as no trespassing, no hunting, warning of electrical currents or animals, provided such signs do not exceed two (2) square feet in area;
17. "For sale" signs on vehicles;
18. regulatory and directional traffic control and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices; and
19. any sign which is located completely within an enclosed building, and which is not visible from outside the building;
20. agricultural crop signs, provided such signs do not exceed four (4) square feet in area.

21.

B. Prohibited Signs. The following signs are prohibited in all districts:

1. any sign not expressly permitted;
2. signs having moving members or parts, or using high intensity or flashing lights, spinners or animated devices;
3. string lights used for commercial purposes, other than holiday decorations;
4. any sign or sign structure which:
 - a. is structurally unsafe;
 - b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. is capable of causing electric shock to person who comes in contact with it;
or
 - d. is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
5. any sign erected on a tree or utility pole, except signs of a government or utility;
6. obsolete signs, as defined in this Ordinance;
7. portable signs, as defined, except where expressly permitted in this Ordinance;
8. signs affixed to a parked vehicle or truck trailer which is being used

principally for advertising purposes, rather than for transportation purposes;
9. signs which obstruct free access or egress from any building;
10. any sign which makes use of the words "stop", "look", or "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic;
11. signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets;
12. billboard signs;
13. any sign containing obscene, indecent, or immoral matter;
14. a sign within five hundred (500) feet of the right-of-way of a limited access

freeway.

SECTION 19.5 GENERAL STANDARDS FOR PERMITTED SIGNS

Signs which are permitted as accessory uses serving a commercial or information purpose may be permitted subject to the requirements of this section; provided, that no such sign shall be erected or altered until approved by the Township Building Inspector and until a sign permit has been issued pursuant to Section 19.7 of this Article.

A. Sight Distance.

1. Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four (24) inches and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic- control devices or street signs.

B. Design and Construction Standards.

1. All signs shall be properly maintained and shall not be allowed to become unsightly or deteriorated through disrepair or action of the elements. Non-conforming deteriorated signs, as judged by the Building Inspector, shall not be repaired but shall be entirely removed from the premises by the owner of said premises. A written notice of this requirement shall be transmitted to the owner, and the sign shall be removed within thirty (30) days of the date of such notice. If the owner does not comply, the Township shall cause the sign to be removed and the cost of such removal and related expenses to be borne by the owner from a cash bond previously posted or assessed to the property.
2. Applicants for Temporary Subdivision Signs or Billboards shall file a cash bond with the Township Treasurer to guarantee proper maintenance during the permit period and removal of the signs after the expiration of the permit.

Such cash bond shall be in the amount of one hundred dollars (\$100.00). In the event the applicant fails to maintain any sign properly or fails to remove the sign at the time of expiration of the permit, the bond will be forfeited. Such bond shall be paid to the Township Treasurer for each sign at the time of original permit.

3. All signs, as permitted, 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.
4. Signs shall be constructed in a safe and stable manner in accordance with the Township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
5. All signs shall be designed to that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
6. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or

seventy-five (75) miles per hour.

7. All signs, including supports, shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.
8. Accessory business signs are permitted in any non-residential district which pertain to that conforming accessory business or service being conducted on the same premises as the sign is located.

C. Illumination.

1. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely to the sign, or internal to it.
2. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
3. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
4. There shall be no flashing, oscillating or intermittent sign. All illuminated signs shall be designed and located to prevent the light there from being cast upon adjoining residences. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Building Inspector.

D. Measurement.

1. *Sign Area.* Sign area shall be computed as follows:
 - a. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

- b. The area of a freestanding sign shall be computed by measuring the entire vertical surface of one face upon which the letters and logo are attached.
- c. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign.
- d. The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

SECTION 19.6 TEMPORARY REAL ESTATE SIGNS

One real estate sign shall be permitted per premise or building being marketed for sale, rent or lease.

- a. *Size.* A real estate sign for an individual property or building shall not exceed ten (10) square feet in area and four (4) feet in height. A temporary sign up to one hundred (100) square feet in area and ten (10) feet in height may be approved by the Board of

Appeals for a real estate development sign for a period not to exceed twelve (12) months.

- b. *Location.* Real estate signs shall be located on the same premises or building being marketed for sale, rent or lease.
- c. *Setback.* Real estate signs must be set back a minimum of one (1) foot from any public or private street right-of-way or access drive. The distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- d. *Duration.* The real estate sign shall remain on the premises or building only while said real estate is actually on the market for sale, rent or lease. A lease or rent sign may be permitted to remain on a building that has space or area continuously for rent or lease, provided such sign shall be part of the permitted wall of freestanding sign allowed by Section 19.7.

SECTION 19.7 SPECIFIC SIGN STANDARDS

Certain types of signs are permitted in certain districts according to the following Table.

SPECIFIC SIGN STANDARDS
Permanent Signs

District Permitted	Sign	Maximum Size	Maximum Height	Maximum Number	Setbacks
Agricultural	On-Premises Advertising Sign	32 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)
	Identification Sign	Dwelling - 2 sq. feet Business - 8 sq. feet	4 feet	1	(a) (b) (c)
	Temporary Sign Advertising Produce Raised On-Site (t)	32 sq. feet	4 feet	1 per interior lot; 2 per corner	(a) (b) (c)
	Institutional Bulletin Board	150 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)
Single-Family Residential	On-Premises Advertising Sign	32 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)
	Identification Sign	Dwelling - 2 sq. feet Business - 8 sq.	4 feet	1	(a) (b) (c)
	Institutional Bulletin Board	150 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b)
	Subdivision Sign	200 sq. feet	6 feet	1 per entrance	(a) (b) (c)
Mobile Home Park; Multiple Family Residential;	On-Premises Advertising Sign	32 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)
	Identification Sign	48 sq. feet	8 feet	1	(d)
	Institutional Sign	150 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)
	Subdivision Sign	200 sq. feet	6 feet	1 per entrance	(a) (b)
Local Commercial; General Commercial	On-Premises Advertising Sign	200 sq. feet	35 feet	1	(e)
	Institutional Bulletin Board	150 sq. feet	8 feet	1 per interior lot; 2 per corner	(a) (b) (c)

- (a) Signs must be set back a minimum of fifteen (15) feet from any public or private street right-of-way or access drive. The distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

- (b) Side yard setbacks for signs shall be the same as that required for the main building or structure, provided that all non-residential signs must be set back at least one hundred (100 feet from any residential district.
- (c) The sign shall be located no closer to the front lot line than one-half the required front yard setback and not located in the required side yard setback.
- (d) The sign shall be located no closer than 25 feet from any property line.
- (e) Pole signs used as On-premises Advertising Signs in the Local or General Commercial District shall be located no closer than 25 feet to the front or side lot lines.
- f) The temporary sign shall be removed during seasons when the produce being advertised is not in season.

SECTION 19.8 BUILDING PERMIT

A building permit shall be required for the erection, construction or alteration of any sign of area exceeding eleven (11) square feet, and all such signs shall be approved by the Building Inspector as to their conformance with the requirements of the zoning district in which they are located and the requirements of their section.

Construction plans for signs shall bear the seal of a licensed engineer when required by the Building Inspector. The Building Inspector shall have the authority to approve or disapprove with cause any applications for the renewal of a permit.

ARTICLE XX
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 20.1 REQUIRED OFF-STREET PARKING GENERAL

Off-street parking in conjunction with all land and building uses shall be provided as herein prescribed:

1. For the purpose of this Article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles except that the standard shall be three hundred twenty-five (325) square feet where parking is perpendicular to the access aisle, and except that one hundred eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following table in Section 20.2. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the Board of Zoning Appeals from requirements for similar uses.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than would hereinafter be required for such building or use.
5. Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.
6. Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicle. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All off-street parking, whether public or private, for non-residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
7. Residential off-street parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve and not closer than three (3) feet from any street lot line.
8. Nothing in this Article shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or use, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
9. In stadiums sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as (1) seat for the purpose of determining requirements for off-street parking facilities under this Article.

SECTION 20.2 TABLE OF OFF-STREET PARKING

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/ or shall comply with the initial part of this Section.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. RESIDENTIAL	
a. Residential, One-Family and Two-Family	Two (2) for each dwelling unit
b. Residential, Multiple-Family	(Two (2) for each dwelling unit
c. Residential, Multiple-Family Senior Citizens Housing	One (1) for each one (1) dwelling unit, and one (1) for each employee
d. Trailer Park and Mobile Home Courts	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court
e. Boarding and Rooming Houses	One (1) for each sleeping room
2. INSTITUTIONAL	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, based on maximum seating capacity in the main unit of worship
b. Hospitals	One (1) per six hundred (600) square feet of gross floor area
c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes	One (1) per six hundred (600) square feet of gross floor area
d. Elementary and Junior High and administrator, in addition	One (1) for each one (1) teacher to the requirements of an auditorium
e. Senior High Schools	One (1) for each one (1) teacher and administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium

- f. Private Clubs or Lodge Halls
One (1) for each three (3) persons allowed within the maximum occupancy load as established by local County, or State fire, building or health codes
- g. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other Similar Uses
One (1) for each two (2) member families or individuals
- h. Marinas, Public or Private
One (1) for each one (1) boat slip
- 1. Golf Courses open to the general public except miniature or Par "3" courses
Six (6) for each one (1) golf hole and one (1) for each one (1) employee
- J. Fraternities
One and one-half (1 1/2) for every two (2) persons based upon the capacity of the house
- k. Sororities
One (1) for every two (2) persons based upon the capacity of the house
- 1. Stadium, Sports Arena, or Similar place of Outdoor assembly
One (1) for each three (3) seats or six (6) feet of benches
- m. Theaters and Auditoriums (indoor)
One (1) for each three (3) seats plus one (1) for each two (2) employees
- n. Libraries, Museums, and Non-Commercial Art Galleries
One (1) for each four hundred (400) square feet of gross floor area

3. BUSINESS AND COMMERCIAL

- a. Automobile Service Stations
Two (2) for each lubrication stall, rack or pit, and one (1) for each employee
- b. Auto Wash
One (1) for each one (1) employee
- c. Beauty Parlor and/or Barber Shop
Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair
- d. Bowling Alleys
Seven (7) for each one (1) bowling lane
- e. Dance Halls, Pool or Billiard Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls without fixed Seats
One (1) for each three (3) seats Parlors, or one (1) for each one hundred (100) square feet of gross floor area

- f. Drive-In Establishments One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces
- g. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments One (1) for each one hundred (100) square feet of gross floor area
- h. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses One (1) for each eight hundred (800) square feet of floor area, exclusive of the floor area occupied in processing or manufacturing for which requirements see Industrial establishments below
- 1. Laundromats and Coin Operated Dry Cleaners One (1) for each two (2) washing machines
- J. Miniature Golf Courses Three (3) for one (1) hole plus one (1) for each one (1) employee
- k. Mortuary Establishments One (1) for each one hundred (100) square feet of gross floor area
- I. Motel, Hotel or Other Commercial Lodging Establishments One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms, based on maximum occupancy load
- m. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms One (1) for each four hundred (400) square feet of gross floor area of sales room
- n. Open Air Businesses One (1) for each six hundred (600) square feet of lot area
- O. Restaurant, Carry-out One (1) for each one hundred (100) square feet of gross floor area
- p. Retail Stores, Except as Otherwise Specified Herein One (1) for each two hundred (200) square feet of gross floor area
- q. Shopping Center or Clustered Commercial One (1) for each one hundred (100) square feet of gross floor area

4. OFFICES

- a. Banks, Savings and Loan Offices One (1) for each two hundred (200) square feet of gross floor area

- b. Business Offices or Professional Offices Except as Indicated in the Following Item (c) One (1) for each two hundred (200) square feet of gross floor area

- c. Medical or Dental Clinics, Professional Office or Doctors, Dentists or similar Professions gross Ten (10) for the first doctor plus one (1) for each three hundred (300) square feet of floor area

5. INDUSTRIAL

- a. Industrial or Research Establishments One (1) for every one and one half (1 1/2) employees in the largest working shift. Space on- site shall also be provided for all construction workers during periods of plant construction.

- b. Wholesale or Warehouse Establishments One (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area whichever is greater

SECTION 20.3 OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

- 1. The building of a parking lot is subject to the requirements for a building permit. The Building Inspector in reviewing the application may request the findings of the Township Planner on the basis of the requirements, set forth in (2) through (10) below.

- 2. Each parking space shall constitute a net land area of at least one hundred eighty (180) square feet. The total parking lot space, including access lanes, shall constitute at least three hundred (300) square feet land area per parking space.

- 3. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

- 4. Where the parking lot abuts a residential district, required setback of parking spaces is:
 - a. Side Lot Lines Two (2) feet from such side lot line

b. Contiguous Common Frontage in Same Block

Five (5) feet from the street lot line

c. Rear Lot Line

None

5. Bumper stops or wheel shocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.
6. The parking lot shall be drained to eliminate surface water.
7. All parking facilities required for uses mentioned in this Section shall be hard-surfaced with a pavement having an asphalt or concrete binder except the following:
 - a. Parking areas for non-residential uses in the agricultural and rural district are not required to be paved if none of the public roads adjacent to the site are paved.
 - b. Driveways and parking areas for single family or two family dwellings or agricultural uses in the agricultural and rural district or any residential district are not required to be pave unless the dwelling is located within a platted subdivision or condominium subdivision plan or project as defined by Michigan State Act 59, 1978, as amended, in which case paving shall be required.
 - c. Parking areas used temporarily for the purpose of parking cars or other vehicles to attend carnivals, short-term open air businesses, recreational activities, park-n-ride transit lots are not required to be paved.
 - d. During site plan review, the Planning Commission may approve temporary exceptions to the paving requirements to accommodate project phasing or weather-related delays.
 - e. Lighting shall be arranged to reflect away from residential areas.
8. Automotive Sales Areas: Every parcel of land hereafter used as an automobile or trailer sales area or as an automotive service state shall be subject to the above requirements of this section.
9. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of One Tier of Spaces Plus Maneuvering Lane
0 degrees (Para Parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53 degrees	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54 to 74 degrees	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75 to 90 degrees	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

SECTION 20.4 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display, or other uses, similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for the loading and unloading, designed to avoid interference with public use of the street or alleys.

Such loading and unloading spaces shall be an area a minimum of twelve (12) feet in width by fifty (50) feet in length with a fifteen (15) foot height clearance, and shall be provided according to the following table:

**Loading and Unloading, Spaces
Required in Terms of Square Feet or
Gross Floor Area**

Gross Floor Area in Square Feet

0 - 2000	None
2,001 - 20,000	One Space
20,001 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000 - 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen spaces (15) plus one space for each 80,000 square feet in excess of 500,000 square feet

No loading space shall be located closer than fifty (50) feet from any residentially zoned district unless located on an alley, within a completely enclosed building, or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Planning Commission not less than six (6) feet in height.

Section 20.5 DRIVEWAYS AND ACCESS MANAGEMENT (Ord. 11-02)

1. **Intent.** The following regulations are intended to maximize roadway capacity and safety by limiting and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives and access from side streets.
2. **Scope and Applicability.** The standards of this section apply to areas outside of the right-of-way, which are under Township jurisdiction through site plan review. The driveway standards herein may be more restrictive than the standards of the Monroe County Road Commission or Michigan Department of Transportation (MDOT), which have jurisdiction within the right-of-way. Construction within the public right-of-way must also meet the permit requirements of the County or MDOT as applicable. Where any conflicts arise, the more stringent standard shall apply.
3. **Driveways in General**
 - a. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - b. All driveways shall be designed according to the standards of the Monroe County Road Commission or MDOT, as applicable.
 - c. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

- d. Driveway design and placement must be in harmony with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period.
- e. Provisions for circulation between adjacent parcels should be provided through coordinated and / or joint parking systems, or other methods, determined at the time of the site plan review.
- f. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- g. Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar in accordance with the County Road Commission or MDOT standards.

4. Driveway Spacing Standards

- a. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Minimum Driveway Spacing From Intersection

Location of Access Point	Type of Intersecting Road	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Driveway Restricting Left Turns
Along an arterial road	Expressway Ramp	600	600
	Another arterial	300	125
	Collector or Local	200	125
Along a collector road	Any Road	125	75
Along a local road	Any Road	75	50

- 1) Arterial and collector roads shall be as designated on the Dundee Township Master Plan Roadway Functional Classification Map.
 - 2) For sites with insufficient street frontage to meet the above criterion the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.
- b. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated below is measured from centerline to centerline.

Minimum Spacing Between Driveways

Posted Speed Limit (MPD)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 or more	350

- c. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset the distance indicated in paragraph (b) above.
- d. For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.
- e. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary.

5. Number of Commercial Driveways

- a. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access, while preserving traffic operations and safety along the public roadway.
- b. Access, either direct or indirect, shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive.
- c. A second driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one additional driveway for each additional three-hundred (300) feet of frontage.
- d. Two one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.
- e. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may

require two (2) egress lanes.

6. Shared Driveways, Frontage Roads and Service Drives

- a. **Location:** Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
- b. **Access Easement:** The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty-six (66) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the Planning Commission. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
- c. **Construction and Materials:** Service roads shall have a base, pavement and curb with gutter in accordance Monroe County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of twenty-four (24) feet.
- d. **Parking:** The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.
- e. **Access to Service Road:** The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this Article. The Planning Commission may allow additional driveways if approved by the Monroe County Road Commission.
- f. **Temporary Access:** The Planning Commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until monies have been deposited with the Township.
- g. **Landscaping:** The area between a service road and the public street right-of-way shall be landscaped greenbelt.
- h. **Maintenance:** Each property owner shall be responsible for maintenance of the easement and service drive.

**ARTICLE XXI
ADMINISTRATION AND ENFORCEMENT**

SECTION 21.1 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building Inspector who shall be appointed by the Township Board of Dundee Township, or any other employees, inspectors, and officials as the Building Inspector may delegate to enforce the provisions of this Ordinance.

SECTION 21.2 DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant building, zoning compliance and occupancy permits, to make inspections of buildings or lots necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a building or occupancy permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building or occupancy permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and a plot plan or plats drawn to scale, in duplicate, and showing the following, in sufficient detail to enable the Building Inspector to ascertain whether the proposed work or uses is in conformance with this Ordinance. (Eff. 4/03)

1. The actual shape, location and dimensions of the lot, and the lines of the lots or parcels under separate ownership contained herein.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The width and alignment of all abutting streets, alleys, easements of access and public open spaces.
5. In the case of an application for other than a residence, the applicant shall also furnish a sworn statement stating all uses to which he proposes to put the property or any proposed building on the property.
6. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit within ten (10) days after the receipt of such application. If any application for such permit is not approved, the Building Inspector shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance. A record of all such applications shall be kept on file by the Building Inspector.

Whenever an application for a building permit indicated the necessity for constructing an on-site sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the Monroe County Health Department shall have approved the site for the construction of such facilities.

The Building Inspector is under no circumstance permitted to grant _exceptions to the meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter or use buildings, structures or land within the Township.

All building permits shall be conspicuously posted on the premises.

SECTION 21.3 BUILDING PERMITS

The following shall apply in the issuance of any permit:

1. *Permits Required:* It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Building Permit from the Building Inspector. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances.

"Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

2. *Permits for New Use of Land:* A Building Permit shall also be obtained for the new use of land, whether land is presently vacant or a change in land use is proposed.
3. *Permits for New Use of Buildings or Structures:* A Building Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
4. *Accessory Buildings:* Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit.
5. All building permits, when issued, shall be valid for a period of one (1) year only but may be extended for a further period of not to exceed one (1) year, if said Building Inspector shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a building permit.

Should the holder of a Building Permit fail to complete the work for which said permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, per se and the same may be abated by appropriate action before the Circuit Court of the County. The Board of Zoning Appeals, the Township Board, any person designated by the Township Board or any aggrieved person may institute a suit to have the nuisance abated.

SECTION 21.4 CERTIFICATES OF OCCUPANCY

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

1. *Records of Certificates:* A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies of such Certificates shall be furnished upon request to a person or persons having proprietary or tenancy interests in the property involved.
2. *Certificates for Accessory Buildings to Dwellings:* Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory building or structures are completed at the same time as the principal use.
3. *Temporary Certificates:* Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupation shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
4. *Application for Certificates of Occupancy:* Any person applying for a Building Permit shall at the same time apply to the Building Inspector in writing for a Certificate of Occupancy. It shall be the duty of such person to notify the Building Inspector upon completion of the building or structure. The Building Inspector shall, within five (5) business days after actual receipt of such notification, inspect such building or structure, or part thereof, or if the proposed use of the premises is in conformity with this and other applicable ordinances and laws, the Building Inspector shall forthwith issue a Certificate of Occupancy therefore. If the Building Inspector shall determine that a violation exists, he shall not issue a Certificate of Occupancy and shall forthwith notify the applicant of such refusal and the cause therefore.

SECTION 21.5 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Inspector in advance of the issuance of such permits or certificates. The amount of such fees shall be established by the Township Board and shall cover the cost of inspection and supervision from the enforcement of this Ordinance.

SECTION 21.6 ZONING COMPLIANCE PERMITS (Ord. 4-03)

A zoning compliance permit must be obtained for certain buildings or structures, listed below, where a building permit is not required by the Building Code. The permit shall be approved before the building or structure is erected, altered or moved. Such buildings and structures include:

1. agricultural buildings,
2. fences that are less than 6 feet in height,

3. one-story detached accessory buildings that have a floor area less than 120 square feet, and
4. sidewalks and driveways.

The Building Inspector shall require that every application for a zoning compliance permit be accompanied by a written statement and a plot plan drawn to scale that shows the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed building or structure is in conformity with this Ordinance.

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of existing buildings and structures already on the lot.
3. Utility or other easements on the lot.
4. The shape, size and location of the proposed buildings and/or structures.
5. In the case of a proposed building, the intended use of such building.
6. Such other information concerning the lot or the proposed buildings and structures as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 21.7 PUBLIC HEARINGS

In instances where a public hearing is required under this ordinance with the Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be made as follows:

1. **Notice Content:** The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
2. **Notice Publication and Delivery:** Notice shall be published and delivered no less than

fifteen (15) days prior to the public hearing as follows:

- a. Notice of the request shall be published in a newspaper of general circulation in the Township.
 - b. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - c. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
3. **Ordinance Amendments and Rezoning of More Than 10 Properties:** Public hearings for an amendment to the zoning ordinance, or the zoning map that affects eleven (11) or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under 21.07.1.b above, and notice shall not be required to be mailed to individual properties under 21.07.2.b and c. above.
 4. **ZBA Interpretations and Appeals:** Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in 21.07.2.a. above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in 21.07.2.b above. Variances shall require full notification under 21.07.2.a. through c. above.

ARTICLE XXII
ZONING BOARD OF APPEALS

SECTION 22.1 CREATION OF ZONING BOARD OF APPEALS

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

SECTION 22.2 BOARD MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board:

1. The first member shall be a member of the Township Planning Commission.
2. The second member may be a member of the Township Board and shall not serve as Chairman of the Zoning Board of Appeals.
3. The additional members shall be from among the electors residing in the unincorporated area of the Township for at least one (1) year, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as an additional member.

Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

SECTION 22.3 MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The five (5) members of the Board shall have the power to require the attendance of witnesses, administer oaths, compel testimony and production of books, files and other evidence pertinent to the matters before it.

SECTION 22.4 APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Building Inspector or an Administrative Official or body charged with enforcement of the Zoning Ordinance. Such appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Building Inspector and with the Zoning Board of Appeals a Notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance, of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after the Notice of Appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the

appeal and give due notice thereof, to the parties and shall render a decision of the appeal without unreasonably delay. Any person may appear and testify at the hearing, in person or by duly authorized agent or attorney.

SECTION 22.5 NOTICE OF HEARINGS

The Zoning Board of Appeals shall make no determination except in a specific case and after a public hearing, conducted by the Zoning Board of Appeals, has been held. Notice of the hearing of the appeal shall be given in accordance with Section 21.6.

SECTION 22.6 POWERS OF BOARD OF ZONING APPEALS

The Zoning Board of Appeals shall not have the power to alter or change the zoning District classification of any property, nor to make any changes in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, but does have the power to act on those matters where this Ordinance provides for an administrative review or interpretation and to authorize a variance as defined in this Section and laws of the State of Michigan.

shall be necessary to reverse any order, requirements, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

The Zoning Board of Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.

1. Administrative Review

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, or determination made by any administrative official or body charged with enforcement and of any provisions of this Ordinance. The Zoning Board of Appeals may reverse an order, requirement, or determination only if it find that the action or decision appealed meets one (1) or more of the following requirements:

- a. Was arbitrary or capricious.
- b. Was based on an erroneous finding of a material fact.
- c. Constituted an abuse of discretion.
- d. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Variances

Where owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modifications of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.

- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties or class of uses in the same district. The need for the variance was not self-created by the applicant.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
- c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
- d. That the granting of such variance will not adversely affect the purposes or objective of this Ordinance.
- e. In consideration of all appeals and all proposed variations to this Ordinance, the Zoning Board of Appeals shall, before making any variations from the Ordinance in specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fires or endanger the public safety, or reasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Dundee in the manner provided by law.

3. Permits

- a. The Zoning Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- b. The Zoning Board of Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

- c. The Zoning Board of Appeals shall have the power to permit temporary buildings and uses for periods not to exceed one (1) year.

4. Special Approval

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by an officer, department, board or bureau aggrieved by a decision of the Planning Commission regarding application for a Use Permitted on Special Approval as provided for within the various land use districts in this Ordinance. Such appeals shall be taken within such time, and in such manner, as prescribed in Section 22.4 herein.

5. Orders

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the orders, requirements, decisions or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken. The decision of the Zoning Board of Appeals rendered pursuant to the above shall be final.

6. Reduction of Natural Feature Setback (Ord. 11-02)

The natural feature setback may be reduced by the Zoning Board of Appeals upon a determination that it is consistent with the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test.:

- a. The relative extent of the public and private need for the proposed activity.
- b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited.
- d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f. The size and quality of the natural feature.
- g. Proximity to any drainage way.
- h. Extent to which upland soil erosion adjacent to protected wetlands or drainage ways is controlled.

1. Economic value, both public and private, of the proposed land change.

SECTION 22.7 ZONING BOARD OF APPEALS APPROVAL

The Zoning Board of Appeals may _require the appellant or applicant requesting a variance or special approval to submit all necessary survey, plans, or other information the Board may reasonably require. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance or special approval as it may deem necessary to comply with the spirit and purpose of this Ordinance.

SECTION 22.8 APPROVAL PERIOD

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a longer period than two (2) years unless such use is established within such period; provided however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.

SECTION 22.9 FILING FEE

Application for a Zoning Board of Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid to the Township Treasurer at the time the notice of appeal or request for special approval is filed.

SECTION 22.10 EFFECTIVE DATE OF ACTION

The decision of the Zoning Board of Appeals shall not become effective until the expiration of five (5) days from the entry of the order unless the Zoning Board of Appeals shall find the immediate effect of the order is necessary for the preservation of property rights and so shall certify on the record.

ARTICLE XXIII
INTERPRETATION AND APPLICATION

SECTION 23.1 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health convenience, morals, comforts, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by the Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open space, or larger lot area, than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall govern.

ARTICLE XXIV

VIOLATIONS AND PENALTIES

SECTION 24.1 VIOLATIONS AND PENALTIES

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100.00 for the first offense, \$250 for the first repeat offense and not less than \$500.00 for second or subsequent repeat offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same ordinance (i) committed by the same person for the same property within any twelve (12) month period and (ii) for which the person admits responsibility or is determined to be responsible.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, or in the alternative, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret the Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Any use of land, a dwelling, building or structure including a tent or recreational vehicle, used, erected, altered, razed, or converted, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner or agent in charge of such dwelling, building, structure, tent, recreational vehicle or land shall be liable for maintaining a nuisance per se. Costs to the Township of abating such nuisance shall be a lien upon the land.

E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

Section 3. Savings.

The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Township under such pending action. All proceedings pending when this Ordinance takes effect are saved and preserved and shall be continued all according to the terms, provisions and penalties of the Ordinance in effect at the time they were commenced.

Section 4. Repeal.

Except as set forth in Section 3 Savings above, all Ordinances or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 5. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

ARTICLE XXV EFFECTIVE DATE

Public Hearing having been held hereon, the provisions of this Ordinance are hereby given effect from and after the date of its passage by the Township Board and subsequent publication as required by law. Made and passed by the Township Board of the Township of Dundee, Monroe County, Michigan, on this 14th day of April, A.D. 1981.

1. Date of Public Hearing, March 30, 1981.
2. Date of Adoption by Township Board, March 30, 1981.
3. Date of Publication, April 29, 1981.
4. Date Ordinance shall take effect, May 29, 1981.

Clarabel Rod
Township Clerk

HISTORY OF THE ORDINANCE

Original preliminary work on the land use plan for Dundee Township started in January, 1974. This work has included completing and adopting Ordinance IA which was adopted August 8, 1977, published August 25, 1977, and which takes effect September 24, 1977.

In June 1974, James Peltier of James Peltier and Associates, Planners, Monroe, Michigan, joined with the Dundee Township Planning Commission to aid in the lengthy and detailed work of completing a Community Comprehensive Plan.

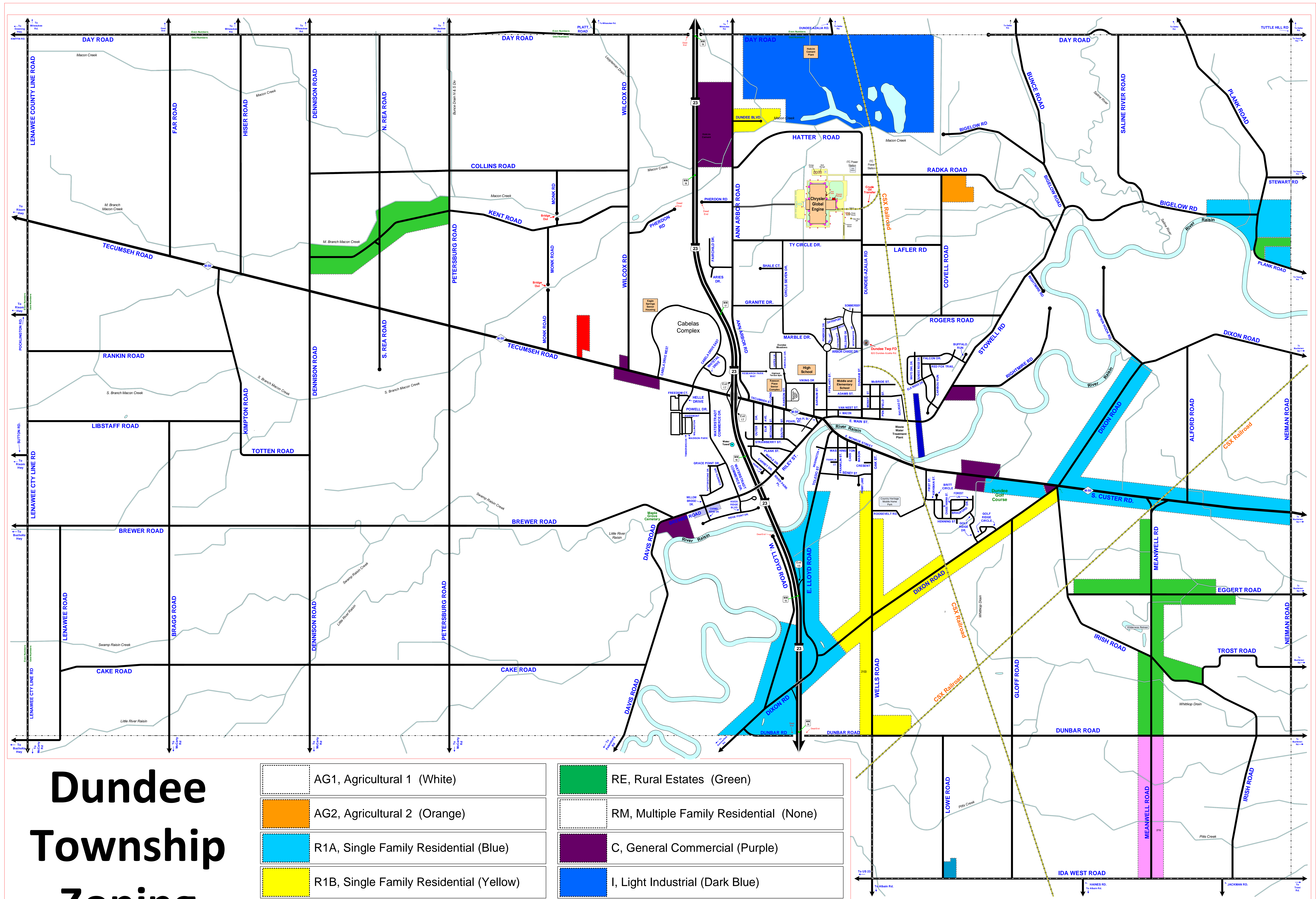
Members of the Planning Commission are: A.A. Bronson, Chairman; Marvin Reaume, Secretary; Jim Rowe, Vernon Winkelman, Edward L. Ruehs, Ronald Kuhn and Bill Houck.

Members of the Zoning Board of Appeals are: A.A. "Bud" Bronson, Chairman; George Ruehs, representing the Township Board; and Harold Dettloff, Citizen-at-large.

Township Board members are: Ben Ball, Supervisor; Clarabel Rod, Clerk; Mrs. Jan Goetz, Treasurer; Ronald Kuhn, Trustee and George Ruehs, Trustee.

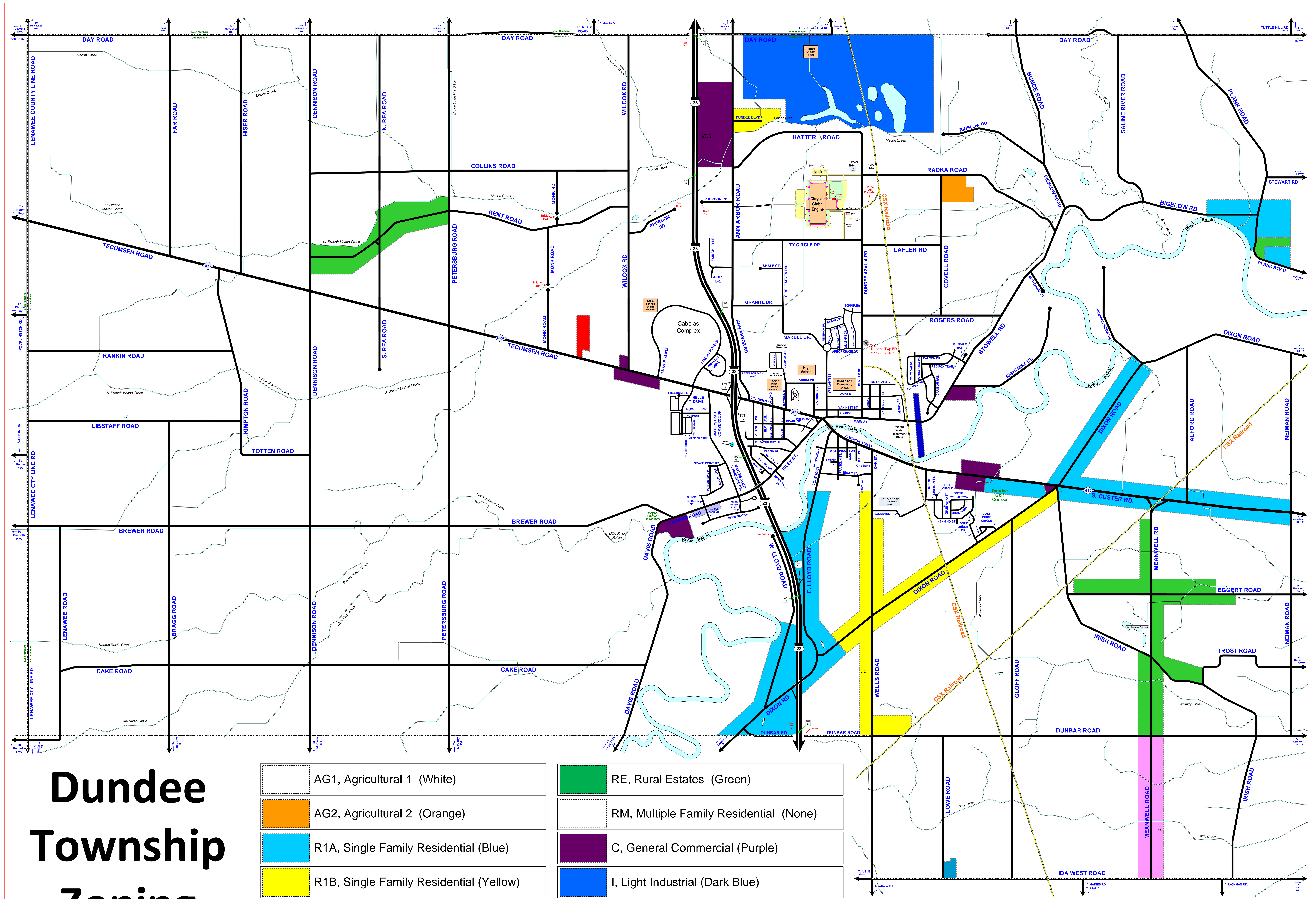
Dundee Township Zoning

	AG1, Agricultural 1 (White)		RE, Rural Estates (Green)
	AG2, Agricultural 2 (Orange)		RM, Multiple Family Residential (None)
	R1A, Single Family Residential (Blue)		C, General Commercial (Purple)
	R1B, Single Family Residential (Yellow)		I, Light Industrial (Dark Blue)
	R1C, Single Family Residential (Pink)		C2, Conditional (Red)



Dundee Township Zoning

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**DUNDEE TOWNSHIP
ZONING ORDINANCE
AMENDMENT**

Ordinance No 2021-Z-1; Date of Adoption: July 27, 2021

An Ordinance to amend the Dundee Township Zoning Ordinance by modifying Article II. – Definitions; Article V. – General Provisions, Section 5.15 Accessory Structures, Section 5.37 Ponds and Section 5.44 Solar Panels; Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses and Section 7.3 Requirements Applicable to Specific Uses.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF DUNDEE HEREBY ORDAINS:

Section 1. Title.

This Ordinance shall be known and referred to as Dundee Township Zoning Ordinance Amendment No. 2021-Z-1 revising Article II. – Definitions; Article V. – General Provisions, Section 5.15 Accessory Structures, Section 5.37 Ponds and Section 5.44 Solar Panels; Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses and Section 7.3 Requirements Applicable to Specific Uses.

Section 2.

Dundee Township Zoning Ordinance is hereby amended by revising Article II – Definitions as follows:

HOME OCCUPATION: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby, provided further, that:

1. Not more than one (1) person outside of the family residing on the premises shall be engaged in such operations.
2. No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
3. Home occupations can be conducted in an accessory building after special land use approval.
4. Such operation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
5. No home occupation shall generate other than normal residential traffic either in amount or type.
6. Parking needs generated by a home occupation shall be provided for in an off-street parking area, located other than in a required front yard.

7. One (1) non-illuminated nameplate, no more than two (2) square feet in area, may be attached to the building, which shall contain only the name and occupation of the resident of the premises.
8. No equipment or process shall be used in such home occupation, which creates noise, glare, vibration, fumes, odors, or electrical interference detectable to the normal senses on the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
9. Tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, among others shall not be deemed to be home occupations.

SOLAR FARM: See Alternative Energy Farms definition.

Section 3.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.15 Accessory Structures as follows:

SECTION 5.15 ACCESSORY BUILDINGS

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
2. Accessory buildings shall not be erected in any required yard except a rear yard, unless all buildings are at least 200 feet from the front property line, providing further that in no instance shall such a building be nearer than three (3) feet to any side or rear lot line. In addition, all accessory structures shall be located outside of the required front setbacks as established in Section 7.4 and Article XVI and behind the front building line of the principal structure. Where easements exist, the easement line shall be considered as the side or rear lot line insofar as the location of accessory buildings shall be concerned.
3. An accessory building, not exceeding two (2) stories or twenty (20) feet in height, may occupy not more than twenty-five percent (25%) of a required yard, plus forty percent (40%) of any non-required rear yard; provided, that in no instances shall the accessory building exceed one hundred fifty percent (150%) of the ground floor area of the main building.
4. An accessory building shall be located in the rear yard, except when structurally attached to the main building, and except that in row house development or apartment buildings, parking area location in the form of covered bays may be permitted in the rear of main buildings if the location is approved by the Zoning Board of Appeals.

5. No detached accessory building shall be located closer than ten (10) feet to any main building.
6. When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
7. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
8. Accessory building shall be permitted to be erected on a vacant lot only in conjunction with the issuance of a permit for residential dwelling on that same parcel in zoning districts Residential R-1A, R-1B, R-1C, and Rural Estates. This also applies to the Agricultural District when the parcel is less than 10 acres.

Section 4.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.37 Ponds as follows:

SECTION 5.37 PONDS

Ponds excavated for recreational, scenic or farm purposes shall be a permitted use in the Agricultural and Residential Districts subject further to the requirements and standards listed below:

1. The pond must be located on a parcel of at least two (2) acres in size.
2. Property owner shall live in a permanent residence on proposed pond site before construction of scenic/recreation pond; or shall have obtained a home building permit from the Township and be at a stage in construction where fill is required, as determined by the Township Building Inspector. A farm pond for purpose of irrigation or watering of livestock may be constructed on site where no permanent residence exists; however, there shall exist proven evidence of commercial agricultural operations, operated by a sole proprietorship, partnership, or corporation, and including all necessary farm buildings, structures and machinery.
3. The pond size shall be not less than twenty thousand (20,000) square feet, nor more than five (5) acres.
4. The pond begins at the excavation point of the original grade and must be setback a minimum of fifty (50) feet from property lines and dwellings and a minimum of seventy-five (75) feet from roads.
5. The pond shall be constructed in conformance with the design standards of the Soil Conservation Service and have a permit from the Monroe County Drain Commission in

accordance with the provisions of Act 347, P.A. 1972, the Soil Erosion and Sedimentation Act.

6. For the protection of the general public, appropriate safety measures shall be provided such as warning signs, and rescue facilities such as life rings.
7. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system nor any closer than fifty (50) feet to a well.
8. Pond slopes shall comply with the following, depending on the use of the pond. The Township Supervisor or their designee may allow deviation from these requirements when strict interpretation is not practical:
 - a. Fishing & Swimming: Minimum size must be at least ½ acre to 1 acre in size, with as much of the pond as possible having a water depth of 15 feet or more. Side slopes beneath the surface of the water for fishing ponds must be at least 1:3 (1 vertical foot to 3 feet horizontal) to discourage aquatic plant growth. Side slopes beneath the surface of the water for swimming must not exceed 1:4 for safe entry and exit. Fishing ponds shall have irregular shorelines and protection from stormwater runoff.
 - b. Wildlife: Side slopes beneath the surface of the water must not exceed 1:10 (1 foot vertical to 10 feet horizontal). At least 50% of the pond shall not exceed 4 feet deep, to encourage aquatic plant growth. Wildlife ponds shall have irregular shorelines.
 - c. Stock Watering: Pond must be at least ¼ acre to 1 acre in size. Side slopes beneath the surface of the water for stock watering ponds must not exceed 1:4 for safe entry and exit.
9. The current Dundee Township permit fee is payable upon application.
10. If the pond is to be used in any part for livestock purposes, the setbacks shall be one hundred (100) feet from dwellings and lot lines.
11. A performance guarantee shall be posted with the Township prior to the issuance of a permit for excavation of a pond and shall be sufficient to cover the cost of restoration of the site if the pond is not properly excavated in accordance with the plans approved by the Planning Commission, or the Building Inspector, as required and the permit from the Monroe County Drain Commission. The amount of the performance guarantee shall be determined by the Building Inspector based upon two (2) dollars per cubic yard of soil to be removed or based upon a cost estimate supplied by a licensed contractor. The Performance guarantee shall be refunded upon inspection and approval of the completed pond by the Building Inspector.
12. No earth excavated during construction of the pond shall be removed from the parcel, unless special approval has been obtained from the Dundee Township Board. Special approval shall be based upon the recommendation of the Planning Commission following a

public hearing conducted in accordance with Section 15.2. The special approval standards of Section 15.3 shall be met in addition to the following requirements:

- a. The following information shall be provided:
 - (1) The amount of earth to be removed from the property.
 - (2) The destinations for the earth to be removed, including a description for its intended use.
 - (3) The off-site route over which materials will be hauled from the site, including an identification of the truck routes that will be used and the physical capabilities of these routes to accommodate the truck traffic. A Haul Route Permit shall be obtained from the Monroe County Road Commission prior to issuance of a permit for the pond's construction.
 - b. Dust control measures shall be utilized to ensure minimal impact on surrounding uses. All vehicles used to transport material to be removed from the property shall be loaded in a manner so the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action, or request by the Township, to immediately remove the spilled or deposited material.
 - c. A time limit shall be set for completing the soil removal. Soil removal from the site shall be limited to Monday through Friday, 8AM to 5PM.
 - d. The removal of soil under this section shall be limited to a total of five thousand (5,000) cubic yards of material. Removal of material in excess of the five thousand (5,000) cubic yards shall require a license from the Township Board under the requirement of the Dundee Township Mineral Extraction Ordinance.
13. The cleaning and maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Building Inspector prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by the Township Board.

All requirements stated in Section 5.37 Ponds shall be adhered to during the cleaning process.

Section 5.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.44 Solar Panels as follows:

SECTION 5.44 SOLAR PANELS

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

1. **Attached to Building.** Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
 - a. Roof-mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - (1) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - (2) Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.
 - (3) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - (4) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features in accordance with Section 11.6.2.
 - b. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street.
2. **Freestanding.** Solar panels that are not attached to a building shall be permitted as accessory structures subject to the following regulations:
 - a. Freestanding solar panels shall be permitted in the rear yard only.
 - b. Freestanding solar panels shall be setback six (6) feet from the side and rear lot line.
 - c. Freestanding solar panels shall not exceed a height of sixteen (16) feet.
 - d. The surface area covered by a freestanding system shall not exceed two percent (2%) of the lot or three hundred sixty (360) square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.
 - e. All power transmission lines shall be underground.
 - f. Freestanding solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

3. **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. **Building Permit.** Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with Building and Electrical Codes.

Section 6.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses as follows:

TABLE 7.2 SCHEDULE OF USES

Accessory and Temporary	AG-1	AG-2	RE	R-1A	R-1B	R-1C	Requirements
Accessory buildings and uses customarily incidental to the above principal permitted uses	P	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	
Recreation ponds	S	S	S	S	S	S	7.3(o)
Temporary uses and buildings, including buildings and structures for use incidental to construction work, for a period not to exceed one (1) year	S	S	S	-	-	-	
Wind Energy Conversion Systems	S	S					7.3(p)
Alternative Energy Farms	S	S					5.45

Section 7.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Article VII. – Agricultural and Single-Family Residential Districts, Section 7.3 Requirements Applicable to Specific Uses as follows:

SECTION 7.3 REQUIREMENTS APPLICABLE TO SPECIFIC USES

- (l) **Nursery Schools, Day Nurseries, Child Care Centers and Group Day Care Homes:** Nursery schools, day nurseries, child care centers, and group day care homes shall comply with the following requirements:
 - (1) These child day care facilities shall be located at least one thousand five hundred (1,500) feet from any other child care facility.
 - (2) An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

- (3) For each child so cared for, there shall be provided and maintained a minimum of outdoor play area as required under the State of Michigan Licensing Requirements. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.32. The required open space shall not be located within a required front yard.
- (p) **Wind Energy Conversion Systems (WECS).** A WECS to service the energy needs of the property where the structure is located is allowed with special land use approval, subject to the following requirements:
- (1) Only one (1) WECS shall be permitted per parcel.
 - (2) The tower shall not be taller than eighty (80) feet. The height of the overall WECS with the blade in the vertical position shall not exceed one hundred and thirty (130) feet above ground level.
 - (3) All towers shall be set back a distance at least equal to one and a half (1.5) time the height of the overall WECS from all property lines. The height shall be measured to the top of the blade at its highest point.
 - (4) All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
 - (5) The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS from operation in high winds within eighty percent (80%) of design limits of the rotor.
 - (6) Noise emissions from the operation of a WECS shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.
 - (7) To prevent unauthorized climbing, the WECS must provide an anti-climb device.
 - (8) The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the WECS and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structure or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
 - (9) Construction codes, towers, and interconnections standards.
 - a. Every WECS shall comply with all applicable state construction codes and local building permit requirements.
 - b. Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structure Act (P.A. 259 of 1959), and any other applicable state or federal laws or regulations.

- c. On-site WECS that is tied to the electrical grid shall comply with the Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
- (10) The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.
 - (11) Every WECS shall have lightning protection.
 - (12) Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
 - (13) Towers and blades shall be painted a non-reflective neutral color designed on the application and approved by the Township or as otherwise required by law.
 - (14) In the event an on-site WECS is abandoned or unused for a period of one hundred eighty (180) days, or if an on-site WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the owner to fines established by the Township Board. In addition, by accepting a permit of the one-site WECS, the applicant agrees that in the event the tower and equipment is not removed as required, after thirty (30) days' notice from the township, the Township may undertake such removal and bill the costs to the applicant plus an administrative fee of fifteen percent (15%) which, if not paid within thirty (30) days, shall be assessed against the land on which the tower and equipment is located and collection in the same manner as delinquent taxes.

The Planning Commission shall require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. The Planning Commission shall include the bond requirement as a condition of approval.

- (15) Application materials to be submitted for review:
 - a. A plan showing a map with the physical features and land uses of the project area both before the after construction of the proposed WECS. The plan shall include:
 - i. The project area boundaries.
 - ii. The location, height, and dimensions of all existing and proposed structures and fencing.

- iii. Distance of proposed WECS from all property lines and permanent structures.
- iv. The location, grades, and dimensions of all temporary and permanent on-site WECS access roads.
- v. Existing topography.
- vi. Water bodies, waterways, wetlands, and drainage ditches (county drains).
- vii. All new infrastructure related to the project.
- viii. The location of all overhead utility wires.
- b. Proof of the applicant's liability insurance covering the WECS.
- c. Documentation of the manufacturer's designed sound pressure levels (decibels) for the unit to be installed.

Section 8. Repeal.

All Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 9. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 10. Effective Date.

This Ordinance shall become effective seven days after adoption and publication in a newspaper having general circulation in the Dundee Township, Monroe County, Michigan.