

# ZONING ORDINANCE

*Exeter Township*  
*Monroe County, Michigan*



*Adopted June 21, 2005*

*Amended through April 26, 2017*



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**ARTICLE 1**  
**TITLE, PURPOSE AND ENABLING AUTHORITY**

**Section 1.01 Title**

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

**Section 1.02 Purpose**

This Ordinance is based upon the Exeter Township Master Plan and is intended to:

1. Promote the public health, safety, and general welfare.
2. Encourage the use of land in accordance with its character and adaptability and limit the improper use of land.
3. Ensure that uses of land shall be situated in appropriate locations and relationships.
4. Avoid the overcrowding of land and congestion of population, transportation systems, and other public facilities.
5. Provide adequate light and air.
6. Protect environmental quality and positive aesthetic features.
7. Lessen congestion on roads, maintain traffic efficiency, and encourage development consistent with long-term transportation planning.
8. Reduce hazards to life and property.
9. Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
10. Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and properties.

This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

**Section 1.03 Enabling Authority**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006).  
**(Amended 2007)**

**Section 1.04 Enactment**

The provisions of this Ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Exeter, Monroe County, Michigan, and are hereby ordered to be given effect seven (7) days after publication of a notice of adoption in a newspaper of general circulation in the Township.

**Section 1.05 Repeal of Prior Ordinance**

Any prior Zoning Ordinances and zoning amendments of the Township of Exeter are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of such Ordinances and amendments shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance or amendments, or any part thereof, and such Ordinance and amendments shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

**Adopted:** June 21, 2005

**Published:** , 2005

**Effective:** , 2005

**ARTICLE 2  
RESERVED**

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## **ARTICLE 3 DEFINITIONS**

### **Section 3.01 Construction of Language**

The following rules of construction apply to the text of this Ordinance, except when the context clearly indicates otherwise:

1. The particular shall control the general.
2. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular.
4. A “building” or “structure” includes any part thereof.
5. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
6. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either... or,” the conjunction shall be interpreted as follows:
  - A. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - B. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
8. The masculine gender includes the feminine and neuter.
9. Terms not herein defined shall have the meaning customarily assigned to them.

### **Section 3.02 Section Numbers and Section Names**

Section numbers and section names shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

### Section 3.03 Definitions A-B

**Accessory Use, Building, or Structure:** A use, building or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

**Adjusted Parcel Acreage:** Net parcel area after the acreage of all lakes, ponds, streams, regulated wetlands, property within a 100-year floodplain, public rights-of-way, and utility easements are deducted.

**Adult Care Facilities:** An adult foster care facility is a residence which provides for more than six (6) adults, over 18 years of age, as licensed and regulated by the State Department of Social Services under Act No. 128, P.A. of 1979, Act No. 218, P.A. of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

1. **Adult Foster Care Facility:** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.
2. **Adult Foster Care Large Group Home:** Facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
3. **Adult Foster Care Small Group Home:** Facility with the approved capacity of not more than twelve (12) adults who shall be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
4. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided 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 shall be a member of the household and an occupant of the residence.
5. **Adult Foster Care Congregate Facility:** A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**Adult Day Care Facility:** An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Aerobic:** An environment where the biological decomposition of organic materials is freely exposed to oxygen and little offensive odor is produced. **(Added by Amendment 10/18/05)**

**Alterations:** Any structural change, addition, or modification in construction or any change in the structural members of a building, such as bearing walls, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

**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.

**Anaerobic:** An environment where the biological decomposition of organic materials is not freely exposed to oxygen, and hydrogen sulfide, ammonia-like compounds and other compounds with offensive odors may be produced. **(Added by Amendment 10/18/05)**

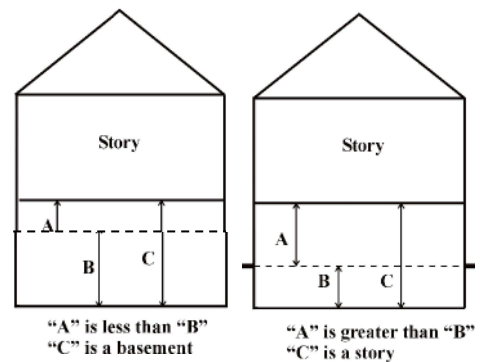
**Antique Shop:** A place offering antiques for sale. An antique, for the purposes of this Ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old. Antique shops shall not include “secondhand stores” or auctions.

**Artisan Workshop:** A building in which a skilled craftsman or artisan and his/her employees design and produce their product and which may include space for the storage of raw materials and the retail side of finished products. The term includes, but is not limited to, stone carvers, sculptors, painters, wood workers, furniture makers and other similar occupations.

**Auto Wrecking Yard:** Any area, lot, parcel, building or structure, or part thereof, used for the storage, collection, processing, sale, salvage or otherwise disposal of motor vehicles.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

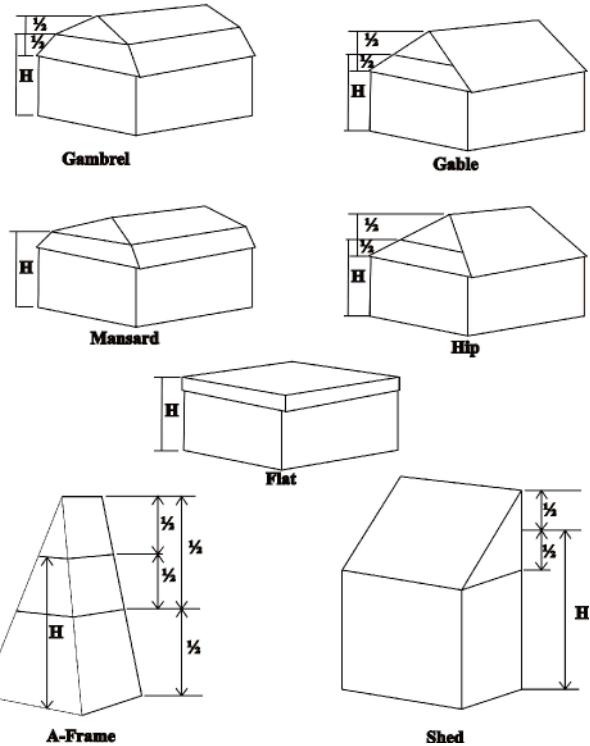
**Bed and Breakfast:** Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal only for the overnight guest.



**Building:** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, or radio towers, or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

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

**Building Line:** A line parallel to the front lot line at the minimum required front setback line.



### Section 3.04 Definitions C-D

**Child Care Facilities:** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care facilities are classified below:

1. **Child Day Care Center.** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
2. **Foster Family Home.** A private home in which at least 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 twenty-four (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.
3. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood,

marriage, or adoption, are provided care for twenty-four (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.

4. **Family Day Care Home.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
5. **Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

**Co-location:** The use of a wireless telecommunication tower by more than one wireless telecommunication provider.

**Composting Facility:** A facility specifically designed and used for the commercial conversion of organic materials, such as yard waste, into an odor-free and sanitary soil conditioner through the process of aerobic digestion by micro-organisms. Composting may be accomplished through a number of different methods in which the compostable material is either piled in open stacks or ventilated bins, tilled into the soil along with mature compost or processed in mechanical composting plants that mix and aerate the material. Though the composting process may be anaerobic or aerobic, this Ordinance only permits composting by aerobic means. **(Added by Amendment 10/18/05)**

**Compostable Material:** Includes typical yard wastes and clippings, such as leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, and tree trimmings that can be converted to compost humus. This term does not include animal waste, sewage sludge, or garbage. **(Added by Amendment 10/18/05)**

**Convalescent or Nursing Home:** Is an establishment with sleeping rooms which specializes in providing necessary medical services and meals to those unable to care for themselves.

**Density:** Equals the number of dwelling units situated on or to be developed on the total or adjusted acreage parcel.

**Development:** The construction of a new building or other structure on a zoning lot, the relocation of an existing building to another zoning lot, or the use of open land for a new use.

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

**Dwelling Unit:** A dwelling unit is any building or portion thereof having cooking and sanitary facilities, which is occupied exclusively as the home, residence or sleeping place of one (1) family, but in no case shall a travel trailer, motor home, or any other type of recreational vehicle, or other portable building be considered a dwelling. In cases of mixed use buildings, where a building is occupied only in part as a dwelling unit, the portion so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

**Dwelling, One-Family:** A detached building designed for or occupied by one (1) cooking and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

**Dwelling, Two-Family:** A detached building designed for or occupied by two (2) families living independently of each other. Also known as a duplex dwelling.

**Dwelling, Multiple:** A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.

### **Section 3.05 Definitions E-F**

**Erected:** For the purpose of this Ordinance erected shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions for the public health, safety or general welfare. Wireless telecommunications facilities and antennae are not included in this definition.

### **Family:**

1. A family is defined as: an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

2. A collective member of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

**Farm:** A farm means a business enterprise engaged in agricultural production (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock and trees and:

1. Includes twenty (20) or more acres of land in one ownership which is devoted primarily to agricultural use; or
2. Has five (5) or more acres of land in one ownership, but less than twenty (20) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture or three hundred (300) dollars per year or more per acre of cleared and tillable land; or
3. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership.

Agricultural use means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; maple syrup production; Christmas trees; and other similar uses and activities.

A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for commercial trucking, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those uses permitted by this Ordinance or incidental to the active agricultural use. **(Added by Amendment 04/05/17)**

**Fence:** A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials approved by the Building Department serving as a physical barrier, marker, or enclosure, but excluding solid masonry walls and low rise (less than four-foot-high) decorative fences or railings (see also “Wall, obscuring”).

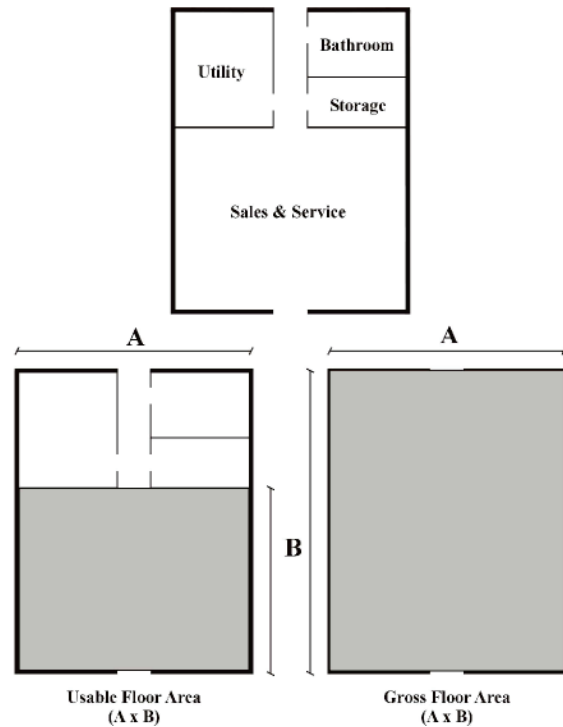
**Filling:** The depositing or dumping of any matter onto, or into the ground, except common household gardening and ground care.

**Flood Plain:** The relatively flat area or low lands adjoining a watercourse or body of water, which may be inundated by floodwater when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels above the norm. The Federal Emergency Management Agency (FEMA) is responsible for designating and regulating floodplains.

**Floodway:** 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 or are inundated by natural high water conditions.

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

**Floor Area, Residential:** For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

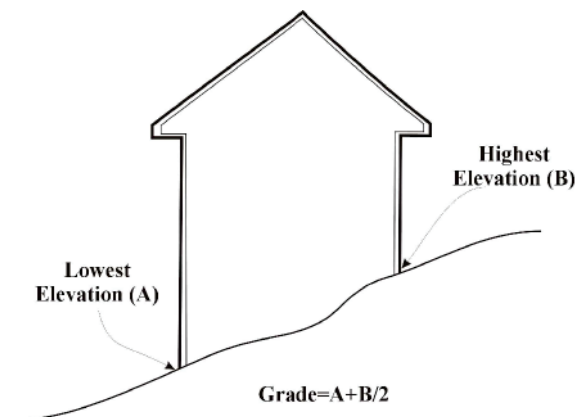


**Floor Area, Usable (Non-residential):** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of Usable Floor Area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Section 3.06 Definitions G-H**

**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 of his family or domestic employees.

**Grade:** The building grade shall, in the case of fairly level ground conditions, be the level of the





ground adjacent to the walls. For substantially unlevelled ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

**Highway:** A public thoroughfare or street, except alleys, but including Federal, State and County roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**Home Occupation:** An occupation, hobby, service or profession customarily conducted entirely within the dwelling or a permitted accessory building and carried on by bona fide residents of the dwelling and one employee, which use is clearly incidental and secondary to the use of the property for residential 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 reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, professions, service or hobby. (Ordinance 06/01)

**Hospitals:** A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan, excepting those institutions whose primary function is the care of the feeble minded or mentally ill.

### Section 3.07 Definitions I-J

**Impervious Surface:** Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include pavement, buildings, and structures.

**Institutional Premises and Uses:** A site or portions thereof occupied by any one (1) of the following land uses:

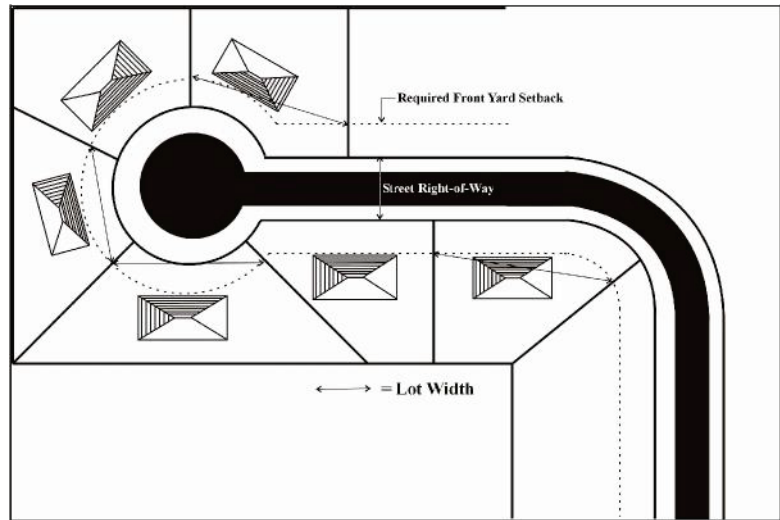
1. A public utility.
2. A government owned, operated, or administered facility.
3. A public school operated by a State of Michigan school district.
4. A private or commercial-vocational school licensed by the State of Michigan.
5. A public owned cultural facility, such as a museum, art gallery, library or auditorium.
6. A religious facility.

**Section 3.08 Definitions K-L**

**Kennel/Commercial:** Any lot or premises on which four (4) or more dogs, cats or other pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold for remuneration.

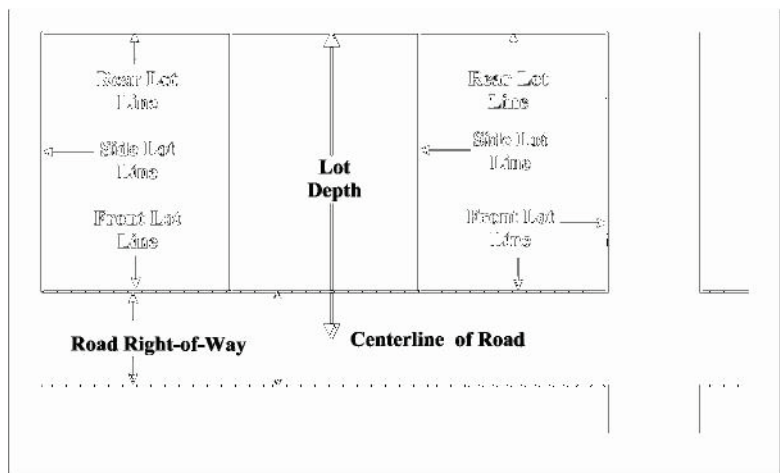
**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** A lot is a piece or 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 the open spaces and yards 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. A lot may or may not be specifically designated as such on public records.



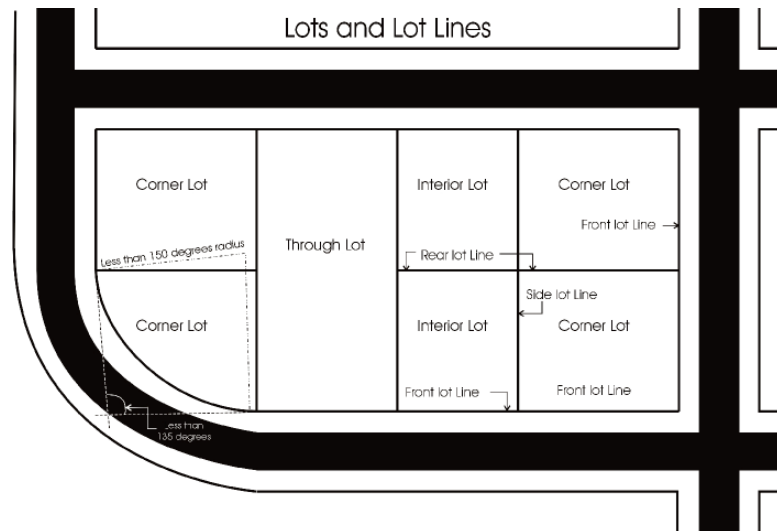
A site condominium “lot” is considered a zoning lot for the purposes of this Ordinance and for the application of lot requirements and setbacks.

1. **Lot, Depth:** The depth of a lot is the mean horizontal distance from the centerline of the adjacent street to the center of the rear lot line, measured along the median between the side lot lines. In the case of an irregularly-shaped lot, it is measured along an imaginary straight line drawn through the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line. Irregularly-shaped lots shall include a minimum zoning lot area of sixty-six thousand (66,000) square feet in the Agricultural (AG) and Residential (R-1) zoning



districts and sixty thousand (60,000) square feet in the Commercial (C-1) zoning district. **(Added by Amendment 04/05/17)**

2. **Lot, Through:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
3. **Lot, Interior:** An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
4. **Lot, Width:** The continuous horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.



**Lot Area, Zoning:** The total area of a horizontal plane within the lot lines of a lot, exclusive of any publicly dedicated street right-of-way abutting any side of the lot. This lot area definition is to be used when determining a lot’s conformity with the regulations set out in this ordinance.

**Lot Area, Deeded:** The total area of a horizontal plane within the lot lines of a lot, inclusive of the street right-of-way abutting the lot and described in the deed to the property.

**Lot Coverage:** That part or percentage of the lot occupied by buildings, including attached and detached accessory buildings. **(Added by Amendment 03/15/16)**

**Lot Lines:** Any lines dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

1. **Lot Line, Front:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the continuous horizontal line separating the lot from such street right-of-way. In the case of a corner or through lot, the front lot line shall be the shorter of the two front lot lines, or, if they are both the same length, the Zoning Ordinance enforcement officer should designate the front lot line.
2. **Lot Line, Rear:** The rear lot line is that lot line which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

3. **Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot of record is a lot, the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, recorded and on file with the County Register of Deeds.

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and 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 and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

### **Section 3.09 Definitions M-N**

**Main Building:** A building in which is conducted the principal use of the lot upon which it is situated.

**Manufactured Building:** Includes all factory constructed buildings, or three dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term “manufactured building” includes both a single, three dimensional module or unit intended to constitute a building and all three dimensional modules or units intended to be combined on site to form a building. The term “manufactured building” applies only to those major structural, three dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems or similar type of prefabricated support system components designed to be incorporated within buildings during the course of construction.

**Manufactured Dwelling:** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured home does not include a recreational vehicle. (See Act 419, P.S. 1976)

**Manufactured Home Lot:** A designated site within a manufactured home park for the exclusive use of the occupants of a single mobile home.

**Manufactured Home Park:** A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this Ordinance and which is intended for the express purpose of providing a satisfying living environment for manufactured home residents on a long-term occupancy basis.

**Master Plan:** The Master Plan for Exeter Township including graphic and written proposals indicating general location for roads, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Mineral Mining or Mining:** The removal from a parcel of land of any earth resource as being regulated by this Section and by Ordinance 54, The Exeter Township Mineral Mining Ordinance. However, mining and quarrying shall not include the removal from a single parcel of land during any calendar year of: 1) less than 1,000 cubic yards of material when not attendant to development in accordance with a subdivision preliminary approval, or 2) less than 10,000 cubic yards of material when attendant to development in accordance with a subdivision preliminary approval. Mineral mining does not include the excavation of soil for the creation of a recreation scenic pond or a farm pond.

**Non-Conformities:** Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this Ordinance, but which have become non-conforming under the terms of this Ordinance and its amendments.

**Non-Conforming Building:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto but which does not conform to the provisions of the Ordinance in the district in which it is located.

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

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

**Non-Conforming Lot:** A lot that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendment thereto, but which does not conform to the use regulations of the district in which it is located.

**Non-Residential District:** Any district not included as a residential district.

### Section 3.10 Definitions O-P

**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 (2) vehicles.

**Open Space Preservation Area:** Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residents of the development or the public or dedicated to an agricultural use. (Amended in 2007)

**Planning Commission:** The Planning Commission of Exeter Township, Monroe County, Michigan.

**Pond:** Any artificially constructed and permanently impounded body of water of less than five (5) acres in area.

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

**Premises:** A tract of land, a lot of record, or a zoning lot in the same ownership or control that is not divided by a public road or right-of-way.

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

### Section 3.11 Definitions Q-R

**Recycling Depot:** A lot or parcel of land, with or without buildings, upon which used materials are dropped off and separated for shipment for eventual reuse in new products. This definition does not include a recycling plant.

**Recycling Plant:** A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass, metals can; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products.

**Road:** A public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a

road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

1. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulations.
2. **Arterial Road:** A road which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, off of, or around the Township. An arterial road may also be defined as a major thoroughfare, major arterial, minor arterial or county primary road. Since the primary function of the arterial is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
3. **Collector Road:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
4. **Commercial Driveway:** Any vehicular access except those serving up to three (3) dwelling units or serving just an essential public service structure.
5. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
6. **Local or Minor Road:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads. Local roads are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.
7. **Private Road:** A road owned and maintained by the owners of the property it serves and non-residential main buildings. Private roads include roads within site condominium projects, roads serving more than three (3) single family dwelling units and roads within commercial, office or industrial complexes. The definition of ‘private road’ does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.
8. **Public Road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by Exeter Township, Monroe County, State of Michigan or the federal government.
9. **Shared Residential Driveway:** A residential driveway that provides vehicular access to three (3) single family dwelling units or two primary residential buildings.

### Section 3.12 Definitions S-T

**Salvage Yard:** A place, structure, or lot where discarded, salvaged, or similar materials such as old iron or other metal, wood, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, disassembled, or handled, including used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding recycling depots, recycling centers, pawn

shops, and establishments for the sale, purchase, or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**Special Land Use:** A special land use is a conditional use permitted only after review by the Township Board, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough for all applications without interpretation, and such review is required by the Zoning Ordinance.

**Stable (private):** A building for housing domestic animals, other than dogs and cats, when not conducted as a business, but solely for the personal use of the residents of the premises.

**Stable (public):** A building in which any horses or other animals are kept for remuneration or hire.

**Stone Carving and Restoration:** A property or building where skilled stone carvers and their employees design and produce new stone products, and restore and repair previously sculpted stone products, for retail sale onsite or wholesale. It may include indoor or outdoor space for the storage of raw materials and partially or wholly finished products.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

**Story, Half:** An uppermost story lying between the eave line and a sloping roof and having an area of at least one hundred sixty (160) square feet with a minimum clear height of seven (7) feet six (6) inches.

**Stripping Operation:** A mineral mining operation involving the removal of topsoil, sand, peat, or similar materials to a depth no greater than 12 inches above the centerline of the public road nearest the operation. Stripping operations are regulated by Ordinance 55, The Exeter Township Soil Stripping Ordinance.

**Structure:** That which is built or constructed, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Temporary Accessory Building or Structure:** A building or structure constructed of lightweight materials, such as aluminum, sheet metal or steel, which is not intended as a permanent structure, without a concrete floor or foundation, intended for and limited to, the storage of hand or garden tools and/or supplies or equipment, incidental to the maintenance of the main building (residential dwelling), within the Residential Districts. Temporary accessory



structures in all other zoning districts shall be expressly prohibited, unless and until first approved by the Zoning Board of Appeals.

**Temporary Accessory Residential Sales:** Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Temporary accessory uses shall include garage, moving, and yard sales, sale of fish bait, produce, flowers, private motor vehicles, hobby craft, firewood, furniture, and personal effects, and other uses of similar character which are not intended as a permanent activity.

**Temporary Building or Structure:** A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

**Temporary Use:** A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

**Township:** Exeter Township, Monroe County, Michigan.

**Township Board:** The Board of Trustees of Exeter Township, Monroe County, Michigan.

### Section 3.13 Definitions U-V

**Use:** The purpose for which land, a premise, or a building thereon is arranged, designed, or intended, or for which it is or may be occupied, maintained, let, or leased.

**Variance, Dimensional:** Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.

**Variance, Use:** Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Ordinance.

### Section 3.14 Definitions W-X

**Waterway:** Any natural or open artificial watercourse, diversion, lake, stream, river, creek, ditch, channel, canal conduit, culvert, drain, gully, ravine or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks and shall include the floodplain.

**WECS:** The approved form of abbreviations of “wind energy conversion system”. **(Added by Amendment 01/22/08)**

**WECS:** A combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
5. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS. **(Added by Amendment 01/22/08)**

**Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system. **(Added by Amendment 1/22/08)**

**Survival Wind Speed:** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally. **(Added by Amendment 01/22/08)**

**WECS Height:** The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position). **(Added by Amendment 01/22/08)**

**Wind Energy Conversion System (WECS):** A WECS shall mean a combination of:

1. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

5. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS. **(Added by Amendment 1/22/08)**

**Wind Farm:** Clusters of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed. **(Added by Amendment 01/22/08)**

**Single WECS for Commercial Purposes:** A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed. **(Added by Amendment 01/22/08)**

**WECS Testing Facility or Testing Facility:** A structure and equipment used to determine the potential for the placement of a WECS. **(Added by Amendment 01/22/08)**

**Wetland:** Any land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**Wetland, State Regulated:** Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to any lake, pond, river, or stream.
2. Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.
3. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality(MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

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

1. **Attached Wireless Communication Facilities:** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.
2. **Co-location:** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Township.
3. **Wireless Communication Support Structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

### Section 3.15 Definitions Y-Z

**Yard:** The open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the building line. There shall be maintained a front yard on each street side of a corner lot. No accessory building shall project beyond the front yard line on either Street.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Zoning Act:** The Township Zoning Act, Michigan Public Act 184 of 1943, as amended.

**Zoning Board of Appeals (ZBA):** The Exeter Township Board of Appeals, created pursuant to the provisions of Public Act 184 of 1943 of the State of Michigan, as amended.

**Zoning Enforcement Officer:** The individual designated by Exeter Township to administer this Ordinance.

## ARTICLE 4 ZONING DISTRICTS AND OFFICIAL ZONING MAP

### Section 4.01 Establishment of Districts

The unincorporated portion of Exeter Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

- AG Agricultural/Residential District
- R-1 Medium Density Residential District
- RMH Manufactured Home Park District
- C-1 Commercial District
- I-1 Industrial District

### Section 4.02 Zoning Map

The boundaries of said districts as shown upon the zoning map marked and designated “Exeter Township, Zoning Map, Monroe County, Michigan” attached hereto and made a part of this Ordinance are hereby established; and the districts above described are hereby created. Said zoning map, together with all notations, references, distances, symbols and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth and shown on such map were all fully set forth and contained herein.

### Section 4.03 Interpretation of District Boundaries

Where uncertainty exists concerning the exact location of zoning district boundary lines, they shall be determined according to the following rules:

1. **Road Centerline:** Boundaries indicated as approximately following the centerlines of streets or highways, shall be construed to follow such center lines.
2. **Platted Lot Lines:** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. **Township Boundaries:** Boundaries indicated as approximately following Township limits or section lines shall be construed as following such limits or section lines.
4. **Railways:** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. **Parallel Boundaries:** Boundaries indicated as parallel to or extensions of features indicated in subsections a. through d. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. **Extension of Regulations:** Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
7. **Interpretation:** Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (f) above, the Zoning Administrator shall interpret the district boundaries. That interpretation may be further appealed to the Zoning Board of Appeals.

#### **Section 4.04 Permissive Zoning Concept**

Land uses are specifically permitted in the various zoning districts of this Ordinance. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided herein.

#### **Section 4.05 Zoning of Vacated Areas**

Whenever any street or other public right-of-way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, or public way, such lands formerly within such vacated street or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the permitted uses shall be limited to the same uses as are permitted under this Ordinance for such adjoining lands.

#### **Section 4.06 Zoning of Filled Land; Use of Waters**

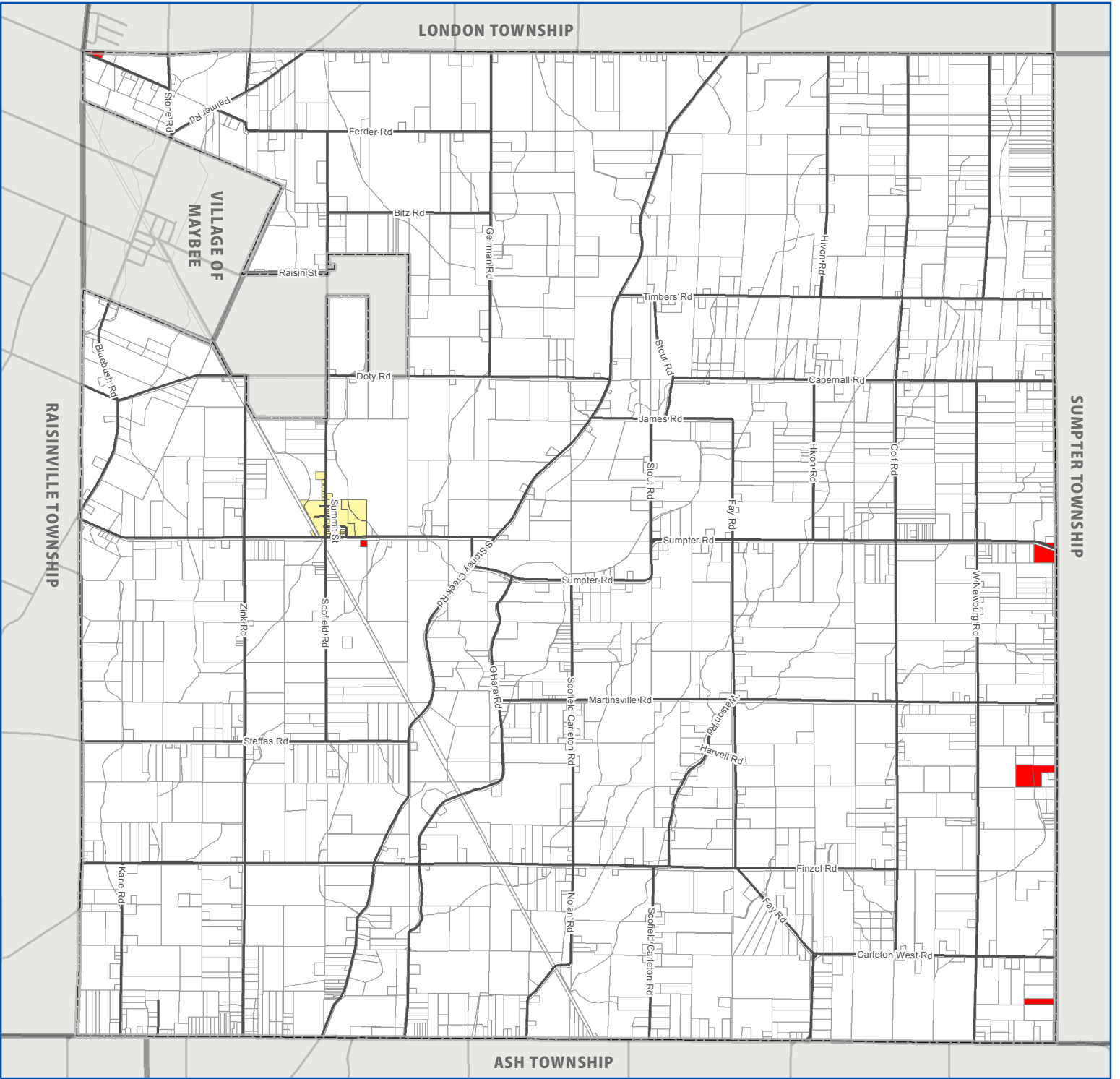
Whenever any fill is placed in any drain, creek, or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any drain, creek, or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Section 4.07 Uses Permitted as a Right**

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.






**Section 4.08 Uses Permitted By Special Land Use Approval**

The uses identified as special land uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility's needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.



# Zoning Map

Exeter Township  
Monroe County, MI

-  AG Agricultural/Residential
-  R-1 Medium Density Residential
-  RMH Manufactured Home Park
-  C-1 Commercial
-  I-1 Industrial



ADOPTED July 2005  
AMENDED November 2013

Source: Michigan Center for Geographic Information,  
LSL Planning





## ARTICLE 5 GENERAL PROVISIONS

### Section 5.01 Building Regulations

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

1. **One (1) Single-family Dwelling per Lot: (Amended 01/10)** Unless otherwise specifically permitted by this ordinance, no lot shall be occupied by more than one (1) single-family dwelling (also known as a one-family dwelling), including a manufactured dwelling not located within a manufactured home park.

A tent, travel trailer, motor home, other type of recreational vehicle, or other portable building or structure shall not be used as a dwelling or dwelling unit.

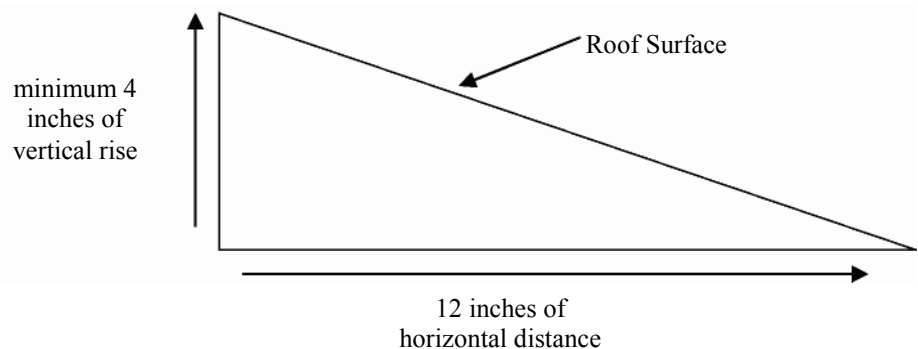
2. **Design Standards for Manufactured Dwellings outside a Manufactured Housing Development: (Amended 01/10)** Any manufactured dwelling, constructed and erected on a lot outside a manufactured housing development, shall be permitted only if it complies with all of the following requirements:

- A. It must be found, on inspection by the Building Official/Zoning Administrator or his designee, to be in good repair and safe and fit for residential occupancy.
- B. The manufactured dwelling shall be installed with the wheels and tongue removed.
- C. It shall be secured to the building site by anchoring it to a foundation. The foundation shall fully enclose the chassis, undercarriage, and towing mechanism.
- D. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the Township. Compliance with such codes shall be determined by the Building Official/Zoning Administrator.
- E. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, and maximum building height requirements of the zoning district in which it is located.
- F. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.
- G. The dwelling unit shall be placed on the lot so that the front of the unit faces the principal street frontage.

3. **Horizontal Dimension:** The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.

4. **Dimension Parallel to Street:** The dwelling unit shall be placed on the lot so that the portions of the unit nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
5. **Unlawful Building:** In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
6. **Lot Width:** No building shall be erected on a lot unless the lot's width conforms to the requirements of this Ordinance. The lot must front on a street or road either dedicated to the public or designated on a recorded subdivision in the office of the County Register of Deeds.
7. **Slope of Roof:** To ensure the compatibility in appearance of single family dwellings, all such residential dwellings, including manufactured dwellings located outside an approved mobile home park, shall have a pitched roof with a minimum slope of 4:12 (4 inches of vertical rise to each 12 inches of horizontal distance) and a minimum six (6) inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have asphalt shingles or other acceptable roofing materials, and meet the snow load standards for southern Michigan. In the event of a conflict between this provision and any other requirements of this ordinance, this provision prevails.

Roof Pitch for Single-Family Dwellings (Not to Scale)



Manufactured dwellings located outside

an approved mobile home park shall be fitted with the required pitched roof prior to being transported into the Township. If this is not feasible, the owner of the manufactured dwelling shall deposit a performance bond with the Township Clerk. The amount of the bond shall be set by the Township Board. The bond shall be refunded upon the installation of the required pitch roof, as verified by the Township Building Official.

**Section 5.02 Building Occupancy**

No basement shall be used or occupied as a dwelling unit nor shall a dwelling be erected in a Commercial or Industrial District. This provision, however, will not prohibit an earth-sheltered home designed for energy efficiency.

**Section 5.03 Adult and Child Care Facilities**

1. Adult and child care facilities, as defined in ARTICLE 3 DEFINITIONS, are allowed only as provided for in the table below. Applicable conditions are listed as footnotes to the table on the next page.

<b>Adult and Child Care Facilities Regulations</b>				
<b>Type of Facility</b>	<b>Zoning District</b>			
	<b>AG</b>	<b>R-1</b>	<b>C-1</b>	<b>I-1</b>
Adult Day Care Facilities	NA	SLU as accessory	SLU	NA
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1, 2, 3, 4, 5)	SLU	P	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	NA	NA	NA
Adult Foster Care Congregate Facility (more than 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	NA	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1, 2, 3, 4, 5)	P	P	NA	NA
Family Day Care Home (6 or fewer children less than 24 hrs. per day) (1, 2, 3, 4, 5, 6, 7, 8, 10)	P	P	NA	NA
Group Day Care Home (7 to 12 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	SLU	SLU	NA	NA
Child Day Care Center (more than 6 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9)	SLU	SLU as accessory	SLU	NA

**P:** Permitted use.

**SLU:** May be allowed upon review and approval of a special land use, in accordance with the general standards in ARTICLE 18 SPECIAL LAND USES AND PROCEDURES.

**SLU as accessory:** May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.

**NA:** Not allowed in zoning district.

Table Footnotes:

- (1) The use shall be registered with the Township Clerk’s Office and shall continually have on file with the Township documentation of a valid license as required by the State.
- (2) Since the State law preempts in this area, the facility shall be brought into compliance with all State

building and fire codes pursuant to State Licensing Rules R400. 1831- R400. 1835. Documentation of such compliance with State requirements shall be provided.

- (3) The site shall comply with the sign provisions of ARTICLE 6 SIGNS.
  - (4) Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
  - (5) The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.
  - (6) Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
  - (7) There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
  - (8) There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
  - (9) The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.
  - (10) The facility shall operate not more than sixteen (16) hours per day.
2. A state-licensed residential adult or child care facility existing prior to the effective date of this Ordinance that has been operating under a valid State license and is registered with the Township no later than sixty (60) days following the effective date of this Ordinance, shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of ARTICLE 19 SITE PLAN REVIEW PROCEDURES, as applicable.

#### **Section 5.04 Residential Accessory Buildings**

Accessory buildings, except those that do not require a building permit or specifically stated as being exempt from all or part of this section, unless specifically provided for elsewhere in this Ordinance, shall be subject to the following regulations:

1. An accessory building and/or garage must maintain a minimum of ten (10) feet setback separation from any other buildings. Any accessory building which is connected to or within ten (10) feet of the principal building shall be considered a part of, and subject to the same yard setback requirements as the principal building. (Subsection Amended 3/15/16)
2. When an accessory building and/or garage is not structurally attached, it shall be located in the side or rear yard, and:

- A. On a corner lot, no accessory building shall project beyond a street front yard line drawn parallel to each street frontage at a depth equal to the minimum distance between the street front lot lines and adjacent building lines.
- B. The minimum setback for an accessory building from any property line shall be regulated by the following table according to the height of the tallest point of the building:

Height of accessory building	Minimum setback from any property line
Ten (10) feet or less	Ten (10) feet
Ten (10) feet to twenty (20) feet	Equal to the height of the building
Twenty (20) feet to thirty (30) feet	Twenty (20) feet plus two (2) times the height over twenty (20) feet

- 3. Accessory buildings shall not: (Subsection Amended 3/15/16)
  - A. Exceed one (1) story or fourteen (14) feet in height measured to the top of the side walls, or thirty (30) feet in total height measured to the tallest point of the building.
  - B. Be occupied for dwelling purposes.
  - C. Be erected prior to the main building or use being established on the property.
- 4. The maximum total floor area of all accessory buildings shall be subject to the maximum lot coverage of ARTICLE 21 SCHEDULE OF REGULATIONS. (Subsection Amended 3/15/16)
- 5. Farm buildings are unrestricted by area and height, but must meet all zoning setbacks as specified in ARTICLE 21 SCHEDULE OF REGULATIONS. A building used to store farm equipment or house livestock may be erected without a main building, provided the property is actively used for farming.

**Section 5.05 Protective Screening**

To provide adequate protective screening, retain the integrity of land uses and create buffers between residential areas and nonresidential areas and uses, the following regulations shall apply in all zoning districts:

- 1. Where a new commercial or industrial use is established that abuts directly upon Ag or R-1 zoned property, a landscaped earth berm or an obscuring fence shall be erected to screen parking areas, buildings and waste collection areas from the residential or agricultural zoned property prior to the Township issuing a Certificate of Occupancy in accordance with the following specifications:

- A. Where a commercial or industrial land use chooses to erect an obscuring fence, said fence shall be at least six (6) feet in height but not over seven and one-half (7 1/2) feet, constructed of redwood, cedar, or other natural material.
2. Where off-street parking or vehicular use areas are constructed in an Agricultural/ Residential or Medium Density Residential District to serve a permitted use or a use permitted as a Special Land Use there shall be erected a wood decorative obscuring fence four (4) feet in height along those sides of the parking area that abut or are located within twenty-five (25) feet of any property line except within the front yard.
3. When a new multiple housing or mobile home park use is established that abuts directly upon agricultural/residential or medium density residentially zoned property, a wood obscuring fence six (6) feet high shall be erected, prior to the Township issuing a Certificate of Occupancy.

### **Section 5.06 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said lines twenty-five (25) feet from the point of the intersection.

### **Section 5.07 Voting Place**

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

### **Section 5.08 Access Regulations**

1. Vehicular access to property shall be provided in conformity with the requirements and standards of the Monroe County Road Commission.
2. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be one hundred (100) feet.
3. Driveways in all nonresidential districts must be located a minimum of fifteen (15) feet from a side or rear property line and driveways in residential districts (AG, R-1 and RMH) must be located a minimum of five (5) feet from side or rear lot lines.
4. Driveways in all nonresidential districts must be located a minimum of fifteen (15) feet from a side or rear property line and in residential districts (AG, R-1 and RM-H) five (5) feet from side or rear lot lines to the nearest portion of the drive. At least thirty (30) feet must be

provided in all districts from a highway intersection measured from the property line to the nearest portion of the drive.

### Section 5.09 Streams and Drains

Buildings or structures cannot be located in the floodway or flood plain of a stream or drain without:

1. Any necessary permits from the Michigan Department of Environmental Quality (MDEQ) and or the Monroe County Drain Commission must be obtained if the stream or drain serves an area two (2) square miles or greater.
2. The Township Engineer must provide a permit based on criteria adopted by the Township Board if the stream or drain serves an area less than two (2) square miles upstream.
3. In all cases, the building or structure cannot be closer than fifteen (15) feet from the top of the bank of the drain.

### Section 5.10 Keeping of Livestock and Other Animals

1. **Private Livestock** (cattle, horses, sheep, pigs, etc.), kept for non-commercial (e.g. hobby, 4-H) purposes.
  - A. Three (3) acres are required for up to two (2) horses or an equivalent number of animals, with one (1) acre required per each additional horse or an equivalent number of animals. A maximum of ten (10) horses or an equivalent number of animal units are allowed on lots eleven (11) acres or less in size, as shown in the following table.

Private Livestock - Maximum Number of Animals Allowed									
Minimum Number of Acres	3	4	5	6	7	8	9	10	11
Horses	2	3	4	5	6	7	8	9	10
Cattle	2	4	5	7	8	9	11	13	14
Swine or Llamas	10	15	20	25	30	35	40	45	50
Ostriches	10	15	20	25	30	35	40	45	50
Sheep, Goats, Lambs, Alpacas or Emus	20	30	40	50	60	70	80	90	100
Turkeys	100	150	200	250	300	350	400	450	500
Laying Hens or Broilers	200	300	400	500	600	700	800	900	1,000

- B. Buildings or structures used to house livestock and manure storage areas must be a minimum of fifty (50) feet from property lines and a minimum of two hundred (200) feet from a neighboring dwelling.
- C. Animals must be completely enclosed in a fenced area that is of suitable height and construction to contain the animals.
- D. All refuse, including manure, shall be managed in such a way as to not cause unsanitary or unsafe conditions.
- E. A plot plan shall be provided to the Building Inspector indicating the distance between barns, corrals, manure storage areas and lot lines, public or private wells and residential structures. Shelter shown on the site must be a proper structure.
- F. The owner or his representatives must reside on the property where the animals are kept.

**2. Commercial Livestock**

- A. A commercial livestock operation is defined as more than ten (10) horses or an equivalent number of animal units, but less than twenty-five (25) horses or an equivalent number of animals (see following table). The table is only to be used for the purpose of comparing types of animals (e.g., one hundred (100) sheep are the equivalent of ten (10) horses).

<b>Commercial Livestock - Maximum Number of Animals Allowed</b>		
<b>Animal Type</b>	<b>More than</b>	<b>Less than</b>
Horses	10	25
Slaughter and Feeder Cattle	14	50
Mature Dairy Cattle	14	35
Swine or Llamas	50	125
Ostriches	50	125
Sheep, Goats, Lambs, Alpacas or Emus	100	500
Turkeys	500	2,750
Laying Hens or Broilers	1,000	5,000

- B. Property used for a commercial livestock operation shall be a minimum of twelve (12) acres in size.
- C. Buildings or structures used to house livestock and manure storage areas must be a minimum of two hundred fifty (250) feet from property lines.



- D. All refuse, including manure, shall be managed in such a way as to not cause unsanitary or unsafe conditions.
- E. Animals must be completely enclosed in a fenced area that is of suitable height and construction to contain the animals.
- F. A plot plan shall be provided to the Building Inspector indicating the distance between barns, corrals, manure storage areas and lot lines, public or private wells and residential structures. Shelter shown on the site must be a proper structure.

**3. Intensive Livestock**

- A. An intensive livestock operation is defined as twenty-five (25) or more horses or an equivalent number of animals (see following table). The table is only to be used for the purpose of comparing types of animals (e.g., five hundred (500) sheep are the equivalent of twenty-five (25) horses).

<b>Intensive Livestock - Maximum Number of Animals Allowed</b>					
<b>Animal Unis</b>	<b>50</b>	<b>250</b>	<b>500</b>	<b>750</b>	<b>1,000</b>
<b>Animal Type</b>	<b>Number of Animals</b>				
Horses	25	125	250	375	500
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine or Llamas	125	625	1,250	1,875	2,500
Ostriches	125	--	--	--	--
Sheep, Goats, or Lambs	500	2,500	5,000	7,500	10,000
Alpacas or Emus	500	--	--	--	--
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

- B. Buildings or structures used to house livestock and manure storage areas must be a minimum of two hundred fifty (250) feet from property lines.
- C. Animals must be completely enclosed in a fenced area that is of suitable height and construction to contain the animals.
- D. Buildings or structures used to house intensive livestock operations and manure storage areas shall be located in conformity with the State of Michigan’s Generally Accepted Agricultural Management Practices (GAAMPS).  
A copy of GAAMPS is attached as Exhibit A, but does not form part of this Ordinance. Furthermore, individuals are advised that the State of Michigan Department of

Agriculture periodically revises GAAMPS. Individuals are further advised to contact the Michigan Department of Agriculture for the current version of GAAMPS.

*Michigan Department of Agriculture  
Lahser Center, Ste. 415  
26400 Lahser Road  
Southfield, MI 48034  
Phone: (248) 356-1701  
Fax: (248) 356-0374  
[www.michigan.gov/mda](http://www.michigan.gov/mda)*

- E. The minimum lot size for an intensive livestock operation shall be forty (40) acres. Two (2) or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.

#### **4. Public Riding Academy and Stables**

- A. Barns, corrals and other pertinent structures to be at least one hundred (100) feet from the rear of a personal dwelling and two hundred (200) feet from neighboring residential dwellings.
- B. Manure storage areas must be a minimum of two hundred fifty (250) feet from property lines.
- C. The owner or his representative must reside on the property.
- D. There shall be provided one (1) stall for each horse.
- E. Animals must be completely enclosed in a fenced area that is of suitable height and construction to contain the animals.
- F. All refuse, including manure, shall be managed in such a way as to not cause unsanitary or unsafe conditions.
- G. A detailed site plan is required.
- H. If the Riding Academy or Stable includes more than ten (10) horses, also see Section 5.10.2. Commercial Livestock for additional regulations. If the Riding Academy or Stable includes more than twenty-four (24) horses, also see Section 5.10.3. Intensive Livestock for additional regulations. In each case, the more restrictive regulations shall apply.

#### **5. Exotic Animals**

- A. An exotic animal shall mean an animal that is not typically domesticated nor found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves. This definition includes, but is not limited to, such animals as elephants, rhinoceroses, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, snakes,

crocodiles, alligators, seals, sharks, wolves and primates such as baboons, orangutans, chimpanzees, monkeys, gorillas and wild boars.

- B. Those exotic animals identified above are specifically prohibited in the Township of Exeter. Other exotic animals, not identified above, that are predatory or dangerous are also prohibited.
- C. Certain exotic animals that are traditionally non-predatory and/or non-dangerous may be possessed and cared for in the township. These include, but are not limited to, nonpoisonous snakes that will not exceed three (3) feet in length at maturity, quails, pheasants, peacocks and wild turkeys. These wild animals may only be possessed and cared for if all of the following conditions are met:
- 1) That any and all appropriate local, state and federal permits and/or licenses are obtained and currently maintained;
  - 2) That the animals possessed and cared for are properly caged, penned, housed or secured so as not to be able to leave the property upon which they are possessed; and
  - 3) That the animals possessed and cared for do not become excessively noisy, excessively odorous, dangerous, or in any way be disruptive to the character of the area in which they are possessed or otherwise become a public nuisance.

#### 6. **Small Fur Bearing Animals**

No limit is placed on the number of such animals provided conditions are sanitary and safe and noise does not become a nuisance.

#### **Section 5.11 Ponds**

All ponds shall be constructed and maintained in conformance with the design and safety standards of the Monroe County Soil & Water Conservation District and shall adhere to all applicable local, County, State, and Federal regulations.

Prior to the issuance of a building permit by the Building Inspector, applicants shall present a permit or letter of compliance from (1) Monroe County Drain Commission pursuant to the provisions of The Soil Erosion and Sedimentation Act, and (2) Michigan Department of Natural Resources and Environment pursuant to The Goemaere - Anderson Wetlands Protection Act and/or The Inland Lakes and Streams Act.

A permit from MDNRE shall generally be required when:

- The pond is proposed within 500 feet of a wetland or inland lake or stream;
- The pond is proposed in a wetland;
- The pond is proposed in a floodplain;
- The pond will have a surface area greater than five (5) acres; and

- The pond would be created by damming a stream or other water body.

**1. Recreation/Scenic Pond (Subsection amended in 1/06)**

- A. 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.
- B. Scenic/recreation ponds shall be located on a parcel containing at least five (5) acres in total area.
- C. Scenic/recreation pond size shall be not less than two thousand (2,000) square feet, or more than sixty-five thousand (65,000) square feet.
- D. Only one (1) scenic/recreation pond is permitted per lot.

**2. Farm Pond**

- A. A farm pond for purpose of irrigation or watering of livestock may be constructed on a 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.
- B. Farm ponds shall not be less than a half (1/2) acres nor more than 5.0 acres in size, in accordance with the following table:

Farm Size	Pond Size
10-20 acres	0.5 to 1.5 acres
21-40 acres	1.5 to 2.5 acres
41 acres and over	2.5 to 5.0 acres

- C. Only one (1) farm pond is permitted per lot.

**3. Ornamental Ponds (Subsection amended 06/11)**

- A. An ornamental pond is considered to be a pond that is less than two thousand (2,000) square feet in surface area that is located in proximity to a residence and is often used as a landscape feature in the yard or garden. Examples of ornamental ponds include small fish ponds and water gardens.
- B. Only one (1) ornamental pond is permitted per lot.
- C. The ornamental pond must be maintained so that no health or safety concerns are created.
- D. Ornamental ponds would need to be a minimum of 10 feet from any property line.
- E. Ornamental ponds are not subject to a building permit.

#### 4. All Ponds

- A. All ponds, except ornamental ponds, shall be set back a minimum of one hundred thirty-three (133) feet from all public road centerlines, and seventy-five (75) feet from property lines and dwellings.
- B. Written evidence shall be provided from the Environmental Division of the Monroe County Health Department that the isolation distance between any pond and any on-site waste water system or replacement system is sufficient, but in no case shall any pond be located closer than one hundred (100) feet from any on-site waste water system. Pond shall further be isolated from all hazardous chemicals or substances housed or stored on property by the distance designated in applicable County, State and Federal regulations.
- C. All earth or other material excavated during construction of any pond shall remain on the property.
- D. All ponds, except ornamental are subject to a pond permit and cash bond.

#### Section 5.12 Essential Services

Essential services, as defined in ARTICLE 3 DEFINITIONS, and as authorized and regulated by law, shall be permitted in all zoning districts. Essential services shall be exempt from the provisions of this Ordinance. However, buildings associated with the provision of essential services, such as, but not limited to, waste water treatment plants, telephone switching buildings, shall be subject to site plan review and approval as provided in this Ordinance.

#### Section 5.13 Wireless Telecommunication Facilities and Antennae

The regulations of this Section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of these facilities within Exeter Township. It is the Township's intent to reasonably regulate the location and design of these facilities to retain the character, property values and aesthetic quality of the Township.

Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

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:

<b>Type of Wireless Telecommunication Facility or Antennae</b>				
<b>Zoning District Requirements</b>	<b>Wireless telecommunication facility</b>	<b>Wireless telecommunication antenna mounted on an alternative tower structure</b>	<b>Co-location of wireless telecommunication antenna(s)</b>	<b>Replacement of an existing wireless telecommunication facility</b>
Agricultural/ Residential District	Permitted subject to special land use and site plan approval.	Permitted subject to special land use and site plan approval.	Permitted as an accessory use; requires a building permit.	Permitted subject to site plan review; special land use approval may be required.
Medium Density Residential District	Permitted subject to special land use and site plan approval.	Permitted subject to special land use and site plan approval.	Permitted as an accessory use; requires a building permit.	Permitted subject to site plan review; special land use approval may be required.
Manufactured Home Park District	Permitted subject to special land use and site plan approval.	Permitted subject to special land use and site plan approval.	Permitted as an accessory use; requires a building permit.	Permitted subject to site plan review; special land use approval may be required.
Commercial District	Permitted subject to site plan approval.	Permitted subject to site plan approval.	Permitted as an accessory use; requires a building permit.	Permitted subject to site plan review; special land use approval may be required.
Industrial District	Permitted subject to site plan approval.	Permitted subject to site plan approval.	Permitted as an accessory use; requires a building permit.	Permitted subject to site plan review; special land 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 six (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 all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of towers and antenna support structures.

## 4. **General 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) Any parcel upon which a telecommunication facility is to be located must have a minimum area of two and one-half (2.5) acres.
- 2) Notwithstanding the above, 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, commercial wireless telecommunication towers shall be setback at least two hundred (200) feet from the front property boundary, at least one hundred (100) feet from any side property boundary, and at least fifty (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 b. above shall apply.
- 2) In residential zoning districts (including Agricultural), commercial wireless telecommunication towers shall be setback at least two hundred (200) feet from all adjoining property zoned for residential use. If the tower height exceeds two hundred (200) feet, the setback distance shall be increased 1-foot for each additional 1-foot of height over two hundred (200) feet.
- 3) Other structures associated with the commercial 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 special land use approval or for towers located within one thousand (1000) feet of property zoned for residential use.
  - 5) Amateur radio and other recreational communication facilities shall be subject to a minimum setback one and one-half (1 ½) times the height of the tower or antenna.
  - 6) Radio and television towers shall be subject to a minimum setback one (1) time the height of the tower.
- C. **Co-location Requirements:** Wireless telecommunication towers shall be designed to permit co-location by at least two (2) additional entities. Proposed locations for wireless telecommunication facilities shall be adequately sized and configured to allow the placement of at least two (2) 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 future co-locators. Towers shall have neutral surface finish color to reduce visual 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 (2) square feet, which identifies 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 six (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 provides an effective natural screen or where the security requirements of the principle 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 fifteen (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. Any wireless telecommunication antenna placed on an alternative tower structure shall be subject to the same review and approval procedures as a new wireless telecommunications facility. Subsequent antenna and alternative tower structures shall be considered permitted accessory uses in all districts.
6. **Permitted Tower Replacement:** 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 fifty (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 fifty (50) feet in height shall require special use review and approval by the Planning Commission.
  - C. Tower replacements which require the installation of tower lights shall require special land use review and approval by the Planning Commission.
7. **Application Requirements:** In addition to the applicable requirements of ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and ARTICLE 19 SITE PLAN REVIEW PROCEDURES, the following information shall be provided in support of an application to construct a wireless telecommunication facility:
- A. Certification from a 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 known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures within Exeter Township as well as within the proposed service area boundaries. Known proposed locations shall include, at a minimum, pending telecommunication facility applications in adjacent communities, approved telecommunication facility applications in the community which have not yet been constructed, and sites which are a part of the applicant's long-term network plan.
  - C. The name, address, and telephone number of the person to contact regarding site matters 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. In support of this statement, the applicant will send written notice to all potential entities offering an opportunity for co-location. Copies of the notifications shall be submitted to the Township at the time a special land use permit is requested.
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 neither 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 system's 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 interest or use of an alternative communication technology is unsuitable or unfeasible.
9. **Removal of Abandoned Facilities:** Any wireless telecommunication tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antenna shall remove the same within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within ninety (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 5.14 Wind Energy Conversion Systems (WECS)**

**(Section Added by Amendment 1/22/08)**

### **1. Location**

Wind Energy Conversion Systems (WECS) shall be allowed in those zoning districts where they are listed as a special land use. An application for a WECS shall be reviewed in accordance with all applicable requirements set out in ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and the requirements set forth herein.

## 2. Informational Requirements

- A. A site plan for the property on which the WECS is proposed shall be provided and shall show:
- 1) the location of overhead electrical transmission or distribution lines, whether utilized or not;
  - 2) the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass;
  - 3) the location of any guy wires or other support devices, and
  - 4) the location of all occupied dwellings within three hundred (300) feet of the WECS.
- B. Each special land use application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
- 1) A standard foundation and anchor design or specifications for normal soil conditions; and
  - 2) A detailed parts list; and
  - 3) Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and
  - 4) Grounding and lightning protection procedures which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
  - 5) Underwriters label, where appropriate; and
  - 6) The applicant shall insure each WECS at all times for at least \$1 Million for liability to cover the applicant, Township and land owner.
3. **Electromagnetic Interference:** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub-parts A and F) and 18 (including sub-parts A, D and H).
4. **Noise:** The maximum level of audible noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property lines nearest the WECS. An application for a WECS facility shall not be approved unless the Applicant demonstrates that the proposed project complies with all noise regulations.
- A. **Information Required:** Applicant shall submit a Noise Study or other acceptable information that demonstrates compliance with this section. The Planning Commission shall determine the adequacy of the Noise Study and, if necessary, may require further submissions.

- B. **Noise Setbacks:** The Planning Commission may impose a noise setback that exceeds the other setbacks set out in this ordinance if it deems that such greater setback is necessary to protect the public health, safety and welfare of the community.
5. **Setbacks:** A WECS shall be located in a rear yard only. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than one and one-half (1 ½) times the height of the tower and rotor combined.
6. **Height:** The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be one hundred and twenty (120) feet, unless otherwise prohibited by State or Federal statutes or regulations. The maximum allowable height shall comply with all applicable state construction and electrical codes and local building permit requirements. A WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. In the case of a WECS to be interconnected with the power grid of the local electric utility, the WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. The applicant must provide written evidence that all federal and state requirements and regulations will be met.

If a WECS facility is required by federal or state regulations to have warning lights, the lights shall be shielded to reduce glare and visibility from the ground.

7. **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily read, and easily accessible location:
- A. Equipment weight of the tower subsystem;
  - B. Manufacturer's name and address;
  - C. Model number;
  - D. Serial number;
  - E. The following tower warning label or equivalent warning: Installation and Maintenance of this Product near Power Lines is a Danger. For Your Safety Follow the Installation and Maintenance Instructions.
  - F. The survival wind speed in miles per hour and meters per second;
  - G. Name of installer;
  - H. Name of person responsible for maintenance; and
  - I. Emergency telephone number in force for G and H above.
8. **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:

- A. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
  - B. Manufacturer's name and address;
  - C. Model number;
  - D. Serial number;
  - E. Emergency and normal shut down procedures; and
  - F. Underwriters label, where appropriate.
9. **Ground Clearance:** For both horizontal and vertical axis turbines, a WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
  10. **Braking System:** A WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
  11. **Visibility of Guy Wires:** If a WECS tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
  12. **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
  13. **Interconnected WECS:** In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and no sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
  14. **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of such WECS shall remove the same within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Township to remove the WECS 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 WECS. If a bond is to be required, the Planning Commission shall include the requirement as a condition of Special Land Use approval.

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## ARTICLE 6 SIGNS

### Section 6.01 Statement of Intent

It is the expressed purpose and intent of this Section to provide for adequate standards and methods of control for all out-door advertising signs as defined by the Zoning Ordinance. Control of such devices is necessary to minimize outdoor advertising within the Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the Township. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Township in order to:

1. Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
2. Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
3. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
4. Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
5. Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
6. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
7. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
8. Prevent off-premise signs from conflicting with other land uses.
9. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

10. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

Any publicly displayed sign, symbol or notice on a premise to indicate the name of the occupancy, to advertise the business there transacted, or directing to some other local, business or trade shall be regulated as follows:

### **Section 6.02 Definitions**

For the purposes of this Article, the following definitions shall apply (see illustrations):

1. **Banner Sign:** A sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.
2. **Bulletin Board:** A type of "changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.
3. **Community Special Event Sign:** Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.
4. **Construction Sign:** A temporary sign identifying the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.
5. **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.
6. **Freestanding Sign:** A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."
7. **Gasoline Price Sign:** A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.
8. **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.
9. **Illegal Sign:** A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.



10. **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 credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.
11. **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.
12. **Mural:** A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.
13. **Nameplate:** A non-electric on premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
14. **Non-Conforming Sign**
  - A. 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.
  - B. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.
15. **Obsolete Sign:** A sign that advertises a product that is no longer made or that advertises a business that has closed.
16. **Permanent Sign:** A sign designed to be installed permanently in the ground a minimum of forty-two (42) inch deep by use of a steel post, wood post or other appropriate materials.
17. **Pole or Pylon Sign:** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.
18. **Political Sign:** A temporary sign relating matters to be voted on in a local, state, or national election or referendum.
19. **Portable Sign:** A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. 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.
20. **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.
21. **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.

22. **Real Estate Sign:** An on premise temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.
23. **Sign:** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.
24. **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.
25. **Wall Sign:** A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent 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 also be considered wall signs.
26. **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 6.03 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 Board, are only used in a location designated by the Township Board, 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. Barber poles.
4. Construction signs provided that there shall be only one (1) 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.
5. Flags provided the maximum height of the flagpole is thirty-five (35) feet, measured from the average surrounding grade, and a maximum of two (2) flagpoles per lot.
  6. 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 erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale.
  7. "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.
  8. 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.
  9. Incidental signs not exceeding a total of two (2) square feet, a total of two (2) signs per
  10. Business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
  11. 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.
  12. 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.
  13. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
  14. 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 to exceed two (2) square feet in area; the sign shall not be illuminated and must be attached to an exterior building wall.
  15. 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.

16. 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.
17. Political campaign signs, provided that the property contains an occupied structure; 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 four (4) square feet in area; and that such signs are removed within ten (10) business days following the election for which they are erected.
18. Portable real estate "open house" signs provided the following conditions are met:
  - A. There shall be only two (2) such signs placed off-premise and one (1) on premise.
  - B. The size of each sign shall be a maximum of four (4) square feet in size and three (3) feet in height above grade.
  - 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 ten (10) feet from the curb or fifteen (15) feet from the pavement edge where there is no curb.
  - 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.
  - F. The signs shall be allowed for a maximum of eight (8) hours per day.
  - G. The signs shall be removed within one (1) hour following closing of the open house.
19. Private parking lot and driveway identification sign limited to one (1) per lot and not to exceed three (3) square feet per sign and six (6) feet in height.
20. Publicly authorized warning signs, such as no trespassing, warning of electrical currents or animals, provided such signs do not exceed two (2) square feet in area.
21. Real estate signs, provided that there shall be only one (1) real estate sign per parcel for each public street frontage; such signs are not placed within the public street right-of-way and that the maximum height of any such sign shall be six (6) feet in area.
22. Regulatory and directional traffic control and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices.
23. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.

## **Section 6.04 Permitted Signs**

### **1. All Zoning Districts**

- A. **Directional Signs:** All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal Governments, shall be permitted in all use districts. One (1) wall or double sided freestanding pole directional sign with a

maximum area of four (4) square feet is permitted per building. A Township permit shall be required.

<b>Table 6-01 - Specific Sign Requirements</b>					
<b>Type of Sign</b>	<b>Districts Permitted</b>	<b>Max. Height</b>	<b>Max. Size (sq. ft.) (1)</b>	<b>Max. Number</b>	<b>Permit Required</b>
<b>Bulletin Boards for Religious or Institutional Facilities</b>	All Residential Zoning Districts	3 ft.	15	1	yes
<b>Community Special Event</b>	All Zoning Districts	--	10	1	no
<b>Construction</b>	All Residential Zoning Districts	--	12	1	no
	All Non-Residential Zoning Districts	--	32	1	no
<b>Directional</b>	All Zoning Districts	--	4	1 wall or double faced freestanding	yes
<b>Freestanding (Pole)</b>	All Non-Residential Zoning Districts	25 ft.	150 per face 300 total	1	yes
<b>Ground</b>	All Non-Residential Zoning Districts	5 ft.	32 per face	1	yes
<b>Home Occupation</b>	All Residential zoning Districts	8 ft.	20 per side	1	no
<b>Identification (Religious or Institutional Facilities)</b>	All Residential zoning Districts	42 in.	20 per face	1	yes
<b>Portable</b>	All Zoning Districts	--	12 per face	1	yes
<b>Real Estate</b>	All Zoning Districts	42 in.	6 per face	1 wall or double faced freestanding	no
<b>Temporary</b>	All Zoning Districts	--	12	1	no

- B. **Real Estate Signs:** One wall or double faced freestanding sign used for advertising land or building for rent, lease, and/or for sale not to exceed six (6) square feet per face and forty-two (42) inches in height shall be permitted in all zoning districts when located on the land or building intended to be rented, leased, and/or sold. Real estate signs shall not require a Township permit but must be removed within ten (10) days of the sale, rent, or lease of the property advertised.
  - C. **Community Special Event Signs:** Community event signs not to exceed 10 square feet in size shall be permitted in all zoning districts. Community event signs shall be installed no sooner than twenty-one (21) days preceding the event and removed no later than seven (7) days following the event.
  - D. **Construction Signs:** Construction signs not to exceed thirty-two (32) square feet in area within non-residential districts and twelve (12) square feet in area within residential districts shall be permitted. Construction signs must be removed within thirty (30) days after the issuance of the occupancy or temporary occupancy permit.
    - 1) **Portable Signs:** Portable signs not to exceed twelve (12) square feet in area per sign face shall be permitted in all districts. No portable sign shall be placed closer than ten (10) feet to any driveway, street, sidewalk or other public property, nor placed upon any property other than where the business or product advertised is located or sold. Portable signs shall not be displayed for more than four (4) days per month.
    - 2) Temporary signs shall be permitted without a building permit in all use districts provided they are not displayed for more than four (4) days in any month. Temporary signs shall not exceed twelve (12) square feet in area for all product advertisement.
2. **Non-residential Zoning Districts** (C-1, Community Business District; and I-1, Industrial District)
- A. No sign shall project above any wall it is placed upon nor shall it project out from the wall more than one foot. No roof signs shall be permitted. Signs permitted within these districts shall pertain to the sale, rental, or use of the premises on which the sign is located or to goods handled, activities conducted thereon.
  - B. **Ground signs permitted when:**
    - 1) Not over five (5) feet in total height.
    - 2) Not to exceed thirty-two (32) square feet in area per sign face.
    - 3) Base of sign not less than twenty (20) feet from front lot line.
    - 4) All parts of sign are over private property. No ground sign shall be located within any existing or proposed right-of-way line.
    - 5) Ground signs shall not be located so as to cause obstruction to traffic vision.

- 6) To be no closer than fifty (50) feet to any Agricultural/Residential or Medium Density residential zoned district.
- 7) Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be used to advertise products for sale.

**C. Freestanding (pole) signs permitted when:**

- 1) Not over twenty-five (25) feet in total height.
- 2) Not to exceed on hundred fifty (150) square feet per sign face and three hundred (300) square feet for a sign with two or more faces.
- 3) Base of sign not less than twenty (20) feet from front lot line. Base no less than fifty (50) feet of any intersecting right-of-way lines.
- 4) All parts of sign are over private property. No ground sign shall be located within any existing or proposed right-of-way line.
- 5) Ground signs shall not be located so as to cause obstruction to traffic vision.
- 6) All freestanding pole signs shall be securely built, constructed and erected upon posts and stands sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete.
- 7) To be no closer than fifty (50) feet to any Agricultural/Residential or Medium Density residential zoned district.

- D. Signs permitted within these districts may be illuminated provided that such illumination is interior or directed at the sign surface in such a manner so as to minimize the interference with vision of persons on adjacent street and/or adjacent property owners. Illuminated sign shall not be flashing or intermittent and must meet all other requirements of this Ordinance.

**3. General Conditions and Procedures:** The following general conditions and procedures shall apply with reference to advertising signs within the various use districts:

- A. All non-public signs shall be expressly prohibited from all public right-of-way and dedicated public easements at all times.
- B. No free standing signs within fifty (50) feet of any intersecting right-of-way lines shall be permitted, so as to provide adequate site clearance.
- C. No signs in the Commercial and Industrial Districts shall be erected or altered until approved by the Zoning Ordinance Enforcement Officer and a permit issued. Permit issuance will depend upon conforming to the restrictions of this Ordinance and upon presentation of proof of liability insurance by the sign owner regarding said sign to the Zoning Ordinance Enforcement Officer.
- D. Whenever a sign or advertising structure becomes structurally unsafe and/or endangers the safety of the public health and welfare, the Zoning Ordinance Enforcement Officer shall notify the property owner of such condition indicating said sign must be repaired or removed. If compliance is not evidenced within 10 days of the mailing date of the

notice, the Zoning Ordinance Enforcement Officer shall take the necessary legal steps to have said sign removed.

- E. All illumination of signs shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

### **Section 6.05 Non-Conforming Signs**

1. Non-conforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this article, but were lawfully established prior to its adoption. The intent of this article is to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of administering this article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights.
2. No non-conforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with this Ordinance, except that non-conforming signs shall comply with the following regulations:
  - A. **Repairs and Maintenance:** Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.
  - B. **Substitution:** No nonconforming sign shall be replaced with another nonconforming sign.
  - C. **Discontinuance:** A nonconforming sign shall not be reestablished after the activity, business, or use to which it related has been discontinued for ninety (90) days or longer.



## ARTICLE 7 AG, AGRICULTURAL/RESIDENTIAL DISTRICT

### Section 7.01 Statement of Intent

The intent of the AG, Agricultural/Residential District is to provide areas of the Township wherein agriculture, farming residential and very low-density dispersed single-family residential uses, along with compatible uses often occupying large land areas may occur. The main uses are to be agriculture, farming and single-family residential on large parcels of property.

### Section 7.02 Permitted Uses and Structures

No building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

1. Single-family, including a manufactured dwelling not within a manufactured home park.
2. General farming including livestock and poultry raising, dairying, horticulture, sod, farm forestry, truck gardening and nurseries and similar bona fide agricultural enterprises or use of land and structures, but not including any operation for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughter houses.
3. Roadside produce stands.
4. Greenhouses and farm outbuilding.
5. Public and private stables as permitted by *Section 5.10* of this Ordinance.
6. Cemeteries.
7. Essential services which include the erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or hydrants, and buildings, substations, and outdoor storage areas.
8. Public and private schools, K-12.
9. Adult foster care family home.
10. Foster family home (4 or fewer children 24 hours per day).
11. Family day-care home (6 or fewer children less than 24 hrs. per day).
12. Churches, temples and other places of worship or public assembly.
13. Parks.

14. Ponds.
15. Municipal buildings.
16. Raising fur bearing animals.
17. Nursery schools.
18. Grain elevator.
19. Temporary buildings.
20. Accessory buildings and uses customarily incidental to the above permitted uses.
21. Other uses similar to the above as determined by the Exeter Township Planning Commission.

### **Section 7.03 Special Land Use Approval**

The following uses are permitted in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES, and any additional requirements deemed to be reasonable and necessary by the Township Board to assure adequate protection to surrounding properties and the Township as a whole.

1. Artisan workshops.
2. Convalescent homes.
3. Private sewage treatment plants and systems which serve more than one (1) household or business.
4. Private water treatment plants and systems which serve more than one (1) household or business.
5. Private and public kennels.
6. Home occupations.
7. Veterinary hospitals and clinics.
8. Private service clubs, lodge halls.
9. Outdoor gun ranges.
10. Camp grounds.
11. Golf courses, golf driving ranges, and miniature golf.
12. Small aircraft land fields.
13. Indoor and outdoor riding academies and stables.
14. Adult foster care large group home (12 or fewer adults 24 hours per day).

15. Foster family group home (5 to 6 children less than 24 hours per day).
16. Group day care home (7 to 12 children less than 24 hours per day).
17. Child care center or day care center, when accessory to an approved use (more than 6 children less than 24 hours per day).
18. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure, subject to *Section 5.12*.
19. Bed and breakfast.
20. Antique shop.
21. Wind Energy Conversion Systems (WECS), not including a wind farm. (**Added by Amendment 1/22/08**)

#### **Section 7.04 Density, Area, Height, and Placement Regulations**

In accordance with ARTICLE 21 SCHEDULE OF REGULATIONS.

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## **ARTICLE 8**

### **R-1, MEDIUM DENSITY RESIDENTIAL DISTRICT**

#### **Section 8.01 Statement of Intent**

The intent of the Medium Density Residential District is to provide areas in the Township wherein single-family residential uses, incorporating a reasonable range of lot sizes, plus compatible and/or accessory uses, may develop while at the same time promoting a predominantly semi-urban character within the community.

#### **Section 8.02 Permitted Uses and Structures**

No building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

1. Single-family detached dwellings including a manufactured dwelling not within a manufactured home park.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Essential services which include the erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or hydrants.
4. Private and public schools, K-12.
5. Churches, temples and other places of worship or public assembly.
6. Municipal buildings and uses not requiring outdoor storage of materials or vehicles.
7. Temporary buildings.
8. Foster family home.
9. Foster family group home.
10. Family day-care home.
11. Ponds.
12. Accessory buildings and uses customarily incidental to the above permitted uses.
13. Other uses similar to the above as determined by the Exeter Township Planning Commission.

### **Section 8.03 Special Land Use Approval**

The following uses are permitted in accordance with ARTICLE 18, SPECIAL LAND USES AND PROCEDURES, and any additional requirements deemed to be reasonable and necessary by the Township Board to assure adequate protection to surrounding properties and the Township as a whole.

1. Artisan workshops.
2. Two family dwellings.
3. Multiple family dwellings.
4. Home occupations.
5. Convalescent homes.
6. Private sewage and water treatment plants and systems which serve more than three (3) dwelling units or lots on record.
7. Essential service which include towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regular buildings and other similar equipment and accessories in connection therewith, but not including outdoor storage areas, reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions for the public health, safety or general welfare.
8. Adult day care facility.
9. Adult foster care family home.
10. Foster family group home.
11. Group day care home.
12. Child day care center, when accessory to an approved use.
13. Bed and breakfast.
14. Antique shop.
15. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to *Section 5.12*.
16. Wind Energy Conversion Systems (WECS), not including a wind farm. (**Added by Amendment 1/22/08**)

### **Section 8.04 Density, Area, Height, Bulk and Placement Regulations**

In accordance with ARTICLE 21 SCHEDULE OF REGULATIONS.

**ARTICLE 9  
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## **ARTICLE 10**

### **RMH, MANUFACTURED HOME PARK DISTRICT**

#### **Section 10.01 Statement of Intent**

The intent of the RMH District is to provide areas of such size and location as will encourage good mobile home residential developments served by necessary community services, and otherwise capable of protecting the health, safety and welfare of the residents.

#### **Section 10.02 Permitted Uses and Structures**

In all Manufactured Home Park Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

1. Mobile homes and manufactured housing located in a manufactured home park.
2. Manufactured home subdivisions.
3. Condominium developments.
4. Essential services, but not including outdoor storage areas.
5. Publicly owned and operated parks, parkways and recreational facilities.
6. Private and public schools, K-12.
7. Churches, temples and other places of worship.
8. Municipal buildings and uses not requiring outdoor storage of material and vehicles.
9. Temporary buildings.
10. Ponds.
11. Accessory buildings and uses customarily incidental to the above permitted uses.
12. Other uses similar to the above.

#### **Section 10.03 Special Land Use Approval**

The following uses are permitted in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and any additional requirements deemed to be reasonable and necessary by the Township Board to assure adequate protection to surrounding properties and the Township as a whole.

1. Home occupations.

2. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to *Section 5.12*.
3. Wind Energy Conversion Systems (WECS), not including a wind farm. (**Added by Amendment 1/22/08**)

#### **Section 10.04 Density, Area, Height, Bulk and Placement Regulations – Manufactured Home Park**

A manufactured home park shall comply with the requirements of Public Act 96 of the Michigan Public Acts of 1987 (MCLA 125.2301 to 125.2350 inclusive), as amended and all other provisions of this Section. In order to ensure an adequate local review of a manufactured home park in compliance with Section 11(2) of PA 96 of 1987 (MCLA 125.23 11), the rules of the State Manufactured Housing Commission as set forth and provided for under Section 4(1)(a) of PA 96 of 1987 as amended and the requirements of this Section.

1. **Park Area:** The minimum manufactured home park area shall be fifteen (15) acres, excluding adjacent parcels which may be proposed for expansion.
2. **Lot Area:** Each manufactured home lot, exclusive of streets, shall have a minimum area of five thousand five hundred (5,500) square feet. This may be reduced by up to twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet and for each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
3. **Number of Homes:** No more than one (1) manufactured home shall be parked on any one (1) lot.
4. **Setbacks and Spacing:** Each manufactured home site shall have the following minimum yard requirements:
  - A. **Home not Sited Parallel to an Internal Road:** Twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.
  - B. **Home Sited Parallel to an Internal Road:** Fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.
5. **Periphery Setback:** Manufactured homes shall be set back at least fifty (50) feet from any public street right-of-way line and ten (10) feet from any other exterior property line.

- 6. **Manufactured Unit:** All manufactured homes shall be in compliance with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 et seq. and parts 3280 and 3282, under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. §601 et seq.
- 7. **Height:** The maximum height of any community or similar building shall not exceed thirty-five (35) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.
- 8. **Concrete Slab, Skirting, and Anchoring:** Each home shall be installed in compliance with the standards established in R125.1602, Rule 602 of the Manufactured Housing Commission’s General Rules. All areas between the manufactured home and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant and in conformity with the requirements under R125.1604, Rule 604 of the Manufactured Housing Commission’s General Rules. A home anchoring system shall be provided that is designed and constructed in compliance with the United States Department of Housing and Urban Development standards entitled "Manufactured Home Construction and Safety Standards" and be installed in compliance with its manufacturer’s specifications.
- 9. **Occupancy:** No manufactured home shall be occupied without first being connected to a permanent sanitary system and water source, and in accordance with Part 2 of the MDEQ Manufactured Home Park Standards.
- 10. **Access and Circulation**
  - A. **Interior Street Widths:** Minimum street widths within the manufactured home park shall be accordance with the following table.

<b>Schedule of Manufactured Home Park Streets</b>	
<b>Parking</b>	<b>Minimum Street Width</b>
No on-street parking	21 feet
Parallel parking one side	31 feet
Parallel parking both sides	41 feet

**B. Street Construction**

- 1) All streets within the manufactured home park shall be of concrete or bituminous aggregate meeting AASHTO street construction specifications, and may be provided with concrete curbing.

- 2) A street in a mobile home park or seasonal mobile home park shall be sloped at a minimum grade of 0.4% to an approved storm water catch basin or other approved outlet.
  - 3) Dead end internal roads shall be required to end in a fifty (50) foot turning radius. Parking is not allowed within the turning area and a “No Parking” sign shall be posted. **(Amended 10/18/05)**
  - 4) Maximum dead end internal road length shall be one thousand (1,000) feet. **(Amended 10/18/05)**
  - 5) Stop signs shall be located at ingress and egress and all intersections of interior streets.
  - 6) The location of speed limit signs will be so located to promote safety for all occupants and visitors to the park.
- C. **Access:** The manufactured home park shall provide for egress and ingress off of a public road. Access drives shall provide for two-way traffic and be a minimum of thirty-three (33) feet in width.
- D. **Signage:** All road signs (name and traffic control) shall be installed and maintained by the community in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- E. **Sidewalks:** Concrete walkways are to be at least three (3) feet wide. If a developer provides sidewalks, the sidewalks are to be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to public sidewalks outside the community. Individual sidewalks shall be constructed between at least one (1) entrance or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

## 11. **Parking**

- A. **Unit Parking:** Each site shall provide off street and/or on-street parking that will accommodate a minimum of two (2) vehicles.
- B. **Visitor Parking:** Parking for visitors shall be provided at a ratio of one (1) space per three (3) unit lots.

## 12. **Landscaping:** A typical landscape plan shall be incorporated in the plans submitted for preliminary site plan review to the Planning Commission. The typical plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing community. Manufactured housing communities shall be landscaped and screened as follows:

- A. All areas of circulation, common parking lots, recreation facilities, open space areas, buildings for service and areas of storage shall be completely and permanently landscaped and maintained in good condition.

- B. One (1) deciduous canopy tree shall be provided for every two (2) lots.
  - C. If a manufactured home park abuts an existing development, the development shall be required to provide screening along the boundary abutting the existing development.
  - D. The required screening shall consist of evergreen trees or shrubs at least three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home park as effectively as the required landscaping described in subsection (c) above.
  - E. Dead, damaged, or diseased landscaping shall be replaced, within one (1) year, so as to maintain the approved screening originally approved.
13. **Waste Receptacles:** A location for the storage and removal of daily waste shall be established and maintained by the park, unless curb side pick-up is provided, at a location approved by the Planning Commission and the MDEQ. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents.
14. **Utilities**
- A. **General Rules:** The sanitary sewer and water system of the manufactured home park shall comply with MDEQ requirements.
  - B. All utilities, including telephone, cable, and electric, shall be placed underground throughout the park in accordance with R125.1932 to R125.1940 of the Manufactured Housing Commission's easement granted to the provider.
15. **Fire Protection:** The manufactured home park shall provide on-site water sources for fire protection. The park management shall notify each resident, upon occupancy, of all of the following:
- A. The home site shall be kept free of fire hazards, including combustible materials under the home.
  - B. That vehicular parking is prohibited within fifteen (15) feet of a fire hydrant.
  - C. Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.
  - D. Each home is to be provided with at least one (1) fire extinguisher approved by the National Fire Protection Association and one (1) smoke detector approved by the State Construction Code Authority.
16. **Accessory Buildings and Uses**
- A. **Accessory Buildings:** Site-built buildings within a manufactured home park shall be approved and built in compliance with the Michigan Residential Code, which supersedes state unapproved "local" building codes that are not identical and shall require applicable permits. Any addition to a manufactured home that does not comply with the standards of the U. S Department of Housing and Urban Development for

manufactured homes shall comply with the Township Building Codes. Storage sheds, carports and garages shall comply with the state building code.

- B. **Storage:** If the owner of the manufactured home park permits storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured home park, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents and management of the manufactured home park. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured home park. A storage area shall be screened from view from existing residences adjacent to the manufactured home park.

### **Section 10.05 Density, Area, Height, Bulk and Placement Regulations – All Other Uses**

Other uses, in the R- 1, Medium Density Residential District, not including manufactured home parks and manufactured home subdivisions, are subject to ARTICLE 21 SCHEDULE OF REGULATIONS.

## **ARTICLE 11**

### **C-1, COMMERCIAL DISTRICT**

#### **Section 11.01 Statement of Intent**

The intent of the C-1 District is to provide a district wherein the community's overall commercial, business and personal service facilities can be provided to most efficiently and effectively serve the general Township and adjacent areas, with a wide variety of compatible and/or accessory uses.

#### **Section 11.02 Permitted Uses and Structures**

No building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

1. Nursery sales.
2. Funeral homes.
3. General office buildings.
4. Medical and dental clinics.
5. Financial institutions.
6. Green houses.
7. Insurance and real estate offices.
8. Retail businesses up to 20,000 square feet of gross floor area involving the sales of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paint, periodicals, sundry small household articles and tobacco.
9. Veterinary hospitals and clinics.
10. Vehicle wash establishments.
11. Trailer or home equipment rental, sales or storage.
12. Automobile repair and filling stations.
13. Personal services such as barber and beauty shops, radio and television repair, clothing and shoe repair, tailor shops and locksmith.
14. Laundry and coin operated laundromats.
15. Eating and drinking establishments.

16. Business service establishments, including storefront printing businesses using photocopy and printing machines.
17. Bowling alley, dance halls, billiard parlors, racquetball and similar indoor recreation activities.
18. Private service clubs, lodge halls.
19. New and used automobile, truck or tractor dealerships.
20. Mobile home sales, outdoor display and sale of garages, swimming pools.
21. Essential services.
22. Municipal buildings and uses.
23. Miniature golf.
24. Lumber yards.
25. Temporary buildings.
26. Accessory buildings and uses customarily incidental to the above permitted uses.

### **Section 11.03 Special Land Use Approval**

The following uses are permitted in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and any additional requirements deemed to be reasonable and necessary by the Township Board to assure adequate protection to surrounding properties and the Township as a whole.

1. Adult day care facilities.
2. Child day care center.
3. Drive-through window facilities for financial institutions, eating and drinking establishments, or other permitted uses.
4. Hospitals and clinics.
5. Retail businesses with more than 20,000 square feet of gross floor area involving the sales of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paint, periodicals, sundry small household articles and tobacco.
6. Stone carving and Restoration.
7. Wind Energy Conversion Systems (WECS), not including a wind farm. **(Added by Amendment 1/22/08)**



**Section 11.04 Density, Area, Height, Bulk and Placement Regulations**

In accordance with ARTICLE 21 SCHEDULE OF REGULATIONS.

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## ARTICLE 12 OPEN SPACE DEVELOPMENT OPTION

### Section 12.01 Purpose

The purposed of this section is to provide an alternative means of development to the landowner on land which is residentially zoned that could create the same number of home sites, but cluster the homes on no more than fifty (50) percent of the land, while leaving the unused land perpetually in an undeveloped state by means of construction, easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Section 16(h) of the State Public Act 184 of 1943, as amended (the Township Zoning Act).

These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development.

### Section 12.02 Eligibility Criteria

In selecting the open space development option, the applicant must present a proposal for residential development that meets each of the following:

1. **Open Space:** To be eligible for open space overlay option, the proposed development shall contain no less than fifty (50) percent of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land. Open space preservation areas, as defined in ARTICLE 3 DEFINITIONS, may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways or lineal parks. The following are not to be considered open space by this definition:
  - A. Golf courses.
  - B. The area of any street right-of-way proposed to be dedicated to the public.
  - C. Access easements for private roads or underground or overhead utilities.
  - D. The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site.
2. **Parking and Loading Areas:** Parking and loading areas are to be provided in conformity with the requirements of ARTICLE 20 OFF-STREET PARKING AND LOADING/UNLOADING.
3. **Unified Control:** The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full

completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or dead restrictions that indicate that the development will be in its entirety as proposed.

4. **Protection from Development in Perpetuity:** The applicant shall guarantee to the satisfaction of the Township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, use of open space lands for other than recreation, conservation, or agricultural shall be prohibited.
5. **Density Impact:** The proposed type and density use shall not result in an unreasonable increase in the need for additional public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact on the subject site and surrounding property owners and occupants, and/or the natural environment.
6. The density of a site, shall be computed based on the number of dwelling units situated on the development and the net parcel area, after the acreage of all lakes, ponds, streams, fifty (50) percent of regulated wetlands, property within a 100-year floodplain, public rights-of-way, and utility easements are deducted. Conventional density shall be based upon the total dwelling unit count achieved from a parallel plan prepared by the applicant and accepted by the Township showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located, (Please refer to ARTICLE 21 SCHEDULE OF REGULATIONS) Actual open space development option density shall also be determined by compliance with all setbacks, parking, development yield, determined through such computation shall be distributed throughout not more than fifty (50) percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to this section of the Ordinance.
7. **Community Master Plan:** The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.

### **Section 12.03 Flexibility Allowances**

1. Subject to the limitations specified in *Section 12.03.2.* below, the Planning Commission may grant specific departure from their requirements of the Zoning Ordinance for yard setback, lot area and/or width, depth, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public right-of-way, further preservation of natural features.
2. Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from

seeking a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.

3. A plan submitted in connection with this Section shall be subject to the following limitations:
  - A. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the project is to be constructed.
  - B. The maximum number of units attached shall not exceed four (4) units per building and shall require multiple-family dwelling approval by the Planning Commission. The maximum number of buildings grouped around a common open space shall not exceed four (4) buildings.
  - C. The exterior design of structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or throughout the project shall not be permitted.
  - D. Yard requirements shall be provided under this option as follows:
    - 1) Spacing between groups of attached or between unattached buildings shall be equal to at least twenty (20) feet measured between the nearest points of adjacent buildings. A grouping may include a single unit.
    - 2) All such groupings shall be so situated as to have one side of the building abutting onto a common open space.
    - 3) Any side of a building adjacent to a private road easement shall not be nearer to such road easement than fifteen (15) feet.
    - 4) Any side of a building adjacent to a dedicated public right-of-way shall not be nearer to such public right-of-way than twenty-five (25) feet. This requirement shall be increased to fifty (50) feet if the street is a quarter section line or section line road.
    - 5) This nature development, when abutting a front yard of an existing recorded subdivision which is not a part of the project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and shall treat such side of the groupings as front yards.
    - 6) No building shall be located closer than thirty (30) feet to the outer perimeter of the site.
  - E. The maximum height of buildings under this option shall be the same as the zoning district in which it is located would permit under traditional zoning.
  - F. The location of open space preservation areas shall meet the following standards to the greatest extent feasible:

- 1) The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least fifty (50) feet. Along existing roadways from which the development gains its primary access a two to three hundred (200-300) foot setback be provided.
  - 2) The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community, when feasible.
  - 3) The open space is designed and located to be contiguous to all or most of the dwelling units. Open access to required open space under the provisions of this section shall be provided, when feasible.
  - 4) All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.
- G. Where the proposed development abuts an existing conventional single-family use, an orderly transition shall occur, if sufficient area exists within the parcel to allow it, using one (1) or more of the following techniques:
- 1) Detached single-family dwellings subject to the schedule of regulations.
  - 2) Open or recreation space.
  - 3) Changes in topography which provide an effective buffer.
  - 4) A major or secondary thoroughfare.
- H. Open space areas shall represent at least fifty (50) percent of the subject site's adjusted parcel acreage.
- I. If a private road is planned to serve the development within the Open Space Preservation Plan, it must conform to the following standards:
- 1) All private roads shall be designed and constructed in accordance with the minimum requirements for roads established by the Monroe County Road Commission, to include but are not limited to the following:
    - a. Pavement design guidelines.
    - b. Storm drainage.
    - c. Road elevation.
    - d. Curb and gutter requirements.
    - e. Access requirements from the public thoroughfare.
  - 2) All private road easements shall be a minimum of sixty-six (66) feet in width and shall include area set aside for the development of utilities.

- 3) All private roads shall have a minimum pavement width of twenty-two (22) feet in width and shall provide an apron of four (4) feet on either side of the pavement width.
- 4) Cul-de-sacs shall be discouraged and two (2) separate ingress/egress points to the public road shall be provided, when feasible, to protect the public health, safety and welfare.
- 5) All private roads shall be named and approved by the Monroe County Central Dispatch. All private roads shall have appropriate signage that indicates the name of the road as well as a sign posted indicating the road as "private road".
- 6) At the location where the private road intersects with the public street, a street light, erected at the developer's expense, shall be required and installed in conformance with Monroe County Road Commission.
- 7) All private roads shall be owned and maintained by those parties having an ownership interest in the development.
- 8) Private roads shall be built and signed appropriately prior to the construction of residential development on the site.

#### **Section 12.04 Plan Review Procedures**

1. Review by the Planning Commission shall follow the standards, procedures and submittal requirements adopted by the Township for approval of special land uses set forth in ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and the criteria of Section 12.05 below. Final Township Board approval will be required for any proposed Open Space Development Option.
2. The applicant shall submit a parallel plan for the purpose of demonstrating the number of units, which could be developed under the existing zoning using traditional techniques. The parallel plan shall be conceptual but shall include at a minimum the following information:
  - A. Date, north arrow and scale which shall not be more than 1" = 100'.
  - B. Location of streets, driveways, sidewalks, etc.
  - C. Location of all utilities that would be necessary to serve the development and which would not be located within any public right-of-way or private street easement. Such utilities may include storm water retention or detention basins, community sewage treatment systems and community water supply systems.
  - D. The location of all wells, septic and drain fields on each lot is required.
  - E. The location of all portions of land that is unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.
3. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn

at two (2) foot intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, and any other details which will assist in reviewing the proposed plan.

4. All land not intended to be conveyed to individual dwelling unit owners under this option shall be protected by conservation easements, plat dedications, restrictive covenants, or other legal means which runs with the land and which prohibits their development in perpetuity. Such legal unused land remains perpetually in an undeveloped state. The Township may require the inclusion of open space restrictions that prohibit the following:
  - A. Dumping or storing of any materials or refuse.
  - B. Activity that may cause a risk of soil erosion or threaten any living plant material.
  - C. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
  - D. The use of motorized off-road vehicles.
  - E. Cutting, filling or removal of vegetation from wetland areas.
  - F. Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.
  - G. Application of bio-solids.

### **Section 12.05 Approval Criteria**

Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:

1. The design shall promote the goals, objectives, and policies of the Township Master Plan.
2. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units.
3. Natural assets, wildlife habitat areas, or sites having historic archeological or cultural value shall be protected.
4. Individual lots, buildings, roadways, and open space area shall be designed to minimize the alteration of environmental site features.
5. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height, and neighboring building orientation.
6. Clustering of dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.



**ARTICLE 13  
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## **ARTICLE 14**

### **ME, MINING AND EXTRACTION OVERLAY DISTRICT**

#### **Section 14.01 Statement of Purpose**

Consistent with the letter and spirit of the Township Zoning Act, PA 184 of 1943, as amended, the Township Board of the Township of Exeter finds that the increasing demands upon natural resources and their extraction from the earth can have the effect of encroaching upon, despoiling, impacting, or causing a detriment on important physical, aesthetic, recreation and economic assets for existing and future residents of the Township.

The Mining and Extraction Overlay District shall be considered to overlay existing zoning districts and provide additional terms over and above those imposed by the underlying zoning districts.

#### **Section 14.02 Rules and Regulations for Management of the Mining Overlay District**

The following rules and regulations shall apply to provide a clear understanding of the minimum requirements for the sound and proper use and development of land in the ME, Mining and Extraction Overlay District.

These rules and requirements shall include, but not be limited to the following:

1. All lands proposed for mining and extraction shall be required to apply for rezoning to the Mining and Extraction Overlay District.
2. All development shall be consistent with the standards in Ordinance 54, the “Exeter Township Mineral Mining Ordinance”.
3. All mining and extraction uses shall be required to obtain site plan approval. Prior to site plan approval, all necessary permits shall have been obtained from those federal, state, or local governmental agencies from which prior approval is required, such as: U.S. Army Corps of Engineers, Michigan Department of Environmental Quality, Monroe County Road Commission, Monroe County Drain Commission, or Monroe County Health Department.
4. Prior to commencing commercial extraction or quarrying operations, a mining and extraction license shall be obtained from the Township of Exeter, as required by the “Exeter Township Mineral Mining Ordinance”.

**Section 14.03 Principal Uses Permitted**

The following uses of land and structures shall be permitted in the ME, Mining and Extraction Overlay District.

1. Permitted Uses in the underlying district.
2. Mining and extraction uses approved and operated in accordance with the standards of Ordinance 54, the “Exeter Township Mineral Mining Ordinance”.

**Section 14.04 Uses Permissible on Special Land Use Approval**

1. Special Land Uses permitted in the underlying zoning district.
2. In passing such application, in addition to the requirements of the underlying zoning district, ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and ARTICLE 19 SITE PLAN REVIEW PROCEDURES, the Planning Commission shall consider:

Compliance with the standards of Ordinance 54, the “Exeter Township Mineral Mining Ordinance”.

**Section 14.05 Site Plan Review**

All principal and special land uses listed in the underlying zoning district are subject further to the requirements and regulations included in this Ordinance including, where applicable, the provisions of ARTICLE 19 SITE PLAN REVIEW PROCEDURES.

## **ARTICLE 15**

### **I-1, INDUSTRIAL DISTRICT**

#### **Section 15.01 Statement of Intent**

The intent of the I-1 Industrial District is to provide for sites for manufacturing plants, distribution warehouses and similar uses. Also, certain commercial operations are permitted which may be more appropriately placed in an area separated from residential and commercial establishments.

#### **Section 15.02 Permitted Uses and Structures**

No building or part thereof shall be erected, used or structurally altered, nor land premises used, in whole or in part, except for one or more of the following permitted uses or structures:

1. The manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries, food products (except fish, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils), hardware, cutlery, and pottery.
2. The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (except planing mill), yarns, sheet metal, wax, and wire.
3. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment.
4. Printing, lithographic, blueprinting and similar uses.
5. Tool, die, gauge, metal polishing and machine shops.
6. Warehousing and material distribution centers.
7. Recycling depot.
8. Public utility buildings and uses, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
9. Other assembly or manufacturing uses, of a similar nature to the above, when located and arranged according to a plan providing for conditions in harmony with the District, and approved by the Planning Commission and Township Board.

10. Greenhouses.
11. Grain elevators.
12. Essential services.
13. Municipal buildings and uses.
14. Temporary buildings.
15. Accessory uses and uses customarily incidental to the above permitted uses.
16. Other uses similar to the above.

### **Section 15.03 Special Permitted Uses**

The following uses are permitted in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and any additional requirements deemed to be reasonable and necessary by the Township Board to assure adequate protection to surrounding properties and the Township as a whole.

1. Adult entertainment use.
2. Private water and sewage treatment plants and systems which are used in processing, cooling or other industrial operations.
3. Salvage yards.
4. Auto wrecking yards.
5. Recycling plant.
6. Petroleum or other inflammable storage.
7. Asphalt plants and cement batch plants.
8. Brick, tile, cement block manufacturing plants.
9. Explosive storage, including fireworks and fireworks storage.
10. Race tracks.
11. Research, experimental or testing laboratories.
12. Outdoor storage of raw materials and supplies.
13. Building contractor and supply yards.
14. Small aircraft landing fields.
15. Wireless telecommunication facilities and wireless telecommunication antennas mounted on an alternative tower structure subject to Section 5.13.

16. Composting facilities. **(Added by Amendment - 10/18/05)**
17. Wind Energy Conversion Systems (WECS), not including a wind farm. **(Added by Amendment 1/22/08)**

**Section 15.04 Density, Area, Height, Bulk and Placement Regulations**

In accordance with ARTICLE 21 SCHEDULE OF REGULATIONS.

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## ARTICLE 16 PLANNED UNIT DEVELOPMENT (PUD)

### Section 16.01 Description and Purpose

The intent of this Article is to provide an optional method for residential land development, which allows for flexibility in the application of the requirements governing the type of residential structures permitted and their placement on the property. PUD's permit the coordinated development on larger sites in order to protect significant natural features present which the property owner and Township wish to preserve, provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space.

A PUD will provide for the development of land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development requirements of this Ordinance may be allowed, so long as the general purposes for the requirements are achieved and the general provision of the Zoning Ordinance observed.

These PUD regulations shall not be used for circumventing the more specific requirements in this Ordinance, or the planning upon which the requirements are based. Rather, these provisions are intended to result in a development which is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications to the general requirements that, in the judgment of the Township, assure a superior quality of development. If this improved quality is not clearly apparent upon Township review, a site shall not qualify for the modifications allowable under this development option.

### Section 16.02 Eligibility Requirements

The following conditions shall apply to all PUDs:

1. **Unified Control:** The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.
2. **Size:** A parcel must have a minimum area of five (5) acres of contiguous land to be considered for a PUD.
3. **Recognizable Benefits:** The benefits of a PUD District can be provided through site design elements in excess of the requirements of this Ordinance and shall offer at least one (1) of the following:

- A. **Significant Natural Assets:** For sites that contain significant natural assets there shall be extensive, creative and effective preservation efforts demonstrated. Significant natural assets include features such as: active farmland, woodlands, rolling topography with grades exceeding fifteen percent (15%), significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats.
- B. **Recreation Facilities:** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities which provide a feature of community-wide significance and enhance residential development.
- C. **Land Reclamation:** Sites which require extensive reclamation in order to be suitable for development should be offered the incentives of the PUD District. Extensive land reclamation includes conditions such as environmental contamination clean-up and redevelopment of abandoned natural resource extraction sites. Work must involve complete clean-up, grading and restoration of the site to offer a viable development area.

### Section 16.03 Permitted Uses

A PUD shall be permitted in the AG and R-1 Districts. Residential types permitted in the underlying zoning district shall be permitted with additional uses as provided for herein. The PUD rezoning shall be concurrent with the approval of a PUD Preliminary Plan. The PUD designation shall be noted in the application, and on the Official Zoning Map upon approval.

1. **Residential Density:** The density of dwelling units within the approved PUD shall not generally exceed the density allowed for the underlying Residential District for which the zoning change is requested. The number of dwelling units allowed within a PUD shall be determined in the following manner:
  - A. The applicant shall prepare, and present to the Planning Commission for review, a parallel design plan showing the number of lots that could be developed on the site under the underlying zoning district.
  - B. The parallel design plan shall be submitted with the preliminary plan of the PUD.
  - C. The layout of the parallel plan shall comply with State and Township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended and the Township subdivision control regulations. This design shall include all information that would be required for

a tentative preliminary plat, including areas appropriately sized for storm water detention. Such areas cannot be counted towards the permitted density.

- D. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed following the parallel design. This number, as determined by the Planning Commission review, shall become the maximum number of dwelling units allowable within the PUD site.
2. **Attached Dwelling Units:** Where the underlying zoning is R-1, multiple family dwelling units shall be permitted meeting the density and design requirements of this Ordinance.
  3. **Lot Dimensions:** Once the density has been established, the allowable number of dwelling units may be clustered with lot areas and widths reduced below the minimum requirement of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot area reduction.
  4. **Regulatory Flexibility:** The setback and density requirements of the underlying zoning district shall be used as guidelines for the residential open space PUD. 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. A table shall be provided on the site plan that lists all deviations and regulatory modifications. 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 requirements. Only those deviations consistent with the intent of this Article shall be considered. In no case shall a density bonus exceed an additional ten percent (10%) of the permitted number of dwelling units.
  5. **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. A minimum of fifty percent (50%) percent of the gross area of the site shall be dedicated open space held in common ownership. Open space shall be provided along the exterior public roads with a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

#### **Section 16.04 PUD Design Requirements**

All PUDs shall meet the following requirements:

##### **1. Open Space Requirements**

- A. **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.

- B. **Areas Not Considered Open Space:** The following land areas are not included as dedicated open space for the purposes of meeting minimum open space requirements:
- 1) Area proposed as single family residential or site condominium lots.
  - 2) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
  - 3) Any area proposed for a commercial land use.
  - 4) The area of any road right-of-way or private road easement.
  - 5) Any parking and loading areas.
  - 6) Any submerged land area of a pond, lake or stream, provided protected wetlands and storm water ponds designed to appear, and function similar to a natural wetland may be counted for up to fifty percent (50%) of the minimum required open space.
  - 7) Golf courses.
- C. **Open Space Location:** Open space shall be planned in locations visible and accessible to all in the development. The open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following shall be included within the open space area:
- 1) Open space shall be situated to maximize the preservation of any existing site woodlands or other significant natural areas.
  - 2) 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.
  - 3) Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.
- D. **Open Space Protection:** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the Township. 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 use. The conservation easement shall provide the following:
- 1) 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:
    - a. Dumping or storing of any material or refuse.
    - b. Activity that may cause risk of soil erosion or threaten any living plant

- material.
- c. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
  - d. Use of motorized off road vehicles.
  - e. Cutting, filling or removal of vegetation from wetland areas.
  - f. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
- 2) Requirements that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Requirements 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.
  - 3) A provision that 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, and shall not diminish compliance with the requirements of this Article.
  - 4) Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

## 2. **Natural Features**

- A. **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.
  - B. **Animal or Plant Habitats:** If animal or plant habitats that are characteristic of pre-settlement habitat 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.
3. **Landscaping:** The following landscaping requirements shall be met in addition to other landscaping requirements in this Ordinance:
- A. **Street Trees:** Both sides of all internal roads shall be landscaped with street trees. One (1) deciduous canopy tree shall be provided on each side of the road for every forty (40) feet of road frontage. Existing trees preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.
  - B. **Stormwater Detention Ponds:** All ponds and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance.

Landscaping shall be provided around the perimeter of the pond to create the appearance of a natural pond or wetland.

- C. Landscaping shall include a combination of deciduous canopy trees, shrubs, and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the stormwater detention pond.
- D. Storm water detention ponds shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the County Drain Commission, the development agreement shall provide for long term maintenance of the stormwater detention pond by the homeowner's association.

#### 4. Design Requirements

- A. **PUD Design Requirements:** Signs, 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.
- B. **Parking Lots:** Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets.

### Section 16.05 Application Procedures

Applications are to be filed with the Exeter Township Planning Commission.

1. **Applicant:** An application for approval of a PUD shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
2. **Pre-Application Conference:** An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring a workshop shall request placement on the Planning Commission agenda.

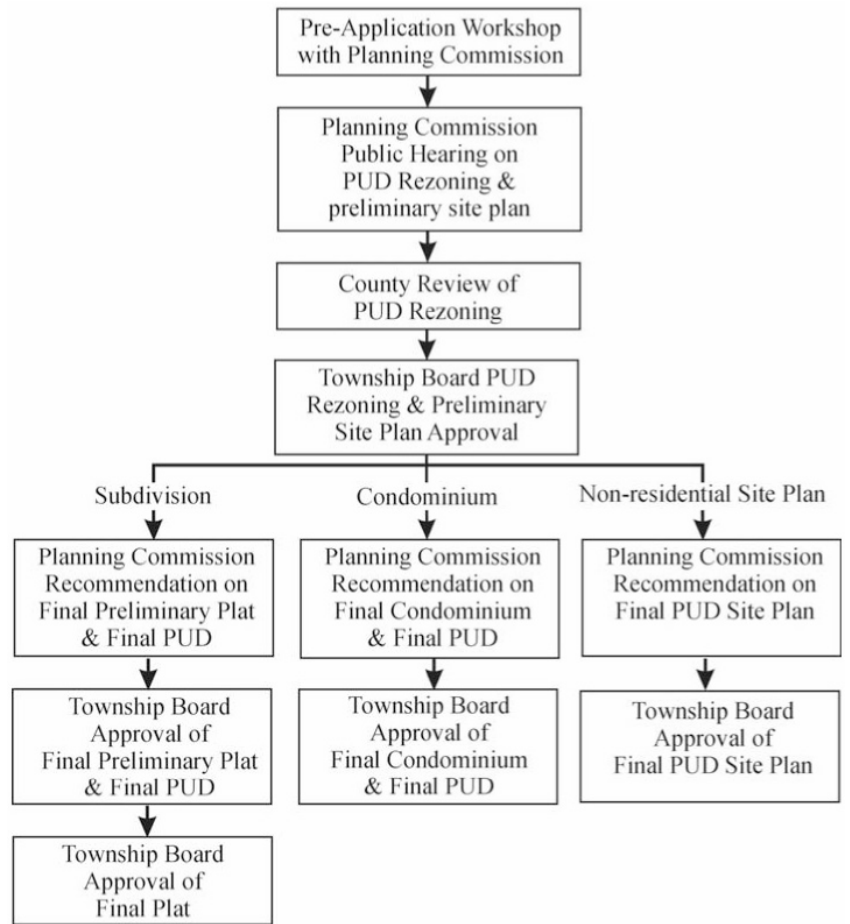
**3. Preliminary Plan**

A. Before submitting a final plan, an applicant shall submit a preliminary plan of the PUD, in accordance with requirements set forth in this Section. This plan shall show the name, location and main design elements so as to enable the Planning Commission to make a determination as to whether the Preliminary PUD is in keeping with the intent of the PUD Ordinance.

B. The Planning Commission shall conduct a public hearing on the proposed PUD preliminary plan and rezoning. Notice of said public hearing shall be published in the local

newspaper not less than five (5) but not more than fifteen (15) days prior to the date of the public hearing. All property owners of lands within thirteen hundred and twenty (1,320) feet of the property in question shall be notified by first class mail or personal delivery to each dwelling unit or other occupied structure.

C. The Planning Commission approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed. After Planning Commission approval, the PUD rezoning shall be submitted to the Monroe County Planning Department for review and comment. At the same time the PUD rezoning and preliminary plan shall be submitted to the Township Board for its approval or disapproval.



**4. Final Plan Application**

A. Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with the requirements set forth in this Section. A final plan submitted in accord with an approved preliminary plan shall warrant approval by the Planning Commission and the Township Board.

- B. After a study of the proposed final plan for a PUD or part thereof, the Planning Commission shall, within thirty (30) days of the receipt of said plan, recommend to the Township Board approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan.
  - C. Prior to final plan approval by the Township Board the developer shall have executed, and submitted in duplicate to the Township, an agreement with the Township setting forth:
    - 1) The specific location and use of all common lands and common facilities within the development.
    - 2) The organizational structure of homeowners' association and the provisions for implementation of transfer of control to said association from the developer.
    - 3) The methods for levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee.
    - 4) Provisions enabling the Township to enter in and maintain such common lands and facilities, both with respect to taxes and operation and maintenance fee.
    - 5) Provisions whereby the Zoning Ordinance Enforcement Officer shall not issue a certificate of occupancy until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the Township as prescribed by the Township Board.
    - 6) Provisions to allow the Township to enter and complete such improvements if the developer has failed to do so within the stated period of time.
  - D. Upon approval of a final plan application by the Township Board, the developer may obtain necessary building permits for the construction of the PUD.
5. **Submission Requirements - Preliminary Plan Application:** Fifteen (15) copies of each of the following items are required to be submitted as part of the preliminary plan application in addition to an application fee as established by the Township Board:
- A. Applicants name, address, phone number, proof of property interest, and the name, address, and phone number of the architect, engineer, or designer preparing the application.
  - B. A written legal description of the total site area proposed for development.
  - C. A site plan and supporting maps and drawing containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan:
    - 1) Location map.



- 2) Site topography, existing and proposed at spot intervals (interval no greater than two (2) feet.
  - 3) The general location of all existing and proposed buildings and structures.
  - 4) Public and private roadways within and adjacent to the site.
  - 5) Walkways within and adjacent to the site.
  - 6) Park areas, driveways, and loading and service areas.
  - 7) Open areas, and a description as to use.
  - 8) A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.
  - 9) A parallel plan showing the number of lots that could be developed on the site under the pre-PUD zoning district.
  - 10) A general landscape plan of landscaping within the site.
  - 11) The location and screening of any outside trash containers.
  - 12) The location and size of all known utilities and drainage facilities.
  - 13) The general location of all proposed utilities and drainage facilities.
  - 14) The dimensions of all parcels to be created as a part of the development.
  - 15) General building elevation drawings showing the architectural style to be used in the development.
6. **Submission Requirements - Final Plan Application:** Fifteen (15) copies of the following items are required to be submitted as part of the final plan application in addition to the submittal requirements described in ARTICLE 19 SITE PLAN REVIEW PROCEDURES:
- A. A written legal description of the total site area proposed for development. (2 copies)
  - B. A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development. (2 copies)
  - C. The organizational structure of the homeowner's association to be formed for the financing, operation and maintenance of all common open space and common property and facilities within the development. (2 copies)
  - D. A copy of all covenants pertaining to the development. (2 copies)

### **Section 16.06 PUD Rezoning**

The application for PUD rezoning is reviewed and approved in accordance with *Section 24.11 Amendments to this Ordinance*. The preliminary PUD plan is to be considered concurrently with the application for rezoning.

### **Section 16.07 Approval Period**

1. **Preliminary Plan:** The length of time during which the approval of the preliminary plan for a PUD remains valid shall be eighteen (18) months from the date of Township Board

approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Township Board twice, each for a period of one (1) year.

2. **Final Plan:** The length of time during which approval of a final plan for a PUD remains valid shall be two years from the date of Township Board approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Township Board twice, each for a period of one (1) year. Where a PUD is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two (2) years from the date of issuance of a land use permit.

### Section 16.08 Performance Guarantee

1. **Condition for Issuance of Temporary Certificate of Occupancy:** If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Zoning Ordinance Enforcement Officer may issue a temporary certificate of occupancy upon receipt from the developer by the Township Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.
2. **Covered Improvements:** The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the Zoning Ordinance and any conditions attached to the PUD approval, and said improvements shall include, but not be limited to, roadways, lighting, utilities, sidewalks, screening and drainage.
3. **Exemptions:** This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act. No. 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.
4. **Completion Time:** All required improvements covered by the performance guarantee shall be completed within two hundred forty (240) days of the issuance of the temporary certificate of occupancy. In the event all required improvements are not completed within the time period provided, the Township, by resolution of the Township Board, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the applicant proprietor.
5. **Release of Performance Guarantee:** The Township Clerk may authorize the release of such financial security upon completion of the outstanding improvements. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

**Section 16.09 Amendments to Plans**

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Ordinance Enforcement Officer, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this Section may increase by more than ten (10) percent, or decrease by more than twenty percent (20%), the size of any building or structure, or change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Ordinance Enforcement Officer may not permit changes beyond the minimum requirements set forth in this Ordinance.

All other changes in the planned unit, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the PUD.

**Section 16.10 Subdivision Requirements**

Any PUD which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Land Division Act, of Act 59 of 1978, the Condominium Act, shall comply with the provisions of those Acts.

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## **ARTICLE 17 LANDSCAPING**

### **Section 17.01 Intent**

The intent of this Article 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. Specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking area, vehicular use areas, and property abutting public rights-of-way.
2. Integrate the various elements within a site and link a development with the surrounding environment.
3. Reduce soil erosion and depletion.
4. Increase soil water retention, thereby helping to prevent flooding, erosion, and sedimentation.
5. Remove air pollutants, and control glare and reflection.
6. Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts.
7. Provide natural green space to allow infiltration of stormwater, minimize erosion and filter sediments from runoff.

### **Section 17.02 Applicability**

1. The requirements of this Section shall apply to all projects subject to site plan review, or condominium review. No site plan or condominium plan shall be approved unless landscaping consistent with the requirements of this Section is provided.
2. 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.
3. 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 coordinate landscaping on adjacent properties.

Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

4. In any case where an existing building and/or parking area is being increased by twenty-five percent (25%) or more over the original site plan, the site shall be brought into full compliance with the landscape standards herein.
5. Where an increase in an existing building and/or parking area is less than twenty-five percent (25%), the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in the building or parking footprint. For example, a ten percent (10%) building expansion shall require forty percent (40%) compliance with these landscape requirements.

### **Section 17.03 General Requirements**

1. Plant material shall be installed so that at maturity it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists or disrupt drainage patterns on the site or on adjacent properties.
2. Landscaped areas shall be covered by grass or other living ground cover.
3. A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.
4. Planting beds shall be maintained with woodchips or similar natural material, non-stone, at a minimum depth of three (3) inches. Planting beds shall be limited to the area immediately surrounding the plant material.
5. Planting beds must be curbed or defined with steel edging.
6. Trees and shrubs shall be set back ten (10) feet from the edge of a road and five (5) feet from a vehicular access or pathway.
7. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one (1) species. The use of trees native to the area and mixture of trees from the same species association are encouraged.
8. Ornamental trees may be used to fulfill the tree requirement, provided two (2) ornamental trees shall be the equivalent of one (1) required tree.

### **Section 17.04 Plant Material Specifications**

1. **Size:** The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Section:

Minimum Plant Material Size			
Plant Type	Minimum Caliper <sup>1</sup>	Minimum Height	Minimum Spread
Deciduous Shade Trees	3 inches	4 feet <sup>2</sup> first branch	--
Ornamental Trees	2 inches	4 feet <sup>3</sup>	--
Evergreen Trees <sup>4</sup>	--	6 feet	--
Shrubs	--	2 feet	15 inches
Hedges <sup>5</sup>	--	4 feet	--
Footnotes: 1 Measured 12 inches above grade. 2 Trees planted along pedestrian routes (i.e. sidewalks, plazas, etc.) shall not have branches lower than 6 feet. 3 Clumped trees (e.g. birch) shall have a minimum height of 6 feet above grade. 4 The size of the burlapped root ball for evergreen trees shall be at least 10 times the caliper measured 6 inches above grade. 5 Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting.			

2. **Spacing:** Planting in informal groupings to create a naturalistic appearance is desirable. Wherever possible, plant materials shall not be placed closer than four (4) feet from the fence line or property line.
3. **Recommended Plant Materials:** The following Table lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

Recommended Plant Materials*	
Common Name	Genus
<b>Deciduous Canopy Tree</b>	
Beech	Fagus
Birch	Betula
Ginkgo (male)	Ginkgo
Hard Maple	Acer
Hickory	Carya
Honey locust (Thornless Cultivars only)	Gleditsia
Linden	Tilia
Oak	Quercus

<b>Recommended Plant Materials*</b>	
<b>Common Name</b>	<b>Genus</b>
<b>Deciduous Ornamental Trees</b>	
Dogwood (Tree Form)*	Cornus
Downy Serviceberry	Amelanchier
Flowering Crabapple (Disease Resistant Cultivars)	Malus
Flowering Pear	Pyrus
Hawthorn	Crataegus
Magnolia	Magnolia
Redbud	Cercis
Rose of Sharon	Hibiscus
<b>Evergreen Trees</b> (Dwarf, Globe, Pendulous species/Cultivars are not permitted)	
Douglas Fir	Pseudotsuga
Fir	Abies
Hemlock	Tsuga
Pine*	Pinus
Spruce	Picea
<b>Narrow Evergreens</b> (Dwarf, Globe, Pendulous species/Cultivars are not permitted)	
Arborvitae (Columnar Giant, Douglas)	Thuja
Column Hinoki Cypress	Chamaecyparis
Juniper (Blue Columnar Chines)	Juniperus
Pyramidal Red Cedar	Cedrus
Pyramidal White Pine	Pinus
Swiss Stone Pine	Pinus
<b>Large Shrubs</b>	
<b>Deciduous</b>	
Cotoneaster	Cotoneaster
Dogwood (Shrub Form)*	Cornus
Euonymus	Euonymus
Forsythia	Forsythia



<b>Recommended Plant Materials*</b>	
<b>Common Name</b>	<b>Genus</b>
Lilac	Syringa
Mock-Orange	Philadelphus
Privet	Ligustrum
Spirea	Spiraea
Viburnum	Viburnum
<b>Evergreens</b>	
Juniper (Hetz, Pfitzer, Savin)	Juniperus
Yew (Pyramidal Japanese)	Taxus
<b>Small Shrubs</b>	
<b>Deciduous</b>	
Barberry	Berberis
Boxwood	Buxus
Burning Bush	Euonymus
Cotoneaster	Cotoneaster
Euonymus*	Euonymus
Forsythia	Forsythia
Holly*	Ilex
Hydrangea	Hydrangea
Lilac	Syringa
Potentilla*	Potentilla
Privet	Ligustrum
Quince	Chaenomeles
Viburnum*	Viburnum
Weigela	Weigela
<b>Evergreens</b>	
Arborvitae (Globe/Dwarf)	Thuja
False Cypress	Chamaecyparis
Fir	Abies
Juniper (Low Spreading)*	Juniperus

Recommended Plant Materials*	
Common Name	Genus
Pine	Pinus
Spruce	Picea
Yew (Globe, Spreading, Upright)*	Taxus
*See Section 17-04.4 Undesirable Plant Materials	

4. **Undesirable Plant Materials:** Use of the following plant materials (or their clones and cultivars) is not encouraged because they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers or they are unusually susceptible to disease or insect pests. These plant materials may be permitted to remain in their natural setting but cannot be transplanted. The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

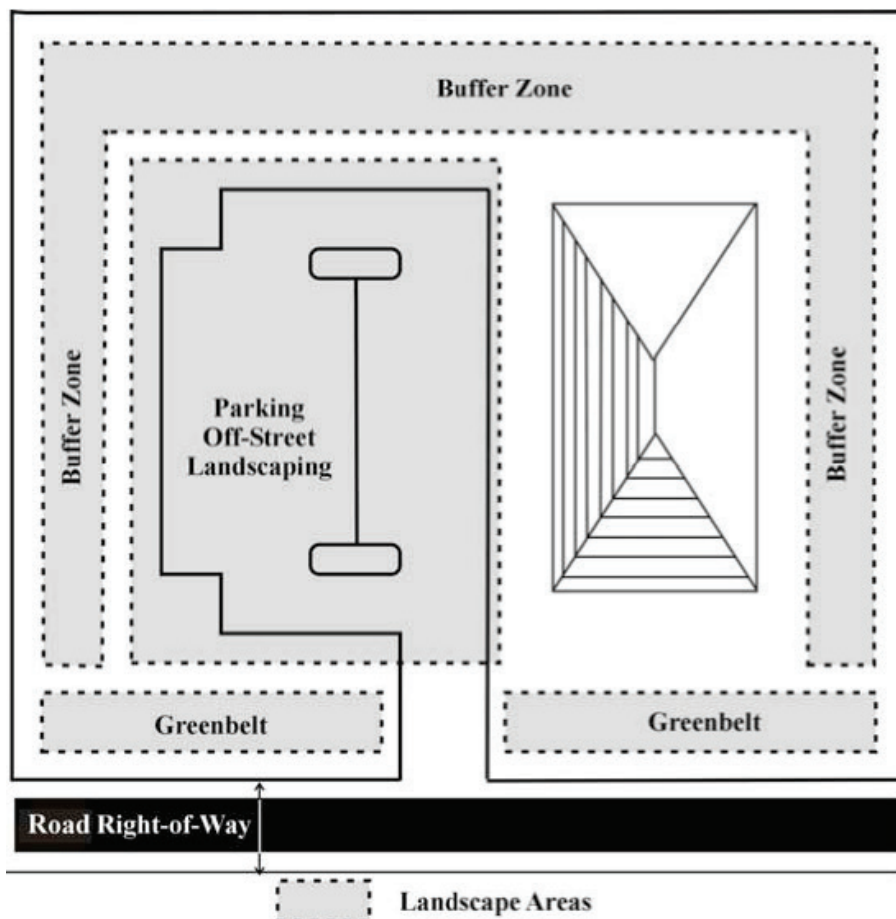
Undesirable Plant Materials	
Common Name	Genus Species
American Elm	Ulmus americana
Ash (All Varieties)	Fraxinus
Box Elder	Acer negundo
Eastern Red Cedar	Juniperus virginiana
European Barberry	Berberis thunbergii
Horse Chestnut (Nut Bearing)	Aesculus hippocastanum
Northern Catalpa	Catalpa speciosa
Poplar (All Varieties)	Populus
Soft Maple (Silver)	Acer sacharinum
Tree of Heaven	Ailanthus altissima
Willow	Salix spp.

The use of any plant material under quarantine by the State of Michigan is prohibited.

**Section 17.05 Screening and Buffering**

1. **Greenbelts:** Greenbelts, where required, shall conform to the following standards:
  - A. Non-residential uses requiring site plan approval shall provide a twenty (20) foot wide greenbelt along the lot’s frontage, adjacent to and outside of the road right-of-way. A

- minimum of one (1) deciduous canopy tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length.
- B. For the purpose of calculating required plant material, greenbelt length shall be measured between the side lot lines along the site's frontage, following the road right-of-way. The frontage calculation shall include any openings for driveways, sidewalks, or easements with the number of trees. Fractions of trees shall be rounded upward to the nearest whole number.
  - C. All existing trees six (6) inches in diameter at breast height within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian, and utility access points.
  - D. Greenbelt plantings shall be designed to simulate a natural appearance and include a variety of plant species.
  - E. A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.
  - F. All tree plantings within the greenbelt shall be located to not block vision for motorists and to avoid overhead utility lines.



2. **Buffer Zones:** In order to provide protective screening and buffers between abutting land and wall, fence or berm shall be provided by the applicant in accordance with this subsection. This subsection applies to any application for site plan, or condominium approval.

The Table below identifies where and what type of buffer is required between land uses. The Table also details the minimum landscape elements that must be included in each type of buffer zone.

<b>Required Buffer Zones</b>					
<b>Proposed Use</b>	<b>Proposed Use Adjacent to:</b>				
	<b>Single Family District</b>	<b>Multiple Family District</b>	<b>Manufactured Home Park District</b>	<b>Business District</b>	<b>Industrial District</b>
Single-Family Residential <sup>1</sup>	None	B	B	B	A
Multiple Family Residential	B	C	B	B	A
Manufactured Home Park	B	B	C	B	A
Commercial <sup>2</sup>	B	B	B	C	B
Industrial	A	A	A	B	None
Footnotes: 1 Applies to applications for subdivision plat or condominium site plan approval only. 2 Includes non-residential special land uses in a Residential District.					
<b>Description of Required Buffer Zones</b>					
<b>Buffer Zone</b>	<b>Minimum Width</b>	<b>Wall/Berm</b>	<b>Minimum Plant Materials</b>		
A	50 feet	Required See 7, 8 & 9 next page	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward.		
B	20 feet	Required See 7, 8 & 9 next page	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward.		
C	10 feet	None Required	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward.		

3. **Minimum Requirements for Berms:** Where required or provided, berms shall conform to the following standards:
  - A. Required berms shall be at least three (3) feet above grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (twenty-five percent (25%) slope), with at least a two (2) foot flat area on the top. The Planning Commission may modify the height requirement in cases where sufficient room does not exist to construct a three (3) foot high berm.
  - B. Required berms shall be planted with grass, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.
  
4. **Minimum Requirements for Walls and Fences**
  - A. **Location:** Required walls shall be located on the lot line except in the following instances:
    - 1) Where underground utilities interfere with placement of the wall on the property line, the wall shall be placed on the utility easement line located nearest the property line.
    - 2) Where located adjacent to a side road, the wall shall be set back eight (8) feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth previously.
  - B. **Openings for Access:** Walls shall be continuous except for approved pedestrian or vehicular connections.
  - C. **Substitution:** As a substitute for a required wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed natural or man-made landscape features (such as evergreens spaced ten (10) feet on center) that would produce substantially the same results in terms of screening, durability, and permanence.
  
5. **Wall Specifications**
  - A. Required obscuring walls shall be six (6) feet in height, and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the principal structure on the site.
  - 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.
  - C. The Planning Commission may require brick or decorative facing with the same or complementary materials as the main building on one (1) or both sides of the wall.

**6. Fence Specifications**

- A. Fences erected for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, with posts sunk into the ground at least three (3) feet.
- B. Chain link fences shall not be permitted for screening purposes.

## **ARTICLE 18**

### **SPECIAL LAND USES AND PROCEDURES**

#### **Section 18.01 Review and Approval of Special Land Uses**

It is the purpose of this Article to specify the procedures and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety and welfare of the Township.

#### **Section 18.02 Review and Approval Authority**

Upon recommendation of the Planning Commission, the Township Board shall have the authority to grant special land use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special land uses included in the various provisions of this Zoning Ordinance.

#### **Section 18.03 Application and Fee Requirements**

Application for any special land use permit as provided under the provisions of this Ordinance, shall be made to the Township Clerk by filing an official special land use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.

#### **Section 18.04 Data, Exhibits and Application Information**

An application for a special land use permit shall contain the following:

1. Applicant's name, address and telephone number.
2. Address and tax identification number of the proposed site.
3. A signed statement that the applicant is the owner of the proposed site, or is acting as the owner's representative.
4. A complete site plan containing all of the applicable data outlined in Section 19.03 Site Plan Data Required.
5. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special land use permit applications outlined in *Section 18.06*.

## Section 18.05 Public Hearing Requirements

1. **Public Hearing Eligibility:** Upon receipt of a complete special land use application, the Planning Commission shall hold a public hearing on the application. A complete application under this Section shall be one that addresses the items set forth in *Section 18.04*.
2. **Public Hearing Notification Requirements (Subsection amended in 2006)**
  - A. **The notice shall:**
    - 1) Describe the nature of the request.
    - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - 3) State when and where the request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.
  - B. **Notice shall be given as follows:**
    - 1) Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing
    - 2) Notice of the hearing shall be published in a newspaper of general circulation
    - 3) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
    - 4) Notice shall also be sent by mail to all persons to whom real property is assessed within one-thousand three-hundred and twenty (1,320) feet of the property and to the occupants of all structures within one-thousand three-hundred and twenty (1,320) 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.

## Section 18.06 Standards for Review and Approval

The Planning Commission and Township Board shall review the particular circumstances and facts applicable to each proposed special land use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be on the subject parcel meets the following standards and requirements:

1. Will be harmonious and in accordance with the goals, objectives and policies of the Township Master Plan.



2. Will be designed, constructed, operated, in harmony 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.
3. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
5. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
7. Will ensure that the environment shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
8. Will meet the intent and purpose of the Zoning Ordinance: be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
9. The applicant must provide evidence that any applicable local, state or federal licenses or permits have been obtained.

### **Section 18.07 Official Action**

1. **Planning Commission Action:** After the public hearing, the Planning Commission shall review the special land use application and provide a written recommendation to the Township Board to approve, approve with conditions or deny the application. The recommendation shall incorporate a statement containing specific findings of fact which provide the basis for the recommendation and any suggested conditions.

This section shall not be interpreted to prohibit postponement of any action by the Planning Commission to allow additional time for study.

2. **Township Board Action:** The Township Board, upon receipt of the Planning Commission's findings and recommendation, shall take one of the following actions.
  - A. **Approval:** If the special land use application meets all the requirements of the Zoning Ordinance, the Township Board shall approve the special land use application. The

Supervisor shall sign three (3) copies of the final site plan, filing two (2) with the official site plan file and one with the applicant.

- B. **Approval with Conditions:** If minor corrections to the site plan or the attachment of conditions will bring the proposed special land use into compliance with the Zoning Ordinance standards for approval, the Township Board may approve the special land use application and record the conditions of approval. The Supervisor shall sign three (3) copies of the final site plan, filing two (2) with the official site plan file and one with the applicant.
- C. **Denial:** If the special land use application does not meet all the requirements of the Zoning Ordinance, the Township Board may deny the application and record the reasons for their denial.
- D. **Postpone:** If the special land use application does not meet the requirements of the Zoning Ordinance, the Township Board may postpone action on the site plan to allow time for additional study and/or site plan revisions.
- E. **Attachment of Conditions:** The Planning Commission may recommend and the Township Board may attach any conditions deemed necessary for the protection of the general welfare, public health and safety, individual property rights, and to ensure that the purposes of this Ordinance are met. Any conditions imposed shall remain unchanged, except upon the mutual consent of the Township Board and the landowner.

The conditions imposed shall meet all of the following requirements:

- 1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed land use or activity.
  - 3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- F. **Record:** A record of all special land use approvals is to be kept. The record for each approval shall include the conditions imposed with respect to the approval of a land use or activity.

### Section 18.08 Appeals

No decision or condition related to a special land use application shall be taken to the Board of Zoning Appeals. An appeal of a special land use decision or condition may be taken to the Circuit Court.

### **Section 18.09 Issuance of Building Permits**

A building permit shall be issued by the Building Official upon approval of the special land use application by the Township Board.

### **Section 18.10 Reapplication**

No special land use application which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

### **Section 18.11 Site Plan Amendments in Conjunction with a Special Land Use**

Any approved site plan shall become part of the record of special land use approval. Subsequent improvements relative to the authorized use shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Township Board. A site plan amendment shall be reviewed and considered in the same manner as the original special land use application, except as otherwise provided in this Ordinance.

### **Section 18.12 Validity and Revocation of Special Land Use Permits**

1. **Validity of Permit:** A special land use permit shall be valid for a period of twelve (12) months from the date of issuance of said special land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this twelve (12) month period, the Building Official shall notify the applicant in writing of the expiration of said permit provided, however, that the Township Board may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit.

2. **Permit Revocation:** The Township Board shall have the power to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Building Official may issue a stop work order and a notice to appear for a hearing before the Township Board. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the hearing.

3. A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted special land use permit.

### **Section 18.13 Application**

The following Special Land Uses shall be subject to the conditions and requirements of Section 18.06 and the following standards, where applicable.

#### **1. Hospitals**

- A. Minimum lot area shall be five (5) acres.
- B. The lot location shall be such that at least one (1) property line abuts a paved County or off-street parking facilities for guests and patients shall be directly from said paved Primary.
- C. Minimum main and accessory building setback shall be one hundred (100) feet.
- D. Ambulance and emergency entrance areas shall be visually screened from the view or adjacent residential uses by a structure or by a wood obscuring fence of six (6) feet or more in height.
- E. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

#### **2. Convalescent Homes and Nursing Homes**

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts a paved County or State Primary. The ingress and egress for off-street parking areas for guests and patients shall be directly from said County or State Primary Road.
- C. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- D. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

#### **3. Commercial Kennels**

- A. For commercial kennels, the minimum lot size shall be ten (10) acres with a minimum of six hundred (600) feet of frontage.
- B. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than two hundred (200) feet from any lot line.

#### 4. **Campgrounds, Travel Trailer Parks**

- A. Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term “lot” shall mean the entire campground or travel trailer park.
- B. No camp sites shall be located within fifty (50) feet of the property line.
- C. The entire campgrounds or travel trailer park shall be fenced with a six (6)-foot high fence.
- D. Natural features of the site such as water bodies, trees, topography or other natural features shall be protected from possible soil erosion, unnecessary removal of trees, change in topography or other actions which will adversely impact the natural features of the site.
- E. Individual camp sites shall be approximately four thousand (4,000) square feet in size, including half of a roadway.
- F. Sanitary sewage systems shall be subject to all required County or State approvals.

#### 5. **Salvage Yards**

- A. Minimum lot size shall be twelve (12) acres with a minimum of two hundred (200) feet width.
- B. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred and sixty-seven (167) feet and said area shall be screened from by an obscuring fence six (6) feet in height. Said fence to be redwood, cedar or other natural material, neat in appearance, and shall not have any signs or symbols painted on it. The height of stored junk materials is not to exceed six (6) feet.
- C. All structures and fencing and used material storage yards shall be set back not less than one hundred and sixty-seven (167) feet from any street or highway right-of-way.
- D. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

#### 6. **Auto Wrecking Yard**

- A. Minimum lot size shall be twelve (12) acres with a minimum of two hundred (200) feet width.
- B. The setback from the front property line to the area upon which vehicles are stored shall be not less than one hundred and sixty-seven (167) feet and said area shall be screened from the roadway and one hundred (100) feet from along each side yard by an obscuring fence six (6) feet in height. Said fence to be redwood, cedar or other natural material, neat in appearance, and shall not have any signs or symbols painted on it. The remainder of side or rear property lines must be fenced and normal fence materials other than those already listed may be utilized.

- C. All structures and fencing and used material storage yards shall be set back not less than one hundred and sixty-seven (167) feet from any street or highway right-of-way.
- D. All roads, driveways, parking lots, and loading and unloading areas within any auto wrecking yard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.
- E. There shall be no stacking of vehicles, including crushed vehicles.

#### **7. Recycling Plants**

- A. Minimum lot size shall be five (5) acres with a minimum of two hundred (200) feet width.
- B. The area upon which materials to be recycled are stored shall be screened by an obscuring fence or vegetated buffer at least six (6) feet in height. Any fence is to be redwood, cedar or other natural material, neat in appearance, and shall not have any signs or symbols painted on it. The height of stored materials is not to exceed six (6) feet.
- C. All structures, fencing and storage yards shall be set back not less than one hundred and sixty-seven (167) feet from any street or highway right-of-way.
- D. All roads, driveways, parking lots, and loading and unloading areas within any recycling plant shall be paved.

#### **8. Outdoor Gun Ranges**

- A. An earth berm shall be constructed so that it is a backstop for target areas. The berm shall be at least fifteen (15) feet high with a slope of no more than one-foot vertical to three feet horizontal. The berm shall be sod covered.
- B. An outdoor gun range must be on a minimum lot of forty (40) acres. The depth of the lot must be a minimum of one thousand three hundred and twenty (1,320) feet and the target must be oriented toward the greatest dimension of the lot in feet.
- C. Shotgun shooting areas for skeet shooting must provide a nine hundred (900) foot radius zone (half circle from the shooting station) on the property which is a danger zone with no other buildings or activities located within the danger zone.
- D. The Township Board, as part of the special land use procedure, may establish hours of operation to mitigate possible noise problems with neighboring properties.
- E. The National Rifle Association standards for outdoor shooting areas may be used by the Township Board in reviewing the special land use request.

#### **9. Drive-through Window Facilities for Banks, Restaurants and Other Allowed Uses**

- A. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Stacking shall be in accordance with ARTICLE 20 OFF-STREET PARKING AND LOADING/UNLOADING. Stacking spaces shall be located so as to not interfere with

vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

- B. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- C. Parking areas shall be set back at least one-half the required front yard setback for the district in which the use is located, and at least twenty (20) feet from the side and rear lot lines.
- D. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
- E. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
- F. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

#### 10. **Bed and Breakfasts**

- A. The establishment shall be serviced by water and septic services that have been approved by the Monroe County Health Department for use by the bed and breakfast.
- B. The establishment shall be located on property with direct access to a public road.
- C. Such uses shall only be established in a one-family dwelling.
- D. Parking areas shall be located off-street and shall not be located in any front yard. One (1) parking space shall be provided for each occupant room.
- E. The lot on which the establishment is located shall meet the minimum lot size requirements of the zoning district.
- F. The total number of guest rooms in the establishment shall not exceed five (5).
- G. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall. Where appropriate, Planning Commission may consider approving other means of screening such as a vegetative buffer.
- H. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature. Internally lighted signs are not permitted. Such sign shall be set back at least fifteen (15) feet from any lot line.
- I. The establishment shall contain the principal residence of the operator and such operator shall live on the premises while the establishment is active.
- J. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.

- K. Meals and other services provided on the premises shall be served only to the operator's family, employees, and overnight guests.
- L. No guest of the bed and breakfast establishment shall be permitted to reside on the premises for more than ten (10) consecutive days.

## 11. **Antique Shops**

- A. An antique shop proposed in the AG District or R- 1 District shall be processed as a Special Land Use subject to the Special Land Use review and processing requirements of this Ordinance.
- B. Included with the Special Land Use application shall be details on the nature of the proposed antique shop including:
  - 1) Type of business.
  - 2) Hours of operation.
  - 3) Number of employees.
  - 4) Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
  - 5) Anticipated traffic levels (customer, delivery vehicles, etc.).
- C. The Planning Commission reserves the right to regulate the hours of operation and number of employees and protect adjacent residences from negative impacts associated with the workshop.
- D. Any need for parking generated by the conduct of the business shall be provided off the street and not within the required front yard.
- E. The antique shop shall be conducted entirely within the dwelling or an approved accessory building.
- F. The antique shop shall not result in the alteration of the dwelling, or the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.
- G. The establishment shall be located on property with direct access to a public road.
- H. The lot on which the establishment is located shall meet the minimum lot size requirements of the zoning district.
- I. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature. Internally lighted signs are not permitted. Such sign shall be set back at least one-half (1/2) of the front yard and shall be located at least fifteen (15) feet from any side or rear lot line.
- J. The establishment shall contain the principal residence of the operator and such operator shall live on the premises while the establishment is active.



## 12. State Licensed Care Facilities

- A. All care uses shall be located within a residential building that has an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the single family residential district in which it is located.
- B. All foster family homes, foster family group homes, family day care homes and group day care homes shall provide sufficient indoor classroom, crib, or play area to meet State requirements.
- C. All care uses involving children shall provide sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
- D. All care uses shall provide an on-site drive for drop-offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
- E. Off street parking shall be provided for the number of employees on site at any one (1) time.
- F. A lot containing an adult foster care small group home, foster family group home, or group day care home shall be at least one thousand five hundred (1,500) feet from any other of the above listed group care homes.

## 13. Home Occupation

- A. A home occupation shall either be conducted within the confines of a Single Family Dwelling and shall not exceed twenty (20) percent of the floor area and shall be clearly incidental and subordinate to its use for residential purposes, or shall be conducted within the confines of one (1) accessory building and shall not occupy more than 650 square feet of the building.
- B. No more than one (1) home occupation shall be permitted within any Single Family Dwelling unit or accessory building and only one (1) employee in addition to the bona fide residents of the dwelling may be active in the occupation.
- C. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.
- D. Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared on the property or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet or similar facility is prohibited.
- E. No equipment or process shall be used that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. The use of hazardous, toxic or extremely flammable materials is prohibited.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

- G. Any required parking generated by conducting a home occupation shall be met by off-street parking, suitably screened.
- H. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
- I. One (1) unlighted sign may be permitted. The sign shall be located on the site and may be a maximum of twenty (20) square feet in size and a maximum of eight (8) feet in height.
- J. Off-street parking may be provided in the front yard setback area and shall be constructed with a stable and well drained surface. Failure to maintain a safe parking area and proper means of safe access shall constitute grounds for immediate termination of the use.

#### 14. **Adult Entertainment Uses**

- A. Adult entertainment uses must be located in the I-1, Industrial District.
- B. No adult entertainment use shall be permitted within an eight hundred (800) foot radius of any residential district or use. Measurement shall be from the nearest premises of the adult entertainment use to the nearest residential district lot line or residential property line.
- C. No adult entertainment use shall be permitted within a one thousand (1,000) foot radius of a school, child day care facility, library, park, playground or other recreational facility, place of worship, or another existing adult entertainment use. Measurement shall be made from the nearest premises of the adult entertainment use to the nearest property line of a school, library, recreational facility, place of worship, or existing adult entertainment use.
- D. The premises shall be constructed and maintained in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any display, decoration, sign show window, or other opening. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- E. Building size shall not exceed five thousand (5,000) square feet of gross floor area.
- F. The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right of way.
- G. The Planning Commission may require a wall, fence, or additional landscaping to provide an appropriate screen views from public streets and surrounding land uses.
- H. The hours of operation shall be approved by the Planning Commission.
- I. No person shall operate an adult entertainment use unless there is conspicuously posted in each room where such use is carried on a notice indicating the prices for all services performed by the use. No person operating or working at the place of business shall solicit or accept any fees except those indicated on any such notice.

- J. No person shall reside in or permit any person to reside in the premises of an adult entertainment use.

**15. Outdoor Storage of Raw Materials and Supplies**

- A. Such uses shall be located at least two hundred (200) feet from any Residential District.
- B. A six (6) foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area.
- C. No storage shall be visible above the wall or fence.
- D. No required front yard spaces shall be used for the storage of equipment or material.

**16. Artisan Workshops**

- A. The parcel shall include the residence of the craftsman or artisan.
- B. The artisan workshop may be conducted entirely within the dwelling or an approved accessory building.
- C. An artisan workshop located in an accessory building is to occupy a floor area that is no larger than the dwelling's first floor area, exclusive of any attached garages or other attached accessory structure(s).
- D. Outdoor storage of goods, materials, and/or equipment shall not be visible from a public right-of-way or any adjacent residential dwellings.
- E. The retail sale of goods and materials produced on-site shall be permitted provided that an adequate parking area is designated outside the public right-of-way.
- F. All driveways and parking areas shall be maintained in a dust-free condition and shall be graded to provide proper drainage and maintain a generally smooth driving surface.
- G. A maximum twenty-four (24) square-foot sign may be erected provided the sign is mounted flush to a building wall or constructed as a ground-mounted (monument) sign. No signs shall be internally illuminated.
- H. The Planning Commission reserves the right to regulate the hours of operation and number of employees and protect adjacent residences from negative impacts associated with the workshop.

**17. Composting Facilities (Added by Amendment – 10/05)**

**A. Locational Requirements:**

- 1) Minimum lot area shall be twenty (20) acres.
- 2) Ingress/egress to the facility shall be from a paved, county primary road.
- 3) The property shall be graded and maintained to permit surface water run-off from the composting process to be collected in an on-site retention basin. Collected run-off shall be handled in one of the following ways:
  - a. Reintroduced into the compost site;
  - b. Transported by a liquid industrial waste hauler.

- 4) A composting facility shall not be allowed in a 100-year floodplain unless the Department of Environmental Quality (DEQ) has approved the area of operations. Proof of DEQ approval shall be a requirement of special land use and site plan approval.
- 5) A composting facility shall not be allowed in any protected wetlands unless the DEQ has approved the area of operations. Proof of DEQ approval shall be a requirement of special land use approval and site plan approval.
- 6) All composting activities and structures shall be setback at least one hundred (100) feet from any body of water. The setback shall be measured from the outer edge of the body of water. The term 'body of water' shall include, but not be limited to, streams, wetlands, ponds, and drainage ditches. Proof of approval of soil erosion and sedimentation controls shall be a requirement of special land use and site plan approval.
- 7) No composting facility shall be constructed within one thousand five hundred (1,500) feet of the property line of any residential dwelling or any property zoned AG, Agricultural/Residential; R-1, Medium Density Residential; C-1, Commercial, or RMH, Manufactured Home Park District.
- 8) Storage of any material, other than compostable material, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on the property.
- 9) The height of any stored compost material shall not exceed eight (8) feet.

**B. Buffering Requirements:**

- 1) A 50-foot greenbelt shall be established parallel to any adjacent public road right-of-way and shall extend the full length of any adjacent road frontage. The greenbelt width shall be measured from the edge of the existing right-of-way.

The greenbelt shall include a six (6) foot high seeded earthen berm and be constructed and landscaped according to the following schedule. The berm side slopes shall not exceed a three to one (3:1) slope ratio and shall have a two (2) foot wide crown. For every 100 lineal feet of required greenbelt there shall be planted three (3) deciduous trees, three (3) evergreen trees, and one (1) ornamental tree. Required plant materials may be planted in groupings or staggered rows. Deciduous trees shall have a minimum caliper size of two and one-half (2 ½) inches, evergreen trees shall be a minimum of six (6) feet in height, and ornamental trees shall have a minimum caliper size of two (2) inches.

- 2) A six (6)-foot high seeded earthen berm or dense evergreen screen shall be constructed along all side and rear lot lines. The evergreen screen shall consist of a double row of evergreen trees, a minimum of six (6) feet in height planted fifteen (15) feet on center and in staggered rows.

- 3) All planted materials shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.

**C. Monitoring Well Installation and Sampling Requirements:**

- 1) To ensure that ground or surface waters are not contaminated, monitoring wells must be installed on the site prior to construction of the composting facility. The location of such wells shall be subject to review and approval by a professional acceptable to the Township.
- 2) Sampling of groundwater monitoring wells shall start before composting operations begin, shall continue quarterly during the active life of the composting operation, and continue quarterly for a two-year period after operations cease. The monitoring well sampling and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- 3) Should test wells reveal a violation of state water standards, the owner or operator shall be required to install a groundwater remediation system. System design shall be subject to review and approval by a professional acceptable to the Township.
- 4) Surface water monitoring shall be required quarterly to assess the adequacy of leachate containment and run-off control. The monitoring and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- 5) Reports regarding ground and surface water monitoring activities shall be submitted to the Township Clerk within 45 days of sampling.

**D. Operational Performance Standards:**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, or welfare. All composting facilities shall be designed so that anaerobic conditions, dust, odors, noise, vibration, light, and debris are controlled and do not cause off-site problems or nuisances.

- 1) Anaerobic Conditions. Compost materials shall not be accepted in an anaerobic condition nor shall materials be permitted to develop an anaerobic condition while on the site. If inspections reveal presence of anaerobic materials, the owner or operator shall be subject to the conditions of subparagraph b. below.
  - a. Determination of anaerobic conditions shall be made by the Township Ordinance Officer or, in his absence, one of the designated Township representatives. Corrective actions must be undertaken immediately upon determination of anaerobic conditions. The facility shall close when anaerobic conditions arise and only activities concerned with correcting the condition shall take place on the site.

- b. If anaerobic conditions arise more than two times in a 30-day period, the facility must pay a fine set by Township Board and close for a 30-day period of time. After three, 30-day closures in a year, the Township may order the site to be closed permanently.
- 2) Odors. The emission of odorous matter in such quantities as to be readily detectable at any point along the lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited. Monitoring of odors and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- 3) Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
65 dBA	Residential/Agricultural	Property Line
75 dBA	Commercial	Property Line
80 dBA	Industrial	Property Line

- 4) Objectionable noise, as determined by the Township Board, of an intermittent nature or high frequency, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.
- 5) Sound levels shall be measured using a weighted decibel measurement and with a type of audio output meter approved by the National Institute of Standards and Technology.
- 6) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured along any of the source's lot lines.
- 7) Light. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any adjacent property or public road right-of-way, and shall be so arranged as to reflect light away from any adjacent residential use.
- 8) If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists despite compliance with the operation plan, then a contingency plan shall be developed by the owner or operator. This plan shall be submitted within 10 working days from the date that the Township Ordinance Officer notifies the owner or operator of the problem or nuisance condition. This plan shall demonstrate to the satisfaction of the Township Ordinance Officer that the problem will be abated within two (2) weeks.

**E. Informational Requirements:**

- 1) In addition to the information required by Section 18.04, a composting facility site plan shall provide the following information:
  - a. vicinity map and legal description;
  - b. distances to nearby residential district(s) or existing residential dwellings;
  - c. landscaping plan;
  - d. professional seal of the engineer responsible for preparing the site plan.
- 2) Written documentation addressing the following:
  - a. hours of operation;
  - b. the capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually;
  - c. method of receiving and handling compost materials, including daily clean-up procedures, frequency of turning composting windrows, removal of composted materials, and proposed equipment to be used on the site;
  - d. maintenance plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin;
  - e. remediation plan for anaerobic conditions;
  - f. remediation plan for surface or ground water contamination;
  - g. operations plan to minimize the off-site occurrences of dust, odors, light and debris;
  - h. off-site road maintenance plan which addresses, at a minimum, the following:
    - (1) method of dislodging mud and/or composting materials from the vehicles or undercarriage;
    - (2) method for removing soil, dust and /or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits; and
    - (3) fire suppression plan.
- 3) A closure plan which details the final end condition of the property should use of the facility be discontinued for more than 12 months. The plan shall describe:
  - a. how the existing site will be cleaned up;
  - b. how and where the existing surface debris will be disposed of; and
  - c. what the final disposition of the land will be.

**F. Right of Entry and Inspection:**

- 1) At the initiation of composting operations, the owner or operator shall notify the Township Ordinance Officer and Monroe County Health Department that operations have begun.
- 2) To monitor compliance with the standards set out for composting facilities and operations, the Township Board shall appoint three (3) persons, in addition to the Township Ordinance Officer, who will be prepared to act as Township representatives for purposes of site inspections.
- 3) All composting areas shall be subject to inspection by the Township Ordinance Officer or Township representatives during reasonable hours. This includes all site inspections made during construction, operation and closure periods. Should entry to premises for an inspection be refused, the Township Ordinance Officer or Township representative may obtain a warrant authorizing premise entry and inspection.
- 4) The Township Ordinance Officer or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist or prevent any inspection made or any sample collected and examined by the Township Ordinance Officer or Township representative. Nor shall any person molest, intimidate, harass, or impede the Township Ordinance Officer or Township representative in the lawful discharge of his or her powers and duties.

**G. Performance Guarantee:**

The owner or operator shall, prior to the commencement of operations, deposit with the Township an amount sufficient to ensure site clean-up should operations cease, including any legal and engineering fees which may be incurred by the Township. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board.

**18. Stone Carving and Restoration:****A. Outdoor storage of goods, material, and/or equipment shall not:**

- 1) Be located in the front yard, or within the required side or rear yard setback for the zoning district.
- 2) Be visible from a public right-of-way or any adjacent residential dwellings. A wall, berm, or other screening designed in conformance with ARTICLE 17 LANDSCAPING shall be installed where the Planning Commission determines that natural features on the site do not adequately screen the outdoor storage.



**B. Outdoor sales display area shall be permitted:**

- 1) For finished goods only.
- 2) In a limited area, not to exceed 300 square feet, that is clearly defined on the approved Site-Plan.

- C. Overhead doors and wall-mounted exhaust units shall not be located on a wall facing any residential district, unless the wall is set back at least 100 feet from the property line. This standard may be waived or reduced by the Planning Commission based on natural features, provision of an earthen landscaped berm, the use of the adjacent property and location of residential buildings, or building sites on adjacent properties whereby the noise and other impacts of the doors and exhaust units would not impact the neighboring use.

The Planning Commission reserves the right to regulate the hours of operation to protect adjacent residences from negative impacts associated with the activities associated with this use.

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## ARTICLE 19 SITE PLAN REVIEW PROCEDURES

### Section 19.01 Review and Approval of Site Plans

Prior to the establishment of a use or the erection of any building in any Zoning District, subject to the conditions listed below, a site plan shall be submitted for review by the Township in accordance with the procedures of this Article and the development requirements of this and other Ordinances. Such site plans shall be submitted to the Township Clerk along with a completed copy of the site plan review form and site plan review fee. Plans shall then be forwarded to the Township Planning Commission for study, review and for final disposition by approval, approval with modifications to the site plan, or disapproval.

Site plans are subject to review for the following uses:

1. For all permitted uses in all commercial and industrial districts.
2. For all special approval uses in all districts.

### Section 19.02 Uses Subject to Site Plan Review

A building permit shall not be issued until a site plan or sketch plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four (4) types in Table 19.01.

1. **Full Site Plan:** The most involved process for larger and more intense projects, including most new developments and major expansions.
2. **Sketch Plan:** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full scale site plan review. The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable standards. Sketch plans shall still undergo a formal review by the Planning Commission.
3. **Administrative Review:** Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the Planning Commission; but instead shall undergo a formal review for approval by the Township Zoning Administration Officer.
4. **Exempt:** Select projects, such as single family homes in an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given

that compliance with applicable zoning regulations can be addressed during the building permit review process.

<b>Table 19.01 Table of Eligible Uses and Required Review Process</b>				
<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup></b>	<b>Admin. Review<sup>2</sup></b>	<b>Exempt<sup>3</sup></b>
<b>New Development</b>				
Construction of one (1) Single Family Dwelling Unit on one (1) Lot in a Residential Zoning District				<b>X</b>
Multiple Family Dwellings	<b>X</b>			
Construction of any Nonresidential Use or Building	<b>X</b>			
Establishment of Special Land Uses in all Zoning Districts, Except Where Specifically Noted Elsewhere in this Table	<b>X</b>			
Erection of Wireless Communication Towers & other Communication Towers	<b>X</b>			
Construction of Essential Public Service Buildings & Storage Areas	<b>X</b>			
Golf Courses & Public/Private Parks		<b>X<sup>4</sup></b>		
Planned Unit Developments	<b>X</b>			
Minor Changes During Construction such as Changes in Landscape Species to a Similar Variety, Realignment of a Driveway or Road Due to an Unanticipated & Documented Constraint During Construction, or to Improve Safety or Protect Natural Features			<b>X</b>	
Minor Changes During Construction Required by Outside Agencies			<b>X</b>	
<b>Expansions</b>				
Expansion of one (1) Single Family Dwelling Unit on one (1) Lot in a Residential Zoning District				<b>X</b>
An Increase in the Floor Area up to 25% of the Existing Floor Area for a Use Requiring Site Plan Approval		<b>X</b>		
An Increase in the Floor Area greater than that Specified Above	<b>X</b>			
An Increase in Parking or Loading Area of up to 25% or 6,000 sq. ft. of Pavement Area without any Building Changes			<b>X<sup>5</sup></b>	
An Increase in Parking or Loading Area over 25% or 6,000 sq. ft.		<b>X<sup>5</sup></b>		
Changes to Building Height that do not add additional floor area			<b>X</b>	
<b>Changes in Use<sup>6</sup></b>				
Any Change in the Use of Land or a Building to a More Intensive Use, in Terms of Parking Needs, Noise, Traffic Volumes, & Similar Impacts		<b>X</b>		
A Change in Use to a Similar or Less Intense Use Provided the Site Shall Not Require any Significant Changes in the Existing			<b>X</b>	

<b>Table 19.01 Table of Eligible Uses and Required Review Process</b>				
Site Facilities such as Parking, Landscaping, Lighting, or Signs				
A Change from a Nonconforming Use, Building or Site, to a More Conforming Situation		X		
<b>Other Types of Projects</b>				
Accessory Buildings & Structures Constructed or Erected Accessory to a Permitted Single Family Dwelling Unit; & those up to 100 sq. ft. in Area in other Districts				X <sup>4</sup>
Accessory Buildings & Structures Greater than 100 sq. ft. Associated with a Non-Single Family Residential Use in any Zoning District			X	
Architectural Changes to a Non-Single Family Residential Structure (an Elevation Plan Describing Changes & Construction Materials is Required)			X	
Bike path, Pathway or Sidewalk Construction or Relocation			X <sup>5</sup>	
Construction of an Entrance Feature Associated with a Non-Single Family Residential Use (Walls, Landscaping, etc.)		X		
Fences Associated with a Non-Single Family Residential Use, Installed or Improved			X <sup>5</sup>	
Home Occupations		X		
Internal Construction or Change in the Floor Plan that Does Not Increase Gross Floor Area, Increase the Intensity of Use or Affect Parking Requirements on a Site Which Meets all Site Design Standards of this Ordinance				X
Landscape Changes to Similar Species & that are Consistent with the Standards of this Ordinance			X	
Modifications to Upgrade a Non-Single Family Residential Building to Improve Barrier-Free Design, or to Comply with the Americans with Disabilities Act or Other Federal, State or County Regulations			X	
Parking Lot Improvements Provided the Total Number of Spaces Shall Remain Constant			X <sup>5</sup>	
Private Roads	X			
Residential Care Facilities Licensed by the State that Require Special Land Use Approval		X		
Sign Relocation or Replacement Provided It Meets the Dimensional & Location Standards of this Ordinance			X	
Site Improvements such as Installation of Walls, Fences, Lighting or Curbing Consistent with Ordinance Standards			X	
Temporary Uses, Sales & Seasonal Events		X		
Utility System Improvements				X <sup>5</sup>
Waste Receptacle Relocation to a More Inconspicuous Location or Installation of Screening around the Waste Receptacle			X	

<b>Table 19.01 Table of Eligible Uses and Required Review Process</b>				
Other projects not specifically listed in this Table			<b>X</b>	
Footnotes:				
1 Requires review & approval by the Planning Commission				
2 If the modifications are not deemed minor, then normal site plan review by the planning commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, or special land use				
3 A building permit is still required				
4 For a golf course, a general layout of holes, ball trajectory & natural features are required; full site plan review is required for buildings, structures & parking areas that illustrate the area around such facilities				
5 Construction plans must be approved by the township engineer				
6 The new use must be fully described & all applicable utility fees paid				

**Section 19.03 Site Plan Data Required**

1. **General Requirements:** Application for site plan approval shall be made to the Township Clerk by filing an official application form; submitting ten (10) copies of the required site plan and any other supporting documentation; and depositing the required fees.
2. **Specific Requirements:**
  - A. The names, addresses and telephone numbers, of the owners and developers.
  - B. The names, addresses and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
  - C. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports, or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and usable floor areas in square feet and the number of employees per shift.
  - D. Plan data, north arrow and scale. The scale shall be not less than one (1) inch = fifty (50) feet for property under three (3) acres and at least one (1) inch = hundred (100) feet for property three (3) acres or more.
  - E. A site chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirements calculations.
  - F. Location of natural features such as, but not limited to, woodlands, floodplains, county drains, lakes, ponds, and existing topography at ten (10) foot intervals within one hundred (100) feet of the site.
  - G. Location and dimensions of existing structures within one hundred (100) feet of the site including notations as to which on-site structures will be retained and which will be removed or altered.
  - H. Location and dimension of proposed structures, including building elevations and floor plans.

- I. Location and dimensions of existing public rights-of-way, (including paving material) private roads or access easements of record.
- J. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
- K. Location of existing and proposed utilities, water mains, walls, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
- L. Location and dimension of exterior drains, dry walls, catch basins, retention and/or deterioration areas, sumps, and other facilities designated to collect, store or transport storm water or wastewater as well as point or discharge.
- M. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structure and uses.
- N. Typical straight cross-sections including slope, height and width of any berms and type of ground cover, and height and type of construction of any wall or fences, including footings.
- O. Location, spacing, type and size of proposed plant materials.
- P. Location and specifications for any or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
- Q. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of the Ordinance.

#### **Section 19.04 Submittal**

The site plan and all related information specified above shall be presented to the Township Planning Commission in an appropriate number of copies as it may request of the property owner or petitioner.

#### **Section 19.05 Standards for Site Plan Review**

In reviewing the site plan, the Township Planning Commission shall consider and endeavor to assure the following:

1. The location, design, width and adequacy of all driveways and sidewalks within the site and their relationships to connecting streets and sidewalks providing access to and egress from the site.
2. **Vehicular and Pedestrian Traffic:** Site plans shall fully conform to the driveway and traffic standards of the Monroe County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways,

- parking areas, and the safety and convenience of pedestrians and vehicular traffic has been assured.
3. **Public Safety:** Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the township building code.
  4. **Drainage:** Site plans shall fully conform to the Monroe County Drain Commission standards.
  5. **Erosion:** Site plans shall fully conform to the Monroe County requirements.
  6. **Hazardous Waste Management:** Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
  7. **Public Health:** Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Monroe County Health Department.
  8. Landscaping, fencing and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or future developments. The site plan shall conform to the requirements of ARTICLE 17 LANDSCAPING. However, some or all of the requirements of Article 17 may be waived if it is determined that existing landscaping, vegetation, topography or elevation provides sufficient landscaping.
  9. **Natural Features:** Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or storm water.
  10. Utility service, including proposed water, sanitary and storm water runoff systems are sufficient to fulfill the projected needs of the development and the recommendations of the Township Engineer. Approvals by the County department having jurisdiction, such as Health, Drain and Road Commissions, shall also be a prerequisite prior to approval by the Township Planning Commission.
  11. Notwithstanding any other provisions of this Ordinance, the Township Planning Commission may require landscaping, earth berming, fencing, construction of walls, marginal access drives, or other appurtenances that will achieve a lasting and desirable improvement to the community.
  12. The Planning Commission may waive site plan information for topography, vegetation, soils, landscaping, employment data, environmental considerations, etc. when such concerns are obviously not pertinent to the proposed development.



### Section 19.06 Official Actions

The Planning Commission shall review the site plan and provide a written recommendation to the Township Board. The Township Board, upon receipt of the Planning Commission findings and recommendation, shall take one of the following actions:

1. **Approval:** If the site plan meets all of the requirements of the Zoning Ordinance, the Township Board may approve the site plan. The Supervisor shall sign three (3) copies of the final site plan filing two (2) with the official site plan file and one (1) with the applicant.
2. **Approval with Condition:** If minor corrections to the site plan are necessary to meet all the requirements of the Zoning Ordinance, the Township may approve the site plan and record the conditions of approval. The Supervisor shall sign three (3) copies of the site plan, filing two (2) with the official site plan file and one (1) with the applicant.
3. **Denial:** If the site plan does not meet all the requirements of the Zoning Ordinance, the Township Board may deny the applicant and record the reasons for their denial.
4. **Postpone:** If the site plan does not meet the requirements of the Zoning Ordinance, the Township Board may postpone action on the site plan to allow time for additional study and/or site plan revisions.

### Section 19.07 Site Plan Amendments

1. **General Requirements:** Site plan amendments shall be reviewed and approved in the same manner as the original submittal. Site plan amendments require the mutual consent of the landowner and the Township Board. Minor site plan amendments as defined in this Section, may be made by the Township Board without requiring a public hearing.
2. **Amendments to the approved site plan may occur only under the following circumstances:**
  - A. An applicant or property owner who has been granted site plan approval shall notify the Zoning Ordinance Enforcement Officer of any proposed amendment to such approved site plan.
  - B. Minor changes may be approved by the Zoning Ordinance Enforcement Officer upon certification in writing to the Planning Commission that the proposed revision is in compliance with the standards of this Article and it does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Ordinance Enforcement Officer shall consider the following to be a minor change:
    - 1) The size of structures may be reduced, or increased by up to five (5) percent provided the overall density of units does not increase.
    - 2) Movement of a building or buildings by no more than ten (10) feet.

- 3) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
  - 4) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - 5) Changes of building materials to another of higher quality, as determined by the Building Department.
  - 6) Changes in floor plans which do not alter the character of the use.
  - 7) Slight modification of sign placement or reduction of size.
  - 8) Changes required or requested by the city, county, state or federal agency for safety reasons.
  - 9) Situations similar to the above.
- C. Should the Zoning Ordinance Enforcement Officer determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Zoning Ordinance Enforcement Officer for resubmission to the Planning Commission.
- D. Should the Planning Commission determine that the modifications to the site plan significantly alter the intent of the approved site plan, a new submittal shall be required.

### **Section 19.08 Review of Condominium Projects**

1. **Required Review:** Prior to the recording of the master deed and exhibits for a new condominium subdivision, the developer shall submit the master deed and exhibits for review and approval to the requirements of this Article. Prior to the recording of a master deed and exhibits for the conversion or expansion of an existing condominium subdivision, the developer shall submit the master deed and exhibits for review and approval.
2. **Conformance to Ordinance Requirements:** All principal buildings and/or accessory structures within a condominium subdivision shall comply, the extent applicable, with the regulations of this Ordinance.
3. **Conformance of County Road Commission Requirements:** All streets within a condominium subdivision shall be designated and constructed in accordance the current standards and specifications of the Monroe County Road Commission.
4. **Dedication of Public Utility Easements:** The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction , operation, maintenance, inspection, repair, alteration, replacement, and/or removal of pipelines, conduits, mains and other installations of a similar character of the purpose of providing public utility services including conveyance of sewage, portable water

and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

5. **Monumentation Required:** All condominium subdivision which consist in whole or in part of condominium units which are building envelopes shall be marked with monuments as required below:
  - A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  - B. All monuments used shall be made of said iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches on diameter.
  - C. Monuments shall be located in the ground at all angles in the boundaries of the condominium projects at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project, at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys, and at all angles of an intermediate traverse line.
  - D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and reference to the true point.
  - E. If a point required to be monumental is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  - F. All required monuments shall be placed flush with the ground where practical.
  - G. All building envelope corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half inch in diameter or other approved markers.
  - H. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Township cash, a certified check or irrevocable bank letter of credit naming the municipality in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed and required within the time specified.

6. **Drawings of Report:** Upon completion of required improvements, the developer shall submit drawings of record, certified by a surveyor or engineer, to the Zoning Ordinance Enforcement Officer. All submitted drawings or record shall be on a mylar sheet of at least thirteen (13) inches by sixteen (16) inches. In the case of a condominium subdivision, the developer shall provide two (2) copies of the recorded master deed and any exhibits.

### Section 19.09 Performance Guarantees

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed there under, the Township Board may require the deposit of a performance guarantee.

1. **Form:** A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance guarantee.
2. **Deposit:** The performance guarantee shall be deposited with the Township prior to the issuance of a building permit. Upon receipt of the performance guarantee, the Township shall deposit the performance guarantee, it in the form of a cash deposit or certified check in an interest bearing account.
3. **Rebate:** In the event the performance guarantee is a cash deposit or certified check, the Township shall rebate fifty (50) percent of the deposited funds when fifty (50) percent of the required improvements are completed and the remaining fifty (50) percent when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Ordinance Enforcement Officer. If a request is made by the applicant, pending completion of the exterior improvement, the performance guarantee may be applied by the applicant to assure compliance with the standards of the Zoning Ordinance and the specifications of the site plan.
4. **Return:** Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Ordinance Enforcement Officer, the Township shall return to the applicant the performance guarantee deposited and any accrued interest.
5. **Completion of Improvement:** In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use all or a portion of the performance guarantee to complete the required

improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with balance being returned to the applicant.

6. **Performance Guarantee Required by Other Agencies:** If the applicant has been required to post a performance guarantee with another governmental agency other than the Township to ensure the completion of an improvement associated with the approved site plan, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement.
7. **Performance Guarantee Agreement:** At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant and Township shall enter into an agreement incorporating the provisions of this Section.

### **Section 19.10 Validity and Revocation of Site Plan Approval**

1. **Validity of Approval:** An approved site plan shall be valid for a period of twelve (12) months from the date of issuance of the land use permit.
2. **Permit Revocation:** Any site plan approval shall 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 approved plans at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review, the Township Board shall revoke approval of the development if the Township Board feels that a violation in fact exists and has not been remedied prior to such hearing. The approval by the Township Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit except that the Township Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

### **Section 19.11 Fees**

Any application for site plan approval shall be accompanied by a fee as may be determined by resolution of the Township Board and amended from time to time. Such fee may be utilized by the Township to obtain the services of one (1) or more expert consultants 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.

### **Section 19.12 Performance Guarantee**

To insure compliance with the Zoning Ordinance and any condition imposed there under, the Township Planning Commission after recommendation from the Building Inspector, may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of necessary public improvements associated with a project for which site plan approval is sought be deposited with the Township Clerk to insure faithful completion of the improvements.

1. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the building permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.
2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended.
3. As used in this section, “improvements” means those features and actions associated with a project which are considered necessary by the body or official granting site plan approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future uses or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage facilities. Improvements do not include the entire project which is the subject of zoning approval.

## ARTICLE 20 OFF-STREET PARKING AND LOADING/UNLOADING

### Section 20.01 Off-Street Parking Requirements

In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open air businesses or outdoor commercial recreation uses so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. **Number of Spaces:** 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) additional parking space.
2. **Double Count:** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
3. **Parking Locations**
  - A. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, and/or garage.
  - B. The off-street parking facilities required for all other uses shall be located on the lot or other lots within five hundred (500) feet for industrial districts and three hundred (300) feet for all other districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
4. **General Condition:** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
5. **Parking Duration:** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, and it shall be unlawful to permit the display of vehicles for sale or the storage of wrecked or junked cars on any parking area in any district.
6. **Uses Not Cited:** For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission.

7. **Accessible Parking:** Parking for the disabled shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted Township Building Code. For uses where there may be a higher number of persons with disabilities, such as medical uses or senior housing, the Planning Commission may require a larger proportion of the parking spaces be barrier-free.
8. **Existing Parking Lots:** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

### Section 20.02 Table of Parking Requirements

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.

Table of Parking Requirements		
Use	Minimum Required Number of Parking Spaces	
<b>Residential</b>		
a	Elderly housing	1 space per dwelling unit
b	Single-or two-family dwelling	2 spaces per dwelling unit
c	Manufactured home park dwellings	2 spaces per dwelling unit
d	Multiple-family dwelling	2 spaces per dwelling unit, plus 1 additional parking space per 5 dwelling units for visitors parking
<b>Institutional</b>		
e	Auditorium, theaters, and assembly halls	1.1 spaces per three (3) seats, based on maximum seating capacity in the main place of assembly therein
f	Childcare center, day care centers, nursery schools	1.2 spaces per four hundred (400) square feet of usable floor area
g	Churches	1 space per three (3) seats or six (6) linear feet of pews, based on maximum seating capacity in the main unit of worship
h	Golf course	5.5 spaces per hole, plus the amount required for accessory uses
i	Hospitals	2.5 spaces per bed
j	Private clubs, fraternities, dormitories	1 space per three (3) members or lodgers allowed within the maximum occupancy load as established by local, state or county fire, health, or building codes
k	Private tennis club, swim club, golf club or similar use	1 space per two (2) member facilities or individual members, plus the amount required for accessory uses



<b>Table of Parking Requirements</b>		
<b>Use</b>		<b>Minimum Required Number of Parking Spaces</b>
l	Convalescent homes, nursing homes	2 spaces per four (4) per beds
m	Schools: Elementary schools, junior high schools, trade schools	1 space per teacher, employee and administrator, plus spaces to meet the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school
	Schools: High schools	1 space per teacher, employee or administrator, plus requirements of the auditorium or assembly hall therein, plus 1 space per 10 students
n	Stadiums and sports arenas	1 space per three (3) seats, or six (6) linear feet of benches (whichever is greater)
<b>Business or Commercial</b>		
o	Animal hospital and kennels	1.2 spaces per four hundred (400) square feet of usable floor area
p	Automobile repair garage, automobile filling station, automobile service stations	1 space per service stall, plus 1 space per four hundred (400) square feet of gross floor area
q	Auto salesrooms, wholesale stores, machinery sales, showrooms of a plumber, electrician, or other similar trade	2 spaces per one thousand (1,000) square feet of gross floor area
r	Banks and post offices	1 space per one hundred (100) square feet of usable floor area
s	Barber shop	3 spaces per barber chair
t	Beauty parlor	3 spaces per beauty shop operator station
u	Bowling alleys (but not including additional uses in the same structure, which shall be computed separately)	6 spaces per bowling lane
v	Business and professional offices	1 space per two hundred (200) square feet of gross floor area
w	Carry-out restaurant	1 space per one hundred twenty-five (125) square feet gross floor area with a minimum total of eight (8) parking spaces
x	Dance halls, exhibition halls, pool halls, and billiard parlors, and assembly halls without fixed seats	1 space per two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, health or building code, <b>or</b> 1 space per one hundred (100) square feet usable floor area, whichever is greater
y	Drive-in bank	6 spaces per teller station
z.	Drive-in establishments (other than drive-in and carry-out restaurants)	1 space per employee
aa	Filling station, automobile service station	2 spaces per service stall, plus 1 space per each pump station

<b>Table of Parking Requirements</b>		
<b>Use</b>		<b>Minimum Required Number of Parking Spaces</b>
bb	Furniture and appliance, household Equipment repair shops, hardware stores and similar stores	1 space per four hundred (400) square feet of gross floor area
cc	Establishments (other than drive-in and carry-out restaurants) for sale and consumption on the premises of beverages, food or refreshments (e.g. standard restaurants)	1 space per seventy-five (75) square feet of gross floor area
dd	Fast-food, drive-in restaurants	1 space per fifteen (15) square feet gross floor area
ee	Laundromat, coin-operated dry-cleaning establishments	1 space per coin operated machine
ff	Libraries and museums	1 space per five hundred (500) square feet of gross floor area
gg	Medical clinic or dental clinic	1 space per two hundred (200) square feet gross floor area
hh	Miniature golf course	2 spaces per hole
ii	Mortuary establishments, funeral homes, and undertaking parlor	1 space per fifty (50) square feet of gross floor area in the parlor area, slumber rooms, or individual funeral service rooms
jj	Motels, hotels and tourist homes	1.1 spaces per guest bedroom, plus 1 space for accessory uses
kk	Motor vehicle wash establishment (self-service)	5 spaces per wash stall
ll	Motor vehicle wash establishment (other than self-service)	6 spaces per mechanical wash lane
mm	Open all business uses including mobile home sales and used car sales lot	1 space per eight hundred (800) square feet of gross lot area used for open lot air sales or display plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores (see below)
nn	Personal service establishment, not otherwise provided herein	1.2 spaces per three hundred (300) square feet of usable floor area
oo	Retail stores except as otherwise provided herein	1.1 spaces per two hundred (200) square feet of gross floor area
<b>Industrial</b>		
pp	Warehouse and storage buildings	1 space per fifteen hundred (1,500) square feet of gross floor space (whichever is greater)
qq	Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops	1 space per five hundred fifty (550) square feet of usable floor area (whichever is greater)

### **Section 20.03 Off-Street Parking Development Regulations**

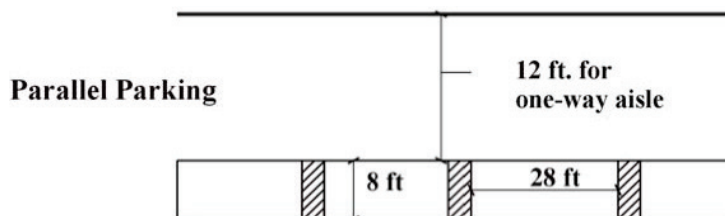
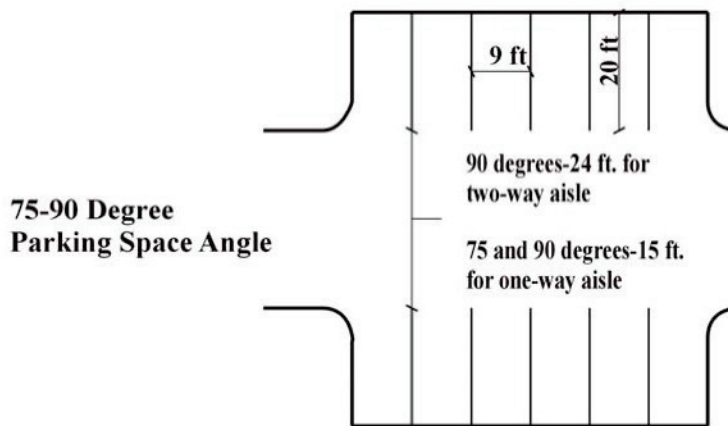
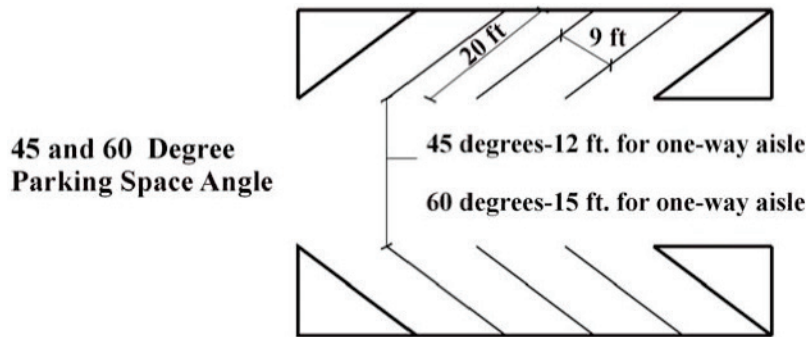
The construction of any parking lot shall be in accordance with the requirements of this Section and such construction shall be completed to the satisfaction of the Zoning Ordinance Enforcement Officer before actual use of the property as a parking lot and before a certificate of occupancy is issued for the building the parking is intended to serve.

Plans for the development of any parking lot must be prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form and shall reflect conformance with the following provisions.

1. All off-street parking lots providing space for more than four (4) vehicles located in a Commercial or Industrial districts shall comply with the following development regulations prior to the issuance of any Certificate of Occupancy, except as specifically stated otherwise herein:
  - A. Plans for the development of any parking lot shall be submitted as part of the site plan and must be approved by Planning Commission prior to the start of construction. In the event that owing to inclement or cold weather conditions said parking lot cannot be improved, a six (6) month temporary certificate of occupancy can be issued by the Zoning Ordinance Enforcement Officer provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten percent (10%) of the cost of construction of the parking lot, as determined by the Zoning Ordinance Enforcement Officer. The deposit or bond shall be forfeited if said parking lot is not fully completed within said six (6) month period.
  - B. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted. All approaches must be provided with an asphalt or concrete surface where ingress and egress is from a paved county road.
  - C. Such parking lots shall be maintained in a usable dustproof condition, and shall be graded and drained to dispose of surface water in accordance and conformance with the requirements of the Township Engineer. No surface water shall be allowed to drain onto adjoining private property.
  - D. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided.
  - E. Whenever a parking lot adjoins residential property, an obscuring wall, fence or landscaped screen six (6) feet in height, shall be erected and maintained.
  - F. Entrance to such areas shall be only from the principal use being served or adjoining street right-of-way.

- G. All illumination for parking lots shall be deflected away from residential areas and shall be installed in such manner as to direct it onto the parking area and to allow the reduction of glare after normal parking hours each day.
- H. Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum regulations:

Angle of Parking Spaces	Maneuvering Aisle Width	Parking Stall Width	Parking Stall Length
0 degrees (parallel parking)	12 ft.	8 ft.	28 ft.
45 degrees	12 ft.	9 ft.	20 ft.
60 degrees	15 ft.	9 ft.	20 ft.
75 degrees	15 ft. (one way); 24 ft. (two-way)	9 ft.	20 ft.
90 degrees	15 ft. (one way); 24 ft. (two-way)	9 ft.	20 ft.



- I. The minimum parking space dimension for any development not provided for in the preceding paragraph shall be (1) 9.0 feet in width, (2) 20.0 feet in length, and (3) 180.0 square feet in area.

**Section 20.04 Parking Deferment**

A smaller amount of parking may be approved by a finding by the Planning Commission that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a two (2) year period following issuance of a certificate of occupancy the Township Planner determines based on observed use that the parking is needed, then the parking shall be constructed by the applicant within six (6) months of being informed in writing by the Township Planner. The Planning Commission may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.

**Section 20.05 Limits on Excessive Parking**

In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

**Section 20.06 Off-Street Loading and Unloading Requirements**

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets, alleys, or any required access aisles for off—street parking areas.

**Section 20.07 Number of Loading Spaces Required**

Building’s Gross Floor Area in Square Feet	Number of Loading and Unloading Spaces Required
0-1,999	None
2,000-19,999	One Space

<b>Building's Gross Floor Area in Square Feet</b>	<b>Number of Loading and Unloading Spaces Required</b>
20,000-99,999	One space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000-499,999	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
500,000-and over	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet

### Section 20.08 General Requirements for Loading Areas

1. **Location:** Required loading space shall be located in the rear yard of the same zoning lot as the use being served so that it is screened from view from adjoining roads. Where shared access is provided for more than one site, the loading and unloading area may be permitted in the non-required side yard. Loading space or access thereto shall not be located where loading/unloading operations will interfere with traffic on public roads or off-street parking.
2. **Size:** Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fourteen (14) feet. The Planning Commission may modify size requirements for certain uses if smaller delivery vehicles or larger semi-trucks are expected.
3. **Surfacing and Drainage:** Loading spaces shall be hard-surfaced with concrete, asphalt, or a plant-mixed bituminous material. Surface requirements may be modified by the Planning Commission upon making the determination that the surfacing would not be feasible or practical because of inadequate drainage in the area. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township Engineer.
4. **Storage and Repair Prohibited:** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

**ARTICLE 21  
SCHEDULE OF REGULATIONS**

**Section 21.01 Area, Height and Placement Requirements**

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the Zoning Districts as indicated including the regulations contained in *Section 21.02 Footnotes*. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

	Minimum Lot Area, Width, and Depth Per Dwelling Unit			Maximum Building Height (f)		Maximum Lot Coverage*	Minimum Yard Setback Required (b)				Minimum First Floor Area Per Dwelling Unit (c)
	Area	Lot Width (g)	Lot Depth (g)	Stories	Height		Front Yard	Least Side	Total of Two Sides	Rear Yard	
Zoning District	Acres	Feet	Feet	No.	Feet	%	Feet	Feet	Feet	Feet	Sq. Ft.
AG, Agricultural/ Residential	-	200	363	2	35	20	50 (a)	25	50	50	850
R- 1, Medium Density Residential (e)	(d)	200	330	2	25	20	40 (a)	20	40	50	850
RMH, Manufactured Home Park	-	-	-	1	20	20	(a)	-	-	-	600
C-1, Community Commercial	-	200	300	-	25	20	45	10	20	20	--
I-1, Industrial	25,000 sq. ft.	-	185	-	45	20	45	20	40	20	--

**\*(Added by Amendment 03/15/16 and 04/05/17)**

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**Section 21.02 Footnotes to Schedule of Regulations**

- (a) In all agricultural and residential districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- (b) All yards abutting upon a public street shall be considered as front yard for setback purposes.
- (c) The minimum first floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- (d) Minimum lot area required for multiple dwelling units in a (R-1) Medium Density Residential district shall be:

Dwelling Unit Size	Lot Area in Square Feet	
	Multiple Dwellings	Duplexes
Efficiency or one-bedroom unit	4,200	25,000
Two-bedroom unit	5,000	25,000
Three-bedroom unit	6,000	25,000
Four- or more-bedroom unit	7,000	25,000

- (e) Residential developments shall be served by public sanitary sewer and public water supply systems or an approved private sewer and water system by the County Health Department.
- (f) Height Restrictions: Height restrictions contained in the Schedule of Regulations do not apply to farm outbuildings, chimneys, cooling towers, elevators, grain elevators, silos, water tanks, and other mechanical appurtenances pertaining to and necessary to the principal use of the district in which they are located. Height restrictions contained in the Schedule of Regulations applicable to public and semi-public buildings in Agricultural and Residential Districts do not apply to spires, cupolas, bell towers, penthouses or scenery lofts, provided however, any such building exceeding the height limit of the district in which it is located shall increase the yard setback requirements by one (1) foot for each two (2) feet the overall height exceeds the maximum permitted.
- (g) Lot depth is measured from the centerline of the adjacent street to the center of the rear lot line. Each resulting parcel less than ten (10) acres in size must have a depth of not more than four (4) times its width. **(Added by Amendment 04/05/17)**

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## **ARTICLE 22**

### **NON-CONFORMING BUILDINGS, LOTS AND USES**

#### **Section 22.01 Intent**

1. Non-conformities are lots, uses, structures, buildings, or site plans for developed sites which do not conform to one or more provisions or requirements of this Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such non-conformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located. This Article is intended to meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of non-conformities, and specify the circumstances and conditions under which non-conformities shall be permitted to continue.
2. The intent of this Article is to eventually eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current standards of this Ordinance. This Ordinance also has special provisions to permit certain non-conforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension. The requirement and standards of this Article are intended to accomplish the following:
  - A. Terminate and remove any use, building, accessory structure or any combination thereof that was established after the effective date of this Ordinance and in violation of this Ordinance. Such uses, buildings, or accessory structures are classified as violations of this Ordinance and shall not receive any of the rights, privileges or protection conferred by this Article for non-conforming situations.
  - B. Discourage the continuation of non-conforming uses that are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.
  - C. Permit legal non-conforming buildings, structures or uses to remain until they are discontinued, removed or abandoned.
  - D. Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signs or other features of a site developed in compliance with the Zoning Ordinance requirements at the time of their construction, but which do not meet the site requirements of this Ordinance.
  - E. Encourage the combination of contiguous non-conforming lots of record to create lots which conform or more closely conform to current requirements, are compatible with other lots in the zoning districts in which they are located, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

### Section 22.02 Applicability

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, upon which actual building construction has been diligently continued and there is a valid building permit. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such work shall be deemed to be actual construction, provided that such work shall be diligently continued until completion of the building involved.

### Section 22.03 Non-Conforming Uses

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on open land, a lot(s), building(s) or accessory structure(s) exists that is made non-conforming by this Ordinance or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

1. **Expansions:** Any non-conforming use may be extended throughout any parts of a building which were designed for such use, and which existed at the effective date of this Ordinance. Except for single family dwellings as permitted below, a non-conforming use shall not be enlarged, expanded or extended to occupy a greater area of land, constructed, reconstructed or structurally altered except with approval by the Zoning Board of Appeals (ZBA).
2. **Accessory Uses and Structures:** No new accessory use, building or structure shall be established.
3. **Relocation:** The non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance.
4. **Change in Use:** If no structural alterations are made, any non-conforming use of a building, or building and land in combination, may be changed to another nonconforming use if the ZBA finds the proposed use is more appropriate to the district than the existing non-conforming use. In permitting the change, the ZBA may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
5. **Removal:** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
6. **Abandonment or Discontinuance:** If the non-conforming use of land ceases for any reason for a period exceeding one (1) year and the Zoning Ordinance Enforcement Officer

determines that the owner has established intent to abandon the non-conforming use, any subsequent use of such land shall conform to the requirements specified by this Ordinance for the zoning district in which it is located. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

- A. Utilities, such as water, gas and electricity to the property, have been disconnected.
- B. The property, buildings, and grounds, have fallen into disrepair.
- C. Signs or other indications of the existence of the non-conforming use have been removed.
- D. Removal of equipment or fixtures which are necessary for the operation of the Non-conforming use.
- E. Other actions, which in the opinion of the Zoning Ordinance Enforcement Officer, constitute an intention on the part of the property owner or lessee to abandon the non-conforming use.

## **Section 22.04 Non-Conforming Residential Dwellings**

### **1. Single Family Dwellings in a Non-Residential District:**

- A. A single family residential dwelling in a zoning district which does not permit that use may be expanded to occupy the floor area necessary for living purposes.
- B. A single family dwelling and its accessory structures, in a zoning district which does not permit that use may be continued, replaced, repaired or remodeled if damaged by flood, wind storm, other natural disaster, fire, or vandalism, if approved by the ZBA. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such non-conforming single family building shall commence no sooner than receiving a valid building permit and no later than six (6) months after the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the Township with evidence or otherwise demonstrate to the satisfaction of the Zoning Ordinance Enforcement Officer that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall constitute abandonment and result in the loss of its nonconforming status unless good cause for the delay is determined at a hearing before the ZBA.

- 2. **Replacement of a Non-Conforming Single Family Dwelling:** A non-conforming building used as a single family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the ZBA. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement of such a non-conforming single

family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, non-conforming status unless good cause for the delay is accepted at a hearing before the ZBA.

3. **Permitted Expansions to Single Family Dwellings:** An expansion (footprint or floor area) of a non-conforming single family building or structure shall be permitted when both of the following conditions exist:
  - A. Only one (1) side of the building or structure does not conform to setback requirements.
  - B. The expansion is on the conforming side of the building and will conform to all setback and height requirements.

### **Section 22.05 Non-Conforming Non-Residential Buildings or Structures**

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, that building or structure may be continued provided it remains otherwise lawful, subject to the following provisions. Except as noted below, no building or structure may be enlarged unless a variance is granted by the ZBA.

1. **Damage by Fire or Other Catastrophe:** Any non-conforming structure or building, or any structure or building that contains a non-conforming use that is damaged by fire, flood, or other means to a point where the cost of repairs will be in excess of the structure and/or building's pre-catastrophe market value (as described in paragraph (7) below) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

In the event that the cost of repairing the damage is less than the structure or building's pre-catastrophe market value (as described in paragraph (g) below), the structure or building may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Ordinance Enforcement Officer and all construction shall be in full compliance with applicable provisions of this Ordinance and other applicable Township Codes. Any request for such rebuilding, repair, or restoration shall be made to the Zoning Ordinance Enforcement Officer within one hundred eighty (180) days following the incident. Any such rebuilding, repair, or restoration shall be completed within one (1) year from the date of the catastrophe.

2. **Relocation of a Non-Conforming Non-Residential Building or Structure:** Should any non-conforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

3. **Safety Related Repairs, Improvements, and Modernization:** Repairs, improvements, or modernization of non-conforming buildings or structures deemed necessary by the Zoning Ordinance Enforcement Officer to maintain a non-conforming building in a structurally safe and sound condition are permitted provided the cost of such repairs or improvements in any twelve (12) month consecutive period does not exceed the market value (as described in paragraph (7) below) of the building or structure. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the nonconforming structure. However, if a non-conforming building or a structure containing a non-conforming use becomes physically unsafe, dangerous, and/or unlawful due to lack of maintenance and repairs and is formally declared as such by the Zoning Ordinance Enforcement Officer, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
4. **Non-Safety Improvements and Modernization:** Repairs, improvements, or modernization of non-conforming structures which are not deemed necessary by the Building Department to keep a non-conforming building structurally safe and sound shall be permitted provided the cost of such repairs or improvements in any twelve (12) month consecutive period does not exceed fifty percent (50%) of the market value of the structure (as described in paragraph (7) below). Any such repairs, improvements or modernization shall not result in an enlargement of the non-conforming structure or building.
5. **Alterations That Decrease Nonconformity:** Any non-conforming structure or building, or any structure or building, or portion thereof containing a non-conforming use, may be altered if such alteration serves to clearly decrease the non-conforming nature of the structure, building, and/or use. The Zoning Ordinance Enforcement Officer shall determine if a proposed alteration decreases the degree of nonconformity.
6. **Elimination of Nonconformity:** In the event a non-conforming building or structure is removed, the corresponding section of the building or structure shall thereafter conform.
7. **Market Value:** For the purpose of this Article, market value shall be determined by an appraisal provided by the applicant and performed by a certified appraiser. The Township Assessor and Zoning Ordinance Enforcement Officer shall review the appraisal. The value of the repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be reviewed by the Zoning Ordinance Enforcement Officer.

## Section 22.06 Non-Conforming Lots

The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of the Zoning Ordinance or amendment thereto:

1. **Use of Non-Conforming Lots:** Any non-conforming lot may be used only for a use permitted in the zoning district in which it is located. 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 building(s) may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area and maximum height requirements for the district in which it is located.
2. **Variance from Area and Bulk Requirements:** If the use of a non-conforming lot requires a variance from the area or bulk requirements, then the use shall be permitted only pursuant to a variance granted by the ZBA.
3. **Non-Conforming Contiguous Lots under the Same Ownership:** To develop a non-conforming lot(s) under the provisions of paragraphs (1) and (2) of this Section, the applicant is required to submit evidence that ownership of the lot is not under contiguous single ownership with other lots that could be combined into a conforming or more conforming lot. The following regulations shall apply to non-conforming contiguous lots under the same ownership.
  - A. If two (2) or more lots or combination of lots with contiguous frontage are or have been under single ownership at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands shall be considered as a singular, individual parcel for the purposes of this Ordinance. Any altering of lot lines or combination of lots shall result in lots that more closely conform to the requirements of this Ordinance.
  - B. No portion of the nonconforming parcel shall be used, occupied, or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made that creates a new lot having a width or area less than the requirements stated in this Ordinance.
  - C. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing dwelling unit.
4. **Combination of Non-Conforming Lots:** The following regulations shall apply to the combination of non-conforming lots.



- A. Any combination, in whole or in part, of non-conforming lots of record shall result in lots that more closely conform to the requirements of this Ordinance.
- B. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain non-conforming lot of record status and will hereafter be required to comply with the lot requirements of this Ordinance.

### **Section 22.07 Non-Conforming Sites**

The intent of this Section is to permit improvements and minor modifications to an otherwise conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various Ordinance standards for landscaping, paving, and other non-safety site related items.

Improvements or expansions may be permitted by the Planning Commission during special land use or site plan review without a complete upgrade of all site elements under the following conditions. The Township may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.

1. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
2. The applicant has addressed safety related site issues on the overall site.
3. The improvements or minor expansion will not increase noncompliance with site requirements.
4. The applicant has upgraded the overall site landscaping consistent with ARTICLE 17 LANDSCAPING.
5. Signs must conform with ARTICLE 6 SIGNS.
6. A site plan shall be submitted in accordance with ARTICLE 19 SITE PLAN REVIEW PROCEDURES.

### **Section 22.08 Change of Tenancy or Ownership**

In the event there is a change in tenancy, ownership, or management of an existing non-conforming use or structure and/or building shall be allowed to continue provided there is no change in the nature or character of such nonconformity and the use, structure, and/or building is otherwise in compliance with this Ordinance.

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## **ARTICLE 23**

### **ZONING BOARD OF APPEALS (ZBA)**

#### **Section 23.01 Board Established**

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943, as amended, in such way that the objectives of this Ordinance shall be observed, public safety, morals, and general welfare assured, and substantial justice done.

#### **Section 23.02 Board Membership**

The ZBA shall consist of the following five (5) members:

1. The first member shall be a member of the Planning Commission.
2. The second member shall be a member of the Township Board appointed by the Township Board. An elected officer of the Township shall not serve as chairperson of the ZBA.
3. The additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An employee or contractor of the Township Board may not serve as a member or an employee of the Township ZBA.
4. Terms shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the proceeding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
5. Members of the ZBA 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. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

### **Section 23.03 Board Meetings**

All special meetings of the ZBA shall be held at the call of the Chairman and regular meetings at such times as the Township Board may determine. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official action, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The ZBA shall not conduct business unless a majority of the members of the Board is present.

### **Section 23.04 Hearing Open to the Public**

**(Section amended in 2006)**

The ZBA shall make no decision in any specific case until after a public hearing conducted by the ZBA has been held. Notices for ZBA public hearings shall be given as follows:

1. **The notice shall:**
  - A. Describe the nature of the request.
  - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - C. State when and where the request will be considered.
  - D. Indicate when and where written comments will be received concerning the request.
2. **Except as required in (3) below, notices for all public hearings shall be given as follows:**
  - A. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
  - B. Notice of the hearing shall be published in a newspaper of general circulation.
  - C. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - D. Notice shall also be sent by mail to all persons to whom real property is assessed within one-thousand three-hundred and twenty (1,320) feet of the property and to the occupants of all structures within one-thousand three-hundred and twenty (1,320) 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. Zoning Board of Appeals

- A. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice shall be only to the applicant and by newspaper publication, as required in (2).B. above.
- B. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in 2.A.-C., above.

#### Section 23.05 Powers of the ZBA

The ZBA as herein created, is a body with limited powers, including:

- 1. **Appeals:** The ZBA has the power to hear appeals related to the proper implementation of this Ordinance.
  - A. The ZBA hears and decides appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
  - B. The ZBA, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
  - C. The ZBA shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement and of any provisions of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of any such administrative officials, 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. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County or State.
  - D. Such appeal shall be taken within such time as shall be prescribed by the ZBA by general rules, by the filing with the officer from whom the appeal is taken and with the ZBA of a written notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which action appeal was taken.
  - E. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the ZBA after the Notice of Appeal shall have been

filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown.

- F. The power of authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.
  - G. Whenever the ZBA shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance, it shall, after public notice and hearing, take into consideration the public health, safety and general welfare and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance and the State Enabling Act.
2. **Approvals:** To hear and decide in accordance with the provisions of this Ordinance, requests for decisions under the Ordinance as provided for and referred to it within the Ordinance and for decisions on which this Ordinance specifically authorizes the ZBA to pass.
3. **Interpretation:** The ZBA has the power to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the aforesaid Map.

In case of any question as to location of any boundary line between zoning districts, the ZBA shall interpret the Zoning Map after recommendation from the Planning Commission.

4. **Variances:** In consideration of variances, the ZBA shall review each case individually as to its applicability to each of the following standards:
- A. **Dimensional Variances:** In considering the granting of a variance from the dimensional requirements of this Ordinance, the ZBA shall consider the following:
    - 1) **Practical Difficulty/Substantial Justice:** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.
    - 2) **Public Safety and Welfare:** The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.
    - 3) **Impact on Surrounding Neighborhood:** The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

- 4) **Extraordinary Circumstances:** There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.
- B. **Use Variances:** The ZBA does not have the authority to grant use variances.
5. **Other Powers:** The ZBA shall also have the power to address the following:
  - A. 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 zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the ZBA shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
  - B. Permit the modification of the off-street motor vehicle 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, after recommendation from the Planning Commission.
  - C. Permit the modification of site plan review requirements, as may be established by the Township Board, where physical hardship and unusual circumstances peculiar to the property in question.

### **Section 23.06 Approval Periods**

1. **Building Permit Required:** No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, 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.
2. **Use Establishment:** No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with such permit.

### **Section 23.07 Provisions for Further Appeal to Circuit Court**

The decision of the ZBA shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court.

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## **ARTICLE 24**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 24.01 Enforcement**

The provisions of this Ordinance shall be administered by the Township Zoning Ordinance Enforcement Officer, who shall be appointed by the Township Board, subject to such conditions and at such rate of compensation as said Board shall determine. The Zoning Ordinance Enforcement Officer may be assisted by any other Township employees and officials as he may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of this Ordinance have the power of public officers.

If the Zoning Ordinance Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. A copy of the violation and order shall be given to the Township Clerk and the Zoning Ordinance Enforcement Officer shall notify the Township Board that the provisions of this Ordinance are being violated.

#### **Section 24.02 Building Permits**

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Ordinance Enforcement Officer. No building permit shall be issued except in strict conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Board of Appeals. The Zoning Ordinance Enforcement Officer shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Ordinance Enforcement Officer to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

The Zoning Ordinance Enforcement Officer shall require that every application for a permit for excavation (except for mineral mining or mining operations that are regulated by Article 14 of this Ordinance and by “ Ordinance 54, The Exeter Township Mineral Mining Ordinance”, and stripping operations that are regulated by “ Ordinance 55, The Exeter Township Soil Stripping Ordinance”), construction, moving, or alteration or change in type of use or the type of

occupancy be filed in triplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following, to enable the Zoning Ordinance Enforcement Officer to ascertain whether the proposed work or use is in conformance with this Ordinance:

1. The actual shape, location, and dimensions of the lot.
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 lines of the lots or parcels under separate ownership therein.
5. The names and widths of abutting pavements and rights-of-way.
6. The signature of the fee holder owner of the premises concerned.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

One (1) copy of the application shall be returned to the applicant by the Zoning Ordinance Enforcement Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Ordinance Enforcement Officer maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Ordinance Enforcement Officer shall refuse to issue a building permit, he shall state such refusal in writing with the cause and reasons for said refusal.

### **Section 24.03 Expiration of Building Permits**

If the work described in any building permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Ordinance Enforcement Officer and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Ordinance Enforcement Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

### **Section 24.04 Conformance with Approved Plans**

Building permits issued on the basis of plans and applications approved by the Zoning Ordinance Enforcement Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by *Section 24.12*.

### **Section 24.05 Certificates of Occupancy**

1. It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Ordinance Enforcement Officer shall have issued a Certificate of Occupancy to the applicant for the building permit in effect stating that the provisions of this Ordinance have been complied with.
2. **Certificates for Existing Buildings:** Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
3. **Temporary Certificates:** Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such Certificate of Temporary Occupancy 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. **Records of Certificates:** A record of all Certificates of Occupancy shall be kept in the office of the Zoning Ordinance Enforcement Officer and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
5. **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 buildings or structures are completed at the same time as the principal use.
6. **Application for Certificates:** Certificates of Occupancy shall be applied for in writing to the Zoning Ordinance Enforcement Officer coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause,

the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

#### **Section 24.06 Final Inspection**

The recipient of any building permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Ordinance Enforcement Officer immediately upon the completion of the work authorized by such permit, for a final inspection.

#### **Section 24.07 Fees**

Fees for zoning applications and for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Clerk in advance of the issuance of such zoning approvals, permits or certificates. The applicable fees are established by resolution of Township Board.

#### **Section 24.08 Interpretation**

In the interpretation and application, the provisions of this Ordinance shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. Where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

#### **Section 24.09 Conflicting Laws, Regulations and Restrictions**

It is intended that any ordinance or parts of ordinances in conflict with any provisions with this Ordinance are hereby repealed; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of land or buildings, or upon the height of buildings, or requires larger yards, land areas or open space, than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements and shall in no way impair or affect any covenant, easement, agreements between parties or restrictions running with the land, except where such covenant, easement, agreement between parties, or restrictions imposes lesser requirements.

## **Section 24.10 Severability**

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

## **Section 24.11 Amendments to this Ordinance**

### **(Section amended in 2006)**

The Township Board may, from time to time, on recommendation, amend, supplement, or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act.

Upon presentation to the Township Planning Commission of petition for amendment of this Ordinance by owner of real estate to be affected, or, such petition shall be accompanied by a fee, the amount of which shall be set by Resolution of the Township Board; such fee shall be paid to the Township. Processing of Proposed Zoning Amendments shall be as follows.

1. **Application for Zoning District Change:** With the exception of an application for a change to PUD - Planned Unit Development, as stated in ARTICLE 16 PLANNED UNIT DEVELOPMENT (PUD), petitions for rezoning of a specific lot or parcel(s) shall comply with the requirements stated in this section and must be accompanied by:
  - A. A signed application including proof of ownership from the applicant(s).
  - B. A plot plan or survey, drawn to a minimum scale of one (1) inch = two hundred (200) feet, produced and sealed by a registered engineer, surveyor, land planner, or landscape architect containing all of the following information:
    - 1) Name, address, and telephone number of owner and/or agent.
    - 2) Legal description of property proposed for change; total acreage involved.
    - 3) Scale, north arrow, and date of submission and dates of all revisions.
    - 4) A location map indicating major roads and section numbers.
    - 5) Zoning classification of petitioner's parcel, all abutting parcels, and all parcels within five hundred (500) feet of the site.
    - 6) Existing lot lines, building lines, structures, parking areas, and driveways within five hundred (500) feet of the site.

- 7) Locations and dimensions of all structures, improvements to land, and land uses on the site and within five hundred (500) feet of the site.
  - 8) Site dimensions, distance to road centerlines, and right-of-way widths of all abutting roads and alleys, sight distances from public roads for all proposed accessways.
  - 9) Location of natural features such as: existing drainage courses, wetlands, floodplain, streams, and woodlots.
  - 10) All existing and proposed easements or proposed rights-of-way.
  - 11) Information regarding soil types, location of any sanitary sewer systems either existing or proposed.
  - 12) Location, size, and/or capacity of all existing utility lines abutting, entering, or proposed to service the site.
- C. Traffic Impact Study may be required at the Planning Commission's request when the potential uses may generate traffic that exceeds trip generation rates recognized by the Institute of Traffic Engineers (ITE).
- D. A sign shall be posted on the property by the applicant indicating that the property is proposed to be rezoned in accordance with the following:
- 1) The sign shall be four (4) feet by eight (8) feet in size.
  - 2) The sign shall be erected in full public view along the road frontage.
  - 3) If the property to be rezoned is located at an intersection, a sign for each road frontage must be provided.
  - 4) The sign shall state "THIS PROPERTY IS PROPOSED TO BE REZONED".
  - 5) The sign shall include the current and proposed zoning, area in acres of the property, and a generalized map of the property.
  - 6) Such sign shall indicate the date, time, and location of the Planning Commission public hearing where the proposal will be reviewed.
  - 7) The sign shall be erected twenty-one (21) days prior to the scheduled public hearing.
  - 8) The applicant shall be responsible for erecting, maintaining through the public hearing date and removing the sign. The sign shall be removed three (3) days after the public hearing.
  - 9) The required sign shall be exempt from the regulations of ARTICLE 6 SIGNS.
2. In case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map (rezoning), a general description of the proposed amendment shall accompany the application form.
3. **Review Procedures:** After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

- A. **Township Planning Commission Review:** The petition shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission for the purpose of a public hearing.
- B. **The notice shall:**
- 1) Describe the nature of the request.
  - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3) State when and where the request will be considered.
  - 4) Indicate when and where written comments will be received concerning the request.
- C. **Notice of public hearing (s) shall be given as follows:**
- 1) Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
  - 2) Notice of the hearing shall be published in a newspaper of general circulation.
  - 3) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - 4) Notice shall also be sent by mail to all persons to whom real property is assessed within one-thousand three-hundred and twenty (1,320) feet of the property and to the occupants of all structures within one-thousand three-hundred and twenty (1,320) 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.
- D. Newspaper publication as required in (B) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the proposed text or maps of the zoning ordinance may be examined.
- E. **Action by the Planning Commission and County Review:** Following the public hearing on the proposed amendment, the Planning Commission shall make written findings of fact that shall be transmitted together with the comments made at the public hearing and the Commission's recommendation to the Monroe County Planning Department and the Exeter Township Board.
- F. **Action by the Township Board:** Following receipt of the recommendation of the Township Planning Commission and receipt of the minutes of the County Review, the Board of Trustees, solely at their discretion, may hold an additional hearing at a meeting

of the Township Board. The Township Board may do one of the following by majority vote of its membership:

- 1) Adopt: Adopt the proposed amendment to the text or Zoning Map by Ordinance.
- 2) Reject: Deny the proposed amendment.
- 3) Refer: Return the proposed amendment to the Planning Commission with comment for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it.

**G. Reconsideration of a Proposed Map Amendment:** No application for a map amendment that has been previously denied by the Township Board shall be reconsidered by the Township unless there have been substantial changes in the facts, evidence, conditions, and/or error in the case. Determination of whether there have been such changes shall be made by the Planning Commission at the time of re-application.

4. **Review Considerations:** The Planning Commission and Township Board shall, at minimum, consider the following before making recommendation on any proposed text or Zoning Map amendment:

- A. Whether the proposed amendment will be in accordance with the basic intent and purpose of the Zoning Ordinance.
- B. Whether the proposed amendment will be consistent with the goals, policies and future land use map of the Township Master Plan. If conditions have changed since the Master Plan was adopted, whether it will be consistent with recent development trends in the area.
- C. Whether conditions have changed since the Zoning Ordinance was adopted or a mistake in the Zoning Ordinance that justify the amendment.
- D. Whether the amendment set an inappropriate precedent.
- E. Whether the proposed zoning is consistent with the zoning classification of surrounding land.
- F. Whether all requirements in the proposed zoning classification can be complied with on the subject parcel.
- G. Whether the proposed zoning is consistent with the trends in land development in the general vicinity of the property in question.
- H. Whether the proposed zoning is compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- I. Whether all the potential uses allowed in the proposed zoning district are compatible 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.



- J. Whether the capacity of Township utilities and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
  - K. Whether there is sufficient capacity in the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
  - L. If a rezoning is appropriate, whether the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
5. **Notice and Record of Amendment Adoption:** Amendments to this Ordinance become effective seven (7) days after publication and the notice of adoption must be published within 15 days from the date of adoption.

A record of all amendments shall be maintained by the Township Clerk. The Master Zoning Map identifying all map amendments by consecutive number and date shall be maintained by the Building Official.

#### **Section 24.12 Violations – Penalty**

1. **Public Nuisance Per Se:** Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se. The court shall order such nuisance abated and the person, persons, firm or corporation or anyone acting on behalf of the same violating said provisions shall be adjudged guilty of maintaining a nuisance per se.
2. **Penalties for Violation:** Any person, persons, firm or corporation or anyone acting on behalf of the same, who shall violate, neglect, or refuse to comply with or who resists the enforcement of any provisions of the Ordinance or conditions of the Planning Commission, the Zoning Board of Appeals or the Township Board adopted pursuant thereto, shall be guilty of a misdemeanor, and conviction thereof, shall be subject to punishment by a fine not to exceed Five Hundred Dollars (\$500.00) and the costs of prosecution or by ninety (90) days imprisonment in the County jail or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.
3. **Each Day a Separate Offense:** Each day on which any violation of this Ordinance or continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

#### **Section 24.13 Rights and Remedies**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Section 24.14 General Responsibility**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the within Ordinance and said Board is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

**Section 24.15 Enactment and Effective Date**

The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Exeter Township Board, on June 21, 2005 after approval of the same by the Exeter Township Planning Commission on April 5, 2005 and further reviewed by the Monroe County Planning Commission on May 11, 2005. Said Notice of Adoption of the Zoning Ordinance was ordered published in a newspaper having general circulation in Exeter Township, Michigan and shall become effective seven (7) days after the date of such publication.

## List of Amendments

The following amendments have been made since the Zoning Ordinance was originally adopted:

1. Sections 3.03 and 3.04 (Definitions) amended by adding definitions for the following: “Aerobic”, “Anaerobic”, “Composting Facility”, and “Compostable Material” (Amendment 10/18/05); Section 15.03 amended by adding Composting facilities as a special land use in the ‘I-1, Industrial District’. (Amendment 10/18/05)
2. Section 18.13 amended by adding special land use conditions and regulations for composting facilities. (Amendment 10/18/05)
3. Section 5.11 amended by revising general regulations for ponds and specific regulations for Recreation/Scenic Ponds and Ornamental Ponds. (Ordinance 06/01)
4. Section 18.05 (Public Hearing Notification Requirements for special land use applications) amended to conform to the noticing requirements of the Michigan Zoning Enabling Act. (Ordinance 06/01)
5. Section 23.04 of the Township of Exeter Zoning Ordinance (Hearing Open to the Public notification requirements for ZBA) amended to conform to the noticing requirements of the Michigan Zoning Enabling Act. (Ordinance 06/01)
6. Sections 24.11.3 (Township Planning Commission Review) amended to conform to the noticing requirements of the Michigan Zoning Enabling Act. (Ordinance 06/01)
7. Section 3.06 (Definitions) amended by changing definition of “home occupation”. (Ordinance 06/01)
8. The Exeter Zoning Map amended by rezoning an 8.1-acre parcel of land at the southeast corner of Sumpter Road and Oakville-Waltz Road from “AG, Agricultural/Residential” to “C-1, Commercial”. (Ordinance 06/02)
9. Sections 7.04 (AG District), 8.03 (R-1 District), 10.03 (RMH District), 11.03 (C-1 District), and 15.03 (I-1 District) amended by adding “Wind Energy Conversion Systems (WECS), not including a wind farm” as special land uses. (Amendment 1/22/08)
10. Article 5 (General Provisions) amended to include regulations for Wind Energy Conversion Systems (WECS). (Amendment 1/22/08)
11. Section 3.14 (Definitions) amended by adding definitions for: WECS, Interconnected WECS, Survival Wind Speed, WECS Height, Wind Farm, Single WECS for Commercial Purposes, and WECS Testing Facility or Testing Facility. (Amendment 1/22/08)
12. Section 1/03 (Enabling Authority), Article 3 (Definitions), Section 12.1 (Purpose – Open Space Development Option), Section 14.01 (Statement of Purpose – ME, Mining and Extraction Overlay District), Section 18.05.2 (Public Hearing Notification Requirements for

- Special Land Uses), Section 23.07 (Provisions for Further Appeal of a ZBA Decision to Circuit Court), Section 24.11 (Amendments to this Ordinance) amended to reflect requirements of Michigan Zoning Enabling Act (P.A. 110 of 2006). (Amendment in 2007)
13. Section 5.01 (Building Regulations) amended by adding requirements for one (1) single family dwelling per lot and design standards for manufactured dwellings outside a manufactured housing development. Section 5.04 (Accessory Buildings) amended by requiring a single family dwelling to be constructed prior to or concurrent with construction of detached accessory buildings. (Amended in 2009)
  14. Section 3.12 Definitions to add a definition for “Stone Carving and Restoration” uses. (Amended in 2011)
  15. Section 5.04 Residential Accessory Buildings was revised to update regulations on the size, location, and number of accessory buildings in residential districts. (Amended in 2011)
  16. Section 5.11 Ponds was revised to match previously approved amendments and clarify conflicting standards. (Amended in 2011)
  17. Section 18.13.18 Special Land Use was revised to add new standards for “Stone Carving and Restoration.” (Amended in 2011)
  18. Section 11.03 Commercial District was revised to add “Stone Carving and Restoration” as a Special Land Use. (Amended in 2011)
  19. Section 5.10.5 Exotic Animals was revised to add “wild boars or feral swine” to the list of exotic animals under subsection A. (Amended in 2011)
  20. The Official Zoning Map was amended to change the zoning of parcel 5806-002-009-20, located on the south side of Oakville-Waltz Road between Carleton West Road and Martinsville Road, from AG, Agricultural to C-1, Commercial. (Amended in 2011)
  21. Section 22.04 adding wind storm as another natural disaster after which non-conforming structures may be reconstructed.
  22. The Official Zoning Map was amended to change the zoning of parcel
  23. 5806-004-033-00, 13711 Sumpter Road, from C-1 Commercial to AG Agricultural/Residential. (Amended Nov. 19, 2013)
  24. Section 3.08 Definitions K-L was revised to add a definition for Lot Coverage; Section 5.04 Residential Accessory Buildings to update regulations on the size and number of accessory buildings in residential districts; Article 21 Schedule of Regulations to add lot coverage regulations. (Amended on 3-15-16)
  25. Section 3.05 Definitions E-F was revised to change the definition for Farm; Section 3.08 Definitions K-L was revised to change the definition for Lot Depth; Article 21 Schedule of Regulations to edit the Table summary regulations and revise Footnote (g). (Amended on 04-05-17)