

ZONING ORDINANCE

SUMMERFIELD TOWNSHIP

MONROE COUNTY, MICHIGAN

Adopted January 10, 2008
Amended through March 31, 2014

SUMMERFIELD TOWNSHIP ZONING ORDINANCE

Summerfield Township Board

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Trudy Goodin	Clerk
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Dale Wagenknecht	Trustee
Gary Missler	Trustee

Summerfield Township Planning Commission

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Assistance Provided By:



SUMMERFIELD TOWNSHIP ZONING ORDINANCE

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ARTICLE 1. TITLE, PURPOSES AND LEGAL CLAUSES

1.10. TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Summerfield Township.”

1.20. REPEAL OF ORDINANCE

1. The Summerfield Township Zoning Ordinance adopted in August of 2002 and effective October 3, 2002 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

1.30. PURPOSES

This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare.
2. Protecting the character and the stability of the agricultural, recreational, residential, and commercial areas within the unincorporated portions of Summerfield Township and promoting the orderly and beneficial development of such areas.
3. Providing adequate light, air, privacy, and convenience of access to property.
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health.
5. Lessening and avoiding congestion in the public highways and streets.
6. Providing for the needs of agriculture, recreation, residence, and commerce in future growth.
7. Promoting healthful surroundings for family life in residential and rural areas.
8. Fixing reasonable standards to which buildings and structures shall conform.
9. Prohibiting uses, buildings, or structures not permitted within specified zoning districts.
10. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare.

12. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
13. Conserving the taxable value of land, buildings, and structures throughout the Township.
14. Providing for the completion, restoration, reconstruction, extension, substitution or removal of nonconforming uses.
15. Providing for the efficient provision of public service and facility requirements.
16. Implementing the Township's Future Land Use Plan.
17. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
18. Providing penalties for the violation of this Ordinance.

1.40. VALIDITY AND SEVERABILITY CLAUSE

1. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
2. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure such ruling shall not affect the application of said provision to any particular land, parcel, lot district, use, building, or structure not specifically included in said ruling.

1.50. CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
3. Insofar as the provisions of this Ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions this Ordinance, unless otherwise provided, shall be controlling.

1.60. VESTED RIGHTS

- 1. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided significant construction has lawfully begun, is being diligently carried on and shall be completed within one (1) year of the effective date of this Zoning Ordinance. The Board of Zoning Appeals may permit one (1) extension of up to one (1) year.
- 2. Except as noted above, nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

1.70. EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Trustees of Summerfield, Monroe County, Michigan, at a meeting held on January 10, 2008 and ordered published within fifteen (15) days thereafter in the Monroe Evening News, a newspaper having general circulation in said Township, as required by Public Act 110 of 2006 as amended. This Ordinance shall be effective seven (7) days after publication of adoption.

Township Supervisor: *Kevin R. Lott* Date: *2-3-08*

Township Clerk: *T. Bleashka* Date: *1-30-08*

I, Tammy Bleashka, Clerk of Summerfield Township, Monroe County, Michigan, hereby certify that the Zoning Ordinance of Summerfield Township hereinafter described was duly adopted by the Township Board of the Township of Summerfield, at a regular meeting held on January 10, 2008 and that the public notice of said meeting was given pursuant to Public Act 110 of 2006, at which all members of said Board were present. That, after duly noticed public hearing upon such proposed Zoning Ordinance, the Planning Commission of said Township theretofore held such public hearing and following such public hearing such proposed zoning ordinance was submitted to the Planning Commission of said County, all in accordance with Public Act 110 of 2006, as amended. I further certify that *Wiederhold* moved adoption of said Ordinance and that *Wagenknecht* further supported the motion. I further certify that the following Members moved for adoption of said Ordinance: *Treasurer Wiederhold, Trustee Strahan, Trustee Wagenknecht, and Clerk Bleashka.*

The following Members moved against adoption of said Ordinance: *N/A*

The following Members were Excused: *Supervisor Iott.*

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Date: *1-30-08*

Township Clerk: *T. Bleashka*

ARTICLE 2. DEFINITIONS

2.10. INTERPRETATION

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

1. All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and "dwelling" includes "residence," and the word "person" includes "corporation," "co-partnership," "association," as well as an "individual," the word "shall" is mandatory and not directory.
2. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - C. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
3. Terms not herein defined shall have the meaning customarily assigned to them.

2.20. DEFINITIONS

Abandoned. A relinquishment of property, or a cessation of the use of a property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of abandonment.

Accessory Building. A structure detached from and located on the same lot as the principal building, the use of which is clearly subordinate and incidental to that of the principal building or the use of the land. Typical examples of accessory buildings include, but may not be limited to, garages, storage sheds, carports, pool houses, and pavilions. *Accessory buildings shall not include semi-trailers, with or without wheels.*

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of a lot and located on the same zoning lot as the principal use to which it relates.

Adult Foster Care Family Home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.

Adult Foster Care Large Group Home. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to 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.

Adult Foster Care Small Group Home. A facility with the approved capacity to receive twelve (12) or fewer adults who are 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.

Agriculture. The science or art of cultivating the soil, producing crops, and the raising of field or tree crops or animal husbandry.

Airports. A place, either private or public, where aircraft can land and take off.

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

Alterations. Any change, addition or modification in construction or type of occupancy, and any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Anemometer Tower. A meteorological tower used for the measurement of wind speed.

Animal. A non-human zoological species classified for purposes of this ordinance as follows:

Animal, Class 1. An animal which is normally part of the livestock maintained on a farm including:

- A. Bovine and like animals
- B. Equine and like animals
- C. Swine and like animals
- D. Ovis and like animals
- E. Cervidae and like animals
- F. Other animals weighing in excess of 75 pounds, and not otherwise specifically classified herein.

Animal, Class II. Rabbits and fur bearing animals (which are not maintained or kept as domesticated household pets), poultry and other animals weighing less than 75 pounds not specifically classified herein.

Animal, Class III. Domesticated household pets weighing less than 150 pounds.

Animal, Class IV (Wild Animal). An animal which is not customarily domesticated and customarily devoted to the service of mankind. The characterization of an

animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

Apartment. A structure containing a suite of rooms with kitchen and necessary sanitary facilities exclusively for lease or rent as a residence.

Apartment Efficiency. A dwelling unit exclusively for lease or rent as a residence, containing not over three hundred (300) square feet of floor area and consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

As-Built Drawings. Engineered drawings which depict the actual as-built conditions of the completed construction.

Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

Automobile Detailing Station. Building where the practice of performing an extremely thorough cleaning and polishing of an automobile, both inside and out, to produce a show-quality level of detail is performed.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, car washing and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. An automobile service station is not a repair garage or body shop.

Automobile Service Repair Station. General repair, rebuilding, or reconditioning of engines including body work, straightening of body parts, painting, welding. In addition, oil change and lubrication, tire service and sales, or installation of radios, alarms, etc. Excludes dismantling or salvage.

Automobile Wash Station. A building, or portion thereof, the primary purpose of which is that of washing and cleaning motor vehicles.

Barn. A type of building which traditionally is used for housing farm animals and farm equipment, but, for the purposes of this ordinance can be either a **Farm Building** or an **Accessory Building**, depending on its use, size, and placement.

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

Bed and Breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

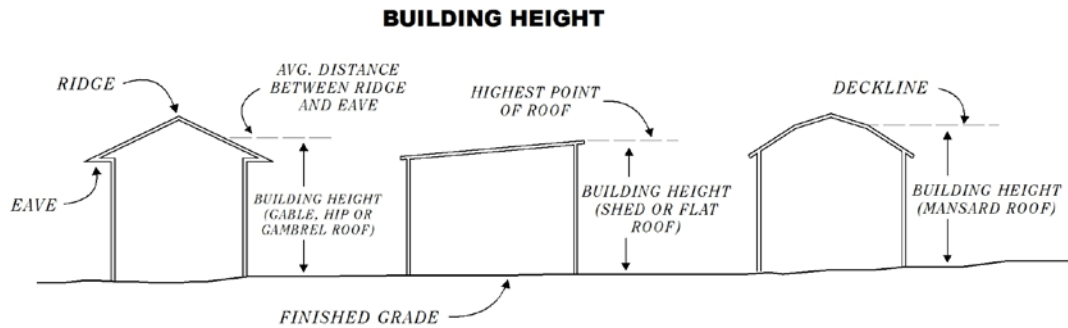
Bedroom. A room furnished with a bed and intended primarily for sleeping.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, barrier to the continuity of development.

Buildable Area. The buildable area of a lot is the space remaining after the minimum setback and/or open space requirements of the Ordinance have been complied with.

Building. A structure erected on-site, a mobile home or mobile structure, a pre-manufactured, pre-engineered, or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

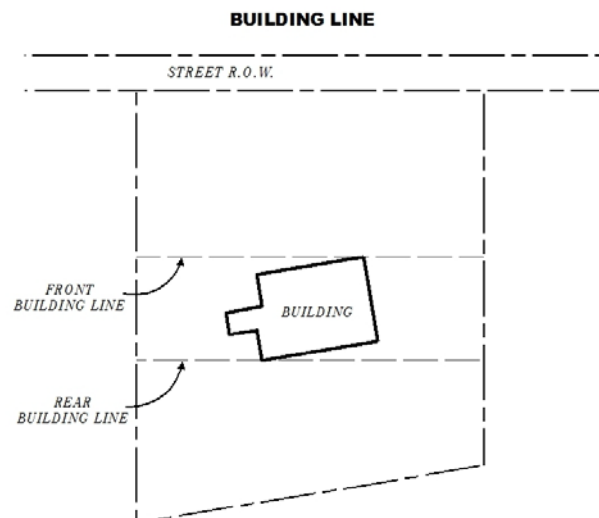
Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average ground level of the terrace at the building wall.



Building Inspector. This term shall refer to the Building Inspector of the Township of Summerfield, or their authorized representative.

Building Line, Front. A line parallel to the street line touching that part of the building closest to the street.

Building Line, Rear. A line parallel to the front building line touching that part of the building farthest from the front building line.



Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated.

Buildings, Municipal. Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, township or village halls, and libraries.

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

Campground, Modern. A tract of land where recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet and sewer connection are available at each site.

Campground, Primitive. A tract of land where recreational units are accommodated and water is furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.

Cartage Business. A principal use of land including a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers. A cartage business may include such accessory uses as administrative offices and the storage of goods and materials when such facilities are incidental and subordinate to the principal use.

Centerline. For the purpose of determining setbacks, the centerline is a line through the center of an existing road right-of-way.

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

Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial Use. A commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Commission. This term, and the term "Planning Commission" shall mean the Township of Summerfield Planning Commission.

Communication Tower. A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

Construction Facility. A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Convalescent Home. A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis in order to receive nursing care and related services.

Court. An open space on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such buildings or building. A court shall be unoccupied.

Dance Hall. Any building, room, or space designed for dancing, which is open to the general public, whether or not a charge for admission for dancing is made.

Day Care Center, Commercial or Child Care Center, Commercial. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative preschool. This definition includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

Density. The number of dwelling units developed on an acre of land.

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

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

Dwelling Unit. A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family. A building designed exclusively for occupancy by one (1) family.

Dwelling, Single-Family. see “**Dwelling, One-Family**”

Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families, independent of each other, such as a duplex dwelling unit.

Dwelling, Mobile Home. 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. Mobile Home does not include a recreational vehicle.

Dwelling, Multiple-Family. A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

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

Existing Building. A building existing in whole or one whose foundations are complete and whose construction is being diligently prosecuted on the effective date of this Ordinance.

Extraction-Sand and Gravel Pits. See **Extraction Operations.**

Extraction Operations. Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises materials including, but not limited to sand, gravel, clay, aggregate, topsoil, minerals, coal or rock. The term shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, pipeline, or common household gardening and general farm care.

Family. A group of individuals not necessarily related by blood, adoption, marriage, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. Also, a single individual doing their own cooking and living upon the premises as a separate housekeeping unit. A family is distinct from a boarding house, club, or fraternity. A family also includes a group of not more than 12 unrelated persons, each of whom is handicapped within the meaning of the Fair Housing Act, 42 U.S.C. Sec. 3602 (h), living together as a single housekeeping unit in an adult foster care home licensed by the State of Michigan, with such nonresident staff as may be needed to assist the residents with their daily life activities, but not receiving funding through a contract with any state or community health or social service agency.

Family Day Care Home or Family Child Care Home. A private home in which one (1) but fewer than seven (7) minor children are given care and supervision for periods less than twenty four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. Includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm. All of the contiguous neighboring or associated land functioning as a single operation on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by their own labor or with the assistance of members of their household or hired employees, provided further, farms may be considered as including, but not limited to, establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries.

Farm, Specialty. A farm which is five (5) acres or less with no livestock and with an average annual income under \$2,500 per year.

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is customarily used on farms of that type for

the pursuit of their agricultural activities. Typical examples of farm buildings include, but are not limited to, stables, grain storage buildings, and silos.

Farm Forestry. The cultivation of trees including nursery stock, Christmas trees, wood products, energy, or natural habitat.

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

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

Flood, 100-Year. A flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

Flood Plain. The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater.

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.

Floor Area. The sum of the gross horizontal areas of the several stories of a building as measured to the exterior face of the exterior walls, but not including spaces with a floor-to-ceiling height of less than six feet.

Floor Area Ratio (FAR). The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number.

Frontage. That side of a lot abutting on a street; the front lot line.

Garage, Commercial. See definition of **Automobile Service Repair Station** herein.

Garage, Private. An accessory building used for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

Garbage. Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

Grade. The highest point of ground contacting any portion of the basement or foundation of a dwelling.

Greenbelt. A strip of land which is either landscaped in accordance with Planning Commission specifications that acts as a barrier to other land uses or an undeveloped strip which acts as a filtering agent for storm water runoff.

Gross Leasable Area. The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

Ground Floor Coverage. The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage.

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

Historic Site. Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state and/or national significance commemorating important persons, historic events or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register and/or the Monroe County Museum Register of Historic Sites.

Home Occupation. An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the property for residential purposes.

Hotel/Motel. A building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellhop service. A hotel or motel may also include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Intensive Livestock Operation. An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of livestock in the confinement area and the amount of land which serves as the waste disposal receiving area. Includes facilities such as feedlots, egg stations, fur farms, and concentrated animal feeding operations.

Junkyard. An enclosed lot and any accessory buildings where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood and bottles.

Kennel. Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes.

Livestock. Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats. (see also "Animal").

Livestock Transportation Facility. Intensive operation where livestock is warehoused for short periods of time to be transported to other facilities.

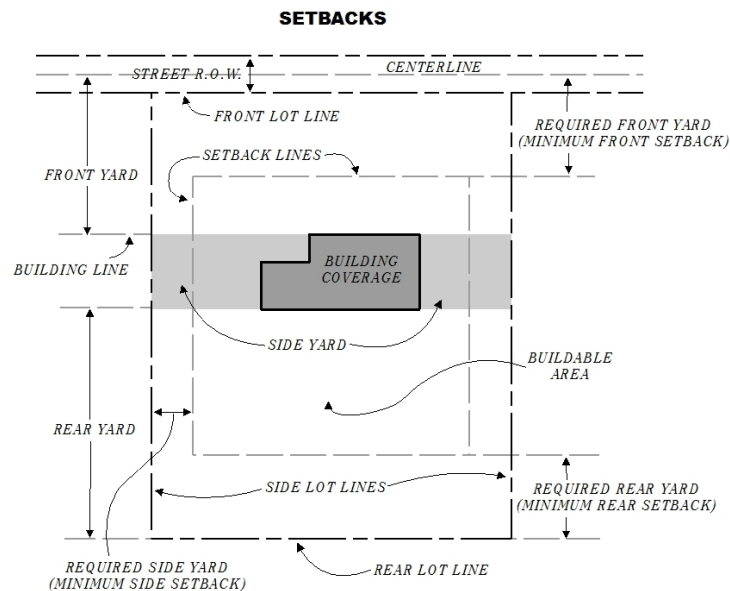
Loading Space. An off-street space on the same or adjacent lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A designated parcel, tract, or area of land established by a plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Coverage. That portion of a lot that is covered by buildings.

Lot Lines. The lines bordering a lot, as defined herein, shall be as follows:

1. **Front Lot Line.** In a case of an interior lot, the front lot line is that line separating the lot from the street. In the case of a corner lot or double frontage lot it is that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a building permit.
2. **Rear Lot Line.** That line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long, farthest from the front lot line and located wholly within the lot.
3. **Side Lot Line.** Any lot line other than the front and rear lot lines.



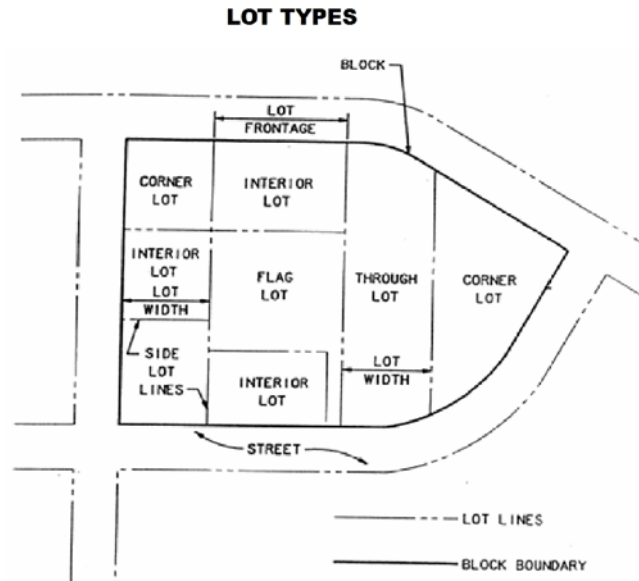
Lot of Record. A lot which is part of a platted subdivision shown on a map thereof which has been recorded in the office of the Register of Deeds of Monroe County or any lot the description of which has been recorded in said office.

Lot Types.

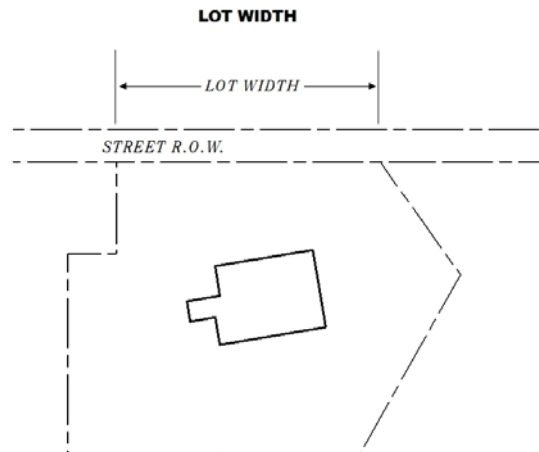
1. **Corner Lot.** A lot located at the intersection of two (2) or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines

drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

2. Interior Lot. A lot other than a corner lot, with only one frontage on a street.
3. Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.



Lot Width. The horizontal distance between the side lot lines, measured along the front lot line (see figure below). In the event that such horizontal distance is interrupted by other lots or rights-of-way, the lot width shall equal the total of all horizontal distances. The minimum lot width shall be established for each zoning district according to the area and bulk regulations.



Lot, Zoning. A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county register of deeds but may include one or more lots of record.

Manufactured Home. A mass produced structure (prefabricated, modular, or mobile home) transportable in one (1) or more sections, which may be built on a chassis, and is designed to be used as a dwelling unit with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For purposes of this ordinance, a Manufactured Home shall not include a recreation vehicle.

Master Plan. A comprehensive statement including written and graphic proposals for the development of the Township; stating proposed policies for development and graphically presenting location and overall design of public agencies and facilities systems, allocation of space to all public and private activities, and indicating all proposed physical development within the Township. Such Plan may be utilized, in whole or in part, with formal adoption by the Planning Commission.

Migratory Labor Camp. Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential but temporary employment.

Mini-warehouses. A facility consisting of a building or groups of buildings in a controlled access compound where individual units are leased for storage of personal goods. The storage of hazardous or toxic materials is prohibited.

Mobile Home. See definition of *Dwelling, Mobile Home*, herein.

Mobile Home Commission Act. Public Act 96 of 1987 of the State of Michigan, as amended.

Mobile Home Park. A parcel or tract of land under the control of a person, upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

Mobile Home Site. A parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirement of this Ordinance for a mobile home site.

Mobile Home Stand. That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Motor Home. A self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreation activities and temporary occupancy as a part of such activities.

Motor Vehicle Racetracks or Practice Tracks. A facility consisting of pathways or roadways used primarily for the sport of motor vehicle racing. Such facility may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving motor vehicles under simulated racing or driving conditions, but which does not include seating, concession areas, or parking facilities for the general public. This definition shall not include land used exclusively by the property owner and his immediate family for private recreational purposes involving motor vehicles.

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

Non-Conforming Lot. A lot which was lawful at the time this Ordinance or amendments thereto became effective but that does not conform to the area, dimensions, or location regulations of the district in which it is located.

Non-Conforming Use. A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, but that does not conform to the use regulations of the district in which it is located.

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

Nursery (Plant Materials). A lot or structure or combination thereof for the storage, wholesale, sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include road side stand or temporary sales facility for Christmas trees.

Nursing Home. See definition of *Convalescent Home*, herein.

Occupied. The act of using a parcel of land or the buildings, structures, or dwellings situated thereon for any use whatever.

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) automobiles.

Open Air Business Uses. Business establishments where more than 51 percent of inventory is designed for the outdoor display, sale and/or use of merchandise on a year-round basis. Open Air Business Uses may include, but are not limited to, the following:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.

3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

Open Space. Any area (open to the sky) on a lot not covered by a principal or accessory building.

Outdoor Storage. To place or leave in an outdoor location for later use.

Parcel. See *Lot*.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Planning Commission. The Planning Commission of Summerfield Township as established under Act 110, Public Acts of 2006, as amended.

Pond. A water impoundment made by constructing a dam or embankment, or by excavating a pit or "dugout," to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying, and related uses.

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

Principal Use. The use to which the premises are devoted and purposes for which the premises exist.

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

Quarry Excavation. Shall mean the removal of any soil or mineral matter from the premises for other use, thereby leaving a pit or hole in the earth. See also definition of **Extraction Operations**, herein.

Recreation, Private. A privately owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and operated for a profit.

Recreation, Public. A publicly owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and, while perhaps charging fees, not operated for a profit.

Recreation Vehicle. A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle. Such unit shall not exceed eight (8) feet in width and shall not be designed or intended for full-time residential occupancy.

The terms recreation vehicles shall include, among others, such commonly named vehicles as travel trailer, travel camper, pickup camper, tent camper, and motor home.

Refuse. Means solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Restaurant. A public eating place which serves a substantial portion of its food for consumption at tables or counters located on the premises. This term shall include, but not be limited to, an establishment known as a cafe, smorgasbord, diner or similar business. Any facilities for carry-out shall be clearly subordinate to the principal use of providing foods for consumption on the premises.

Restaurant, Drive-In. An eating place primarily designed to provide a motor vehicle driveway approach, standing space or parking space where patrons receive food and beverages while in motor vehicles for consumption in such motor vehicles while on the premises.

Restaurant, Carry-Out. An eating place whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer typically through a drive-through window, but also at a counter or cafeteria line. Consumption of food is characteristically off the premises, but limited indoor seating may also be provided.

Riding Stable, Private. A stable for horses kept for personal use.

Riding Stable, Public. A stable for horses kept for hire and other commercial purposes.

Road. See definition of **Street**, herein.

Road, County Primary. A road under the jurisdiction of the Monroe County Road Commission.

Roadside Stands. A roadside stand is a temporary or existing permanent building operated for the purpose of selling produce.

Rooming House. Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Row House. A two (2) story row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, each unit of which extends from the basement to the roof.

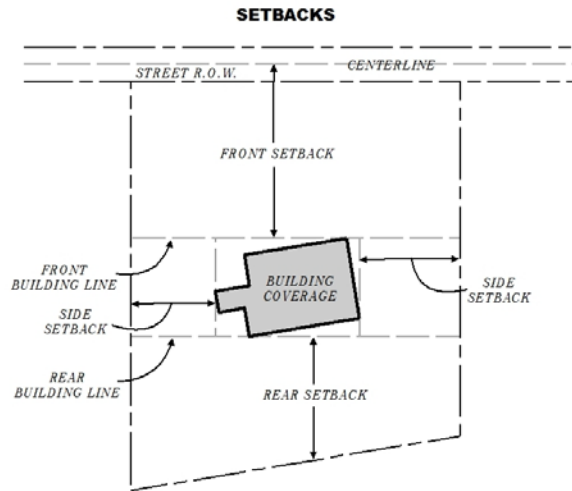
Rubbish. Means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public health and safety.

Screen. A structure providing enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.

Semi-Trailer. A trailer without a front axle. A large proportion of its weight is supported either by a road tractor or by a detachable front axle assembly called a dolly; equipped

with legs that can be lowered to support it when it is unhooked from the tractor; This definition includes terms such as, but not limited to, a semi, 18-wheeler, big-rig, articulated lorry, or truck and trailer; dry freight vans, refrigerated vans (reefers), flatbeds (standard, step-deck, lowboy, double drop, etc.) and tank trailers.

Setback. The distance between a lot line (or street centerline) and a building.



Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed. Signs, including various kinds of signs are further defined in *ARTICLE 17 – SIGN REGULATIONS* of this ordinance.

Single Carrier Trucking Company Terminal. A principal use of land for the trucking operations of a single carrier where there are dock facilities, either partially enclosed or unenclosed, for the purposes of transferring goods or breaking-down and reassembling tractor-trailer loads for transport. A single carrier trucking company terminal may include facilities for the temporary storage of loads prior to transport. A single carrier trucking company terminal may include such accessory uses as truck repair and washing, refueling and maintenance facilities for trucks using the terminal, administrative offices for the terminal, and rest facilities for truck drivers using the terminal when such facilities are incidental and subordinate to the principal single carrier trucking company terminal use. Not included in this definition are warehouse facilities or similar facilities used primarily for freight forwarding and the deposit, storage or safekeeping of goods.

Soil Removal. The removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Special Approval Use. A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are

taken. Such uses may be permitted in a zoning district as a special approval use under the requirements and procedures of *ARTICLE 13 - STANDARDS FOR SPECIAL APPROVAL USES*.

Story. That part of a building included between the surface of one (1) floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than fifty (50) percent of the height is below the established grade.

Story, Half. A story situated within a sloping roof, the area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below it, and the height above at least two hundred (200) square feet of floor space is seven feet, six inches (7'6").

Street. A public thoroughfare which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structure, Pre-Engineered. A structure with standardized designs created by the manufacturer. Alternate forms of pre-engineered structures include tension fabric structures constructed using a rigid frame and fabric outer membrane.

Subdivision Plat. A Subdivision Plat shall for the purpose of this Ordinance mean the proposed division of land in accordance with the Land Division Act, P.A. 288 of 1967, as amended.

Swimming Pool, Private. A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, for the purpose of swimming, recreational bathing or wading. A swimming pool includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms.

Swimming Pool, Public. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivision and the like.

Temporary Use. A use or activity permitted by the Township to exist for a limited period of time after which such use or activity must be removed or ceased.

Terrace. A row of four (4) or more attached one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one (1) floor.

Time Limits. Time limits stated in this Ordinance shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Township. The Township of Summerfield.

Township Board. Whenever in the Ordinance appear the words "Township Board," it shall mean the Township Board of Summerfield Township.

Trailer Coach. See definition of **Travel Trailer**, herein.

Trailer Camper. A portable living unit designed for temporary recreational occupancy, intended to be carried on a motorized vehicle and commonly referred to as a pickup camper.

Travel Trailer. A vehicular, portable structure built on a non-motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes.

Truck Distribution. A principal use of land that primarily involves either loading materials from tractor trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers. Truck distribution does not include accessory uses and involves the daily use of equipment weighing less than 10,000 pounds.

Trucking Company Terminal. A principal use of land involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor trailer trucks and reloaded onto tractor trailer trucks and that does not involve substantial processing or repackaging of the materials. A trucking company terminal may include such accessory uses as truck repair and washing, refueling and maintenance facilities for trucks using the terminal, administrative offices for the terminal, and rest facilities for truck drivers using the terminal when such facilities are incidental and subordinate to the principal truck terminal use. Not included in this definition are warehouse facilities or similar facilities used primarily for freight forwarding and the deposit, storage or safekeeping of goods.

Truck Load. Consists of, but is not limited to, raw materials, manufactured goods, merchandise, building supplies or similar material on which a bill of lading or similar documentation has been issued and delivery receipt signature is required.

Truck Stop. A principal use of land for a commercial diesel and/or gasoline fueling facility also offering other trucking and related services designed to cater to tractor trailer trucks and other vehicles weighing in excess of 10,000 pounds and which is located within one half mile of a limited access freeway. In addition, the facility shall have a minimum of two (2) fuel bays with width and height enough for tractor trailer rigs and a paved parking area large enough to accommodate twenty-five (25) tractor trailer rigs for overnight parking. A truck stop may also include truck repair and washing, sale of convenience goods, restaurants, showers, motels, and overnight parking.

Truck Yard. A principal use of land for parking or storage of trucks in active use with or without servicing or repairing of trucks as an incidental use thereto.

Usable Floor Area. For the purposes of computing parking, Usable Floor Area is 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 or for utilities shall be excluded from this computation of "Usable Floor Area."

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

Variance. Permission from the Zoning Board of Appeals to depart from any provision of the zoning ordinance.

Warehouse. A principal use of land where raw materials, manufactured goods, merchandise or similar material is stored temporarily, sometimes for extended periods of

time. Warehouses are not owned by a trucking company but rather another commercial enterprise.

Watercourses. Shall mean any waterway or other body of water having reasonably well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the Official Maps on file with the Monroe County Planning Commission.

Wind Energy Conversion System (WECS). A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. This definition shall not include windmills that are used for such applications as pond aeration and water pumping and that are not used for the generation of electricity.

Wind Energy Conversion System, On-Site. A wind energy conversion system intended to produce electricity which is used only by the primary residence or business operation and not sold on the electrical grid for commercial profit.

Wind Energy Conversion System, Commercial. A wind energy conversion system intended to supply energy to the electrical grid for commercial profit and not intended for a single primary user.

Winery. An establishment that produces wine for sale or distribution.

Yard. A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground upward, except as provided otherwise in this Ordinance.

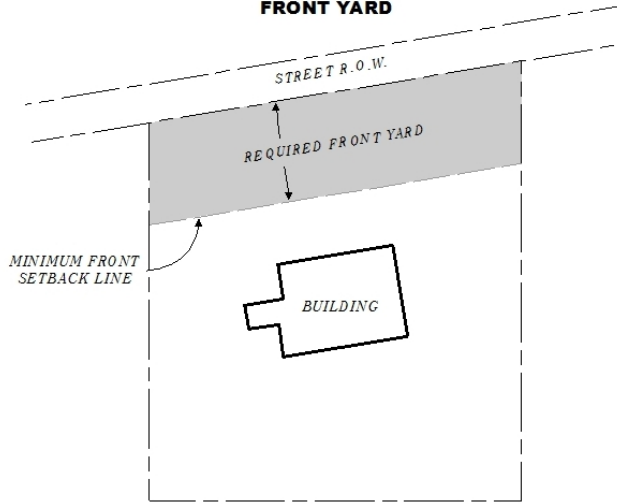
Yard, Front. A yard extending the full width of a lot and situated between a street centerline and a front building line parallel to the street centerline. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, where the radius of the curve is thirty (30) feet or less, the foremost point of the side lot line shall be assumed to the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds thirty (30) feet, the yard shall be parallel to the street line. The front and rear front yard lines shall be parallel.

Yard, Rear. An open yard extending the full width of the lot between the interior side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards, but only front and side yards.

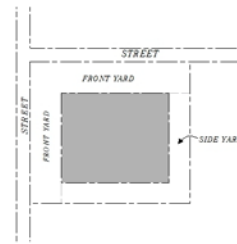
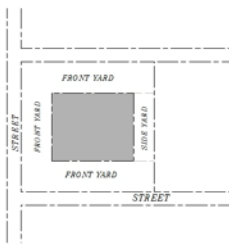
Yard, Required. That portion of a yard which is located between the lot line and a parallel line at a distance equal to the minimum yard setback and within which no structure shall be located, except as provided in the zoning ordinance.

Yard, Side. A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

REQUIRED FRONT YARD



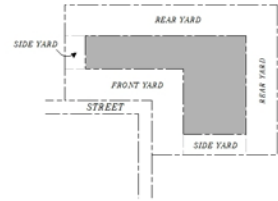
REQUIRED YARDS



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD SHAPED LOT EXAMPLES

Zoning Board of Appeals. The words “Board of Appeals” or “Zoning Board of Appeals” shall mean the Township Board of Appeals for the Township of Summerfield.

ARTICLE 3. GENERAL PROVISIONS

3.10. ESTABLISHMENT OF DISTRICTS

Summerfield Township is hereby divided into the following zoning districts to be known as, and have the following names and symbols:

AG-1 Prime Agricultural District

AG-2 Agricultural Family District

R-1 Single-Family Rural Residential District

R-2 Single-Family Residential District

R-M Multiple Family Residential District

C-1 Local Commercial District

C-2 General Commercial District

I-1 Industrial District

FP Flood Plain District

3.20. OFFICIAL ZONING MAP

1. For the purpose of this Ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Summerfield Township." The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
2. Identification of Official Zoning Map – The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Summerfield Township Zoning Ordinance," together with the effective date of this Ordinance.
3. Changes to Official Zoning Map – If, in accordance with the procedures of this Ordinance and Act 110 of 2006 as amended, a change is made in the zoning district boundary, such change shall be entered onto the Official Zoning Map by the Township Supervisor promptly after the Ordinance authorizing such change shall have been adopted and published, with an entry on the Official Zoning Map as follows: "On (date) by official action of the Summerfield Township Board, the following change(s) was/were made in the Official Zoning Map": (brief description of change) which entry shall be signed by the Township Supervisor and attested to by the Township Clerk. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformance with the procedures set forth herein. Any unauthorized change of whatever kind by any person or persons will be considered a violation of this Ordinance and punishable as provided in *ARTICLE 18 – ADMINISTRATION AND ENFORCEMENT* herein. Any change in corporate boundaries within the Township shall be recorded on

the Official Zoning Map by the Township Supervisor with their signature and date and attestation by the Township Clerk attached thereto.

4. Authority of Official Zoning Map – Regardless of the existence of purported copies, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township. The Official Zoning Map shall be located in the Township Hall and shall be open to public inspection.
5. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by signature of the Township Supervisor, attested to by the Township Clerk, and bear the seal of Summerfield Township under the following words: “This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Summerfield Township, adopted on January 10, 2008 which replaces and supersedes the Official Zoning Map which was adopted on March 30, 1980.” Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
6. Rules for Interpretation – Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:
 - A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
 - B. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
 - D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.

- G. A boundary indicated as parallel to, or an extension of, features in paragraphs A-F preceding shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map or any other circumstances not covered by A-H preceding, the Board of Zoning Appeals shall interpret the location of the zoning district boundary.

3.30. NUMBER OF RESIDENCES ON A LOT

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as permitted on farms for seasonal agricultural workers.

3.40. NON-CONFORMING USES

1. **INTENT.** The intent of this section is to regulate the continued use of land, structures and buildings, which were lawful uses prior to the enactment of this ordinance. The Township, by adopting this section, intends to gradually eliminate nonconforming buildings and uses of land by limiting changes of use and structural alterations, so that the life of a nonconforming use would not be prolonged or enlarged.
2. **NON-CONFORMANCE REGULATED.** Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a “non-conforming use” and not in violation of this Ordinance, provided, however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Article.
3. **NON-CONFORMING USES OF LAND.** Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:
 - A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - C. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. For the purposes of this section, the term “ceases” shall mean a stoppage, abandonment, or discontinuance of a use, a substantial reduction of a use, or a change to another use. The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a

significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.

- D. No structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

4. **NON-CONFORMING USES OF STRUCTURES.** If lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified in this Ordinance for the district in which such use is located. For the purposes of this section, the term “ceases” shall mean a stoppage, abandonment, or discontinuance of a use, a substantial reduction of a use, or a change to another use. The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.
- C. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

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

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B. If any such non-conforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located. For the purposes of this section, the term “ceases” shall mean a stoppage, abandonment, or discontinuance of a use, or a substantial reduction of a use. The cancellation of utility service, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.

6. **NON-CONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the districts; provided that regulations for minimum front, rear and side yard setbacks are met as specified in this Ordinance. And further provided that a potable water supply and waste water disposal system is approved by the Monroe County Health Department.
 - A. Non-conforming lots of record in the AG-1 and AG-2 districts which are one acre or less shall be permitted to comply with the front, side and rear setback requirements of the R-1 district.
7. **REPAIRS AND MAINTENANCE.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent [sixty (60) percent for single-family residential structures] of the current State Equalized Valuation multiplied by a factor of two (2) of the non-conforming structure or portion of a structure, as the case may be, provided that the square footage existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
8. **RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, Acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the State Equalized Valuation multiplied by a factor of two (2) of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay.
9. **ADJOINING LOTS.** A nonconforming vacant lot shall not be developed if it could be combined with an adjoining lot (said lot being owned by the same person and any or all future assigns) on or after the effective date of these regulations in order to create a single lot. For the purposes of this Section, "adjoining" shall be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street.

10. **ACQUISITION BY TOWNSHIP.** As the elimination of the nonconforming uses and structures serves a public purpose and is for a public use, the township reserves the right to acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district.
11. **MOVING.** No non-conforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open spaces provided are made to conform to regulations of the district in which such building or structure is to be located.
12. **CHANGE OF TENANCY OR OWNERSHIP.** There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.
13. **CERTIFICATE OF OCCUPANCY.**
 - A. If the Building Inspector shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other ordinance or law, or if the Building Inspector finds that the building for which the Certification is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, the Building Inspector shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.
 - B. After the adoption of this Ordinance, or any amendments thereto, the Zoning Enforcement Officer shall prepare a record of all known non-conforming uses and occupations of lands, buildings, and structures, including tents and mobile homes, existing at the time of such ordinance or amendment. Such records shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Township Clerk.
14. **PLANS ALREADY FILED.** In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one (1) year of said date.
15. **EXCEPTIONS.** Non-conforming uses of structures or non-conforming uses of land which have been in continuous existence since March 31, 1980 may be permitted to expand, rebuild, or enlarge said structure or use on the same parcel of land with a Special Approval Permit from the Planning Commission.

3.50. TEMPORARY STRUCTURES

1. TEMPORARY DWELLINGS.
 - A. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this section. Recreation vehicles shall not be used for living or for housekeeping purposes when parked or stored in any location not approved for such use, unless approval is granted by the Township Board.
 - B. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, long-term vacancy, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home approved by the Building Inspector may be moved onto the lot after obtaining a permit therefore from the Building Inspector for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to a private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.
 - C. The Township Board may establish a reasonable date for removal of the temporary dwelling, said date not to exceed one (1) year from the date of issuance of said permit which shall not be subject to renewal. The temporary dwelling shall be removed from the lot within thirty (30) days of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the certificate of occupancy. A performance bond in the amount of \$2,500 shall be provided to insure removal of the temporary dwelling.
2. TEMPORARY STRUCTURES, OTHER THAN DWELLINGS. Temporary buildings and/or structures (i.e. concrete batch plants, tool sheds, storage structures, etc.) may be used as construction facilities provided that a permit for such use is obtained from the Summerfield Township Board. Prior to permit issuance, a site plan will be submitted to the Planning Commission for review. The Planning Commission shall, in each case, establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, any other conditions deemed necessary to protect adjoining properties, public health and safety or general welfare, and a date by which such facilities are to be removed from the premises. The Township Board may require posting of a bond or other acceptable security, payable to Summerfield Township, in an amount or of a value as the Township Board may determine in its sole discretion.
3. TEMPORARY RESIDENTIAL CONSTRUCTION STRUCTURES. Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Building Inspector. The Building Inspector shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises.

3.60. MOBILE HOMES

Mobile homes shall be used as dwellings when located in and part of a licensed Mobile Home Park (as defined in the Mobile Home Commission Act, Act 96, P.A. 1987, as amended, and *Section 15.200 – MOBILE HOME PARK REGULATIONS*, herein), on an individual lot in accordance with the provisions outlined in *Section 3.230 – RESIDENTIAL DESIGN STANDARDS* herein, or when used as a temporary dwelling as provided in *Section 3.50 – TEMPORARY STRUCTURES*, herein.

3.70. COMPLETION OF CONSTRUCTION

1. Nothing in this Ordinance shall 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 of this Ordinance or later amendment, which may apply.
2. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun, preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect three hundred and sixty-five (365) days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued by the Building Inspector.
3. Where a building permit has been issued in accordance with the law within three hundred and sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed.

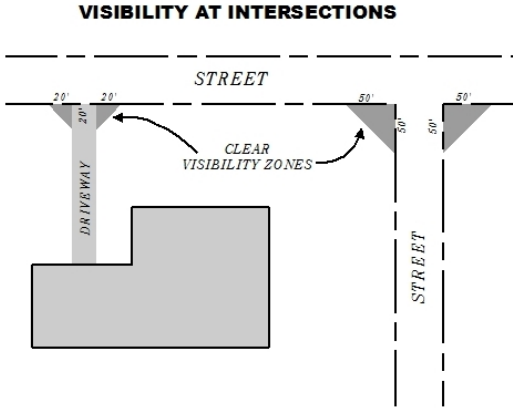
3.80. ESSENTIAL SERVICES

Essential Services shall be permitted as authorized and regulated by law and by the ordinances of Summerfield Township, it being the intention hereof to exempt such essential services from this Ordinance.

3.90. VISIBILITY AT INTERSECTIONS

1. **CORNER LOTS.** On a corner lot in any zoning district no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 1/2) and ten (10) feet above the average centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines fifty (50) feet from their point of intersection as measured along the street right-of-way lines.
2. **DRIVEWAYS.** At any driveway in any zoning district no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 1/2) and ten (10) feet above the average centerline grades of the of the intersecting street and

driveway in the area bounded by the street right-of-way line and the driveway and the line joining points along said street line and edge of the driveway ten (10) feet from their point of intersection.



3.100. HOME OCCUPATION

1. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:
 - A. Not more than one (1) person outside of the family shall be engaged in such operation.
 - B. The Home Occupation shall be clearly incidental and subordinate to the residential use.
 - C. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto. Not more than twenty five percent (25%) of the area of the dwelling unit or accessory structure may be used for purposes of the home occupation.
 - D. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential areas.
 - E. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
 - F. Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in ARTICLE 16 – OFF-STREET PARKING AND LOADING REGULATIONS, and provided the parking spaces shall not be located in the required front yard.

- G. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- I. Signs not customarily found in residential areas shall be prohibited, except, however, that one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building or placed at the end of a driveway, and which sign shall contain only the name, occupation, and address of the premises.
- J. Must have a potable water supply and waste water disposal system approved by the Monroe County Health Department.
- K. Examples of Home Occupations permitted are:
 - i. Tailoring
 - ii. Sculpturing and painting
 - iii. Writing
 - iv. Telephone Answering
 - v. Computer Programming
 - vi. Home Crafts
 - vii. Income Tax Assistance
 - viii. Music Lessons
 - ix. Repair of small appliances, watches and clocks, cameras, and rebuilding of small engines and motors of less than 3 h.p.
 - x. Barber Shops and Beauty Shops.
 - xi. Office of a professional person such as an attorney, insurance agent, architect, financial planner or accountant.
 - xii. Office and workshop of a plumber, electrician, or similar trade.
 - xiii. Furniture Repair, Restoration and Upholstering
 - xiv. Taxidermy

- L. Examples of Home Occupations NOT permitted are:
 - i. Automotive Repair, Paint Shops, or Detailing Establishments
 - ii. Commercial Child Care Centers or Day Care Centers
 - iii. Dog Grooming Services or Kennels
 - iv. Food Service Establishments
 - v. Medical Laboratories
 - vi. Outdoor Repair
 - vii. Real Estate Office

- M. Any proposed Home Occupation may be approved, approved with conditions, or denied by the Township Board based on the criteria established for Home Occupation use. The request will be considered upon completion of an information sheet, provided to the prospective operator, requiring a written description of the proposed business activity and then presented to the Summerfield Township Planning Commission. The Planning Commission will make a recommendation to the Township Board for their action.

- N. A Home Occupation shall terminate if the “original” operator discontinues the business. A Home Occupation shall not be transferable from person to person or address to address except that, in the case of death, should a surviving partner, spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Summerfield Township Board, and the Summerfield Township Board may authorize continuation of that permit.

2. Medical Marihuana Home Occupations.

- A. Intent. It is the intent of this Ordinance to give effect to the intent of the Michigan Medical Marihuana Act, PA 2008 Initiated Law, MCL 333.26421 et seq as approved by the electors and not to determine and establish an altered policy with regard to marihuana. This Ordinance is designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the Township and its residents to significant adverse conditions. In consideration of this concern, local regulations enumerated below generally provide that: the primary caregiver must reside in the dwelling where his/her medical marihuana is cultivated and/or stored; the medical marihuana primary caregiver activity only occur within a single family dwelling except as otherwise set forth herein; and, the distribution and use of medical marihuana occur on the lot/parcel/site condominium unit occupied by the qualifying patient. Nothing in this Ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a

public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this Ordinance; and nothing in this Ordinance shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.

B. Definitions.

- i. *Dispensary.* Any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.
- ii. *Marihuana.* The substance defined as such in Section 7106 of the Public Health Code, PA 368 of 1976.
- iii. *Michigan Medical Marihuana Act or "Act."* Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
- iv. *Primary Caregiver.* A primary caregiver as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- v. *Qualifying Patient.* A qualifying patient as defined under MCL 333.26423(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- vi. *Registry Identification Card.* The document defined as such under MCL 333.26423(i) of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.
- vii. *Compassion Club.* A facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.
- viii. *Enclosed Locked Facility.* A closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process

as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:

- a. The vehicle is being used temporarily to transport living marihuana plants from 1 location to another with the intent to permanently retain those plants at the second location.
 - b. An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient.
- C. Effect of Permit Approval. In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in Section 3.100,(1) for home occupations shall not be applicable to medical marihuana home occupations. The issuance of a Medical Marihuana Home Occupation Permit hereunder shall relieve the applicant from any obligation of site plan review or a land use permit for the activity authorized thereunder.
- D. Medical Marihuana Home Occupation Permit Requirement.
- i. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act shall be allowed as a permitted use in the AG-1, AG-2, R-1, and R-2 Zoning Districts subject to the terms and conditions set forth in this Ordinance. Except as set forth in Subsection G below, no such cultivation, storage and/or distribution shall be lawful in this Township unless and until the location of the premises in which such primary caregiver activity is conducted has received a Medical Marihuana Home Occupation Permit from the Township Board. A proposed Medical Marihuana Home Occupation may be approved, approved with conditions, or denied by the Township Board, upon recommendation of the Planning Commission, based on the requirements established herein.
 - ii. Application for Permit. The requirement of this provision is to require a permit for a location and not to license persons. A confidential application for a Medical Marihuana Home Occupation Permit on a form approved by the Township Board shall be submitted to the Zoning Enforcement Officer. An application shall:
 - a. Not require the name, home address or date of birth of a qualifying patient.
 - b. Include the name of the primary caregiver (or medical marihuana home occupation permit holder, if different),

and the address of the premises (lot, parcel or site condominium unit) requested to be licensed.

- c. Describe the enclosed locked facility in which any and all cultivation of marihuana is proposed to occur or where marihuana will be stored, with such description including the location of the facility in the building.
 - d. For safety and other code inspection purposes, it shall describe and provide detailed specifications of equipment proposed to be used to facilitate the cultivation and harvesting of marihuana plants including, but not necessarily limited to, lighting, HVAC, electrical service, and plumbing.
 - e. Contain such other information as the Township Board determines is needed for the administration of this Ordinance or to ascertain satisfaction of the standards for the granting of a permit hereunder.
- iii. Application Fee. No application for a permit hereunder shall be approved without payment of a non-refundable application fee to help defer a portion of the cost of administering and enforcing this Ordinance. The application fee shall be set by resolution of the Township Board and may be adjusted from time to time thereafter as the Township Board deems appropriate.
- iv. Confidentiality. It is the intent of this Ordinance that the information acquired through the permitting procedure prescribed herein shall be accessible to the Zoning Enforcement Officer, Michigan Construction Code and Fire Code enforcement officials, and law enforcement officials and their support personnel in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law.

E. Medical Marihuana Home Occupation Requirements.

- i. There shall be no more than one primary caregiver operating upon the lot, parcel or site condominium unit for which a permit is requested. The primary caregiver shall reside within the dwelling located upon the lot/parcel or site condominium unit for which a permit is requested.
- ii. The lot, parcel or site condominium unit for which a permit is requested shall not be located:
 - a. Within one-thousand (1,000) feet of a public or private elementary or secondary school, public or private preschool or licensed day care facility.
 - b. Within three-hundred (300) feet of a public park, public beach or public recreational area.

- c. Within five-hundred (500) feet of another lot, parcel or site condominium unit for which a Medical Marihuana Home Occupation Permit has been issued pursuant to this Ordinance.

Measurements for the purposes of this Ordinance shall be made from parcel/lot/site condominium unit boundary to parcel/lot/site condominium unit boundary.

- iii. Subject to the exceptions set forth in Subsection G below, the medical marihuana primary caregiver activity shall occur only within a single family dwelling. The primary caregiver activity shall at all times be subordinate and incidental to the use of the dwelling as a residence.
- iv. All marihuana and marihuana plants shall at all times be contained inside the main residential structure except when being delivered by the primary caregiver to a qualifying patient off-site.
- v. All medical marihuana must be kept in an enclosed locked facility to which only the registered patient and/or primary caregiver have access.
- vi. The primary caregiver shall not distribute or allow the use of marihuana by the qualifying patients he/she is designated to serve upon the lot/parcel/site condominium unit for which a permit is issued hereunder unless the qualifying patient resides therein.
- vii. If a residential room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 10:00 p.m. and 6:00 a.m. shall employ shielding methods to prevent ambient light spillage that causes or creates a distraction or nuisance to any adjacent residential properties.
- viii. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a premises in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation or harvesting of marihuana. Prior to a permit issued hereunder taking effect and the commencement of primary caregiver activities, the premises shall be inspected for compliance with applicable provisions of the Michigan Construction Code and the Michigan Fire Code. The premises shall be inspected annually thereafter for continued compliance with all applicable Zoning Ordinance and Construction Code and Fire Code requirements.
- ix. There shall be no sign identifying the premises as a site at which marihuana is cultivated, harvested or distributed.
- x. The primary caregiver activities conducted on the premises for which a Medical Marihuana Home Occupation Permit is granted hereunder shall be in conformance with the application approved

hereunder, the Act, and the administrative rules promulgated pursuant to the Act.

- xi. Nothing in this Ordinance shall be deemed to allow dispensaries or compassion clubs, which are hereby strictly prohibited.
- F. Disclaimer of Immunity. Nothing in this Ordinance shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Act and this Ordinance. Further, nothing in this Ordinance shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marihuana or to prevent prosecution thereunder.
- G. Exceptions. This Ordinance shall not be deemed to prohibit or restrict or require a permit for the following:
- i. The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 - ii. The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
 - iii. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- F. Enforcement. Any violation of this Ordinance shall subject the offender to the enforcement penalties set forth in Section 18.120. The Zoning Enforcement Officer, or other designated Township Board representative, shall have the right at any time, to enter and inspect the premises for safety and compliance purposes for cause shown.

3.110. TRANSIENT AND AMUSEMENT ENTERPRISES

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, and holiday lighting displays which charge a fee or collect donations may be permitted in any zoning district upon approval by the Township Board. Such enterprises may be permitted only on the recommendation of the Planning Commission and approval by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Township Board may require posting of a bond or other acceptable security payable to the Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify

any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

3.120. ACCESS TO STREETS

1. In any residential, commercial and industrial district, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which has access to a public and/or private road, such road right-of-way to be at least sixty-six (66) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance, or shall have access to a private street which has been approved as to design and construction by the Summerfield Township Board and County Road Commission.
2. In any agricultural district, every lot or parcel shall have access to a public street or an access easement of record to a public street, such easement to be at least twenty-four (24) feet wide. Bona fide farm buildings (see *ARTICLE 2 – DEFINITIONS*) are the only buildings permitted on parcels which do not have access to a public street or which have less than the required frontage.
3. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.
4. In any district other than industrial or commercial, if an easement to a public road was recorded prior to 3/31/1980, such access easement of record shall serve a single dwelling unit and not more than one principal use or structure.

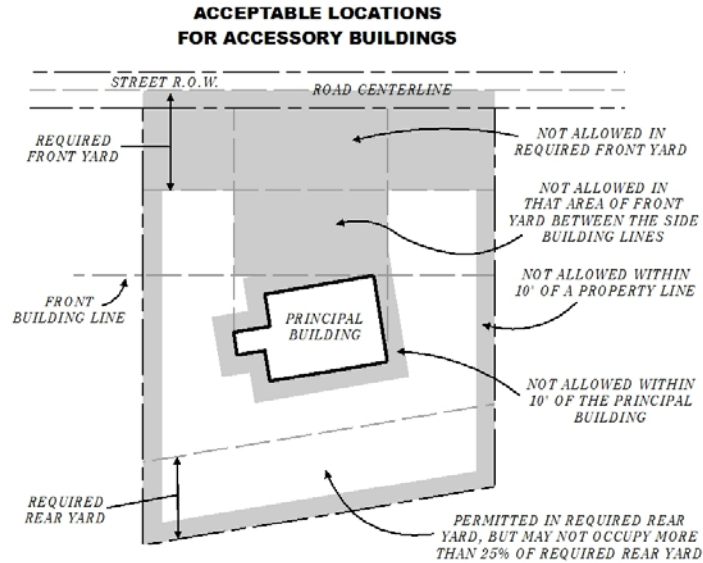
3.130. ACCESSORY BUILDINGS

Accessory buildings, except those in conjunction with a bonafide agricultural operation or as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
2. The maximum number of accessory buildings permitted on a parcel shall be determined below. For the purposes of this Subsection 2, accessory buildings less than twenty-five (25) square feet in size shall not count toward the total number of accessory buildings.
 - A. In the AG-1 and AG-2 Districts, no more than six (6) accessory buildings shall be permitted.
 - B. In the R-1, R-2 and RM Districts, no more than three (3) accessory buildings shall be permitted on parcels five (5) acres or less.
 - C. In the R-1, R-2 and RM Districts, no more than six (6) accessory buildings shall be permitted on parcels greater than five (5) acres.
 - D. In the C-1, C-2 and I-1 Districts, there shall be no limitation to the number of accessory buildings allowed; however, the total area of all buildings

(principal and accessory) shall not exceed the maximum lot coverage for the underlying zoning district.

- An accessory building may occupy not more than twenty-five (25) percent of a required rear yard. Accessory buildings shall be included in calculating any maximum lot coverage requirements.

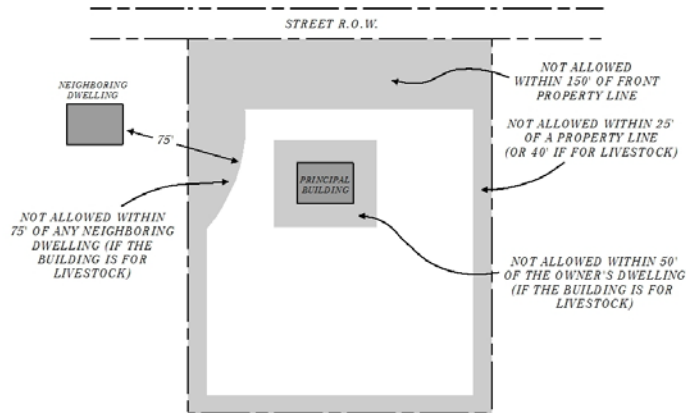


- An accessory building shall be located behind the front building line except when structurally attached to the main building. However, accessory buildings may be permitted in front of the main building provided that the accessory building is not located in that area of the front yard located between the two side lines of the principal building extending from the front of the building to the front lot line or the center line of the road right-of-way.
- No detached accessory building shall be located closer than ten (10) feet to any main building, or closer than ten (10) feet to any property line.
- No detached accessory building shall exceed the maximum building height requirement for the appropriate zoning district.
- Accessory buildings shall not have floor drains which outlet to soils, groundwater, or nearby drains and rivers. Floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- No accessory building greater than two hundred (200) square feet shall be erected without a building permit.

3.140. FARM BUILDINGS

- All farm buildings and yards in conjunction therewith, for uses other than those customarily incidental to the dwelling, shall be located not less than twenty-five (25) feet from any lot line or property boundary, and provided that main farm barn buildings shall not be less than one hundred and fifty (150) feet from the front property line.

ACCEPTABLE LOCATIONS FOR FARM BUILDINGS



2. Buildings for the boarding, breeding, or care of livestock shall not be located closer than seventy-five (75) feet from any neighboring residential dwelling, or fifty (50) from the owner’s dwelling, or forty (40) feet from side lot line. This shall not prohibit the alteration or addition of an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this zoning ordinance.
3. The maximum height of farm buildings shall not exceed forty (40) feet, except those agricultural structures such as silos, grain legs, and storage bins which may not exceed one hundred and twenty five (125) feet.
4. All farm buildings must submit a Zoning Review Application to the Township Building Inspector to receive a Zoning Certificate.

3.150. USES PERMITTED IN ALL DISTRICTS

The cultivation of field crops, horticulture, specialty farms and the raising of tree and forest crops are uses permitted in all zoning districts, when conducted using generally accepted agricultural practices.

3.160. ANIMALS

1. Class I Animals may be maintained in the following zoning classification districts: R-1, AG-1 and AG-2, provided, however, that Class I animals shall not be permitted on a premises having less than one and one half (1½) acres; one Class I animal unit shall be permitted on a premises having one and one half (1½) acres or more; and one additional Class I animal unit shall be permitted per each full acre on a premises in excess of one and one half (1½) acres. Lots in excess of forty (40) acres in AG-1 and AG-2 are exempt from this requirement. Class I animal units consist of the following:

<u>Animal</u>	<u>Animal Unit</u>
Cattle/Buffalo/Horse/Mule/Llama	1
Horse (34 inches or less at withers)/Burro/Donkey	0.5
Swine/Ostrich	0.5
Goat/Sheep	0.5
Other livestock weighing in excess of 75 pounds	1

2. Class II Animals may be maintained in the following zoning classification districts: R-1, AG-1 and AG-2, provided, however, that Class II animals shall not be permitted on a premises having less than one and one half (1½) acres.; One Class II animal unit shall be permitted on a premises having one and one half (1½) acres or more, and one additional Class II animal unit shall be permitted for each full acre on a premises in excess of one and one half (1½) acres. Lots in excess of forty (40) acres in AG-1 and AG-2 are exempt from this requirement. Class II animal units consist of the following:

<u>Animal</u>	<u>Animal Unit</u>
Poultry (Chickens/Turkeys/Pheasants/Geese/Ducks)	50
Mink/Rabbits and similar fur bearing animals	50
Other animals weighing less than 75 pounds	25

3. Class III Animals, are domesticated animals kept for pets like dogs and cats, may be maintained in any zoning classification district, subject to the following conditions:
 - A. The keeping of four (4) or fewer Class III animals is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.
 - B. The keeping of more than four (4) but not more than ten (10) Class III animals six (6) months old or older requires the following site improvements and housing requirements:
 - i. Said pets shall be restricted from leaving the site unattended.
 - ii. In the event said pets are housed outside the principal structure on the site, the structure housing the pets shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
 - iii. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fenced enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.
 - C. This Section shall not apply to the boarding, breeding, or care of domestic animals for profit, which shall be subject to all applicable regulations for Kennels in this Ordinance.
4. Class IV Animals shall be prohibited in Summerfield Township.
5. All buildings used to house livestock Class I or Class II Animals shall comply with the provisions of *Section 3.140 – FARM BUILDINGS*.
6. All farm livestock Class I animals shall be stabled in rear yards with adequate fencing.

7. All refuse, including manure, shall be kept, handled, accumulated or piled in accordance with generally accepted agricultural practices.
8. All grain and other feed shall be kept in adequate receptacles so as to provide sanitary storage thereof. Outside storage of hay and bedding is authorized provided same can be so stored without constituting a nuisance.
9. Farm livestock shall be managed in accordance with "Generally Accepted Agricultural and Management Practices" and with Public Act 261 of 1999.

3.170. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

1. The erection, construction, or alteration of any fence, wall, or other type of protective barrier shall be approved by the Building Inspector as to its conforming to the requirements of the zoning district wherein they are required because of land use development, and to the requirements of this Section. Stock fences for bona fide agricultural purposes do not require a building permit.
2. Fences in all zoning districts located along the line dividing two (2) lots or parcels of land which are not specifically required under the regulations for the individual zoning districts shall conform to the following requirements:
 - A. No fence shall hereafter be erected in excess of six (6) feet or less than three (3) feet in height above the grade of the surrounding land for fences located in the rear of the front building line. Fences of greater heights may be permitted and/or required in Commercial or Industrial districts when included as part of an approved site plan.
 - B. No fence shall hereafter be located in front of the front building line which is more than four (4) feet in height.
 - C. All fences hereafter erected shall be of an ornamental nature of wood, chain link or other metal construction. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence within the AG-1, AG-2, R-1, R-2 or RM Districts, except on lots or parcels of land requiring maximum security and after approval by the Building Inspector. This provision shall not apply to fences used in connection with farms, as defined in this Ordinance.
3. Fences in AG Districts may be located on all property or road right-of-way lines of a parcel of land, providing such fences are maintained in a good condition and do not result in unreasonable hazard to persons who might come near them.

3.180. LANDSCAPING

1. **Statement of Purpose.** Landscaping is necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping is capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping.

2. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section.
3. Where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met, except that the Planning Commission may allow an extension of not more than six (6) months, if such planting is not able to be done at the time of occupancy for reason of weather. A certificate of occupancy may also be issued prior to completion of landscaping when a performance bond in a form acceptable to the Township Board has been posted to ensure completion of improvements.
4. In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.
5. The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.
6. Except as otherwise specified in the general requirements for each Zoning District; all landscaping shall conform to the following standards:
 - A. All developed portions of the site shall be landscaped. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material approved as to type and caliper by the Planning Commission.
 - B. Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of the required landscaped areas and greenbelts.
 - C. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance or upon a finding that the existing vegetation to be maintained on the site generally accomplishes the same effect.
7. Off-street parking areas shall be landscaped as follows:
 - A. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking lot shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
 - B. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.

- C. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
- 8. Right-of-Way Landscaping. In the Commercial and Industrial Districts, one deciduous or evergreen tree shall be planted every 50 feet.
- 9. Screening. Between any Commercial or Industrial District and a parcel that is either zoned or used for a residential purpose, a landscape screen shall be provided, unless otherwise specified.
- 10. Landscape plantings shall meet the clear vision requirements of *Section 3.90 – VISIBILITY AT INTERSECTIONS*. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.
- 11. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Inspector, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced.
- 12. If existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.
- 13. In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Building Inspector, the owner, developer, or contractor shall replace said trees with trees of comparable type.

3.190. OUTDOOR LIGHTING

1. Statement of Purpose

It is recognized that the ability to view stars against a dark sky is part of the rural character and quality of life that is valued in Summerfield Township. It is also recognized that inappropriate or poorly designed or installed lighting can create unsafe and unpleasant conditions, can limit the ability to enjoy the nighttime sky, and can result in the unnecessary use of electric power. To ensure that outdoor lighting is used appropriately while minimizing its undesirable side effects, these regulations are established.

2. Review Requirements

A. When outdoor lighting installation or replacement is part of a development proposal for which site plan review is required, a lighting plan shall be submitted as part of the site plan. The lighting plan shall include the following information:

- i. Location of all outdoor light fixtures

- ii. Specifications for all outdoor light fixtures, including type of fixture, type of lamp, wattage, cut-off specifications, and other descriptive information as may be requested.
- iii. Proposed mounting height for all fixtures.
- iv. If required by the Planning Commission, the applicant shall provide a photometric report detailing the proposed light levels on the applicant's and on neighboring properties.

3. General Requirements and Guidelines

- A. When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
- B. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
- C. Light fixtures shall not exceed a height of 30 feet.
- D. Lighting should be provided in an amount sufficient to accomplish the objective at hand only.
- E. All outdoor lighting in excess of 50 watts shall be shielded with full cut-off fixtures.
- F. At the property line of the subject property, illumination from light fixtures shall not exceed 0.1 foot candles when adjacent to residentially used property or 0.5 foot candles on any other property.
- G. All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
- H. Light fixtures mounted on gas station canopies shall be recessed within the canopy. All outdoor lighting shall be fully shielded to eliminate glare and light trespass. Lights, which point upward and reflect down from the underside of the canopy is permitted if fixtures are shielded so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides of the canopy and the sides of the canopy shall not be illuminated.
- I. Illumination of signs and buildings should be from top mounted lights aimed downward rather than from ground mounted lights aimed upward, to the extent practicable. In no instance shall the light source be directly visible from neighboring properties or public rights-of-way.
- J. Floodlights shall be shielded and installed so that the lamp face is not visible from adjacent properties or public rights-of-way.
- K. Unshielded wall mounted or "wall pack" fixtures are prohibited.

- L. Lighting for outdoor performances and sporting events are exempt from these regulations, although such lighting shall be designed and installed to reduce glare and to avoid unwanted illumination of surrounding streets and properties. The main lighting for such events shall be turned off no more than 45 minutes after the end of the event.
- M. Lighting for agricultural purposes is exempt from these regulations.
- N. Holiday lighting during the time period from November 15 to January 15 shall be exempt from the provisions of this ordinance, provided that such lighting does not create dangerous glare on adjacent streets or properties.
- O. The Planning Commission may modify the requirements of this section if it determines that in doing so it will not jeopardize achievement of the intent of this section.

3.200. PERFORMANCE STANDARDS

1. *Smoke.* No person or entity shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density as to obscure an observer's vision to a degree in excess of 20 percent opacity or number 1 on the Ringelmann Chart.
2. *Odors.* No person or entity, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors, which are measured in excess of the following limits:
 - A. For areas used predominantly for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
 - B. In all other land use areas, it is a violation if odors are detected after the odorous air has been diluted with fifteen or more volumes of odor free air.
 - C. When the source is a manufacturing process or agricultural operation, no violation of a. and b. shall be cited, provided that the best practical treatment, maintenance and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and, where applicable, in determining the best practical control methods, the township shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.
3. *Glare, Heat and Other Emissions.* In no case shall such emission endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments or interfere with the reasonable use and enjoyment of property located outside the lot on which a use is operated. Any operation producing intense glare or heat shall be performed within a completely enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

4. *Radioactive Materials.* The airborne emission of radioactive material shall comply with the latest provisions of the State of Michigan Rules and Regulations pertaining to Radiation Control as well as any applicable Federal regulations.
5. *Fire and Explosive Hazards.* In any zoning district, all uses shall comply with the applicable standards set for in the rules and regulations of the National Fire Protection Association and applicable State of Michigan rules and regulations.
6. *Underground and Above Ground Storage Tanks.* In any zoning district, all uses shall comply with applicable State of Michigan rules and regulations.
7. Noise. The sound pressure level of any activity (other than background noise not directly under the control of the operator) shall not exceed the decibel limits in the octave bands designated in the following table:

Octave Band Frequency (cycles per seconds)	Decibel Limits measured along Residential District property lines or measured one hundred (100) feet from any residentially used building, whichever is closer to the activity.	Decibel Limits along Commercial, Industrial, or Agricultural property lines.
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

The following activities and noises are exempted from the requirements of Section 3.200.(7):

- A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities; emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger; and otherwise lawful regular or permitted activities or operations of governmental units or agencies.
- B. Excavation or repair of bridges, streets, highways or other property by or on the behalf of the State of Michigan, Summerfield Township or Monroe County.
- C. Warning devices emitting sound for warning purposes as authorized by law.
- D. Any other acts performed by the Township, County or State pursuant to law.

- E. Any sound which is generated incidental to a person's reasonable use and care of private property, including, but not limited to, lawn mowers, tractors, trimmers, generators, chainsaws, and snow blowers where the equipment has been maintained in normal and usual operating condition to limit its noise generation.
 - F. Any sound which is generated by a special event specifically authorized by the Summerfield Township Board or authorized by another section of this ordinance.
 - G. Any sound which is generated as a result of bona fide agricultural activities or by agricultural animals.
 - H. Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
 - I. Regular activities or operations of an airport.
 - J. Any vehicle or equipment designed and used for the purpose of snow and/or ice removal, or garbage/trash removal, when in use for such purposes.
 - K. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.
 - L. Bells, chimes and similar devices while being use for religious purposes or for special civic celebrations.
 - M. Nonamplified crowd noises resulting from the activities of schools, governmental, or community groups.
8. *Vibration.* Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.
9. *Outdoor storage and waste disposal.*
- A. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
 - B. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

3.210. PONDS

- 1. A permit must be obtained from Summerfield Township and the appropriate fee paid prior to the construction of any pond. Failure to obtain the appropriate permit prior to the construction of any pond may, at the discretion of the Summerfield Township Board, result in injunctions being obtained as well as the possible refill

of a pond under construction. When applying for a pond building permit, engineered drawings shall accompany the application. All pond excavators shall be licensed with the State of Michigan and bonded. No pond permit shall be issued unless an existing residence is on-site or a residential building permit has been approved for said site, excepting farm and irrigation ponds in the AG-1 and AG-2 District which do not require an existing or future planned residential building.

2. No pond shall be located within one hundred (100) feet of any property line.
3. No pond shall be located within two hundred (200) feet of the centerline of any road, thoroughfare, or other highway within Summerfield Township.
4. No pond shall be constructed on any parcel within Summerfield Township unless said parcel of land is five (5) acres or more in size and, except in the case of subdivision platting, any pond must be constructed within the boundary lines of a single owner.
5. All ponds constructed in Summerfield Township must have a minimum surface area size of three-quarters (3/4) acre and be of a minimum depth at its deepest point of ten (10) feet on an annual basis. No pond shall be larger than five (5) acres, including the area to the highest point of embankment.
6. The maximum surface area of any pond shall not exceed twenty-five (25) percent of the net acreage of any parcel but shall not be larger than five (5) acres which includes the area to the highest point of embankment.
7. Beach areas may be sloped no less than at a horizontal to vertical ratio of 10:1.
8. All ponds must be constructed with a side slope of at least three (3) feet in width for every one (1) foot in depth.
9. No pond may be constructed within one hundred (100) feet of any septic tank and/or leech field or within fifty (50) feet from any well.
10. The cleaning and maintenance of any pond in existence as of the date of this ordinance becomes effective shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Building Inspector prior to the commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application.
11. Acreage within platted subdivisions containing ponds used for drainage retention shall be platted in accordance with applicable subdivision regulations as may be hereinafter enacted and amended from time to time.
12. Pond excavation material shall not be placed in areas designated for the construction of an on-site wastewater disposal system without the expressed approval of the Monroe County Health Department.
13. Ponds must have a permanent means, such as a dry hydrant, in each pond that would allow the Summerfield Township Fire Department to draft water directly from the pond. The location of the dry hydrant, to ensure ease of access, must be reviewed and approved by the Fire Department.

14. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage to a suitable outlet or drainage ditch.
15. All ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations, all Michigan Department of Natural Resources regulations and the Monroe County Drain Commission mandates.
16. Refilling of an area which has been excavated for the development of a pond shall be refilled with material similar to that which was removed.
17. A distance of not less than two hundred (200) feet shall be maintained between any existing ponds and any proposed ponds. Distance is measured from the high point of embankment.
18. All ponds shall be fully completed, including land rehabilitation, within ninety (90) days of the start date (the first digging) of any pond. A performance bond in an amount set by the Summerfield Township Board but not less than ten thousand (10,000) dollars shall be submitted by the applicant prior to a permit being issued.
19. No pond shall be constructed nor shall any pond permit be issued if, in the sole opinion of the Summerfield Township Board, it appears that the construction of a pond will have an adverse impact on the community, including adjoining property owners.
20. All ponds shall have a minimum of fifty (50) foot greenbelt from the highest point of embankment which includes cover vegetation, bushes, shrubs and trees of a combination of any of the above as the Summerfield Township Board deems appropriate under the particular factual situation.
21. Ponds shall have warning signs posted per Monroe County standards.
22. Emergency equipment on site shall conform to Monroe County standards.
23. All health and safety provisions contained in this ordinance shall be superseded by any local, state or federal regulations that are more stringent than provided herein. The provisions of this ordinance shall prevail in all cases where this ordinance is more stringent than other local, state and federal regulations.
24. All pond permit applications shall include a written proposed plan which the Summerfield Township Board in its sole discretion, must approve in advance of construction which shall contain at least the following:
 - A. A written site plan which shall include:
 - i. A drawing of the land on which the proposed pond shall be constructed which includes the placement of all residences and outbuildings, the location of any existing wells and the location of all septic systems and leech fields.

- ii. The drawing shall include the placement of the proposed pond on the premises, the proposed depth of the pond in detailed increments of ten (10) feet and the height of all embankments.
 - iii. The distance from any existing ponds on adjacent properties.
 - iv. The location and content of the greenbelt.
 - v. The proposed location(s) of the excavated materials which are to be redistributed on-site.
 - vi. The proposed location(s) for the placement of safety equipment.
 - vii. A description of and the location of all drainage systems to be utilized.
 - viii. Engineered drawings prepared by an engineer licensed in the State of Michigan.
- B. A plan of excavation and rehabilitation including the timing and stages of development, if any, including whether the excavation will be a dry dig or a wet dig.
 - C. A drawing of the proposed warning signs to be utilized.
 - D. A detailed list of all safety equipment to be readily available at the pond site.
25. At the completion of the project, "as-built" engineered drawings prepared by a licensed engineer must be submitted to the Building Inspector to be retained by Summerfield Township.
26. Exceptions and Variances. Ponds which are constructed for the sole purpose of agriculture, including irrigation ponds, livestock ponds, and aquaculture ponds, as well as drainage retention ponds, may be exempted from one or more of the requirements of this section. A request for exemptions must be made in writing at the time of submittal of a pond permit application. Exemptions may be made at the discretion of the Township Board.

3.220. PRESERVATION OF ENVIRONMENTAL QUALITY

- 1. In any zoning district, no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way, at any time, by any person, except when done in conformance with State and Federal law and standards.
- 2. No person shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river or stream except as provided in the Inland Lakes and Stream Act, Act 291, of the Public Acts of 1965, as amended.
- 3. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except after receiving approval of a site plan from the soil erosion officer in accordance with the Soil Erosion and Sedimentation Act, Act 374, P.A. of 1972,

and from the Planning Commission in accordance with *ARTICLE 14 – SITE PLAN REVIEW*, herein. Any alterations shall conform to the requirements of applicable State and Federal agencies and in accordance with *ARTICLE 11 - FP, FLOOD PLAIN DISTRICT*, regulations.

3.230. RESIDENTIAL DESIGN STANDARDS

1. Statement of Intent.

In order to preserve the substantial investment of property owners in single-family neighborhoods, any single-family home shall not be “grossly dissimilar” to the exterior design and appearance of existing detached single-family homes in the surrounding area. The term “grossly dissimilar” as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents. The standards herein are intended to prevent incompatible dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Summerfield Township Master Plan.

2. *Area and Bulk Regulations:* Any residential structure, including any manufactured dwelling unit, shall comply with the applicable Area and Bulk Requirements specified for the zoning district where such structure is located.

3. *Foundation:* Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. In the case of a mobile home, it shall be securely anchored to its foundation, according to manufacturer's set up requirements, in order to prevent displacement during windstorms. The wheels, tongue, and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation. The foundation shall fully enclose the undercarriage and chassis.

4. *Code Compliance:* Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards (24 CFR 3280), as amended. Other manufactured housing shall be built to the Michigan State Construction Code (MCL 125.1501-1531) Act of 1972, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.

5. *Architectural Design Features:* The overall appearance, design and position of windows and other features of residential structures, shall not be grossly dissimilar to site-built homes within three hundred (300) feet of the property boundaries, as determined by the Building Official. If no more than one (1) residential dwelling is presently located within three hundred feet (300) of the proposed location, then the dwelling shall be compared to the nearest fifty (50) dwellings.

6. *Roof Pitch:* The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (i.e., Mansard, Gambrel, etc.). The roof shall be finished with a type of shingle or other roofing material that is commonly used in standard residential construction.
7. *Exterior Materials:* The exterior siding shall consist of materials that are generally acceptable for housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in the Township.
8. *Dimensions:* The dimensions and placement of residential dwellings shall be comparable to typical dimensions and placement of housing in the vicinity. Therefore, a dwelling unit shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the dwelling unit.
9. *Roof Overhang:* Residential dwellings shall be designed with either a roof overhang of not less than six (6) inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.
10. *Exterior Doors:* Residential dwellings shall have not less than two exterior doors which shall not be located on the same side of the building.
11. *Building Permit:* All construction required herein shall commence after a building permit has been obtained in accordance with the Township Building Code and other building regulations.

3.240. STORAGE OF MATERIALS

1. Garbage, ashes, rubbish and similar refuse to be stored outside a building in a mobile home park, all commercial and private recreational sites, commercial districts and industrial districts, shall be stored within containers and said containers shall be stored within an enclosure which shall be constructed of an opaque material such as wood, concrete blocks, or bricks and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one (1) or more gates. The storage area shall have a concrete floor at least four (4) inches thick.
2. The location or storage of abandoned, discarded, unusable, or inoperative appliances, furniture, equipment, or materials, (but not including inoperative vehicles) shall be regulated as follows, except for junk yards, in which case the regulations set forth in *Section 15.140* apply.
 - A. On any lot or parcel except for Junk Yards, the owner or tenant shall locate and store such materials within a completely enclosed building.

Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

3.250. STORAGE OF RECREATIONAL EQUIPMENT

1. Recreation vehicles, boats and boat trailers, snowmobiles, trail cycles, all terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked or stored in front of any principal structure on any lot, provided, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seven (7) days during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
2. Storage of such equipment, when permitted in a commercial district as a principal use of lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes.

3.260. SWIMMING POOLS, PRIVATE

1. Private pools shall be permitted as an accessory use within the rear yard or side yard, provided they meet the following requirements:
 - A. Permit. No permanent swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Township Building Inspector. An application for a building permit shall include the following information: name of owner, a plot plan showing the location of the pool and distances to adjacent buildings, property lines, easements, rights-of-way, fences, utilities, wells, septic systems, and overhead wires.
 - B. Location. The outer wall of the swimming pools shall comply with the side yard setback for a principal structure in the district where the pool is located, but in no case shall a pool be located less than ten (10) feet from a property line. No swimming pool wall shall be located less than thirty-five (35) feet from any street right-of-way line or any existing dwelling unit on abutting property. No swimming pool shall be located in an easement. All isolation distances required as part of the Monroe County Sanitary Code shall be complied with.
 - C. Fencing. For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height above the surface of the ground, of chain link or equally impenetrable construction. All fence posts shall be on the swimming pool side. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate and not readily available for children to open. Gates shall be capable of being securely locked. Such enclosure shall be located not more than one hundred (100) feet distant from the swimming pool. A building or masonry wall at least four (4) feet in height may be used as all or part of such swimming pool enclosure. If the swimming pool is constructed above ground so that the exterior

thereof is at least four (4) feet above ground level, and entry into such above-ground pool is only by means of a ladder that locks up into place when the pool is not in use, then a fenced enclosure shall not be required.

- D. Wiring. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the Township Electrical Code or any other such codes as may be adopted by the Township. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.
- E. Permit. Upon compliance with all requirements of this Section and upon determination by the Building Inspector that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.

3.270. CONDOMINIUM REGULATIONS

- 1. A site plan for a condominium project shall include the documents and information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended, as well as the requirements of this section.
- 2. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope.
 - A. "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
 - B. "Building site" means either:
 - i. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
 - ii. The area within the condominium unit taken together with any contiguous and appurtenant limited common element. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) or with

other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."

- C. "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

3.280. CONDITIONAL REZONING

1. Intent.

Public Act 110 of 2006 authorizes Summerfield Township to enter into conditional rezoning under MCL 125.3405. Summerfield Township recognizes that there are certain instances where it would be in the best interests of both the Township and the property owner seeking a change in zoning boundaries, if certain conditions could be proposed by the property owner as part of a request for a rezoning. It is the intent of this Section to provide a process by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. Application and Offer of Conditions.

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- C. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- D. Any use or development proposed as part of an offer of conditions that would require a special approval under the terms of this Ordinance may only be commenced if special approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- E. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- F. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or change part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal or change occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3. Planning Commission Review

- A. The Planning Commission, after holding a public hearing and considering the conditions voluntarily offered by the applicant, may recommend approval, offer recommended changes, or denial of the rezoning; provided, however, that any recommended changes offered by the Planning Commission must then be voluntarily offered by the property owner in writing back to the Planning Commission for further review.
- B. In reviewing an application for a conditional rezoning of land, the Planning Commission shall consider the following:
 - i. Whether the rezoning is consistent with the policies and uses proposed in the Summerfield Township Master Plan;
 - ii. Whether all of the uses allowed under the proposed rezoning, or uses offered under the conditions to the rezoning would be compatible with other zones and uses in the surrounding area;
 - iii. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and
 - iv. Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

4. Township Board Review

- A. After receipt of the Planning Commission's recommendation and the conditions voluntarily offered by the property owner in writing, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request.
- B. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the Zoning Enabling Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning.
- C. In reviewing an application for a conditional rezoning of land, the Township Board shall consider the following:
 - i. Whether the rezoning is consistent with the policies and uses proposed in the Summerfield Township Master Plan;
 - ii. Whether all of the uses allowed under the proposed rezoning, or uses offered under the conditions to the rezoning would be compatible with other zones and uses in the surrounding area;
 - iii. Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning; and

- iv. Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

5. Approval

A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section by the property owner. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

B. The Statement of Conditions shall:

- i. Be in a form recordable with the Monroe County Register of Deeds.
- ii. Contain a legal description of the land to which it pertains.
- iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
- v. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- vi. Upon the rezoning taking effect, the Summerfield Township Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- vii. The approved Statement of Conditions shall be filed by the property owner with the Monroe County Register of Deeds and a copy of the recorded Statement of Conditions provided to the Township. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- viii. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

6. Compliance with Conditions

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the

development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

7. Time Period for Establishing Development or Use

The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if;

- A. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and/or
- B. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

8. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 7 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

9. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the Township's request, the property owner shall record with the Monroe County Register of Deeds that the Statement of Conditions is no longer in effect.

10. Amendment of Conditions.

- A. After the Township Board has approved the rezoning and the Statement of Conditions, neither the Township nor the property owner shall add to or alter the conditions in the Statement of Conditions.
- B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

11. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act, Public Act 110 of 2006.

12. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

3.290. SEMI-TRAILERS

Semi-Trailers without valid license plates cannot be parked or stored on a parcel of land for more than 30 continuous days. No more than two (2) semi-trailers are allowed on a parcel of land at one time. Bona fide agricultural equipment is exempt from this provision.

ARTICLE 4. AG-1, PRIME AGRICULTURAL DISTRICT

4.10. STATEMENT OF PURPOSE

The AG-1, Prime Agricultural District, is established to preserve prime agricultural lands as identified in the Township's Master Plan. It is intended to protect areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of non-agricultural enterprises, uses, buildings and structures from encroachment into agricultural lands, while also providing for agricultural related uses which are designed to serve or compliment the township's agricultural economy.

This district is intended to maintain and preserve large contiguous blocks of agricultural land, both by original designation and by future consolidation of smaller holdings into existing areas. Residential subdivisions are considered to be incompatible with the intent of this district.

In addition, the district is intended to support the Monroe County Farmland Preservation Ordinance and declare the Township's intention to participate in the Purchase of Development Rights program.

The following regulations shall apply to the AG-1 District, and shall be subjected further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

4.20. PRINCIPAL USES PERMITTED

1. Farm buildings and greenhouses, in accordance with *Section 3.140 – FARM BUILDINGS*.
2. General farming including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structures.
3. Truck gardening.
4. Tree and shrub nurseries in accordance with *Section 15.230 – Plant Nurseries*.
5. Accessory Buildings, in accordance with *Section 3.130 - ACCESSORY BUILDINGS*.
6. Roadside stands, in accordance with *Section 15.260 – ROADSIDE STANDS*.
7. Ponds when constructed and maintained in accordance with *Section 3.210 – PONDS*, herein.
8. Home occupations as defined in *ARTICLE 2* of this Ordinance and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance and subject further to the requirements of *Section 3.100 – HOME OCCUPATION*.
9. Seed sales.
10. Private Stables.

11. One-family residential dwellings, subject to the requirements of *Section 3.230 – RESIDENTIAL DESIGN STANDARDS*.
12. Family Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
13. Adult Foster Care Family Home, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
14. Adult Foster Care Small Group Homes (for 7-12 persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
15. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with *Section 15.330 – ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

4.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, may impose to observe the spirit and purpose of this Ordinance, namely to permit those uses within the Agricultural Districts which serve the needs of the persons residing in the general area of the Township, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES* the following may be permitted:

1. Migratory labor camps, when developed in accordance with *Section 15.180 – MIGRATORY CAMPS*
2. Commercial slaughtery, when conducted as part of the principal use, and when the physical structure in which the slaughtering is conducted is adjacent to or an extension of an existing accessory farm building and with the approval of the appropriate agencies.
3. Kennels, when developed in accordance with *Section 15.150 – KENNELS*.
4. Public Riding Stables, when developed in accordance with *Section 15.250 – RIDING STABLES, PUBLIC*.
5. Veterinarian office and animal clinic when developed in accordance with *Section 15.300 – VETERINARY OFFICE AND ANIMAL CLINIC*.
6. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings, when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.
7. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*.

8. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP.*
9. Intensive livestock operations, in accordance with *Section 15.130 – INTENSIVE LIVESTOCK OPERATIONS.*
10. Airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations, when developed in accordance with *Section 15.30 – AIRFIELDS, AIRSTRIPS, AIRPORTS AND RUNWAYS.*
11. Bed and Breakfasts, when developed in accordance with *Section 15.60 – BED AND BREAKFAST ESTABLISHMENTS.*
12. Agricultural Related Commercial Uses, when developed in accordance with *Section 15.20 – AGRICULTURAL RELATED COMMERCIAL USES* of this ordinance.
13. Golf courses when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION.*
14. Campgrounds, travel trailer parks and tent sites, when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION.*
15. Summer camps, day camps, when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION.*
16. Zoos, botanical gardens, arboretums.
17. Gun clubs, shooting ranges, when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION.*
18. Group Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES.*
19. Livestock transportation facilities when developed in accordance with *Section 15.160 - LIVESTOCK TRANSPORTATION FACILITIES.*
20. Open Space Developments when developed in accordance with *Section 15.220 – OPEN SPACE PRESERVATION.*
21. Wineries when developed in accordance with *Section 15.310 – WINERIES.*
22. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS.*
23. Commercial Wind Energy Conversion Systems when developed in accordance with *Section 15.340 – COMMERCIAL WIND ENERGY CONVERSION SYSTEMS.*

4.40. SITE PLAN REVIEW

All special approval uses listed above as well as some principal uses are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

4.50. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the AG-1, Prime Agricultural District.

4.60 AREA AND BULK REQUIREMENTS

Minimum Lot Size per Unit		Maximum Building Height ^(E)		Minimum Yard Setback (principal buildings) ^{(A) (B) (F)}				Minimum Floor Area	Percent Lot Coverage ^(A)
Area (acres) (sq. ft.)	Width (feet) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.) ^(D)	Per Unit (max)
20 871,200	400	2	25	80	25	50	50	1100	35

- A. In order to effectively preserve farm land as outlined in Section 4.10, Statement of Purpose of this Ordinance, the creation of new building sites within the AG-1 District shall adhere to the following approach. This approach will increase the number of allowable building sites as the size of the parcel increases. The schedule of permitted building sites shall be as follows;

Size of Parent Parcel	Number of Building Sites Allowed*
20 acres	1
20.01 - 40 acres	2
40.01 - 60 acres	3
Continue exponentially	4 +

*Must meet the provisions of the Land Division Act.

To allow for more than one building site, the parcel must be more than 20 acres. The building site created from the parcel does not have to meet the minimum lot size established for the AG-1 District, but must maintain 100 feet of frontage. The remaining parcel must maintain the minimum frontage for the District (400 feet).

- B. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.

- C. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- D. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of "*Lot Width*").
- E. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, or attached sheds.
- F. Maximum height of farm buildings shall not exceed forty (40) feet, except those structures such as: silos, grain legs, and storage bins, which may not exceed one hundred and twenty-five (125) feet.
- G. See *Section 3.40.6*.
- H. No lots shall be created which are not in compliance with the state Land Division Act (PA 591 of 1996) or the Township's Land Division Ordinance and any amendments thereto.

ARTICLE 5. AG-2, AGRICULTURAL FAMILY DISTRICT

5.10. STATEMENT OF PURPOSE

The AG-2, Agricultural Family District, is established to afford reasonable land uses of a rural, agricultural character for those lands in the Township presently rural and undeveloped. It is intended to provide for rural residential development, including planned open space developments. Agriculture, in the AG-2 District, although not the permanent use due to soil capability or crop yield data, should still be the main intent of this district. This district can, therefore, be considered as a transitional land use between the Prime Agricultural portions of the Township and the more densely developed areas.

The following regulations shall apply to the AG-2, Agricultural Family District and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

5.20. PRINCIPAL USES PERMITTED

1. Farm buildings and greenhouses, in conformance with *Section 3.140 – FARM BUILDINGS*.
2. General farming including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structures.
3. Truck gardening.
4. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.
5. Accessory Buildings, in accordance with *Section 3.130 -ACCESSORY BUILDINGS*.
6. Roadside stands, when developed in accordance with *Section 15.260 – ROADSIDE STANDS*.
7. Ponds when constructed and maintained according to the requirements of *Section 3.210 – PONDS*.
8. Home occupations as defined in *ARTICLE 2 - DEFINITIONS* of this Ordinance and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance and subject further to the requirements of *Section 3.100 – HOME OCCUPATION*.
9. Seed sales.
10. Private Stables.
11. One-family residential dwellings, subject to the requirements of *Section 3.230 - RESIDENTIAL DESIGN STANDARDS*.
12. Family Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.

13. Adult Foster Care Family Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
14. Adult Foster Care Small Group Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
15. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with *Section 15.330 – ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

5.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, may impose to observe the spirit and purpose of this Ordinance, namely to permit those uses within the Agricultural Family District which serve the needs of the persons residing in the general area of the Township, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed, here, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following uses may be permitted:

1. Kennels, when developed in accordance with *Section 15.150 – KENNELS*.
2. Privately owned cemeteries provided they are located on a parcel of land ten (10) acres or more in size.
3. Migratory labor camps, when developed in accordance with *Section 15.180 – MIGRATORY CAMPS*.
4. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
5. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
6. Commercial recreation areas when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION*.
7. Extractive operations when developed in accordance with *Section 15.110 – EXTRACTION OPERATIONS*.
8. Veterinarian office and animal clinics when developed in accordance with *Section 15.300 – VETERINARY OFFICE AND ANIMAL CLINIC*.
9. Public Riding Stables, when developed in accordance with *15.250 – RIDING STABLES, PUBLIC*.
10. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance

with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*

11. Airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations, when developed in accordance with *Section 15.30 – AIRFIELDS, AIRSTRIPS, AIRPORTS AND RUNWAYS*.
12. Bed and Breakfasts, when developed in accordance with *Section 15.60 – BED AND BREAKFAST ESTABLISHMENTS*.
13. Agricultural Related Commercial Uses, when developed in accordance with of *Section 15.20 – AGRICULTURAL RELATED COMMERCIAL USES* of this ordinance.
14. Pet cemeteries.
15. Golf courses areas when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION*.
16. Campgrounds areas when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION*.
17. Summer camps, day camps areas when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION*.
18. Zoos, botanical gardens, arboretums.
19. Group Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
20. Adult Foster Care Large Group Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
21. Tree and shrub nurseries when developed in accordance with *Section 15.230 – PLANT NURSERIES*.
22. Open Space Development when developed in accordance with *Section 15.220 – OPEN SPACE PRESERVATION*.
23. Wineries when developed in accordance with *Section 15.310 – WINERIES*.
24. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS*.
25. Commercial Wind Energy Conversion Systems when developed in accordance with *Section 15.340 – COMMERCIAL WIND ENERGY CONVERSION SYSTEMS*.

5.40. SITE PLAN REVIEW

All special approval uses listed above as well as some principal uses are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

5.50. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the AG-2, Agricultural Family District.

5.60. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height ^(E)		Minimum Yard Setback (principal buildings) ^{(A) (B) (F) (G)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (acres) (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
2.5 108,910	250	2	25	80	25	50	50	1100	35

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of "Lot Width").
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. Maximum height of farm buildings shall not exceed forty (40) feet, except those structures such as: silos, grain legs, and storage bins, which may not exceed one hundred and twenty-five (125) feet.
- F. See *Section 3.40.6*.

ARTICLE 6. R-1, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT

6.10. STATEMENT OF PURPOSE

The R-1 Single-Family Rural Residential District has been established to provide an area for single-family, non-farm residential development within a rural environment on lots of sufficient size to permit the use of septic tanks and drainfields and the use of on-site wells of safe water quality. This district is designed to provide a residential character and is intended to be used in those parts of the Township where soils are suitable and where public sanitary sewer and water facilities are not planned to be extended. By providing this residential district, pressure for development of single-family residences in prime agricultural areas is reduced.

The following regulations shall apply to the R-1, Single-Family Rural Residential District, and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

6.20. PRINCIPAL USES PERMITTED

1. Single-family detached dwellings.
2. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.
3. Accessory buildings provided that they shall be located as required in *Section 3.130 – ACCESSORY BUILDINGS*.
4. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
5. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
6. Home occupations as defined in *ARTICLE 2 – DEFINITIONS* of this Ordinance and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance, and are in conformance with *Section 3.100 – HOME OCCUPATION*.
7. Roadside stands, in conformance with *Section 15.260 – ROADSIDE STANDS* (If located on property that is less than 2.5 acres, Special Approval is required from the Planning Commission).
8. Family Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
9. Adult Foster Care Small Group Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
10. Adult Foster Family Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.

11. Ponds when constructed and maintained according to the requirements of *Section 3.210 – PONDS*, herein.
12. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with *Section 15.330 – ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

6.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the R-1 Districts and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the conditions imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted:

1. Two-family dwelling when said dwellings are accomplished through the conversion of existing single-family dwellings, so used, and contain at least eighteen hundred (1,800) square feet of floor area; provided that each new dwelling unit after conversion, shall contain at least nine hundred (900) square feet of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches, or the interior area of utility rooms.
2. Group Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
3. Adult Foster Care Large Group Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with the provisions of *Section 15.100 – COMMUNICATION TOWERS*.
5. Hospitals provided the site is of at least five (5) acres and located on a county primary road.
6. Bed and Breakfasts, in accordance with the provisions of *Section 15.60 – BED AND BREAKFAST ESTABLISHMENTS*.
7. Kennels, when developed in accordance with *Section 15.150 - KENNELS*.
8. Roadside stands on less than 2.5 acres and when developed in accordance with *Section 15.260 – ROADSIDE STANDS*.
9. Open Space Development when developed in accordance with *Section 15.220 – OPEN SPACE PRESERVATION*.
10. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS*.

11. Commercial Wind Energy Conversion Systems when developed in accordance with Section 15.340 – *COMMERCIAL WIND ENERGY CONVERSION SYSTEMS*.

6.40. SITE PLAN REVIEW

All special approval uses listed above as well as some principal uses are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

6.50. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the R-1, Single-Family Rural Residential District.

6.60. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height		Minimum Yard Setback (principal buildings) ^{(A) (B) (E) (F)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (acre) (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
1 43,560	200	2	25	80	10	25 ^(G)	25	1100	35

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of "Lot Width").
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. In all residential districts, the required front yard 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.

- F. See *Section 3.40.6*.
- G. The width of side yards which abut upon a street on the same side or on the opposite side of the same block upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.

ARTICLE 7. R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

7.10. STATEMENT OF PURPOSE

The R-2 Residential District is established to provide for development of single-family residences at a higher density than that provided in other areas of the Township. This district is designed to reflect the more suburban-like environment upon which it borders and from which growth pressures may occur. Therefore, sanitary sewers and water must be present in these areas.

The provisions of this district will absorb the pressures of growth in such a way that development will occur in an orderly and efficient manner.

The following regulations shall apply to the R-2, Single-Family Residential District and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

7.20. PRINCIPAL USES PERMITTED

1. Single-family detached dwellings.
2. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.
3. Accessory buildings provided that they shall be located as required in *Section 3.130 – ACCESSORY BUILDINGS*.
4. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
5. Home occupations as defined in *ARTICLE 2 – DEFINITIONS*, of this Ordinance and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance, and subject to *Section 3.100 – HOME OCCUPATION*.
6. Family Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
7. Adult Foster Care Family Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
8. Adult Foster Care Small Group Homes (for 12 or fewer persons), when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
9. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with *Section 15.330 – ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

7.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the R-2 District and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the consideration imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted:

1. Two-family dwelling when said dwellings are accomplished through the conversion of existing single-family dwellings, so used, and contain at least 1,800 square feet of floor area; provided that each new dwelling unit after conversion, shall contain at least 900 square feet of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches, or the interior area of utility rooms.
2. Group Day Care Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
3. Adult Foster Care Large Group Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with the provisions of *Section 15.100 – COMMUNICATION TOWERS*.
5. Hospitals, provided the site is of at least five (5) acres and located on a county primary road.
6. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
7. Convalescent and nursing homes, assisted living, and elderly care centers, provided the site is of at least five (5) acres and located on a county primary road.
8. Bed and Breakfasts, in accordance with the provisions of *Section 15.60 – BED AND BREAKFAST ESTABLISHMENTS*.
9. Open Space Development when developed in accordance with *Section 15.220 – OPEN SPACE PRESERVATION*.
10. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS*.

7.40. SITE PLAN REVIEW

All special approval uses listed above as well as some principal uses are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

7.50. USES PROHIBITED

All other uses and structures which are specifically permitted by right or by special use permit shall be prohibited in the R-2, Single-Family Residential District.

7.60. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height		Minimum Yard Setback (principal buildings) ^{(A) (B) (E) (F)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (acre) (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
.5 21,780	100	2	25	60	10	25 ^(G)	25	1100	35

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of "Lot Width").
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. In all residential districts, the required front yard 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.
- F. See *Section 3.40.6*.
- G. The width of side yards which abut upon a street on the same side or on the opposite side of the same block upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.

ARTICLE 8. RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

8.10. STATEMENT OF PURPOSE

The multiple-family residential district is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: townhouses, duplexes, row houses, terrace and garden apartments, and condominiums. This district is to be used only in those areas of the Township which are served by public water and sanitary sewer facilities. By providing for higher intensity development through a multiple-family residential district, open space and natural features can be preserved for visual relief and enhancement. The following regulations shall apply to the RM, Multiple-Family Residential District and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

8.20. PRINCIPAL USES PERMITTED

1. Two-family dwellings.
2. Multiple-family dwellings comprising efficiency units and units having one or more bedrooms, and constructed in multi-unit structures.
3. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.
4. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
5. Public, parochial and private elementary, intermediate schools and high schools offering courses in general education; not operated for profit.
6. Accessory buildings provided that they shall be located as required in *Section 3.130 – ACCESSORY BUILDINGS*.
7. Mobile Home Parks, when developed in accordance with *Section 15.200 – MOBILE HOME REGULATIONS*.
8. Adult Foster Care Large Group Homes, when developed in accordance with *Section 15.280 – STATE LICENSED RESIDENTIAL CARE FACILITIES*.
9. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with *Section 15.330 – ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

8.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the RM District and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the considerations imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted.

1. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*.
2. Convalescent and nursing homes, assisted living, and elderly care centers, provided the site is of at least five (5) acres and located on a county primary road.
3. Hospitals provided the site is of at least five (5) acres and located on a county primary road.
4. Anemometer Towers when developed in accordance with Section 15.320 ANEMOMETER TOWERS.

8.40. SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of ARTICLE 14 – SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

8.50. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the RM, Multiple-Family Residential District.

8.60. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^{(A) (E) (F)}		Maximum Building Height		Minimum Yard Setback (from property lines) ^{(A) (B) (G) (H)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (acre) (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
1 43,560	200	2-1/2	35	80	^{(I) (J)} 25	50	35	^(K)	35

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.

- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of “*Lot Width*”).
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. For mobile home parks minimum parcel size for the entire development shall be twenty (20) acres and minimum parcel width shall be six hundred and sixty (660) feet.
- F. The number of dwelling units per acre shall be dependent upon the availability of water and sewer utilities. The number of dwelling units shall be determined by the number of rooms per unit, as follows:

Efficiency	1 Room
One-Bedroom	2 Rooms
Two-Bedroom	3 Rooms
Three-Bedroom	4 Rooms

Each additional bedroom over three shall count as one (1) room.

Utility Service Available	Maximum Number of Rooms per Acre
None	None
Water Only	18
Sewer Only	24
Sewer and Water	30

- G. In the RM District the required front yard may be used for off-street parking provided a 25 foot landscape setback from the edge of the right-of-way is developed.
- H. The width of side yards which abut upon a street on the same side or on the opposite side of the same block upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.
- I. Row houses, terraces, townhouses, and condominiums may share common side walls, provided such walls are of approved fireproof and soundproof construction in all areas in which they are constructed in common.
- J. In the RM District, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings and in no instance shall this distance be less than thirty feet. The formula regulating the required minimum distance between two buildings in the RM District is as follows:

$$S = \frac{LA + LB + [2(HA + HB)]}{6}$$

Where:

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed

directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A. The height of building A at any given level is the height above the natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B. The height of building B at any given level is the height above the natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

K. The minimum floor area for multiple-family dwelling units shall be as follows:

Efficiency Unit	450 square feet
One Bedroom Unit	600 square feet
Two Bedroom Unit	750 square feet
Three Bedroom Unit	900 square feet
Additional Bedrooms	150 square feet

ARTICLE 9. C-1, LOCAL COMMERCIAL DISTRICT

9.10. STATEMENT OF PURPOSE

This district is established to provide suitable locations for retail, service, and professional office enterprises which serve a localized market area. Goods and services to be provided by establishments in this district are classified as “convenience,” as distinguished from “comparison” goods and services, because they serve the day to day needs of a neighborhood or group of neighborhoods. Establishments in this district will generally be small in floor and site area. This district is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of consumers. It is the intent of this section that more than one commercial use or building may exist on a single parcel, and that said parcel shall meet the necessary parking requirements for all uses present. A parcel with more than one use or building shall be treated as a single parcel for the purposes of road frontage.

The following regulations shall apply to the C-1, Local Commercial District, and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

9.20. PRINCIPAL USES PERMITTED

1. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair; tailor shops; locksmith; and similar establishments.
2. Retail establishments for the sale of baked goods, bicycles, books, confections, drugs, flowers, groceries, hardware, alcoholic beverages, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
3. Laundry or dry cleaning customer outlets, coin-operated laundromats, self service dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
4. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Carry out restaurants where food is not consumed on the premises.
5. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, and similar or allied professions. To include medical or dental clinics, but not including veterinarian hospitals or any type of medical facility permitting overnight patients.
6. Clubs and fraternal organizations.
7. Veterinarian offices and animal clinics when developed in accordance with *Section 15.300 – VETERINARY OFFICES AND ANIMAL CLINICS*.
8. Publicly owned and operated libraries, parks, recreational facilities, cemeteries, and municipal buildings when developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*.

9. Banks, insurance, real estate offices.
10. Architect, engineer, surveyor offices.
11. Accessory buildings and uses customarily incidental to the above permitted principal uses.
12. On-Site Wind Energy Conversion Systems accessory to a principal use when developed in accordance with Section 15.330 – *ON-SITE WIND ENERGY CONVERSION SYSTEMS*.

9.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the C-1, Local Commercial District, and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the conditions imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted:

1. Automobile service stations for sale of gasoline, oil, and minor accessories only, provided and in accordance with *Section 15.40 -AUTOMOBILE SERVICE AND REPAIR STATIONS* are met.
2. Mortuary establishments when developed in accordance with *Section 15.210 – MORTUARY ESTABLISHMENTS*.
3. Bowling alley when the building walls are at least one hundred (100) feet from the district boundary of any residential district.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*.
5. Convalescent and nursing homes, assisted living, and elderly care centers, provided the site is of at least five (5) acres and located on a county primary road.
6. Indoor sports such as batting cages, basketball courts, bingo parlors, and indoor gun ranges.
7. Swim clubs, health clubs, and tennis/racquet clubs
8. Fireworks, sales provided that all State and Federal statutes and guidelines are complied with.
9. Commercial Day Care Centers, when developed in accordance with *Section 15.80 - COMMERCIAL DAY CARE CENTERS*.

10. LP gas and fuel oil dealers when developed in accordance with *Section 15.170 – LP GAS AND FUEL OIL DEALERS*.
11. Pesticide and fertilizer sales.
12. Business schools and colleges or private schools operated for profit.
13. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
14. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS*.

9.40. PERFORMANCE STANDARDS

All principal and special approval uses listed above are subject further to the requirements and provisions of in *Section 3.200 – PERFORMANCE STANDARDS*.

9.50. SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

9.60. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the C-1, **Local Commercial District**.

9.70. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height		Minimum Yard Setback (principal buildings) ^{(A) (B)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
20,000 ^(E)	100	1	20	60 ^(F)	15 ^(G)	30 ^(G)	25 ^(H)		40

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.

- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see definition of *“Lot Width”*).
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. Every lot in the C-1 district, used as a business shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate sewage disposal system as established by standards required by the State or County Health Department rules and regulations.
- F. Where an existing front setback has been established by existing office or commercial buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
- G. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to a residential district.
- H. No rear yard is required in the C-1 District where the rear property line abuts upon a twenty (20) foot alley, but where no alley exists, a rear yard of not less than twenty-five (25) feet shall be provided.

ARTICLE 9A. C-2 GENERAL COMMERCIAL DISTRICT

9A.10. STATEMENT OF PURPOSE

This district is established to provide suitable locations within the Township for more intense, thorough-fare oriented business types which would often be incompatible with the more restricted retail commercial uses located within the Local Commercial District and residential uses. Goods and services to be established within this district would be classified as more “comparison” shopping than “convenience” shopping. In addition, the typical uses within this district are generally characterized by generating larger volumes of vehicular traffic.

9A.20. PRINCIPAL USES PERMITTED

1. Any use permitted in the C-1 District, subject to all applicable regulations.
2. Any retail business whose principal activity is the sale of merchandise within a completely enclosed building, except as provided herein.
3. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
4. Billiard hall, billiard room, pool hall or pool room, or other similar indoor recreation uses.
5. Dance hall or catering hall when conducted within completely enclosed buildings.
6. Hotel or motel, subject to the following conditions:
 - A. Each unit shall contain not less than 250 square feet of floor area.
 - B. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
7. Drive-in restaurants.
8. Automobile wash establishments when developed in accordance with *Section 15.50 – AUTOMOBILE WASH ESTABLISHMENTS*.
9. Accessory buildings and uses customarily incidental to the above permitted principal uses.

9A.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the C-2, General Commercial District, and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the conditions imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted

1. Any use permitted in the C-1 District as a special use, subject to all applicable regulations.

2. Mini-warehouses, when developed in accordance with *Section 15.190- MINI-WAREHOUSES*.
3. Showroom and/or outdoor sales space for exclusive sale of:
 - A. New and second-hand automobiles and farm vehicles, when developed in accordance with *Section 15.270 – SHOWROOMS AND/OR OUTDOOR SALES FOR AUTOMOBILES, FARM EQUIPMENT*.
 - B. Retail sales of plant material not grown on site, and sales of lawn furniture, playground equipment, and other garden supplies.
4. Private outdoor recreational uses, to include miniature golf courses; private parks; rifle, gun, and archery ranges; go-cart tracks; batting practice facilities; driving ranges; motor vehicle racetracks or practice tracks; and any other large-scale private recreational facility, when developed in accordance with *Section 15.90 – COMMERCIAL RECREATION*.
5. Auto engine, body repair, painting and undercoating shops, when developed in accordance with *Section 15.40 – AUTOMOBILE SERVICE AND REPAIR STATIONS*.
6. Establishments whose principal use is the selling of liquor, beer, or wine.
7. Tractor sales and repair.
8. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*.
9. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
10. Commercial Wind Energy Conversion Systems when developed in accordance with *Section 15.340 – COMMERCIAL WIND ENERGY CONVERSION SYSTEMS*.

9A.40.PERFORMANCE STANDARDS

All principal and special approval uses listed above are subject further to the requirements and provisions of in *Section 3.200 – PERFORMANCE STANDARDS*.

9A.50.SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

9A.60. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the C-2, General Commercial District.

9A.70. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height		Minimum Yard Setback (principal buildings) ^{(A) (B)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
20,000 ^(E)	100	1	20	60 ^(F)	15 ^(G)	30 ^(G)	25 ^(H)		40

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of *“Lot Width”*).
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. Every lot in the C-2 district, used as a business shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate sewage disposal system as established by standards required by the State or County Health Department rules and regulations.
- F. Where an existing front setback has been established by existing office or commercial buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
- G. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to a residential district.

- H. No rear yard is required in the C-2 District where the rear property line abuts upon a twenty (20) foot alley, but where no alley exists, a rear yard of not less than twenty-five (25) feet shall be provided.

ARTICLE 10. I-1, INDUSTRIAL DISTRICT

10.10. STATEMENT OF PURPOSE

The I-1, Industrial District, is established to provide for light, primary industrial uses. Provision of this District ensures that these essential industrial facilities are kept from encroaching in areas of districts where they would be incompatible. All activities carried on within the Industrial District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of this activity. It is the intent of this section that more than one industrial use or building may exist on a single parcel, and that said parcel shall meet the necessary parking requirements for all uses present. A parcel with more than one use or building shall be treated as a single parcel for the purposes of road frontage. The following regulations shall apply to the I-1, Industrial District, and shall be subject further to the provisions of *ARTICLE 3 – GENERAL PROVISIONS*.

10.20. PRINCIPAL USES PERMITTED

1. Any use permitted in the C-2 District, subject to all applicable regulations.
2. Research and development
3. Light assembly.
4. Packaging.
5. Contractor yards and building material storage and sales, provided all outdoor materials are screened from the public right-of-way and any residential district.
6. Automobile repair and service when developed in accordance with *Section 15.40 – AUTOMOBILE SERVICE AND REPAIR STATIONS*, are met.
7. Truck yards
8. Accessory buildings and uses customarily incidental to the above permitted principal uses.

10.30. USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission, after a public hearing, finds the use as not being injurious to the I-1 District and environs and not contrary to the spirit and intent of this Ordinance, subject further to the considerations imposed herein, and in *ARTICLE 13 – STANDARDS FOR SPECIAL APPROVAL USES*, the following may be permitted:

1. Any use permitted in the C-2 District as a special use, subject to all applicable regulations.
2. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials, such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, grains, tobacco, wax, wood and yarns, in the production of:

- A. Furniture and fixtures.
 - B. Printing and publishing.
 - C. Engineering, measuring, optic, medical, lenses, photographic and similar instruments.
 - D. Pottery and ceramics using kilns fired by electricity or gas only.
 - E. Tool, die, gauge and machine shops manufacturing small parts.
 - F. Clothing.
 - G. Jewelry.
 - H. Food products including meat, dairy, fruit, vegetable, grain, bakery, confectionery, beverage and kindred foods but not including abattoirs and mushroom farms.
 - I. Chemical products such as plastics, perfumes and synthetic fibers.
3. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
 4. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
 5. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 6. Wholesale outlets for the sale and/or distribution, but not manufacture or production, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, lumber and building products.
 7. Cartage businesses.
 8. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations and communication towers when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Public buildings shall be developed in accordance with *Section 15.240 – PUBLICLY OWNED BUILDINGS*. Communication towers shall be developed in accordance with *Section 15.100 – COMMUNICATION TOWERS*.
 9. Laboratories including experimental, film, and testing.
 10. Junk yards in accordance with the provisions of *Section 15.140 – JUNK YARDS*.
 11. Any production, processing, fabricating or storage of materials, goods, or products which shall conform with the performance standards set forth in *Section 3.200 – PERFORMANCE STANDARDS*, and which shall not, according to the findings of the Planning Commission and Township Board, be injurious or

offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.

12. Fireworks, manufacture, provided that all State and Federal statutes and guidelines are complied with.
13. Smelting, stamping, rolling, plating, refining, and forging of metal.
14. Heavy equipment sales, service and rental when developed in accordance with *Section 15.120 – HEAVY EQUIPMENT SALES*.
15. Pesticide and fertilizer sales.
16. Outdoor storage yards.
17. Truck stops, trucking company terminals, single carrier trucking company terminals, and truck distribution.
18. Adult regulated uses, when developed in accordance with *Section 15.10 – ADULT REGULATED USES*.
19. Churches and places of worship and other facilities normally incidental thereto when developed in accordance with *Section 15.70 – CHURCHES AND OTHER PLACES OF WORSHIP*.
20. Anemometer Towers when developed in accordance with *Section 15.320 ANEMOMETER TOWERS*.
21. Commercial Wind Energy Conversion Systems when developed in accordance with *Section 15.340 – COMMERCIAL WIND ENERGY CONVERSION SYSTEMS*.
22. Warehousing.

10.40. PERFORMANCE STANDARDS

All principal and special approval uses listed above are subject further to the requirements and provisions of in *Section 3.200 – PERFORMANCE STANDARDS*.

10.50. SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE 14 – SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

10.60. USES PROHIBITED

All other uses and structures which are not specifically permitted by right or by special use permit shall be prohibited in the I-1, Industrial District.

10.70. AREA AND BULK REQUIREMENTS

Minimum Lot Size Per Unit ^(A)		Maximum Building Height		Minimum Yard Setback (principal buildings) ^{(A) (B) (E)}				Minimum Floor Area ^(D)	Percent Lot Coverage ^(A)
Area (acre) (sq. ft.)	Width (ft) ^(C)	Stories	Feet	Front	Side - smallest	Side - Total of two (min)	Rear	Per Unit (sq. ft.)	Per Unit Maximum
1 43,560	100	2	30	65	40	80	40		35

- A. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback and maximum lot coverage (in percent) requirements set forth in the R-1 district of this Ordinance and with a minimum lot size (in area) of 15,750 feet.
- B. In determining required yard setbacks and lot area requirements for all land uses in any zoning district, such yard setbacks and area requirements shall be the distance from the principal building or structure on the lot to the road centerline.
- C. In the case of lots fronting onto the turning circle of cul-de-sac streets, the minimum distance shall be twenty four (24) feet at the improved road surface (see also definition of "Lot Width").
- D. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- E. Those sides of a parcel within an I-1 District which abut an AG-1, AG-2, R-2, RM, or C-1 District shall be provided with a fifty (50) foot greenbelt. Said greenbelt shall be completely obscuring and shall be subject to the review and approval of the Planning Commission.

ARTICLE 11. FP, FLOOD PLAIN DISTRICT

11.10. INTENT

It is the purpose of these regulations to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township of Summerfield and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, and re-designated as 44 CFR 31177, May 31, 1979.

11.20. THE OBJECTIVES OF FLOOD PLAIN OVERLAY ZONE

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of flood plains to carry and discharge a base flood.

11.30. DELINEATION OF THE FLOOD PLAIN OVERLAY ZONE

The flood plain overlay zone shall overlay existing zoning districts delineated on the official Summerfield Township Zoning Map. The boundaries of the flood plain area zone shall coincide with the boundaries of the area indicated as within the limits of the of the 100 year flood as shown on the Flood Insurance Rate Maps for the Township of Summerfield, Michigan (Monroe County), dated April 20, 2000, being panel numbers 2601560175, 2601560200, 260156310 and 260156350, and as may be amended. The Flood Insurance Rate Maps are adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard overlay zone.

Where there are disputes as to the location of a flood hazard overlay zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with *Section 19.40*.

In addition to other requirements of this ordinance applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood plain overlay zone. Conflicts between the requirements of this section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirements shall be applied.

11.40. PRINCIPAL USES PERMITTED

Within the flood plain overlay zone, no land shall be used except for one or more of the following uses:

1. Grazing and agriculture, pasture land and animal grazing;
2. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds;
3. Harvesting of trees;
4. Parks, picnic areas, playgrounds, play fields, athletic fields, golf courses, bridle paths, nature paths and trails;
5. Wildlife preserves;
6. Fishing, trapping and hunting in compliance with current laws and regulations;
7. Historic sites and structures;
8. Swimming beaches, fishing and boating docks in accord with the provisions of the Inland Lakes and Streams Act of 1972;
9. Required open space or lot area for structural uses that are landward of the overlay zone.

11.50. ACCESSORY STRUCTURES AND USES

Within the flood plain overlay zone, no structure shall be used except for one or more of the following uses and only in a manner consistent with the requirements of permitted uses and accessory structures in the underlying district, and with the following: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances, provided each of the following requirements are met.

1. The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the flood plain.
2. All equipment and structures shall be anchored to prevent flotation and lateral movement.

3. Compliance with these requirements is certified by an engineering finding by an engineer registered in the State of Michigan.

11.60. FILLING AND DUMPING

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant to the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, being MCL 324.101 – 324.99904.

11.70. GENERAL STANDARDS FOR FLOOD PLAIN REDUCTION

1. No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood plain district unless a zoning compliance permit, or variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Department of Environmental Quality, under authority of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, has been obtained. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
2. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
3. The Building Inspector, or their representative, shall review development proposals to determine compliance with the standards in this section.
4. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
5. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
6. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

11.80. DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of the Township of Summerfield, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

11.90. AREA AND BULK REQUIREMENTS

Height, bulk and area requirements cannot be adequately specified for the Flood Plain District because of the variety of uses which may be permitted upon special approval in the district. However, consideration of appropriate height, bulk and area regulations is required for approval of the uses as specified in *Section 11.40* of this Ordinance.

ARTICLE 12. PUD, PLANNED UNIT DEVELOPMENT

12.10. DEFINITION

Planned Unit Development refers to the planned development of a parcel of land for which a Comprehensive Physical Plan is submitted by the owners or person(s) who have a legal or equitable interest in the property in conformance with the provisions of this Article. The plan shows areas of various types of residential, commercial, industrial, and accessory usage, streets, utilities, and similar factors which the Planning Commission may review and recommend to the Township Board for approval or disapproval as provided for in this Article.

12.20. STATEMENT OF PURPOSE

The provisions of this section are established to provide an opportunity for the submission, review and approval of applications for Planned Unit Developments. This section is intended to accommodate developments with mixed or varied uses. Promoting flexibility in the regulation of land development providing a framework for individuals and developers to be imaginative and innovative in the use of land, the type, design and layout of structures, while achieving compatible, consistent and economic efficiency in the use of land, natural resources, energy, public services and utilities. The provisions contained herein are considered the minimum requirements for residential and nonresidential uses to ensure, promote, and protect the public health, safety, and welfare of Summerfield Township residents.

12.30. PLANNED UNIT DEVELOPMENT PROVISIONS

The following provisions shall apply to all lands and land uses within a PUD Zoning District and are provided to ensure appropriate, fair, and consistent decision making.

1. All land uses allowed by right or special approval within this Ordinance may be permitted within a Planned Unit Development (PUD), as principal or accessory uses, with the exception of uses allowed in the I-1, Industrial District and subject to adequate public health, safety, and welfare protection mechanisms being designed into the development, as provided in this article.
2. The applicant for a Planned Unit Development must demonstrate the following as a condition to being entitled to planned unit development treatment:
 - A. Grant of the planned unit development will result in one of the following:
 - i. A recognizable and material benefit to the users of the project and to the Summerfield community where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit regulations; or,
 - ii. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or

- iii. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive to the zoning district in which it is situated.
 - B. The proposed type and density of use shall not result an unreasonable increase in the need for, or burden, public services, facilities, roads and utilities.
 - C. The proposed type and density of use must be complementary to the character and density pattern of the surrounding area.
 - D. The proposed development could not be done under the existing zoning classification of the site or any other zoning district within this Ordinance, or as a standard subdivision.
3. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Township Board.
 4. To provide for current and future control and maintenance of recreation facilities, open spaces, and other common areas within the development. An association with by-laws and other restrictions to ensure compliance with these regulations shall be established.
 5. Private roads shall be permitted, pursuant to the following standards;
 - A. Roadway Widths. The following minimum roadway widths and surfaces are required for PUD development in Summerfield Township:

Roadway Width Schedule			
Number of Homes	Road Width	Roadway Surface	Right-of-Way
2 to 55	24 Feet	Gravel or Paved	66'
56 and Over	28 Feet	Paved	66'
Mixed Use	28 Feet	Nonresidential portion – Paved. Residential portion – per requirements above.	66"

- B. Cul-de-sac Design. A cul-de-sac shall be designed to allow for trees and landscaping within the interior area of the cul-de-sac. These areas may be planted with vegetation that is compatible with the planting within the remainder of the development. The minimum cul-de-sac radius shall be fifty-five (55') feet.
6. Within the limits of the development, all public and/or private utilities, including communication and electric systems shall be placed underground. Exceptions may be granted only in those instances where said systems can be effectively screened.
 7. When determined necessary, landscaping shall be provided so as to assure the proposed uses will be adequately buffered from one another and from

surrounding public or private property. A twenty (20) foot landscaped greenbelt shall be required between any residential and nonresidential use on the site, and any nonresidential use and adjacent property. The Township Board, based on a recommendation from the Planning Commission may, if deemed appropriate, require more or less landscaping than this section for PUDs.

8. Major natural, historical, and architectural features of the district shall be preserved. If the applicant can prove it is in the public interest to impair or destroy the feature, the Township Board may grant an exception, based on a recommendation from the Planning Commission, and after taking into account the local, state, and national concern for preservation and the provisions and standards of the Michigan Environmental Protection Act, Part 17 of PA 451 of 1994, as amended.
9. The minimum lot size for a PUD district shall be ten (10) acres.
10. All lands and land uses proposed for a PUD district shall have a perimeter with setbacks equal to that required for the predominant land use on-site for that use and the district within which it is normally located.
11. Provisions applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other regulations for land uses within a PUD district shall be equal to that required for said use and the district within which it is normally located. However, to provide an incentive for quality and in design and to stay consistent with the planned unit development concept, departures from compliance with the regulations provided for may be granted, at the discretion of the Township Board, based on a recommendation from the Planning Commission, as part of the approval of a PUD. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Township Board designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.
12. The Township Board, based on a recommendation from the Planning Commission, may authorize an increase in allowable density for the Planned Unit Development up to ten (10) percent, provided the proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. It must be demonstrated by the applicant that the resulting development would be a substantial benefit to all or a significant portion of users and the surrounding area. Such additional density shall only be permitted if compliance with other PUD regulations can be maintained.
13. No less than twenty (20) percent of the gross area of the site shall be provided as park or open space. Open space may include parks, nature and recreation areas, wooded lots, water areas, and any use of a similar nature. At least ten (10) percent of the open space shall be preserved as a park, nature, recreation, or actual open area, as opposed to a water area, or the like. Open space shall not include detention/retention ponds, private easements, and required yards for the development.

12.40. REVIEW AND APPROVAL PROCESS

1. There shall be an advance payment of fees at the time of the Pre-Application Conference and at the time of filing of the Preliminary Development and Final Development Plan. The amount of such fees shall be established by the Township Board. In addition, any consultant review fees must be paid in advance by the applicant.

2. Pre-Application Conference:

Prior to the submission of an application for Planned Unit Development zoning, a mandatory Pre-Application Conference shall be held with the applicant, Township Supervisor, Township Clerk, Planning Commission Chair, and Building Inspector in attendance, together with such consultants or technical staff as deemed necessary.

3. Purpose of Conference:

- A. To explain the review and approval process, requirements, timetable and fees, etc., to the applicant, while the applicant indicates the scope and general concept of the proposal.

- B. The applicant shall provide at least the following information at said conference.

- i. A sketch plan of the proposed development with sufficient detail to convey the concept.

- ii. A legal description of the property under consideration.

- iii. Total acres involved in project

- iv. Approximate number and type of residential units, if any.

- v. Approximate number and type of nonresidential units, if any.

- vi. Approximate number of acres occupied by each type of use.

- vii. Approximate number of acres preserved as open or recreational space.

- viii. Identify all known natural resources and natural features.

4. Application:

Thereafter, an application shall be made to the Summerfield Township Clerk for consideration under the Planned Unit Development District. For Planned Unit Development zoning approval, the applicant shall be involved in a two (2) phase process. The preliminary phase shall require a review of the Preliminary Development Plan to determine its compatibility with the Land Use Plan and Zoning Ordinance of the Township. The final phase shall require detailed site plans for any part of the Preliminary Development Plan prior to issuance of building permits or approval of zoning map changes.

5. As the Planned Unit Development is a voluntary development process, no variance shall be made in connection with or an appeal heard on any condition established as part of a Planned Unit Development application.

12.50. PRELIMINARY DEVELOPMENT PLAN REVIEW

1. Within six (6) months of the Pre-Application Conference, the applicant shall submit an application for PUD zoning to the Township Clerk pursuant to procedures in the Summerfield Township Zoning Ordinance, accompanied by ten (10) copies of a Preliminary Site Plan containing all criteria indicated in *Section 14.40* of this Ordinance. If an application is not submitted within the six (6) month timeframe, a new pre-conference meeting must be held.
2. Upon receipt of an application and Preliminary Site Plan, the Township Clerk shall refer the application and Site Plan to the Summerfield Township Planning Commission for review and recommendation. The Planning Commission may forward the Site Plan for consultant review prior to holding a public hearing. The Planning Commission shall give notice and hold a public hearing and conduct a formal review. The hearing and notice required by this section shall be regarded as fulfilling the public hearing and notice requirement of Public Act 110 or 2006, as may be amended. The Planning Commission shall consider the following during its review to ensure conformity by the proposed development.
 - A. Whether or not the proposed development best serves the intent of this Ordinance, and the public health, safety, and welfare.
 - B. Whether or not the proposed development meets the intent and objectives of the Township's Master Plan.
 - C. Whether or not the community will receive a beneficial effect as a result of the proposed development, where said benefits would otherwise be unlikely.
 - D. Whether or not the proposed development meets all of the PUD provisions contained in this Article, in particular Section 12.30 subsection 2.A.
 - E. Whether or not the new development has adequate facilities such as water, sewer, and roadways to service the site.
 - F. The Planning Commission shall be entitled to make reasonable inquiries and request additional information in order to evaluate the proposed development.

12.60. APPROVAL OF PRELIMINARY DEVELOPMENT PLANS

1. Within sixty (60) days after submittal of the application and Preliminary Development Plan to the Township by the applicant, the Township Planning Commission shall either recommend approval, disapproval, or request modification to the development plan, forwarding its written recommendation to the Township Board. The Township will then submit the rezoning request and development plan to Monroe County Planning for review. The Township Board shall take no action on the Preliminary Development Plan or application until it

receives the recommendation in regards to the proposal from the Planning Commission and Monroe County Planning.

2. Within sixty (60) days after receiving the written recommendation in regards to the Preliminary Development Plan and application from Monroe County Planning, the Township Board shall either approve, disapprove, or return the Preliminary Development Plan to the Planning Commission for revision or modification, which the Planning Commission must resubmit within thirty (30) days of receiving revised plans from the applicant.
3. In reviewing the Preliminary Development Plan, the Township Board shall determine whether the proposal complies with the PUD regulations set forth in this Ordinance, as well as the Planning Commission's recommendation. The approval standards shall be the same as those for a Special Approval Land Use, as specified in *Section 13.30*.
 - A. If the Preliminary Development Plan is rejected by the Township Board, its reasons, therefore, shall be specified in writing and shall be based upon the standards of review listed or referred to in this Ordinance. The applicant shall receive a copy of the specified reason(s) and may resubmit the Preliminary Development Plan containing the necessary changes, corrections, or additions to the Township Planning Commission where it will follow the stated review and approval procedures.
 - B. Approval of a Preliminary Development Plan by the Township Board shall not constitute a final approval. The effect of receiving approval or approval with conditions shall be to authorize the concept embodied in the Preliminary Development Plan, subject to submission, review, and approval of the Final Development Plan. The Final Development Plan shall not vary substantially from the Preliminary Plan.

12.70. FINAL PLAN REVIEW

1. Within six (6) months following receipt of Preliminary Development Plan approval and prior to issuance of any building permits, the applicant shall submit ten (10) copies of a Final Site Plan to the Township Planning Commission containing all criteria indicated in *Section 14.40 – SITE PLAN CRITERIA*, of this Ordinance, including the following:
 - A. All criteria and documentation approved as part of Preliminary Development Plan.
 - B. A written statement describing:
 - i. The natural features which will be retained or modified including vegetation drainage, hillsides, streams, wetlands, wildlife, and water.
 - ii. Any proposed phasing of the PUD shall be indicated in terms of both physical location of the separate phases and shall receive approval of the Planning Commission.
 - a. The planning and designing shall be such that, upon completion, each phase shall be capable of standing on its

own in terms of services, facilities, open space, and shall contain all necessary component of the PUD regulations.

- b. In developments which include residential and nonresidential uses, phasing shall consider that at least 35% of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75% of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100% of all residential construction prior to the third phase of nonresidential construction.
 - iii. The method that will be used to service the development with water and sanitary sewer facilities and to control drainage on and from the site.
 - C. A written description and map showing how the impact of the construction phase would be mitigated, including, but not limited to, the following:
 - i. Access routes for construction vehicles.
 - ii. Measures to be taken to mitigate against any physical damage by such vehicles including the effects of weight and soil on road surfaces.
 - iii. Location of sites and area to be used for temporary construction facilities such as batch plants, storage yards, and sales offices.
 - D. A statement of the applicant's intentions in regards to future selling or leasing of all or portions of the PUD, such as land areas, dwelling units or buildings, etc.
 - E. Other information as may be reasonably required in order to evaluate the proposed development.
2. In the process of reviewing the Final Development Plan, the following shall be considered:
- A. Whether or not the Final Development Plan conforms to the Preliminary Development Plan submitted and approved.
 - B. Whether or not the Final Development Plan meets all provisions contained in *Section 14.60 – REVIEW CRITERIA*.
 - C. Whether or not all applicable provisions of this Ordinance have been met. Wherever conflicts occur between provisions of this Article and provisions of any other Article of this Ordinance, the provisions of this Article shall apply to the lands within a Planning Unit Development District.

12.80. APPROVAL PROCEDURES FOR FINAL PLAN

- 1. Within sixty (60) days after submittal of the Final Development Plan to the Township by the applicant, the Township Planning Commission shall either

recommend approval, disapproval, or request modification in the Final Development Plan, forwarding its written recommendation to the Township Board. The Planning Commission may forward the Site Plan for consultant review prior to making its final recommendation to the Township Board. The Township Board shall take no action on the Final Development Plan until it receives the recommendation and all required documentation from the Planning Commission.

2. Within sixty (60) days after receiving the written recommendation in regards to the proposed Final Development Plan, the Township Board shall either approve, disapprove, or return the Final Development Plan to the Planning Commission for further revision or modification, which the Planning Commission must resubmit within thirty (30) days after receiving revised plans from the applicant.
3. When an applicant receives Final Development Plan approval, it shall constitute approval for PUD zoning on the site requested. The applicant must develop the site exactly as approved by the Township Board. Any deviation or alternate development or use of said site shall negate approval of the PUD zoning. Prior to approval of the final plan, the Township shall require all standards and conditions of approval to be incorporated into a development agreement. The agreement shall be prepared by the applicant and reviewed by Township Attorney, approved by the Township Board, and signed by both the Township and the applicant.
4. Once the PUD zoning is granted pursuant to this Article, the applicant has a period of one (1) year to obtain a building permit and begin construction. If development has not commenced within this period, the applicant shall be notified in writing of the expiration of approval for the PUD zoning. The Planning Commission shall review progress to date and make a recommendation to the Township Board as to extending or revoking the original PUD zoning designation.

12.90. OTHER PROVISIONS

1. All dedications of public rights-of-way or planned public or private open spaces shall be made prior to any construction taking place on the site.
2. In those instances where platting is required by law, review and approval of the plats shall comply with current state and local procedures.
3. The Township Board, after recommendation from the Planning Commission, may require reasonable performance guarantees to ensure completion of improvements. These guarantees may take the form of cash or corporate surety bond or other suitable financial guarantees.
4. All reasonable conditions imposed to protect the health, safety, and welfare of individuals in the project and those immediately adjacent shall be made a part of the record of approved Planning Unit Development. The Township Clerk shall keep a special record of all PUD development plans and approval conditions.
5. Upon approval by the Township Board of a Planned Unit Development, the land uses, design layout, streets, densities, and other proposals of the approved Final Development Plan shall become an integral part of the Zoning Ordinance.

6. Any changes and/or modifications to an approved PUD must follow Section 12.70 – *FINAL PLAN REVIEW* and Section 12.80 – *APPROVAL PROCEDURES FOR FINAL PLAN* as outlined herein.
7. If an extension is required for the time limit imposed to obtain building permits and begin construction as outlined in *Section 12.80.4*, an application shall be made to the Planning Commission outlining the difficulties in meeting the deadline. The Planning Commission can approve one extension up to six (6) months in length if a hardship is determined.

ARTICLE 13. STANDARDS FOR SPECIAL APPROVAL USES

13.10. STATEMENT OF PURPOSE

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

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

13.20. SPECIAL APPROVAL PROCEDURES

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

1. An application shall be submitted to the Township Clerk on a special form for this purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. The Township Board may waive the Special Approval fee if the applicant plans to locate within an existing building. In the event the allowance of a desired use requires both a rezoning and permission for a Special Approval Use, both requests may be submitted jointly, subject to the following:
 - A. The Ordinance procedures for each shall be followed as specified.
 - B. All applicable standards and specifications required by the Ordinance shall be observed.
 - C. The a Special Approval Use application shall not be approved prior to the Township Board has granted the necessary zoning change.
2. The following is required for all Special Approval Uses:
 - A. The application shall be completed in full by the applicant including a statement by the applicant that *Section 13.30* can be complied with.
 - B. A completed site plan as specified in *ARTICLE 14 – SITE PLAN REVIEW*.
 - C. The application together with all required data shall be transmitted to the Planning Commission for review. The Planning Commission shall then hold a public hearing. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, 1 notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within

300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- i. Describe the nature of the special land use request.
 - ii. Indicate the property which is the subject of the special land use request.
 - iii. State when and where the special land use request will be considered.
 - iv. Indicate when and where written comments will be received concerning the request.
 - v. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special use.
- D. The Planning Commission shall make a recommendation to the Township Board to either deny, approve, or approve with conditions the application. Upon preparation of its recommendation, the Planning Commission shall forward a report including said recommendation to the Township Board for consideration at its next regular meeting.
- E. The Township Board shall then deny, approve, or approve with conditions the application. Only upon approval of the Township Board may a special use permit be issued. The Township Board shall incorporate their decision into a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
- F. No variance shall be made in connection with or an appeal heard on any condition established as part of a Special Approval Use.
- G. A Special Approval Use granted pursuant to this Article shall be valid for one (1) year from the date of approval. If the use has not commenced by the end of this one (1) year period, the Township Board or its designee shall notify the applicant in writing of the expiration of approval for the Special Approval Use.

- H. The Township Board shall have the authority to revoke any Special Approval Use after the applicant has failed to comply with any of the applicable requirements of this Article or any other applicable sections of this Ordinance.

13.30. SPECIAL APPROVAL STANDARDS

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

1. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - B. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage, refuse disposal, water and sewage facilities, and schools.
 - C. Not create excessive additional requirements at public cost for public facilities and services.
 - D. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - E. Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
 - F. Be consistent with the intent and purpose of the Summerfield Township Master Plan.
2. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the Special Approval Use.
3. All applicable licensing ordinances shall be complied with.

ARTICLE 14. SITE PLAN REVIEW

14.10. STATEMENT OF PURPOSE

Prior to construction or structural alteration of any building, structure, or use listed in *Section 14.20*, the following site plan review procedures are instituted to provide an opportunity for the Township to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, and general welfare.

14.20. BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

1. All permitted and principal uses in the following districts:
 - A. RM, Multiple-Family
 - B. C-1, Local Commercial District
 - C. C-2, General Commercial District
 - D. I-1, Industrial District
 - E. FP, Flood Plain District
2. All special approval uses.
3. Any principal non-residential building or structure permitted in residential districts.
4. Any addition or alteration of an existing structure in parts 1, 2, and 3 above which result in an increase of more than 10 percent in floor area.
5. A change in use requiring increased parking.
6. Expansion or construction of a parking lot.
7. Planned Unit Developments (PUDs)
8. Condominiums, including site condominiums.

14.30. SITE PLAN REVIEW PROCESS

1. Before issuance of a building permit for construction, a site plan review will be required for the land uses mentioned above.
2. The owner or owners of subject property shall submit an application and ten (10) folded copies for Site Plan Review to the Township Clerk.
3. Site Plans shall be reviewed by the Planning Commission and approved by the Township Board.

4. Within sixty (60) days after submittal of the site plan to the Township by the applicant, the Township Planning Commission shall either recommend approval, disapproval, or request modifications in the site plan. If modifications are requested by the Township Planning Commission, the applicant has sixty (60) days from the date of the Township Planning Commission's request to submit a revised site plan. If a revised site plan is not received within sixty (60) days or good cause is not shown for exceeding the sixty (60) day requirement, the Township Planning Commission will recommend disapproval.
5. The Township Board shall take no action on the site plan until it receives a written recommendation in connection with the site plan from the Planning Commission.
6. Within sixty (60) days after receiving the written recommendations in regards to the site plan and application, the Township Board shall either approve, disapprove or approve with conditions the site plan. The site plan shall be approved if it contains the information required by this ordinance and is in compliance with the zoning ordinance and the conditions imposed pursuant to the ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
7. When an applicant receives final site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Township Board.
8. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, or if said development is not completed within two (2) years. In either case the Township Board shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review, the Township Board may revoke its approval of the development, or extend the period of validity of the approved site plan upon evidence of intent to complete by the developer in accordance with the approved site plan.
9. Any application for site plan approval shall be accompanied by a fee as determined by the Township Board. Such fee may be utilized by the Township Board to obtain the services of one or more expert 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 which are of concern to the Planning Commission. Such consultants should report to the Planning Commission as promptly as possible.

14.40. SITE PLAN CRITERIA

The following information shall be included in the site plan; except that any of these requirements may be waived by the Planning Commission in cases where it finds such information unnecessary or inappropriate to consideration of the particular application.

1. Site plan submittals shall include the following information on separate sheets:
 - A. An existing conditions drawing;

- B. A plan view drawing (see No. 5 below);
 - C. Exterior building wall elevation drawings and floor plans;
 - D. Detail cross section drawings, as required; and,
 - E. Site engineering drawings, if required by the Township.
2. All site plans submitted to the Township for review shall contain the following applicable information on uniform paper sheets not exceeding 24 inches by 36 inches in size.
3. All sheets. All site plan drawings shall contain the following information:
- A. Name of the proposed development;
 - B. Name, address, telephone and facsimile number of:
 - i. The developer;
 - ii. The legal owner; and
 - iii. Site plan design firm(s); and
 - iv. Scale of drawing.
4. Existing conditions drawing. An existing conditions drawing shall be prepared at an engineer scale of not less than 1/2 inch equals 50 feet, and shall include the following information:
- A. The north point;
 - B. The designer's registration number and seal;
 - C. A complete legal description of the premises;
 - D. A vicinity sketch showing the location of the site and its surrounding area. This drawing need not be drawn to scale.
 - E. All buildings and/or structures existing on the site;
 - F. All underground and above-ground public utility easements and what they are;
 - G. All underground storage tanks, buried foundations, abandoned wells, etc. on site;
 - H. Any recoded easements;
 - I. Topography at two-foot intervals;
 - J. The outline of any wetland or woodland areas; and
 - K. All boundary site dimensions and gross land area.
5. Plan View Drawing. A plan view drawing shall be drawn to an engineer scale of not less than 1/2 inch equals 50 feet, and shall include the following information:

- A. The north point;
- B. The designer's registration number and seal;
- C. The location and width of all proposed in-ground and above-ground public and private utility easements;
- D. The existing zoning classification of the site;
- E. The existing zoning classification of abutting properties;
- F. The existing land use of abutting properties;
- G. All existing buildings and structures within 100 feet of the development site;
- H. The location of proposed structures to be constructed on the site;
- I. The dimensions of all setbacks;
- J. The location of all off-street parking spaces, including required handicapped parking spaces, and vehicle maneuvering lanes;
- K. The location of loading and unloading facilities;
- L. The location of all driveways, drives, turning lanes, acceleration and deceleration lanes;
- M. The locations of all drives, driveways and intersections across adjacent streets from the development site;
- N. The names of all adjacent streets, along with their pavement widths, center lines and projected right-of-way lines;
- O. The location of all landscape features (trees, shrubs, lawn area, ponds, etc.) existing on the site at the time of development which are to be retained;
- P. The location of all new landscape planting materials proposed for the site;
- Q. The name of all new plant materials (common and botanical), their size (height and diameter or caliper for trees, and height and spread for shrubs), and, in the instance of a landscape screen wall, the on-center distance between planting screen materials;
- R. A statement as to how all plant materials are to be watered and maintained, i.e., by an in-ground irrigation system or other means.
- S. A list of all hazardous substances, including petroleum-based products, which the proposed facility will store, use, sell, or generate.
- T. Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or

planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.

- U. If portions of the project are to be completed in stages, a detailed statement of staging will be required to be submitted. A less detailed plan of future stages will suffice initially, provided no building permit will be issued until said future stage final site plan is approved in accordance with the procedures set forth in this ordinance.
 - V. Critical site dimensions/requirements:
 - i. Along property lines;
 - ii. Between all structures;
 - iii. Between structures and property lines;
 - iv. Between off-street parking and structures;
 - v. Between off-street parking and property lines;
 - vi. Off-street parking bay length and width;
 - vii. Vehicle maneuvering lane widths;
 - viii. Curb radius at entrances;
 - ix. Between structures or parking spaces and storm water detention or retention ponds or basins;
 - x. The location of any outdoor storage area(s);
 - xi. The location of any trash receptacle(s);
 - xii. The location of all peripheral screen walls or earth berm screens, including trash receptacle screen walls;
 - xiii. The location of any free-standing signs; and
 - xiv. The location of all exterior lighting fixtures, including information regarding the height of the fixture, the type of luminary to be used and its wattage.
6. Exterior building wall elevation drawings and floor plans. Exterior building wall elevation drawings and floor plans shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot, and shall include the following information. Exterior building wall elevation drawings shall be prepared for all exterior walls of the building or buildings proposed for the site, and for all accessory buildings.
- A. Floor plans for all floors, including basements;
 - B. Dimensions showing the height of buildings;
 - C. The type and color of all exterior building wall materials to be used on each wall;
 - D. The location of all wall signs. The display area of each wall sign shall be provided on the drawing in square feet; and,
 - E. The location, type and wattage of all wall-mounted exterior lighting fixtures.
7. Detail cross-section drawings. Detail cross-section drawings shall be prepared at an appropriate engineer or architectural scale and shall include detail cross-sections of:

- A. All earth berm treatments, including information identifying angle (steepness) of side slopes, width of base, berm height and width of berm crest;
- B. All screen walls, including footings, type of materials to be used in the screen walls and dimensioned height;
- C. All free-standing signs, including the height of the sign and the total amount of display area in square feet for each sign;
- D. Wall signs, including the total amount of display area in square feet for each sign; and,
- E. Exterior free-standing light fixtures, including its total dimensioned height.
- F. If insufficient room is available on other site plan drawings for detail drawings, they shall be provided on a separate sheet.

14.50. REVIEW CRITERIA

In the process of reviewing a site plan, the Planning Commission and Township Board shall consider the following criteria and assure that these conditions are met to the extent practicable:

1. That there is a proper relationship between existing streets and highways and proposed deceleration lanes, service drives, ingress and egress drives, parking areas, and sidewalks to assure the safety and convenience of pedestrian and vehicular traffic.
2. That structures, parking areas, outdoor storage areas, utility areas, lighting, and screening are so designed and located to minimize the adverse effects of such uses on the occupants of the development and adjacent properties.
3. That the proposed development meets the requirements and standards of, or has been approved by the appropriate local, county, or state agencies for grading, surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, sanitary sewers and other improvements.
4. That natural landscape features are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for a dissimilar purposes and where they assist in presenting the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
5. That all structures or groups of structures are arranged to permit emergency vehicle access to all portions of the site and all sides of structures.
6. That the storage of hazardous materials or waste, fuels, salt, or chemicals is designed to prevent spills and discharges to the surface of the ground, groundwater or nearby water bodies.
7. That the design of structures, landscaping, and signs shall be appropriate and consistent with good design standards for the size and shape of the lot and the development shall provide an aesthetic improvement to the general area or neighborhood in which it is proposed to be located.

8. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
9. The Planning Commission may submit plans to other local agencies or departments or hire expert consultants, at the applicant's expense, so that they might comment on any problems the plans might pose. All outside comments will be received within the provided review periods.

ARTICLE 15. LAND USE DEVELOPMENT STANDARDS

15.10. ADULT REGULATED USES

In addition to other regulations set forth in this ordinance, all Adult Regulated Uses, as herein defined, shall conform to the following regulations:

1. Intent and Rationale

In the development and execution of this Ordinance and this Section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. The deleterious effects of Adult Regulated Uses have been validated in studies conducted in many cities, including Denver, Fort Worth, Indianapolis, Kansas City, New York City, Newport News, Phoenix, Saint Paul, Tucson, and Whittier. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deteriorating and/or downgrading of the surrounding area. These special regulations are itemized in this Section. It is further recognized in the development of this Ordinance that the prohibition against the establishment of more than one Adult Regulated Use within 1,320 feet of each other serves to avoid the clustering of a blighted or deteriorated area; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of Adult Regulated Uses immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of uses. It is further recognized in the development of this Ordinance and this Section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

2. Itemization of "Adult Regulated Uses."

Uses subject to the controls set forth in this Section shall be as follows, and are referred to and defined herein as "Adult Regulated Uses":

- A. Adult Book Store
- B. Adult Cabaret
- C. Adult Motion Picture Theater
- D. Adult Novelty Business
- E. Adult Personal Services Business
- F. Restricted Adult Business

3. Requirements:
- A. The Adult Regulated Use shall be located only in an I-1 Industrial District.
 - B. No Adult Regulated Use shall be permitted within 1,320 feet of any R-1 or R-2 zoning district, private or parochial school, public library, public park, public playground, day care center or nursery school, church, convent, monastery, synagogue, or other similar religious facility or place of worship, except as provided below.
 - C. Application to establish any Adult Regulated Use shall not be approved if there is already in existence, or a site plan approved and effective for one or more Adult Regulated Use within 1,320 feet of the boundaries of the site of the proposed Adult Regulated Use, except as provided below.
 - D. The measurement used to determine the application of any of the above restrictions shall be made from the nearest property line of the proposed Adult Regulated Use on a plane to the nearest property line of the use or zoning district boundary line in connection with which the measurement is being taken.
 - E. The Planning Commission shall waive the locational provision requiring minimum distances between Adult Regulated Uses and any zoning district which permits residential uses or any public, private or parochial school, public library, public park, public playground, day care center or nursery school, church, convent, monastery, synagogue, or other similar religious facility or place of worship if all of the following findings are made after public hearing:
 - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed; and,
 - ii. That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and,
 - iii. That all applicable regulations of this Ordinance will be observed; and
 - iv. There is no other reasonable location in the Township at which the use is suited.
 - F. Discontinuance. An Adult Regulated Use granted pursuant to the terms of this Ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the Planning Commission.

4. DEFINITIONS

As used in this Ordinance, the following definitions shall apply to Adult Regulated Uses:

- A. **Adult Book Store:** An establishment having as a principal activity the sale of books, magazines, newspapers, slides, videotapes, video discs, and motion picture films, and other media, which are characterized by the emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- B. **Adult Cabaret:** An establishment which features any of the following: dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specified anatomical areas of their bodies or who engage in, perform, or simulate specified sexual activities.
- C. **Adult Motion Picture Theater:** An establishment used for presenting to others motion picture films, video tapes, cable television, or other visual media which are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” (as defined below), for observation by patrons therein.
- D. **Adult Novelty Business:** An establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation. In addition, any novelties that is sexual in nature or is characterized by an emphasis on depicting or describing specific sexual conduct.
- E. **Adult Personal Services Business:** An establishment having a person or persons, while nude or while displaying specified anatomical areas, providing personal services for another person or persons, which include, but are not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, bath houses, and theatrical performances
- F. **Restricted Adult Business:** Any of the above defined uses or any similar use which is not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- G. **Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. **Specified Sexual Activities:** Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
- I. **Establishment:** A business or enterprise which utilizes any building, structure, premises, parcel, place, or area.

5. Approval Procedures

- A. The Board shall adhere to the following procedures when reviewing a special approval use application for a sexually oriented business
- i. If the Township Planning Commission determines that a special approval use application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application.
 - ii. If the Planning Commission determines that the application is complete, it shall, within ninety (90) days of said determination, make and adopt specific findings with respect to whether the sexually oriented business is in compliance with the standards of *Section 15.10.3* above. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval use permit for the same within ninety (90) days of its determination that a completed application has been filed, then the special approval use permit shall be deemed to have been approved.
- B. Prompt Judicial Review of Adverse Determination
- i. In the event an application for a special approval use permit is denied, the applicant shall be entitled to prompt review by the Township Zoning Board of Appeals as a means to exhaust local remedies and to be consistent with the intent of *Paragon Properties Co., v. Novi, 206, Mich App 74; 520 NW2d 344 (1994)*. The applicant shall file for an appeal with the Township Clerk within five (5) business days of the denial of the special approval use permit request by the Planning Commission. The review shall, upon the Applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within fifteen (15) days of receipt of such a request. The Zoning Board of Appeals shall review the record of proceedings conducted before the Planning Commission to determine whether the Planning Commission's decision was based upon competent material and substantial evidence in the record and otherwise review the Planning Commission's determination to ensure that it complies with all requirements of both the Michigan and United States Constitutions.
 - ii. If the Township Zoning Board of Appeals affirms denial of special approval use application for the operation of a sexually oriented business pursuant to *Section 15.10.5* above, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Township Clerk. Such written request must be received by the Township Clerk within thirty (30) business days of the date of the decision of the Township Zoning Board of Appeals. The Township shall within five (5) business days of receipt of such written request do the following:

- a. File a petition in Circuit Court for the County of Monroe seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon as thereafter as is possible. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join such request. In the event that the applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules. The filing of written notice of intent to contest the Township's denial of a special approval use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval use permit application automatically approved if, within fifteen (15) days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

6. Design and Operational Standards

The following design and operational standards shall apply to all Adult Regulated Uses:

- A. A manager's station shall be present which provides a clear view of all areas of the premises. Said station shall be occupied by a manager during all hours of operation. A manager shall also be present to prevent any entry by minors.
- B. Live performances shall occur only upon a raised stage with a bar or wall providing horizontal separation from customers.
- C. Video viewing booths, cubicles, stalls or similar small, enclosed spaces are prohibited.
- D. Windows shall be designed to prevent the display of sexually explicit material to the general public.
- E. Signs shall not display any sexually explicit material.

- F. All such facilities shall meet any state licensing requirements, fire regulations or other state or local requirements for operation.

15.20. AGRICULTURAL RELATED COMMERCIAL USES

- 1. Intent. The intent of this section is to permit uses within the Agricultural districts which would otherwise be considered as commercial uses but which are directly related to agriculture or which serve to support the viability of agriculture in the community. The intent is not to encourage uses which would conflict with the purpose of the Agricultural district, with agricultural practices, or with the rural character of the Township, but rather it is meant to provide for uses which would compliment agricultural production and the farm economy.
- 2. The following uses are considered Agricultural Related Commercial Uses:
 - A. Greenhouses and nurseries selling at retail
 - B. Livestock auction yards
 - C. Game or hunting preserves
 - D. Grain elevators or mills
 - E. Cider mills
- 3. Other uses similar to the above uses shall be considered as agricultural related commercial uses upon approval of the Zoning Board of Appeals.
- 4. Agricultural related commercial uses shall meet all applicable regulations for signs, setbacks, parking, lighting and other site development standards.

15.30. AIRFIELDS, AIRSTRIPS, AIRPORTS AND RUNWAYS

Airfields, airstrips, airports, runways, and accessory uses and facilities associated with aircraft operations are subject to the following requirements:

- 1. The runway shall be of a length appropriate to safely accommodate aircraft which will use the facility, but no less than 1,200 feet in length.
- 2. A 20:1 approach surface clearance shall exist over obstructions.
- 3. An area clear of any obstructions, and under control of the applicant through ownership or easement for a distance of 125 feet either side of the runway, and 200 feet beyond the runway ends, shall be maintained.
- 4. Noise levels perceptible on adjacent properties shall not exceed:
 - A. 20 dB in excess of the ambient level, for any period of time,
 - B. 15 dB in excess of the ambient level, for a cumulative period of more than one minute in any hour,
 - C. 10 dB in excess of the ambient level, for a cumulative period of more than five minutes in any hour.

- D. 5 dB in excess of the ambient level, for a period of more than fifteen minutes in any hour.
- 5. The runway shall be aligned on the parcel so as to avoid aircraft takeoff or landing in a manner directly aligned with any dwelling or church located within 1,500 feet of runway.
- 6. The airport or airstrip shall not be located within 2,000 feet of a school, or within a distance from a farm which would affect livestock production.
- 7. The applicant shall request a review of proposed airport or airstrip plans from the Federal Aviation Administration (FAA) and the Michigan Aeronautics Commission. Comments received shall be submitted to the Township with the request for special land use permit. All requirements of the FAA, the State and all Federal and State laws, regulations, rules, and standards shall apply. In addition, the applicant shall meet, to the satisfaction of the Township Board, all Federal and State recommendations regarding public health, safety, and welfare.
- 8. Any building, hanger, or other structure associated with aircraft or aircraft operations shall be located a minimum of one-hundred (100) feet from any street or property line.

15.40. AUTOMOBILE SERVICE AND REPAIR STATIONS

In addition to other regulations set forth in this Ordinance, all automobile gasoline service and repair stations shall conform to the following requirements:

- 1. Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb, except where driveways cross.
- 2. The entire area used for vehicle service shall be paved.
- 3. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- 4. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
- 5. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
- 6. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- 7. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- 8. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.

9. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
10. Sales of used cars and other motorized vehicles shall be prohibited.
11. Such storage shall be screened to prevent visibility from horizontal lines of sight from all public rights-of-way and neighboring residentially zoned property by a solid wall or fence.
12. Light fixtures mounted on automobile service station canopies shall be recessed within the canopy. All outdoor lighting shall be fully shielded to eliminate glare and light trespass. Lights, which point upward and reflect down from the underside of the canopy, are permitted if fixtures are shielded so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top of sides of the canopy and the sides of the canopy shall not be illuminated.

15.50. AUTOMOBILE WASH ESTABLISHMENTS

1. All ingress and egress to the site shall be directly from a hard surfaced road.
2. Minimum lot size shall be one (1) acre.
3. All washing facilities must be contained within a building.
4. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone and/or use.
5. The entrances and exits of the wash station/building shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
6. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
7. There shall be provided five (5) stacking spaces for each automatic wash lane.
8. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

15.60. BED AND BREAKFAST ESTABLISHMENTS

1. Each Bed and Breakfast establishment must be occupied and operated by its owner.
2. Not more than 50% of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
3. No bed and breakfast sleeping room shall be located in a basement or above the second story of a building.

4. There shall be no separate cooking facilities used for bed and breakfast stay.
5. As the intent is not to permit boarding houses, the stay of bed and breakfast occupants shall be no more than seven (7) consecutive days and not more than thirty (30) days in any calendar year.
6. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which list shall be available for inspection by township officials at any time.
7. Adequate bath and toilet facilities shall be provided for all bed and breakfast guests.
8. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
9. Sufficient off-street parking shall be provided in addition to that required by *ARTICLE 16 – OFF-STREET PARKING AND LOADING REGULATIONS* for residential purposes at the rate of one space per double occupied room.
10. No retail or other sales shall be permitted in a Bed and Breakfast.

15.70. CHURCHES AND OTHER PLACES OF WORSHIP

1. The minimum lot area shall be three (3) acres.
2. No building shall be closer than one hundred (100) feet to any interior lot line.

15.80. COMMERCIAL DAY CARE CENTER

1. The lot shall be a minimum of two acres in size.
2. If the center abuts any commercial or industrial use or zoned property, the day care facility shall provide a 10-foot obscuring landscaped screen along the shared boundary of the two (2) uses.
3. There shall be adequate off-street parking which shall be separated from any outdoor play area by decorative fencing.
4. There shall be adequate short-term parking or drop off area provided within close proximity to the main entrance. Short-term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short-term parking or drop off area shall not conflict with off-street parking access and shall not conflict with pedestrian movement. The short-term parking or drop off area is in addition to off-street parking and loading spaces required by Article 16 of this Ordinance.
5. Outdoor play areas shall be in the side or rear yard, unless the physical constraints of the site prohibits, and shall be in the amount of 100 square feet for each child cared for, but at least a minimum of 1,200 square feet per the Michigan Department of Human Services.

6. Outdoor play areas shall be fenced, and such play areas shall be made and kept safe by the care-givers.
7. All day care centers shall be currently registered with the 911 dispatch center on forms provided by said center.
8. If a residence is planned, no person other than the licensee or his/her immediate family may reside on the licensed property.
9. Proof of approved applicable State licenses shall be provided prior to the Building Official granting a certificate of occupancy.
10. A child care center shall comply with all fire and traffic safety standards set by the Michigan Department of Human Services

15.90. COMMERCIAL RECREATION

1. General Requirements:
 - A. Structures associated with such uses as private parks, country clubs, golf courses, golf driving ranges, gun clubs, campgrounds, motor vehicle racetracks or practice tracks, and other similar recreational facilities shall be located at least three hundred (300) feet from a lot line or any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a public road.
 - B. All primary activities associated with such operations and conducted out-of-doors or in a fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation which shall not exceed 7:00 A.M. to 10:00 P.M., unless approval for an extension of that period is obtained from the Township Board of Appeals.
2. Gun clubs and shooting ranges regulations:

In addition to those stated above, the following regulations shall apply:

 - A. All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum of five hundred (500) foot road frontage.
 - B. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50) feet apart.
 - C. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the National Rifle Association's "NRA Range Manual."
3. Golf course regulations.

In addition to those stated above, the following minimum acreage and road frontage requirements shall apply:

Type	Minimum Area (Acres)	Minimum Road Frontage
9-hole, Par 3	20	330
9-hole Course	80	660
18-hole Course	140	1,320

4. Campground, travel trailer parks and tent site regulations.
 - A. Minimum parcel size shall be 30 acres. The parcel shall provide vehicular access to a public road.
 - B. The purpose of the campground or travel trailer park shall be to provide temporary recreational sites and opportunities and not intermediate or long term housing. Occupancy within the park shall limited from April 1st to December 1st.
 - C. Trailers shall be removed from camping sites between December 1st and April 1st but may be stored on-site within a storage area designated as such on the site plan.
 - D. No retail sales shall be permitted to operate on the parcel, except that a convenience goods shopping building may be provided on a parcel containing more than eighty (80) sites. Convenience goods sold shall be primarily for the benefit of the campground users and not the general public, unless allowed by special use permit.
 - E. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Monroe County health regulations.
 - F. All campgrounds shall be licensed by the State of Michigan and shall comply with all applicable state and county rules and regulations, including Part 125 of the Public Health Code (PA 368 of 1978).

5. Motor vehicle racetrack or practice track regulations.
 - A. Minimum parcel size shall be twenty (20) acres.
 - B. No structure, racetrack or parking area shall be located closer than three hundred (300) feet to any property line abutting an existing residence or residential zoning district.
 - C. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
 - D. The entire boundary of the proposed area to be developed shall be suitably screened with evergreen plantings in order to prevent noise, dust, and glare from lights. Said screening plantings shall be a minimum of five feet in height at the time of planting. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirement outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance or upon a finding

that the existing vegetation to be maintained on the site generally accomplishes the same effect.

- E. The Planning Commission may require additional screening, including vegetated berms, to mitigate potential off-site impacts.
- F. The Planning Commission may specify more stringent hours of operation than outlined in Section 15.90.1.B, to assure compatibility with adjacent uses.
- G. Ingress and egress to the proposed site shall be provided and located in such a manner so as to provide maximum safety to the public utilizing the facility. Said ingress and egress shall be directly onto a paved County primary road.
- H. Related accessory commercial uses may be permitted in conjunction with the use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
- I. All lighting provided for the use shall be arranged to prevent annoyance or glare to the property owners surrounding the development.
- J. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Monroe County health regulations.
- K. All local, state and federal regulations shall be complied with.

15.100. COMMUNICATION TOWERS

- 1. The following site and developmental requirements shall apply:
 - A. A minimum site of point seven five (.75) acre and one hundred twenty five (125) feet of road frontage.
 - B. The use of guyed wires is strictly prohibited within Residential districts.
 - C. The base of the tower and wire cable supports shall be fenced with a minimum five (5) foot high fence.
 - D. Towers shall be sited within 2640' of US-23 unless siting the tower elsewhere is essential to its communication function.
- 2. Special Performance Standards:
 - A. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by an engineer of the Township's choosing that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with the Township's engineering review.

- B. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
- C. Accessory structures shall not exceed six hundred (600) square feet.
- D. All buffer and yard requirements within the zoning ordinance shall be met.
- E. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- F. The plans of the tower construction shall be certified by a structural engineer registered in the State of Michigan.
- G. The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by an engineer registered in the State of Michigan and that the installation is in compliance with all applicable codes. The applicant shall provide information on the number and type of additional antennas which may be co-located on the proposed tower.
- H. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission, including filing of FAA Form 74-60.
- I. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or one half (½) mile radius of a helipad.
- J. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- K. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- L. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- M. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- N. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- O. Towers shall be located so that they do not interfere with reception in nearby residential areas.

- P. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- Q. The base of the tower shall occupy no more than five hundred (500) square feet.
- R. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area, unless such a congregation is essential for a communication function or due to the lack of other co-location opportunities.
- S. Height of the tower shall not exceed one hundred and seventy five (175) feet from grade within a residential or agricultural district, two hundred (200) feet from grade within a commercial district, and three hundred (300) feet from grade within an industrial district.
- T. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- U. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- V. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- W. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- X. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- Y. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- Z. All parking and drive areas must be paved as provided in this ordinance.
- AA. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
- BB. An antenna or tower that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The tower shall be removed by the property owner or lessee within six (6) months of being notified by the Township of such abandonment. Failure to remove

the tower or antenna within six (6) months shall be grounds to remove the tower at the owner's expense. The Township Board may require a bond, at their discretion; in an amount necessary to cover the removal of a tower should it become abandoned.

CC. The co-location of a new antenna on an existing tower shall require a building permit only.

15.110. EXTRACTION OPERATIONS

1. Districts Permitted.

From and after the effective date of this Ordinance, no person, partnership, corporation, association, institution, cooperative enterprise, municipality, or any other duly established legal entity shall use lands wholly or in part, or permit these lands wholly or in part, for the mining of material from the earth including, but not limited to sand, gravel, clay, aggregate, topsoil, minerals, coal or rock, or digs or excavations for other materials, and operations and processing, including washing, crushing, or other processing or removal of mineral resources; the erection of buildings and the installation of necessary machinery and equipment used in extraction, quarrying or processing, or hauling or storing of mined material, except as a Special Approval Use within the AG-2 Agricultural Family district and in conformity with the provisions of this Ordinance.

2. Operating Requirements.

A. **General Requirements.** Operations shall be conducted in a way which is compatible with existing and proposed development and in a way which protects the natural environment and which minimizes negative impacts on surrounding land and development. Operations shall be conducted as specified in the approved special land use permit.

B. **Setback.** Extraction operations, sedimentation ponds, processing and stockpiling of excavated materials shall not be conducted closer than three hundred (300) feet to any property line or any public roadway or closer than five hundred (500) feet to any residence existing at the time of the application. The setback area shall not be used for any use in conjunction with the extraction operations, except access roads, directional signs, public notice signs identifying quarry, business sign identifying occupant and landscaping. No extraction operations shall have its outer boundaries nearer than one thousand (1,000) feet from the nearest property line of any church, school or public building. Where appropriate, the Township Board may require the outward one hundred fifty (150) feet of the area of excavation to be limited so as to be excavated at a slope not to exceed a steepness of ten (10) foot horizontal for one (1) foot vertical with the beginning of the grade being the existing grade. The purpose of this is to provide a safe swim area in the event the excavation area is proposed to be restored as a lake.

C. **Property Protection.**

i. The boundaries of each extraction operation (not property lines) shall be enclosed by a wire fence of chain link construction, with a minimum height of six (6) feet. Such fence shall be maintained at

all times. Such fence shall be located on the inside of any required berm or screening.

- ii. The boundaries of all active extraction operations shall be visually screened from view from all adjacent public or private highways, roads and streets and residentially used parcels. An earthen berm or vegetative screen shall be erected and maintained to screen the extraction operation from view. Said berm or screen shall be of a sufficient height so as to effectively screen the excavated area and processing equipment from view from public roadways and residentially used areas. The Planning Commission and/or the Township Board shall determine the practicality and necessity of screening in each individual extraction operation. Berms and vegetative screens shall not be located closer than one hundred fifty (150) feet from the centerline of any public road.

D. Minimum Area. Any tract of land to be granted a permit for extraction operations shall have a minimum area of sixty (60) acres. However, there shall be no minimum area limitation where the tract applied for is contiguous to an active extraction operation already permitted, provided both tracts are developed by the same operator under a coordinated master restoration plan and all tracts are combined into a single parcel.

E. Maximum Area Excavated. No more than twenty five percent (25%) of a parcel shall be excavated.

F. Frontage and Access.

- i. Each tract of land to be granted a permit for extraction operations shall have a minimum road frontage of three hundred (300) feet on a County primary road.
- ii. Not more than one (1) entrance and one (1) exit shall be provided to the area of operations.
- iii. A paved road from the entrance and exit, a distance of not less than three hundred (300) feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Such pavement shall be in accordance with the specifications of the County Road Commission.

G. Safeguards.

- i. All operations shall be conducted in a safe manner, with respect to the likelihood of: (a) hazard to persons; (b) physical damage to adjacent land or improvements; and (c) damage to any street by reason of slides, sinking, collapse or blasting.
- ii. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the excavated area in accordance with the Reclamation Plan. Such overburden stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads streams, or adjacent residence(s).

- H. Hours of Operation. Except by special permission from the Township Board, excavation, loading, washing, processing and stockpiling of extracted materials and overburden, and all truck movements associated with the hauling of extracted materials and overburden shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 7:00 a.m. and 12:00 noon on Saturdays. Operations shall not be permitted on Sundays or legal holidays.
- I. Blasting.
- i. Blasting and the setting of an explosive shall be restricted between the hours of 8:00 a.m. and 2:00 p.m. on weekdays. No blasting shall be permitted on Saturdays, Sundays and legal holidays.
 - ii. Any blasting operations used at an extraction operation shall be operated in a manner as to minimize dust, noise and vibration and used only in accordance with the following provisions:
 - a. The operator shall provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half (1/2) mile of the proposed blasting site and by providing daily notice to residents/occupiers in such areas prior to any blasting;
 - b. The operator shall maintain, for a period of at least three (3) years and make available for public inspection upon request, a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives per hole, and the order and length of delay in the blasts.
 - c. The operator shall limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent: (1) injury to persons, (2) damage to public and private property outside the permit area, (3) adverse impacts on any underground mine, and (4) change in the course, channels, or availability of ground or surface water outside the permit area;
 - d. The operator shall be responsible for providing the services of an independent testing laboratory approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of said equipment and able to further attest to the accuracy of the blast monitoring

records. Copies of these records shall be provided to the Township.

J. Environmental Protection.

- i. All extraction operations shall conform to applicable air and water quality standards and shall have all applicable permits.
- ii. All on-site and off-site private access roads shall be surfaced with bituminous or other treated dust free surface for a distance of three hundred (300) feet from the public roadway with a minimum width of twenty-five (25) feet.
- iii. Noise, vibration and air pollution at the property lines shall be within the levels generally found within the AG-2 District. All equipment and facilities used in the production, processing or transportation of mined materials or overburden shall be constructed, maintained and operated in such a manner as to eliminate insofar as practicable, sounds, vibrations or dust which may interfere with the reasonable use and enjoyment of surrounding property. All processing facilities and stockpiling inventories shall be located within the excavation area at an elevation as much lower than the general level of the surrounding terrain as is reasonably practicable in order to reduce the visual, noise and dust impacts of the operation.

K. Truck Traffic.

- i. Truck traffic associated with the use shall be prohibited on all roads except those for which it is specifically approved by the Township Board pursuant to special land use approval. Haul routes shall be approved for truck traffic so as to minimize the impact of such traffic on residential and related uses and activities.
- ii. When the extractive operation shall cause the excavated material, overburden or similar material to be deposited upon the public roadway, it shall be the responsibility of the applicant, owner and operator to remove the material within twelve (12) hours of notice from the Township.
- iii. Any and all trucks hauling any materials to or from the site shall, to the extent required by the Township Board, after due consideration, be enclosed or covered to prevent materials from blowing or falling from trucks, and shall be sprayed to prevent gravel or mud from falling or being thrown from the wheels and undercarriage of trucks.

3. Application Procedures.

All applications shall follow *Section 13.20 –SPECIAL APPROVAL PROCEDURES*. In addition, the applicant shall submit to the Planning Commission twenty (20) copies of an application containing the following information:

- A. The names and addresses of (a) the permit operator (b) every legal owner of record of the property (surface and mineral), to be mined; (c) the holders of record of any leasehold interest in the property; (d) any purchaser of record of the property under a real estate contract; and (e) the operator, if different from the applicant; and (f) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers and resident agent;
- B. The names and addresses of the owners of record of all surface and subsurface areas adjacent to any of the permit area;
- C. If the operator is a partnership, corporation, association or other business entity, the following where applicable: The names and addresses of every officer, partner, director or person performing a function similar to a director of the applicant, together with the name and address of any person owning of record ten (10) per cent or more of any class of voting stock of the operator, partner, or principal shareholder previously operated a extraction operation within the United States within the five-year period preceding the date of submission of the application.
- D. A statement of whether the operator, any subsidiary, affiliate, or persons controlled by or under common control with the operator, has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved.
- E. An accurately surveyed map or plan at a scale of not less than two hundred (200) feet to the inch clearly showing the location of tract or tracts of land to be affected as of the date of the application by the proposed operation upon which the operator has the legal right to enter and commence extraction operations, including:
 - i. Boundaries of the lands affected including adjacent land;
 - ii. Topography and drainage area of the affected land, with contours drawn at not less than two (2) foot intervals on USGS datum;
 - iii. Location and names of all streams, roads, railroads, utility lines, and pipelines on or immediately adjacent to the area;
 - iv. Location of all buildings within one thousand (1,000) feet of the outer perimeter of the area, present owner and occupants of such buildings, and purpose for which each building is used; and
 - v. Names of owners of the parcels and adjacent property owners.
- F. The climatological factors that are peculiar to the locality of the land to be affected including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges.
- G. Cross sections of the affected lands at intervals of not more than one thousand (1,000) feet, prepared by or under the direction of and certified by a qualified professional engineer or professional geologist, registered in the State of Michigan, with assistance from experts in related fields

such as land surveying and landscape architecture, showing pertinent elevations and location of test borings or core samplings and depicting the following information: The nature and depth of the various strata of overburden, the location of subsurface water, if encountered; the location of aquifers; and the estimated elevation of the water table.

- H. Statement of the results of test borings of core samplings from the permit area, including the logs of the drill holes.
- I. Description of the topsoil including soils, types, thickness, and plans for topsoil storage.
- J. A detailed operational plan containing the following information:
 - i. Description of the type and method of extraction operation proposed, the engineering techniques proposed, and the equipment proposed to be used;
 - ii. Anticipated or actual starting and termination dates of each phase of the extraction operation and number of acres of land to be affected and estimated type and volume of the excavation;
 - iii. Description of the extractive and processing equipment to be used.
 - iv. A map at a scale of not more than two hundred (200) feet to the inch showing the proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles and storage yards, roads, railroad lines, structures and other temporary or permanent installations.
 - v. A series of maps or plans at a scale of not less than two hundred (200) feet to the inch showing the proposed sequence of mining, direction of mining, depth of mining, expansion of waste dumps and tailing ponds and other materials movement on an annual basis for the proposed life of the operation, or such time frame as designated by the Township Board.
 - vi. A map or plan describing the control surface and ground waters including natural drainage, water accumulations, mine water sources, mine water disposal, process plant water sources and disposal, and mine and process plant water requirements.
 - vii. Description of measures to be taken to assure compliance with the applicable air and water quality standards.
 - viii. Description of measures to be taken to control noise and vibrations from the operation.
 - ix. Description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.
 - x. Proposed travel routes to be used to transport the mineral material from the mine to off-site processing plants or markets, including

an analysis of the physical and design capabilities of these routes to accommodate the potential traffic and to meet the County Road Commission's standards for such traffic.

- xi. Proposed hours of operation;
- xii. A description of measures to be taken to prevent the tracking of dirt, mud, gravel and other materials on public roads;
- xiii. A description of measures to be taken to protect ground water, surface water, and wetlands from contamination, erosion, sedimentation, and diminished flows and water levels;
- xiv. Other information as deemed appropriate in order to evaluate the potential impact of the operation and its effect on the surrounding area.

K. A detailed reclamation plan which shall include the following information:

- i. A map or plan and description of the proposed reclamation including final land use of site, final land shape, estimated topography, physical structures, roads, parking areas, recreation facilities, and the staged sequence of reclamation activity to be conducted;
- ii. Hydrological data, including: (1) ground water levels; (2) rainfall data; (3) capacity of streams and rivers on or in close proximity to site;
- iii. Location of all stream flow points, including: (1) inflow points; (2) outflow points; and catchment areas;
- iv. A description of the utility and capacity of the reclaimed land to support the proposed sequential use;
- v. A description of soil types, soil erodability, stability of existing and proposed slopes; topsoil stripping, topsoil storage, topsoil replacement thickness and time sequence of replacement; and soil erosion and sediment control plan during storage and replacement;
- vi. A map or plan and description of grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slopes; slope stabilization and erosion control;
- vii. A map or plan and description of reclamation or removal of waste dumps, tailing ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;
- viii. A map or plan and description of final surface drainage, water impoundments, and artificial lakes on the affected property;
- ix. A planting plan including existing vegetation, proposed vegetation including description of plan types, planting sequences, and

maintenance or replacement of vegetative cover both during extraction operations and upon completion of site reclamation;

- x. A plan for disposal of any harmful or toxic materials found in any formations penetrated by the extraction operation, produced during the processing of mineral materials on the affected land, and chemicals or materials used during the extraction operations;
 - xi. The estimated cost of reclamation on a per acre of total project basis;
 - xii. Such other pertinent information as may be required to determine the nature of the reclamation of the operation and the effect upon the surrounding area;
 - xiii. The use which is proposed to be made of the land following reclamation, including a discussion of the feasibility and capacity of reclaimed land to support a variety of alternative uses and the relationship of such uses to existing land use policies and plans.
 - xiv. A detailed description of the methods and materials proposed for reclamation including backfilling, seed stabilization and compacting, grading, restoration of topsoil, and re-vegetation.
 - xv. A detailed estimated time table for the accomplishment of each major step in the reclamation plan.
- L. Such other pertinent information as may be required to determine the nature of the operation and the effect on the surrounding area.

4. Review Process.

- A. The review of the extractive operation will follow the procedures outlined in *Section 13.20 - SPECIAL APPROVAL PROCEDURES*.
- B. At the expense of the applicant, the Planning Commission shall obtain technical reviews pertinent to the application. Such reviews shall address issues such as land use impacts, traffic flow and safety impacts, land value impacts, water quality impacts, other natural resource impacts, compliance enforcement problems, land restoration costs, and other technical concerns. Such reviews shall be conducted by appropriately qualified professionals at the choosing of the Planning Commission. The number of technical reviews, their level of detail, and their cost shall be contained within reason so as to effectively evaluate the application.
- C. A special land use permit for a mining extraction operation is valid for a period of time to be specified by the Township Board which is not less than twelve (12) months and not greater than thirty six (36) months. A permit may be renewed upon submission and approval of an application for renewal. Said application shall meet all requirements set for initial approval and shall contain satisfactory evidence that all requirements of this ordinance and any conditions of approval have been complied with. A special approval permit may be revoked by the Township Board if mining

extraction operations fail to commence within twelve (12) months of issuance of the permit.

5. Standards for Special Land Use Approval Permits for Extractive Operations

The Township Board shall approve the establishment or enlargement of an extraction operation only after it has determined, based on the facts submitted by the applicants or otherwise available, that no areas directly or indirectly affected by the proposed mining and related activities will suffer any very serious consequences as a result of the proposed land use. The seriousness of consequences shall also be weighed in relationship to the scarcity of and the public need for the material to be mined. In making such a determination, the Township Board shall make specific, separate findings as to each of the following aspects of the proposed extraction operation:

Off-Site Impacts

- A. There will be no very serious impairment to the safety of motorists, school children, or pedestrians as a result of increased congestion, roadway deterioration, debris thrown from trucks, and/or the mixture of slower trucks with faster automobile traffic. In making such a finding, consideration should be given to existing and future traffic volumes, County Road Commission standards and concerns, thoroughfare geometrics, topographic and other pertinent considerations.
- B. Existing roadways are adequately improved to carry traffic which will result, or there are funds available from sources other than Township funds to make necessary improvements.
- C. There will be no very serious impairment to the quiet enjoyment of properties due to noise, dust and exhaust from truck traffic generated by the extraction site. In making such a finding, consideration should be given to the nature of existing and future development.
- D. There will be no very serious impairment to the general air quality due to dust, exhaust and other emissions from off-site hauling of mined materials. In making such a finding, consideration should be given to the equipment and the methods used to minimize such impacts.

On-Site Impacts

- E. There will be no very serious impairment to the quiet enjoyment of properties due to noise from the mining and processing of materials on the site. In making such a finding, consideration should be given to the nature of existing and future development.
- F. There will be no very serious impairment to the quiet enjoyment of properties due to dust, exhaust and other emissions from on-site extraction, moving or processing of mined materials from truck traffic generated by the extraction site. In making such a finding, consideration should be given to the nature of existing and future development.
- G. There will be no contamination of ground water from the extraction operations.

- H. There will be no very serious drawdown of ground water levels or alteration of the direction or flow rate of aquifers.
- I. There will be no very serious negative aesthetic impact from open pits, processing structures, stockpiles of mined material, refuse piles, or other similar facilities.
- J. Potential attractive nuisance or other dangers associated with extraction operations will be minimized by appropriate safety precautions.
- K. There will be no very serious impairment to the general level of air quality due to dust, exhaust or other emissions from on site extractions and/or moving or processing of mined materials.

Mid- and Long-Range Planning Considerations

- L. The use of land after reclamation will be compatible with the existing and planned development of surrounding areas.
- M. There will be no very serious loss of agricultural land and/or alternative development opportunities.
- N. Other lands within the Township will not be blighted by the extraction operations or associated activities.

Assurances of Compliance

- O. The applicants have provided adequate financial assurances that reclamation will occur as approved and on schedule.
- P. The applicants have provided adequate financial resources to pay all costs of Township monitoring of compliance.
- Q. The applicants have provided adequate financial and contractual assurances that hauling will comply with approved time schedules and routes.
- R. The applicants have provided all other assurances necessary for the Township to determine that there will be compliance with all requirements of this ordinance.

6. Insurance.

- A. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall assume all responsibility for any and all damage to public and/or private property caused by their fault or negligence or the fault or negligence of their agents in the construction, operation, or maintenance of any extraction operation.
- B. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall indemnify, protect, defend, and hold harmless the Township and its agents, employees and professional consultants from and against any and all claims and demands for

damages to public and/or private property and injury or death to persons and against any and all claims and demands of any nature which may arise out of or be caused by any of the activities permitted by this ordinance. The owner of the land involved, the operator, and the holder of any permit issued under this Ordinance shall carry insurance to protect Summerfield Township and its agents, employees and professional consultants from and against any and all claims, demands, actions, judgments, costs, expenses, and liabilities of every name and nature which may arise or result, directly or indirectly, from or by reason of any extraction operation activities.

- C. The owner, operator, and permit holder shall carry public liability and bodily injury insurance of at least \$1,000,000 for one person, \$2,000,000 for each occurrence, and \$1,000,000 property damage insurance with a \$10,000,000 umbrella. This insurance shall cover injury or damage occurring on the site of the operation, as well as injuries occurring upon adjoining property as a result of conditions or activities conducted upon the applicant's property.
- D. All insurance policies shall include an endorsement that the insurer will not cancel or change the policy of insurance except after thirty (30) days written notice given to the Township by registered mail.

7. Bond.

- A. After receipt and approval of the permit application, the operator shall file a surety bond or some other equitable security satisfactory to the Township Board naming Summerfield Township as the beneficiary thereof in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the surety bond be less than Four Thousand Dollars (\$4,000) for each acre or fraction thereof of land to be covered by the permit for excavations of depths less than sixteen (16) feet. The bond for excavations in excess of sixteen (16) feet shall be determined by the Township Board. Bond shall guarantee compliance with this Ordinance, the permit requirements and conditions, and that the operation will be carried out according to the approved mining and reclamation plans and specifications. Prior to issuance of the permit, the operator shall deposit with the Township Board the established amount of the bond in such manner or form as requested by the Township Board.
- B. Upon the lack of timely compliance with the requirements for which the bond guarantees, the Township may use the bond proceeds to the extent necessary. By filing an application, every operator shall be deemed to have granted a permit to the Township and its agents and contractors to go onto a property under permit to use the bond proceeds for the purposes allowed by the bond, for which there has been noncompliance.
- C. In fixing the amount of such bond, the Township Board shall take into account the size and scope of the proposed extraction and reclamation operations, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The operator shall notify the

bonding company and provide proof thereof that the Township be notified in the event of any lapse in the effectiveness of the bond. For each area restored and reclaimed in accordance hereof, or otherwise said bond may be reduced pro rata as determined by the Township Board, but in no case shall the bond be reduced by more than eighty percent (80%) of its original amount until all work, including restoration and/or remediation has been completed and inspected in compliance with this ordinance. The amount of the surety bond shall be subject to annual re-evaluation of its adequacy to pay for all required restoration and remediation of the site. The surety bond may be increased or reduced by the Township Board, which shall consider changes in the Consumer Price Index plus other pertinent factors.

8. Well Survey.

- A. If an application for a rock (any thing other than sand) excavation is approved, the applicant shall, at its expense and prior to commencement of operations on site perform a written certified pump test of all deep wells within a distance of one (1) mile from the proposed exterior perimeter of the area of excavation. Said tests shall determine the drawdown and the capacity of the well in gallons per minute and other pertinent information as determined by a qualified independent hydrologist. The applicant shall be obligated to perform a similar test on all newly constructed deep wells established within one (1) mile of the site. The Township shall notify the applicant of any newly established wells. In addition, all deep wells will be tested annually during the course of operations. The Township shall have the responsibility of scheduling the tests and obtaining the necessary consent. The results of the tests shall be retained by the Township. For the purposes of this Ordinance, a deep well shall be any well that is more than 100 feet deep.
- B. If an application for a sand excavation is approved, the applicant shall, at its expense and prior to commencement of operations on site, establish a parent well and a specific number of monitoring wells depending on the size of the operation and as determined by the Planning Commission. Wells will be monitored bi-weekly and if a drop in water level of more than one foot occurs, monitoring will be increased to weekly. If a drop in water level of more than two feet occurs, all operations will cease immediately until the applicant, at its expense, provides an infiltration trench. Monitoring must be accomplished with a representative of Summerfield Township. Results of the monitoring will be provided to and retained by the Summerfield Township Board within 48 hours of being collected.
- C. Well surveys shall be completed during operation of the excavation site and shall continue for a minimum of one year after operations have ceased. Reporting during this time will continue to Summerfield Township in the manner described above.

9. Reclamation Purpose and Requirements.

- A. Purpose. The land affected shall be reclaimed and rehabilitated to a condition capable of supporting the uses which it was capable of supporting prior to any excavation, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any

actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit operator's declare proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is in violation of Federal, State or local law.

In cases where the Township finds that un-rehabilitated sites, previously used for extractive operations, are susceptible to misuse, may contain examples of gross erosion, constitute a threat to public safety, and allow an unproductive use of the community's land resources, therefore, additional purposes of this Section are:

- i. To provide for the prevention of erosion which may menace life and limb, endanger property or affect the safety, usability or stability of any public property.
- ii. To curb misuse of previously mined tracts, which may become an unauthorized disposal area for solid wastes, which could not only pollute the ground water, but may become a breeding ground for insects and rodents.
- iii. To eliminate the unsightly appearance of un-rehabilitated areas which detract from the aesthetic value of the landscape.
- iv. To protect against the unproductive use of the Township's land resources, to prevent the general decline of the community facilitated by a potential decrease in land value.

B. Reclamation Plan. The operator shall present specific plans for the proposed post extraction land use and appropriate assurances that such use will be:

- i. Compatible with adjacent land uses.
- ii. Feasible according to data regarding expected need and market.
- iii. Assured of investment in necessary public facilities.
- iv. Supported by commitment from public agencies where appropriate.
- v. Practicable with respect to private financial capability for completion of the proposed use.
- vi. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the extraction operation and reclamation with the post extraction land use.
- vii. Designed by an engineer or landscape architect registered in the State of Michigan in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.

- viii. The proposed use shall be consistent with adjacent land uses, and existing Township's Land Use Plan and Zoning Ordinance and County developments plans and programs.
 - ix. All other requirements of this Ordinance shall be met.
- C. Timing. Restoration shall proceed in a continuous manner and shall be subject to review and approval at each annual inspection and at the end of the permit period. Specifically, the following standards shall apply:
- i. Topsoil grading and planting of the area designated for restoration during the permit period shall be completed before an extraction permit is renewed.
 - ii. Overburden shall not be removed from an area larger than that mined within one (1) year.
 - iii. Where ground cover or other planting is indicated on the approved reclamation plan, the planting shall be made in areas where excavation is completed and land is not being used for material storage, before further overburden is removed.
 - iv. Within twelve (12) months of cessation of extraction operations, all plant structures, buildings, stockpiles and equipment not required for approved restoration activities shall be removed.
- D. Standards.
- i. All stumps and other debris resulting from the excavation or related activities shall be removed from the site and disposed of by approved methods. Under exceptional circumstances, such debris may be disposed of on the site if covered with a minimum of two (2) feet of soil.
 - ii. All banks shall be left in accordance with topography established in reclamation plans, with no slopes greater than two (2) feet horizontal to one (1) foot vertical. If water is to be left in the pit in areas below the water table, the slope can be greater than 2:1. If water is to be left in the pit, the final annual average depth of the water shall be no less than ten (10) feet deep.
 - iii. When topsoil is removed, sufficient arable soil shall be set aside on the site for re-spreading over the excavated area. These overburden stockpiles shall immediately be planted with grass or other plant materials so as to prevent the erosion of slopes.
 - iv. Reclamation shall proceed in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the last degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
 - v. After the area is cleared of debris, it shall be covered with a layer of topsoil to a depth of at least six (6) inches, except for area

underwater. If the pit is to be used as a basin for spreading water, the topsoil shall not be replaced because it would deter the spreading of the water.

- vi. Establish on the re-graded areas, and all other lands affected, a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area, except that introduced species may be used in the vegetation process where desirable and necessary to achieve the approved post extraction land use plan.
- vii. In the event filling of the mined area is necessary during reclamation, said fill material shall be non-organic only and shall not consist of any hazardous materials, toxic materials, agricultural waste, industrial waste, machinery or equipment, or any similar materials. Only material which will settle firmly and without air pockets shall be used.
- viii. If on-site extraction operations are not continuously carried out for a period of one (1) year at any location, the same will be considered to have been abandoned; and prior to any further excavation or processing, a new use permit under the current ordinance will be required.
- ix. If excavation has ceased for a period of twelve (12) months, the Planning Commission shall hold a hearing to determine a recommendation to the Township Board for the future disposition of the site. The Board will determine the source of liability for expenses incurred for restoration of the site.

10. Operator Reporting Requirements.

- A. Each operator shall furnish a report to the Board for each project site every twelve (12) months after issuance of the permit and within thirty (30) days after cessation of all mining at the project site, which shall contain the following information:
 - i. The name and address of the operator and the permit number;
 - ii. A map or plan of the operation and a description of the quantity of land affected during the report period for mineral extraction, reclamation, waste and tailings disposal, surface structures, haulage roads, stockpiles, storage yards and water containment, storage and treatment facilities;
 - iii. A description of any actions taken to control both anticipated and unforeseen environmental conditions which occurred during the reporting period;
 - iv. A description of any environmental monitoring activities carried out during the reporting period;

- v. An estimate of the location and extent of land to be affected by the operation during the subsequent reporting period;
 - vi. A description of restoration activities which have occurred during the reporting period;
 - vii. Such other pertinent information and maps as may be required to evaluate the extent of mining and reclamation, if any, accomplished during the permit year.
- B. Each operator shall submit a final reclamation report to the Board within one (1) year after cessation of operations and prior to final release of bonds which shall contain the following information:
- i. Name and address of the operator and the permit number;
 - ii. A map or plan showing the final contours and slope angles of the affected land and the locations of any remaining structures and roads;
 - iii. A description of all final reclamation activities leading to completion of the approved reclamation plan including: topsoil disposition, topsoil replacement and thickness, re-vegetation practices and plant types, disposition of waste dumps, tailings ponds, sediment ponds, surface structures, haulage roads and access roads, grading practices and slope angles, surface water drainage and sediment control, size, depth and capacity of artificial lakes or ponds, and planned sequential use of the land;
 - iv. Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the availability of returning the operator's bond.
- C. Operators will also continue to submit well survey reports during this final year after operations have ceased. A final report on water levels shall be provided at the end of this final year to be kept on file at Summerfield Township.

11. Inspections.

- A. Upon issuance of a use permit for the purpose of extraction, the operator is deemed to have consented to allow inspection by the Township or its agents. Such inspections shall be at reasonable designated times and with notice, if possible, to determine compliance with the provisions of this Ordinance. The Township or its designated agents shall notify the operator by regular mail of any portions of the site that it deems abandoned and/or ready for reclamation. Upon receipt of such notification, the operator shall have said areas restored within ninety (90) days, or within said ninety (90) days supply the Building Inspector with a written reply indicating the dates of anticipated restoration. The Building Inspector may accept or reject such dates. If said dates are accepted, they shall be binding on both parties. If rejected, the Building Inspector shall set new dates which shall be final.

- B. The Township and its designated agents may inspect any required records of an extraction operation to determine compliance with the provisions of this Ordinance. Any public or private complaint against any operator may result in an inspection of the extraction operation to determine the validity of the complaint.
- C. The Building Inspector shall retain the assistance of planners, engineers and any other professionals necessary to evaluate compliance with this ordinance.
- D. The cost of all inspections shall be paid by the applicants and such other persons who have been made subject to liability pursuant to this ordinance.

12. Regulation of Permitted Operations.

The Township may obtain the services of qualified technicians and professionals to monitor the operations of the permit holder at such intervals as they may consider necessary and to report to the Township whether or not the operations are resulting in any nuisance or any hazard to the public health, safety or general welfare or are causing pollution, impairment or destruction of natural resources. The cost of said monitoring shall be paid by the applicants and such other persons who have been made subject to liability pursuant to this ordinance.

13. Payment of Cost of Regulation; Effect of Failure to Pay.

Upon receiving bills for the services and expenses of the persons designated to monitor the operations of any operator, the Township Treasurer shall forward them to the operator by first class mail. The operator shall pay them within ten (10) days of mailing by the Township Treasurer. Whenever any such bill has not been paid within the time specified above, the permit shall automatically be suspended until payment is made.

14. Enforcement.

This Ordinance shall be enforced by the Township Building Inspector or any Ordinance Enforcement Officer appointed by the Township Board. The Township Clerk and/or their representatives, and Enforcement Officers, shall have the authority to issue Appearance Tickets for a violation hereof pursuant to Act 172 of Public Acts of 1929, as amended, of the State of Michigan.

15. Violations and Penalties.

The Township may, in its discretion, notify the extraction operator of any violation of the permit and/or this Ordinance; and upon failure of the operator to abate said notice, said operation site may be summarily closed, and the permit therefore suspended or revoked and resort to the use of the bond for restoration. Any operator aggrieved of any notice sent pursuant to this Section may request a hearing before the Township Board if the request is in writing and delivered to the Township. The request should set forth why the operation site should not be summarily closed, the permit suspended, or revoked, and resort made of the use of the bond. If a request for a hearing is received, the Board shall hold a hearing within seven (7) days and may after the hearing, continue the suspension or revocation of the permit, or take such other action as appears appropriate under

the circumstances. In any case, if the Township Board determines the extraction operation would be detrimental to the health and/or safety of persons and/or property, the Board may summarily, and without five (5) days' notice, suspend or revoke the permit, but shall grant a hearing upon request as provided herein.

16. Other Provisions.

If there exists more restrictive provisions of Federal, State or other regulations affecting any part or section of this Ordinance, those more restrictive provisions shall prevail.

15.120. HEAVY EQUIPMENT SALES, SERVICE, AND RENTAL

1. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
2. There shall be maintained a minimum landscaped green belt of twenty (20) feet between any part of the development and any residential development or district.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. Outdoor sales and display areas shall be limited to 100 square feet for each linear foot of building frontage.

15.130. INTENSIVE LIVESTOCK OPERATIONS

1. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any road and five hundred (500) feet from other abutting property lines.
2. All structures and confined lots designed to house or contain livestock or animal waste shall be set back seven hundred fifty (750) feet from any existing family residence, except that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or commercial) or any public building; and two thousand (2,000) feet from any recorded residential plat.
3. Operations shall be managed in compliance with the Michigan Agricultural Commission's "Generally Accepted Agricultural and Management Practices for Manure Management and Utilization" and with Public Act 261 of 1999.

15.140. JUNK YARDS

1. Minimum lot size shall be ten (10) acres.
2. Travel routes for trucks entering and leaving the junk yard shall be shown on a map of the Township at the time of application for the special approval use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.

3. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
4. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junk yard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.
5. The junk yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
6. The junk yard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays and Saturdays; and shall not be open for business or otherwise operate on Sundays or legal holidays.
7. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief or other designated fire official, the Township Building Inspector, and the County Health Department.
8. All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the junk yard. Such liquids are to be stored in containers approved by the Township Fire Chief or other designated fire official.
9. All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances caused by windborne dust or neighboring properties and on public roads.
10. There shall not more than one (1) entrance way from each public street which adjoins the junk yard.
11. Fencing shall be required as follows:
 - A. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - B. Where the junk yard is adjacent to a rural or urban residence, or commercial district, a solid, screen type fence or wall, seven (7) feet high shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - C. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.

- D. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a junk yard.
- 12. Wrecking and processing operations are permitted in a junk yard but shall be described in the application for the special use permit.

15.150. KENNELS

- 1. Parcel must be a minimum of ten (10) acres in size.
- 2. Any building or enclosure holding animals shall be located no closer than seventy five (75) feet from any dwelling unit, forty (40) feet from any side lot line, and one hundred fifty (150) feet from the front lot line.

15.160. LIVESTOCK TRANSPORT FACILITIES

- 1. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or any other driveway.
- 2. The principal and accessory buildings and structures shall not be located within 500 feet of any residential use or district.
- 3. The lot area used for parking shall be treated so as to prevent dust.
- 4. There shall be maintained a minimum landscaped green belt of twenty (20) feet between any part of the development and any residential development or district.
- 5. The minimum required lot area shall be ten (10) acres.

15.170. LP GAS AND FUEL OIL DEALERS

- 1. All ingress and egress to the site shall be directly from a County section line road.
- 2. The minimum required lot area shall be two (2) acres.
- 3. The principal and accessory buildings and structures shall not be located within 200 feet of any residential use or district.

15.180. MIGRATORY LABOR CAMPS

- 1. Such facility must be provided as temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment, and provided further that said facility is accessory to the farm on which said worker is employed.
- 2. The Township shall ensure that plans for migratory labor camps have met the approval of the Monroe County Health Department and/or the Michigan Department of Public Health.

15.190. MINI-WAREHOUSES

1. Outdoor storage shall be permitted as an accessory use when included as part of an approved site plan for a mini-warehouse, when located in the rear of all buildings, and provided that materials stored are arranged as to provide access for emergency vehicles.
2. Perimeters of mini-warehouse are will be fenced with chain link fence with a minimum height of six (6) feet.
3. The driveways within the compound will be maintained in a dust free condition through the timely use of a dust suppressant or by paving.
4. Distance between buildings will be adequate to accommodate emergency vehicles and emergency numbers will be posted on the front gate.
5. The Planning Commission and the Township Board will be provided with copies of all required County and State permits.
6. An evergreen screen may be required where such use abuts an existing residential use or zone.
7. One resident manager dwelling unit may be permitted.

15.200. MOBILE HOME PARK REGULATIONS

1. General Requirements
 - A. Mobile Home Parks must be constructed, licensed, operated and managed in accordance with the provisions of P.A. 96 of 1987, the Mobile Home Commission Act, as amended.
 - B. Mobile Home Parks must be connected to a public water and sewer system or an on-site water and waste water treatment system acceptable by the Michigan Department of Environmental Quality.
 - C. Storage of goods and articles underneath any mobile home or out-of doors at any mobile home site shall be prohibited except in an approved enclosed storage facility.
 - D. Canopies and awnings may be attached to any mobile home and may be enclosed, subject to mobile home site regulations, herein. When enclosed, such shall be considered a structure and part of the mobile home and building and occupancy permits issued by the Building Inspector shall be required.
 - E. Entry fees shall be prohibited.
 - F. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noises, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage,

rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.

- G. All land in a Mobile Home Park shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of the mobile home park site plan, shall not bisect or divide a mobile home park to avoid unwarranted public traffic from traveling through the park.
- H. A mobile home park shall not be occupied unless at least twenty-five (25) or fifty (50) percent of the expected total, whichever is less, mobile home sites are available for occupancy at the time of opening of the park.
- I. A mobile home park shall not be developed on less than 20 acres. Individual sites within a park shall be developed with sites having 5,500 square feet per mobile home unit being served. This 5,500 square feet may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall open space requirements be less than that required under R125, 1946, Rule 946 of the Michigan Administrative Code.
- J. The minimum setback for a park shall be 50 feet from a public right-of-way.
- K. An open space shall be provided as per rule No. 946 of the Mobile Home Commission General Rules.

2. Mobile Home Site Regulations

The Mobile Home Code, as established by the Michigan Manufactured Housing Commission under the authority of Act 96 of the Public Acts of 1987, regulates mobile home park density, design, construction, licensing, and individual mobile home installation (anchoring). All mobile home parks shall be constructed according to the standards of the Mobile Home Code which includes specifications for internal road widths, lengths, turning radii, alignment, gradients, construction materials, curbing, parking, utilities, pedestrian circulation, pad size, maintenance, setbacks and screening. Any variance from these established standards granted by the Township must be filed with the Michigan Manufactured Housing Commission however; the Commission may approve, disapprove, or revoke the variance upon notice and hearing.

3. Utilities

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

- A. A public water system or water system approved by the Michigan Department of Public Health, and in accordance with Act 399, P.A. 1976 — The Safe Drinking Water Act — shall be provided within a Mobile Home Park. The water supply shall be adequate for fire fighting purposes.

- B. A public sewer system or waste water treatment system approved by the Michigan Department of Public Health and the Michigan Department of Environmental Quality shall be provided within a Mobile Home Park.
 - C. Each mobile home space shall be provided with at least four (4) inch sanitary sewer connection. The sewer shall be closed when not connected to a mobile home and shall be capped so as to prevent any escape of odors. The sewer line shall be concealed within the understructure of the mobile home.
 - D. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
 - E. All electrical lines to each mobile shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Above ground lines are allowed for the connection between the mobile home unit and the individual site utility pedestals.
 - F. Exposed television antennas on individual mobile homes shall be prohibited.
 - G. An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all State electrical regulations.
 - H. All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Michigan Manufactured Housing Commission as provided for in Act 96 of the Public Acts of 1987.
4. Access and Parking
- A. All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced unless otherwise provided, herein, and shall further comply with the General Rules of the Michigan Manufactured Housing Commission as provided for in Act 96 of the Public Acts of 1987.
 - B. Cul-de-sac streets shall have a turnaround with a minimum outside radius of fifty (50) feet and shall have a maximum length of three hundred (300) feet.
 - C. Ingress and egress roads from County or State highways shall have written approval of the highway authority having jurisdiction.
 - D. Where a proposed Mobile Home Development is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the MHP parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk(s). Said sidewalk(s) shall be necessary for only those portions of a Mobile Home Park fronting upon a public thoroughfare.

5. Storage Areas

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

6. Procedures and Permits

Application for permit to construct a mobile home park shall be submitted to the State of Michigan, Department of Consumer and Industrial Services, Manufactured Housing Commission. The Manufactured Housing Commission is the agency charged with licensing of mobile home parks. Preparation of the application, support data, and local agency review of the above mentioned shall conform to the requirements of Public Act 96 of 1987.

15.210. MORTUARY ESTABLISHMENTS

1. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
2. Such assembly area will be in addition to required off-street parking.
3. A caretakers residence may be provided within the main building of the mortuary establishment.
4. All parking shall be located in the side or rear yard.

15.220. OPEN SPACE PRESERVATION

1. Statement of Intent. The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative residential housing designs which preserve Summerfield Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general welfare. Open Space Preservation shall promote the following objectives:
 - A. Maintain the rural character of the Township.
 - B. Maintain an image of open space within the Township.
 - C. Preserve open space within the Township.
 - D. Preserve natural resources within the Township.

- E. Preserve agriculture and farming within the Township.
- F. Achieve a balance between farming, open space and residential growth within the Township.

2. Definitions.

- A. Agricultural Land: means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
- B. Development Rights: means the rights to develop land to the maximum intensity of development authorized by law.
- C. Greenway: means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- D. Undeveloped State: means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area children's play area, greenway, or linear park. Land in an undeveloped state may be but is not required to be, dedicated to the use of the public.
- E. Open Space: means all areas within the open space preservation development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyment of the residents of the entire development for any of the following uses: undeveloped state, greenways, outdoor recreation, forestry and/or open space conservation, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other commercial recreational uses, lot area within setbacks for each specific lot, or land area dedicated as limited commons.

3. Applicability. The Planning Commission may approve open space preservation through the clustering of single-family dwelling units if it is determined that at least two (2) of the following exist:

- A. Preservation of Natural Amenities:
 - i. The parcel to be developed features a significant quantity of organic amenities, which include: significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches in diameter or more, measured five feet above the grade). Documented evidence must be submitted to the Planning

Commission in order to substantiate the parcel's qualification under this subsection.

- ii. The parcel to be developed features non-organic amenities such as farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), or buildings of historical value, which in the opinion of the Planning Commission, should be preserved.
- B. Preservation of Agriculture: The parcel to be developed features agricultural amenities such as orchards, horse stables, active farms, or other similar agricultural uses, which in the opinion of the Planning Commission, should be preserved. In no way will an intensive animal raising, slaughter house or similar use be allowed within an open space preservation project. A buffer shall be maintained between the agricultural use and the residential units.
 - C. Provisions for Recreational Facilities: The project will include passive and/or active recreation areas to be utilized by residents within the open space preservation project. Passive recreation areas may include pedestrian pathways, common green areas of a substantial size, natural amenity areas, or other similar uses. Active recreation areas may include playgrounds, sports fields, or other outdoor recreation facilities.
 - D. Creation of Natural Amenities: The project will include the creation of natural amenities. These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "unmanicured" allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands, wildflower or grass meadows, constructed wetlands, or other similar features.
4. Submission Requirements. Site plans submitted under this option shall be accompanied by information regarding the following:
- A. All information required for a site plan as outlined in *Section 14.40 – SITE PLAN CRITERIA* of this Ordinance.
 - B. Parallel Plan.
 - i. A parallel plan shall be submitted, concurrently with the open space preservation project plan, by the petitioner showing a feasible development under the requirements of the specific zoning district in which it is located, State and County Health Department standards for lot size, and all applicable State, County and Township regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, flood plains or drainage ways, as regulated by Federal, State, County or local agencies.
 - ii. It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current regulations of land division or establishing a condominium. If there is a question regarding water, septic, wetlands or flood plains, the Planning Commission may request validation from the proper regulatory authority. If it is

determined, through these responses, that the number of lots proposed is unfeasible, the parallel plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.

- iii. The Planning Commission may waive the submission of a parallel plan if it is determined that the number of housing units proposed in the open space preservation project is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the Summerfield Township Master Plan and this Section.

C. **Guarantee of Open Space.** The applicant shall provide a copy of the legal instrument that would run with the land and that would have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. Such legal instrument shall be reviewed and approved by the Township Attorney prior to recording. Examples of such legal instrument include, but are not limited to, a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended, deed restrictions, or restrictive covenants. The legal instrument shall outline, at a minimum, the following:

- i. The allowable use(s) of the open space, and to ensure that the open space remains as such in perpetuity;
- ii. Require that the open space be maintained by parties who have an ownership interest in the open space;
- iii. Provide standards for the scheduled maintenance of the open space; and,
- iv. Provide for maintenance to be undertaken by Summerfield Township in the event that the open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

5. **Site Design Requirements.**

- A. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.
- B. **Minimum Lot Size.** The minimum lot sizes may be lower than those permitted in the underlying zoning district, provided that they meet the minimum requirements of the State and County Health Department based on water, sewer or septic system standards.
- C. **Minimum Yard Setbacks.** Minimum setbacks shall be those outlined in the schedule of regulations for the zoning district in which the property is located.

- D. Minimum Lot Width. Minimum lot widths are based on the underlying zoning district and the type of street as follows:

Minimum Lot Width Schedule				
Street Type	Zoning District			
	AG-1	AG-2	R-1	R-2
Private Road	100 Feet	100 Feet	80 Feet	80 Feet
Public Road	250 Feet	150 Feet	100 Feet	100 Feet
*Cul-De-Sac	24 Feet	24 Feet	24 Feet	24 Feet

*At the street right-of-way line.

- E. Development Layout. The development is encouraged to include drives that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
- F. Minimum Exterior Road Buffer. The developer shall preserve a minimum of a 150 foot buffer from the existing right-of-way along any County Road or State Highway servicing the open space preservation project. The Township Board, based on a recommendation from the Planning Commission, may waive this requirement.
- G. Conservation Areas. The combination of existing site features as outlined below shall be used to delineate the primary and secondary conservation areas within the project. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impact.
- i. Primary conservation areas include floodplains, regulated wetlands, drainage ways, or other exceptional elements as determined by the Planning Commission.
 - ii. Secondary conservation areas include farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, or other similar elements as determined by the Planning Commission.
 - iii. Buildable areas are those that are not dedicated for primary conservation. Housing sites should be located so as to complement the conservation areas.
- H. Open Space Plan.
- i. Minimum Open Space. A minimum of sixty percent (60%) of the gross land area shall be set aside for common open space uses.
 - ii. Maximum Amount of Unbuildable Land Used as Open Space. A maximum of fifty percent (50%) of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is regulated by the Michigan Department of

Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body that has jurisdiction over land which cannot be used for the construction of housing.

- iii. Houses Abutting the Open Space. A minimum of fifty percent (50%) of all dwelling units within the development shall abut or overlook the dedicated open space.
- iv. Access to Open Space. Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development. Access is not required for open space that is being utilized for an agricultural purpose.
- I. Pedestrian Circulation. Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. Natural paths or bike paths are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission. Pedestrian circulation is not required to open space areas being utilized for an agricultural purpose.
- J. Garages. A minimum of fifty percent (50%) of all dwelling units shall have side, rear, or alley entry garages, or other garage configurations where the front of the garage does not face the street. Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.
- K. Overall Architectural Character. A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.
- L. Roadways.
 - i. Roadway Widths. The following minimum roadway widths and surfaces are required for an open space development in Summerfield Township:

Roadway Width Schedule			
Number of Homes	Road Width	Roadway Surface	Right-of-Way
2 to 55	24 Feet	Gravel or Paved	66'
56 and Over	28 Feet	Paved	66'

- ii. Cul-de-sac Design. A cul-de-sac shall be designed to allow for trees and landscaping within the interior area of the cul-de-sac. These areas may be planted with vegetation that is compatible with the planting within the remainder of the development. The minimum cul-de-sac radius shall be fifty-five (55') feet.

6. Review Process.

- A. An open space preservation project may be developed through the land division process, subdivision platting process, or site condominium process.
 - i. For an open space preservation project developed through the land division process, the applicant must first meet with the Township Assessor to determine the number of lot splits allowed on the parcel. Then, a site plan as outlined in the site plan review procedures set forth in Article 14 of this Ordinance must be submitted. The Planning Commission's review of the open space preservation application shall take place concurrently with the review of the site plan. If the project receives final approval by the Township Board, the parcels may be divided according to the procedures of Public Act 288, as amended.
 - ii. For an open space preservation project developed through the subdivision platting process, the applicant must follow the platting procedures set forth Public Act 288, as amended. The open space preservation project plan submitted for review by the Planning Commission shall be considered the first step in the platting process, the pre-preliminary plat.
 - iii. For an open space preservation project developed through the site condominium process, the applicant must follow the procedures outlined in Public Act 59, as well as Article 14 of the Summerfield Township Zoning Ordinance.
- B. The Planning Commission shall convene a public hearing held in accordance with Section 16(b) of the Township Zoning Act (PA 184 or 1943), as amended, as part of its review, study, and approval of an application for the open space preservation option.
- C. After the Planning Commission's review is complete, the plan, along with the Planning Commission's recommendation, shall be forwarded to the Township Board for final determination.

15.230. PLANT NURSERIES

- 1. The minimum site area shall be five (5) acres.
- 2. All buildings containing retail sales and any parking areas shall be set back at least 100 feet from all property lines.
- 3. Outdoor display areas shall be set back at least 50 feet from all property lines, and shall be limited to an area equal to one-half the square footage all buildings on the lot associated with the use.

15.240. PUBLICLY OWNED BUILDINGS

- 1. The proposed site shall front upon a paved county primary or county local street. All ingress and egress shall be from said thoroughfare.

2. Buildings and structures shall be set back at least 100 feet from the side and rear property lines, the front yard setback shall be that for the district in which the use is located.

15.250. RIDING STABLES, PUBLIC

1. The minimum lot size shall be twenty (20) acres.
2. Buildings and structures shall not be located less than three hundred (300) feet from a public right-of-way, or less than one hundred (100) feet from a side or rear lot line.

15.260. ROADSIDE STANDS

1. Roadside stands shall be considered as a temporary or seasonal land use.
2. Roadside stands shall sell only agricultural products.
3. The roadside stand shall be no more than one (1) story in height and no larger than twenty (20) feet by twenty (20) feet and which shall be located not less than twenty five (25) feet from the nearest road pavement or improved surface.

15.270. SHOWROOMS AND/OR OUTDOOR SALES FOR AUTOMOBILES, FARM VEHICLES

1. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
2. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system.
3. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
4. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two street rights-of-way.
5. No major repair or major refinishing shall be done on the lot.

15.280. STATE LICENSED RESIDENTIAL CARE FACILITIES

1. Per Public Act 110 of 2006, adult foster care facilities, family or group day-care homes can not be located closer than 1,500 feet to any of the following;
 - A. Another licensed group day-care home.
 - B. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

- C. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - D. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. Group and family day care homes
- A. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.
 - B. The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
 - C. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.
 - D. One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
 - E. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
3. Adult Foster Care Small Group Homes – more than six persons.
- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
 - B. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 - C. Notice to neighbors and/or neighborhood associations is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.
 - D. If the proposal does not meet the above criteria, a variance may be sought according to the procedures outlined in this ordinance.
4. Adult Foster Care Large Group Homes
- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

- B. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- C. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- D. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
- E. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
- F. Notice to neighbors and/or a neighborhood association is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.
- G. If the proposal does not meet the above criteria, a variance may be sought according to the procedures outlined in this ordinance.

15.290. TRACTOR SALES AND REPAIR

- 1. The lot area used for parking, display, or storage shall be treated so as to prevent dust.
- 2. The minimum required lot area shall be five (5) acres.
- 3. There shall be maintained a minimum landscaped green belt of twenty (20) feet between any part of the development and any residential development or district.
- 4. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or any other driveway.
- 5. Any display materials or equipment displayed outside of an enclosed building shall be located in the front yard twenty (20) feet from the public right-of-way and shall not occupy any required parking or maneuvering areas for vehicles.
- 6. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.

15.300. VETERINARIAN OFFICE AND ANIMAL CLINIC

- 1. The minimum area shall be one (1) acre.
- 2. No buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any interior property line.

15.310. WINERIES

- 1. A winery, including any tasting room or retail component, may only be permitted as an accessory use to a production vineyard.

2. The winery, including the retail component, tasting room and parking, may only utilize 10 percent of the total vineyard property.
3. Any use related to the winery must be setback 100 feet from any residentially zoned or used property and must meet all other dimensional requirements within the District it is located.
4. Tasting of wine produced at the winery shall be the only wine served in the tasting room. There shall be no fee of any kind charged for tasting.
5. Sales of wine by the bottle produced at the winery are allowed for off-premises consumption only.
6. Retail sale of packaged food items are permitted provided they relate to and are typically enjoyed with the consumption of wine.
7. Retail sale of non-food items which promote the winery or other promotional items like corkscrews, wine glasses, gift boxes, etc. which relate to the consumption of wine shall be allowed.
8. Signs and other advertising may not promote, list or in any way identify any of the food or non-food items allowed for sale in the winery.
9. All required permits and or licenses must be presented to the Planning Commission at the time of special approval and site plan review.

15.320. ANEMOMETER TOWERS

An anemometer tower, as defined in this Ordinance, may be permitted on special approval for the purpose of determining the feasibility of installing an on-site wind energy conversion system or commercial wind energy conversion system.

1. Prior to installation of an anemometer tower, a building permit shall first be obtained after review and approval by the Building Inspector. In addition to the submittal of a completed building permit application, a site plan containing the required information outlined in Section 14.40 – *SITE PLAN CRITERIA*, the following additional information shall be submitted:
 - A. Applicant information including proof of ownership and the property identification number.
 - B. A survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district and vehicular access, as well as all new infrastructure above ground related to the project.
 - C. A copy of that portion of the applicant's lease with the land owner granting authority to install the anemometer tower and requiring the applicant to remove all equipment and restore the site after completion of the designated wind site assessment period.
 - D. Proof of the applicant's public liability insurance.

2. Anemometer towers shall have a maximum height of three-hundred (300) feet.
3. Anemometer towers shall only be allowed within the rear yard.
4. The distance between an anemometer tower and any property line shall be at least one and one-half (1 ½) times the height of the tower.
5. At the end of the designated wind site assessment period, which in no case shall exceed six (6) months, the anemometer tower and all related facilities shall be removed by the property owner or lessee within six (6) months. Failure to remove the anemometer tower and all related facilities within six (6) months shall be grounds to remove the anemometer tower and all related facilities at the owner's expense. The Township Board, upon recommendation from the Planning Commission or on its own, may require a bond, at their discretion, in an amount necessary to cover the removal of the anemometer tower and all related facilities.

15.330. ON-SITE WIND ENERGY CONVERSION SYSTEMS

1. Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of an on-site wind energy conversion system (WECS) in Summerfield Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by on-site wind energy conversion systems.
2. An on-site wind energy conversion system shall only serve the needs of the on-site consumer.
3. To conduct a wind site assessment to determine the feasibility of installing an on-site WECS, an anemometer tower may first be installed after special approval in accordance with Section 15.320 – *ANEMOMETER TOWERS*.
4. Minimum Lot Size. The minimum required lot area shall be one (1) acre.
5. Maximum Height. An on-site WECS shall have a maximum height of one-hundred (100) feet, measured from the base of the system to the top of the blade in its vertical position.
6. Location. An on-site WECS shall only be allowed within the rear yard.
7. Property Setbacks. The distance between an on-site WECS tower and the any property line shall be at least one and one-half (1 ½) times the height of the tower including the top of the blade in its vertical position. No part of any ancillary on-site WECS structures, including guy wire anchors, may extend closer than ten feet to any property line.
8. Sound Pressure Level Standards. An on-site WECS shall not exceed fifty-five (55) dBA at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If during these short-term events the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA. Exceptions for neighboring properties are allowed with the written consent of those property owners.

9. Construction Codes and Interconnection Standards. An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements. An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations. An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
10. Safety Standards.
 - A. The safety of the design of an on-site WECS shall be certified by a professional engineer registered in the State of Michigan. The professional engineer shall also certify that the construction and installation of the on-site WECS meets or exceeds the manufacturer's construction and installation standards.
 - B. An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - C. An on-site WECS shall be equipped with lightning protection.
 - D. If a 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.
 - E. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
11. Climb Prevention. All on-site WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.
12. Waste. All solid wastes, whether generated from supplies, equipment, parts, packaging, operation or maintenance of the on-site WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the on-site WECS, including, but not limited to, lubrication materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, State and Federal rules and regulations.
13. Abandonment and Removal. An on-site WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The WECS tower and all related facilities shall be removed by the property owner or lessee within six (6) months of being notified by the Township of such abandonment. Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds to remove the WECS at the owner's expense. The Township Board, upon recommendation from the Planning Commission, may require a bond, at their discretion, in an amount necessary to cover the removal of a WECS should it become abandoned.
14. Prior to installation of an on-site WECS, a building permit shall first be obtained after review and approval by the Building Inspector. In addition to the submittal of a completed building permit application, the following additional information shall be submitted:

- A. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, and all new infrastructure above ground related to the project.
- B. Proof of the applicant's public liability insurance.
- C. A sound pressure level modeling and analysis report prepared by a third-party, qualified professional, as approved by the Township and at the expense of the applicant, demonstrating compliance with this Section, including any written waivers from neighboring property owners.
- D. Certifications from a professional engineer assuring compliance with the safety standards of this Section.
- E. Certifications that the applicant has complied or will comply with all applicable State and Federal laws and regulations.
- F. FAA Consent to Construct Form, Form 7460.

15.340. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

1. Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of a commercial wind energy conversion system (WECS) in Summerfield Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by commercial wind energy conversion systems.
2. Principal or Accessory Use. A commercial WECS may be considered either a principal or accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a commercial WECS or a part of such facility on such parcel.
3. Wind Site Assessment. To conduct a wind site assessment to determine the feasibility of installing a commercial wind energy conversion system, an anemometer tower shall first be installed in accordance with Section 3.290 – *ANEMOMETER TOWERS*. Following the wind site assessment, a study prepared by a professional engineer licensed in the State of Michigan must be provided documenting that the site has annual wind resources sufficient for the operation of a commercial WECS.
4. Minimum Lot Size. The minimum required lot area shall be forty (40) acres or the combined equivalent of forty (40) acres of adjacent properties leased for the purpose of operating a commercial WECS.
5. Maximum Height. A commercial WECS shall have a maximum height of three hundred (300) feet, measured from the base of the system to the top of the blade in its vertical position. A higher height may only be approved by the Township where demonstrated based on the characteristics of the particular site location (prevailing wind, topography, etc.).
6. Setbacks.

- A. The distance between a commercial WECS tower and the property lines of adjacent non-leased properties, including public rights-of-way, shall be at least one and one-half (1 ½) times the height of the tower including the top of the blade in its vertical position.
 - B. The distance between a commercial WECS tower and the property lines of any residence, school, hospital, church, public library or the municipal limits of the City of Petersburg shall be one thousand (1,320) feet.
 - C. The distance between a commercial WECS tower from the nearest above-ground public electric power line or telephone line shall be at least equal to the height of the tower including the top of the blade in its vertical position.
 - D. All ancillary commercial WECS structures, such as maintenance buildings and substations, shall be subject to the required yard setbacks for the District in which the property is located.
 - E. The separation between commercial WECS towers within the same project shall be based on: industry standards; manufacturer's recommendation; and the characteristics of the particular site location (prevailing wind, topography, etc.). At a minimum, however, there shall be a separation between towers of not less than the actual height of the tower including the top of the blade in its vertical position.
7. Sound Pressure Level Standards. A commercial WECS shall not exceed fifty-five (55) dBA measured at the property lines between leased and non-leased property. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If during these short-term events the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.
- A. As part of the application, the applicant shall provide a modeling and analysis report prepared by a third-party, qualified professional, as approved by the Township and at the expense of the applicant, that will confirm that the commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to International Electrotechnical Commission (IEC) 61400 and International Organization for Standardization (ISO) 9613 standards.
 - B. After installation of the commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional, as approved by the Township and at the expense of the applicant, according to the procedures in the most current version of American National Standards Institute (ANSI) S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Summerfield Township within sixty (60) days of the operation of the project.
8. Construction Codes, Towers and Interconnection Standards.

- A. A commercial WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - B. A commercial WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations.
 - i. The minimum FAA lighting standards shall not be exceeded.
 - ii. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - iii. The tower shaft shall not be illuminated unless required by the FAA.
 - C. A commercial WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
9. Safety Standards.
- A. The safety of the design of a commercial WECS shall be certified by a professional engineer registered in the State of Michigan. The professional engineer shall also certify that the construction and installation of the commercial WECS meets or exceeds the manufacturer's construction and installation standards.
 - B. A commercial WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - C. A commercial WECS tower shall be equipped with lightning protection.
 - E. The minimum vertical blade tip clearance from grade shall be fifty (50) feet for a commercial WECS employing a horizontal axis rotor.
 - F. A commercial WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - G. Signs containing warnings and emergency contact information shall be posted at all entrance road(s), tower(s) and operations building(s) within the project.
10. Climb Prevention. All commercial WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.
11. Waste. All solid wastes, whether generated from supplies, equipment, parts, packaging, operation or maintenance of the commercial WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the commercial WECS, including, but not limited to, lubrication

materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, State and Federal rules and regulations.

12. Visual Impact.

- A. All commercial WECS towers shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. Such towers shall be finished in a single, non-reflective matte finished color.
- B. A project shall be constructed using towers of similar design, size, operation, and appearance throughout the project.
- C. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades, except for reasonable identification of the manufacturer or operator of the facility.
- D. The appearance of turbines, towers and buildings shall be maintained throughout the life of the WECS pursuant to industry standards.
- E. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing uses (i.e., agriculture) to the maximum extent practicable. The collection system may be placed overhead adjacent to County roadways, near substations, at points of interconnection to the electric grid, or in other areas as necessary.

13. Environmental Impact.

- A. The applicant shall have a third party, qualified professional, as approved by the Township and at the expense of the applicant, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- B. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994) including but not limited to Part 31 Water Resources Protection, Part 91 Soil Erosion and Sedimentation Control, Part 301 Inland Lakes and Streams, Part 303 Wetlands, Part 323 Shoreland Protection and Management, Part 325 Great Lakes Submerged Lands, and Part 353 Sand Dunes Protection and Management. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the commercial WECS.

14. Avian and Wildlife Impact.

- A. The applicant shall have a third party, qualified professional, as approved by the Township and at the expense of the applicant, conduct an analysis to identify and assess any potential impacts on wildlife and endangered

species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- i. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
 - ii. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
 - iii. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
15. Electromagnetic Interference. No commercial WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No commercial WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
16. Shadow Flicker. The applicant shall conduct an analysis on potential shadow flicker at occupied structures in the vicinity of the proposed commercial WECS. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
17. Decommissioning. The applicant shall submit a decommissioning plan to include the following:
 - A. The anticipated life of the project.
 - B. The estimated decommissioning costs net of salvage value in current dollars.
 - C. The method of ensuring that funds will be available for decommissioning and restoration.

- D. The anticipated manner in which the project will be decommissioned and the site restored.
18. **Abandonment and Removal.** A commercial WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The WECS tower and all related facilities shall be removed by the property owner or lessee within twelve (12) months of being notified by the Township of such abandonment. Failure to remove the WECS tower and all related facilities within twelve (12) months shall be grounds to remove the WECS at the owner's expense. The Township Board, upon recommendation from the Planning Commission, may require a bond, at their discretion, in an amount necessary to cover the removal of a WECS should it become abandoned.
 19. **Complaint Resolution.** The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
 20. In addition to the submittal of a site plan containing the required information outlined in Section 14.40 – *SITE PLAN CRITERIA*, the following additional information shall be submitted:
 - A. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, and all new infrastructure above ground related to the project.
 - B. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the commercial WECS.
 - C. Elevation drawings, computer generated photographic simulations and other images, or other visual aids that depict how the commercial WECS will appear as constructed on the proposed site from vantage points north, south, east and west of the commercial WECS.
 - D. Proof of the applicant's public liability insurance.
 - E. Certifications from a Professional Engineer assuring compliance with the safety standards of this Section.
 - F. Certifications that the applicant has complied or will comply with all applicable State and Federal laws and regulations.
 - G. A wind site assessment study prepared by a professional engineer licensed in the State of Michigan that documents that the site has sufficient wind resources to support the commercial WECS.

- H. A sound pressure level modeling and analysis report demonstrating compliance with this Section.
- I. An environmental impact analysis demonstrating compliance with this Section.
- J. An avian and wildlife impact analysis demonstrating compliance with this Section.
- K. A shadow flicker analysis demonstrating compliance with this Section.
- L. A decommissioning plan demonstrating compliance with this Section.
- M. FAA Consent to Construct Form, Form 7460.

ARTICLE 16. OFF-STREET PARKING AND LOADING REGULATIONS

16.10. GENERAL PROVISIONS FOR OFF-STREET PARKING

1. The regulations of this Article shall be met in all Districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
2. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, and circulation shall be submitted to the Building Inspector and the Monroe County Road Commission for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under *ARTICLE 14 – SITE PLAN REVIEW*, herein, in which case this requirement shall not apply.
3. No parking area or parking space which exists at the time this Ordinance becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
4. The storage of vehicle parts in any parking lot in any District is prohibited.

16.20. SPECIFICATIONS FOR PARKING AREAS

1. Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended.
2. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
 - A. Off-street parking spaces and all driveways shall not be closer than ten (10) feet to any property line, unless a wall, screen, or compact planting strip is provided as a parking barrier along the property line, except in AG-1, AG-2, R-1 and R-2 Districts in which case a minimum distance is not required for residences only.
 - B. Off-street parking spaces shall be permitted within the required front yard of RM, C-1, C-2, and I-1 Districts provided that a 10-foot greenbelt is maintained. Off-street parking spaces shall not be located in the required front yard or within the required yard along any street within any other District.
 - C. All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. All parking spaces in paved lots shall be marked with striping.
 - D. All proposed lighting shall be installed in conformance with *Section 3.190 – OUTDOOR LIGHTING*.
 - E. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened, on any side which adjoins a lot that is either

used or zoned residential, by a wall, screen, or compact planting strip not less than four (4) feet in height.

- F. All off-street parking areas that make it necessary for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
- G. All spaces shall have adequate access by means of aisles or lanes.
- H. Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
- I. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
- J. Not more than fifteen (15) parking spaces shall be permitted in a continuous row in Residential Districts without being interrupted by landscaping. Not more than twenty (20) parking spaces shall be permitted in a continuous row in Commercial and Industrial Districts without being interrupted by landscaping.
- K. All required landscape areas and screens shall be maintained in a healthy and growing condition for plant materials, and all landscape areas and screens shall be maintained in a neat and orderly appearance.
- L. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, shall have a minimum width of ten (10) feet, and shall be of usable shape and condition. An access drive shall be provided and, where a turning radius is necessary, it shall have a radius sufficient to permit an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
 - i. For ninety (90) degree parking, the aisle shall not be less than twenty-four (24) feet in width.
 - ii. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 - iii. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - iv. For parallel parking, the aisle shall not be less than twelve (12) feet in width for one-way traffic, or twenty-four feet for two-way parking.
- M. Within each parking lot, accessible parking spaces shall be provided in accordance with the current requirements of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division and the Americans with Disabilities Act. The following table lists the minimum number of required spaces as of the date of this ordinance:

MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**
		* one out of every 8 accessible spaces	** 7 out of every 8 accessible parking spaces

16.30. RULES FOR CALCULATING REQUIRED SPACES

- Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area. For the purpose of computing parking, "usable floor area" means that area used for, or intended to be used for, the sale of merchandise or services, or for use to service patrons, or clients or customers. Such floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from the 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. Any outdoor facilities that are used for, or intended to be used for, the sale of merchandise or services or for use to service patrons, or clients or customers will be included in the computation of usable floor area.

- In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

4. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local county or state building, fire, or health codes.
5. Any fractional space shall be counted as one (1) additional required space.
6. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except as provided in *Sections 16.30.7 and 16.30.8* herein.
7. In the instance of a parking lot serving two separate uses, where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant an exception to the strict enforcement of this Section.
8. Where a use is not specifically listed in the *SCHEDULE OF OFF-STREET PARKING REQUIREMENTS* below, the parking requirements of a similar use shall apply. The Building Inspector shall make the interpretation.

16.40. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Residential Uses

- | | | |
|----|---|--|
| A. | Dwellings - Single-Family | Two (2) spaces per unit. |
| B. | Dwellings - Mobile Home Park | Two (2) spaces per unit plus one (1) space for each employee of the park plus the required number of spaces for any accessory uses, if present (i.e. community center, swimming pool, laundry, offices). |
| C. | Dwellings – Two (2) and Multiple-Family | Two (2) spaces for each unit plus one space for every two bedrooms |
| D. | Dwellings – Senior Citizens Units | One and one half (1½) space for each dwelling unit plus one (1) space for each employee. |

Institutional, Recreational and Related Uses

- | | | |
|----|------------------------------------|---|
| E. | Nursing Homes, Children’s Homes | One (1) space for each three (3) beds plus one space for each employee. |
| F. | Elementary and Junior High Schools | One (1) space for each employee (including aides and volunteers) plus two (2) spaces for each classroom, including portables. |

G.	Senior High Schools	One (1) space for each employee plus one (1) space for each three (3) students of the rated capacity, plus one-half (1/2) the requirements for auditoriums.
H.	Churches, Auditoriums, Sports Arenas, Theaters, Assembly Halls Other Than Schools	One (1) space for each four (4) seats of maximum capacity.
I.	Libraries, Museums	One (1) space for each five hundred (500) square feet of usable floor area.
J.	Swimming Pool Clubs, Tennis Clubs, and Similar Uses	One (1) space for each two (2) member families, plus spaces as required for each accessory use such as a restaurant.
K.	Golf Courses, Except Miniature and "Par 3" Courses	Six (6) spaces for each golf hole and one (1) space for each employee plus spaces required for each accessory use such as a restaurant.
L.	Nursery School, Day Nurseries, Child Care Centers	One (1) space for each three hundred and fifty (350) square feet of usable floor area.
M.	Private Clubs, Lodge Halls	One (1) space for each three (3) persons of maximum capacity.
N.	Bowling Alleys	Five (5) spaces for each alley, plus parking for accessory uses as provided herein.
O.	Funeral Homes	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of usable floor area in parlors, whichever is greater, plus one (1) space for each fleet vehicle, but in no case less than 25 spaces.
P.	Hospitals	One (1) space per bed.
Q.	Public Stables	One (1) space per stall

Commercial, Retail and Related Uses

R.	General Retail Sales Establishments, Not Elsewhere Classified	One (1) space for each two hundred (200) square feet of usable floor area.
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S.	Furniture, Appliances, Household Equipment Stores and Repair Shops	One (1) space for each four hundred (400) square feet of usable floor area.
T.	Barber and Beauty Shops	One (1) space for each chair, plus one (1) space for each employee.
U.	Restaurants, Cocktail Lounges, Taverns, Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through restaurants must provide stacking space for at least five (5) vehicles.
V.	Self-Serve Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing, drying, or dry cleaning machines.
W.	Automobile Service Stations	One (1) space for each gasoline pump, plus two (2) spaces for each lubrication stall. Minimum of six (6) spaces.
X.	Automobile or Machinery Sales and/or Service Establishments	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service plus one (1) space for each two (2) employees.
Y.	Automobile Wash	Two (2) spaces for each washing stall (not including space in each stall) plus stacking space for four (4) cars per stall.
Z.	Shopping Centers	Five and one-half (5 1/2) spaces for each one thousand (1,000) square feet of gross leasable floor area for the first 15,000 sq. ft. and 4 spaces for each additional 1,000 sq. ft.
AA.	Self Storage Facility	Minimum of three (3) spaces.

Professional Offices and Related Uses

BB.	Professional and Business Offices	One (1) space for each two hundred (200) square feet of usable floor area.
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CC.	Medical and Dental Offices, Clinics,	One space for each 50 square feet of usable floor area in waiting rooms and one for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area.
DD.	Banks	One (1) space for each one hundred (100) square feet of usable floor area, plus five (5) stacking spaces per drive through lane.

Industrial and Related Uses

EE.	Wholesale Establishments	One (1) space for each two hundred (200) square feet of sales floor area plus one (1) space for each two (2) employees plus one (1) space for each vehicle to be stored on the premises.
FF.	Warehouses	One (1) space for each two thousand (2,000) square feet of gross floor area or one (1) space per employee, whichever is greater, plus one (1) space for each vehicle to be stored on the premises.
GG.	Utility Substations	One (1) space for each employee plus one (1) space for each vehicle to be stored on the premises.
HH.	Contractor Yards	One (1) space for each employee, plus one (1) space for each vehicle stored on the premises.
II.	Junk Yards	One (1) space for each employee, plus one (1) space for each operating vehicle stored on the premises, plus one (1) space for each ten (10) acres of land in yard.
JJ.	Manufacturing/ Industrial	One (1) space for each employee plus one (1) space for each vehicle to be stored on the premises.

16.50. PROVISIONS FOR OFF-STREET LOADING FACILITIES

1. In connection with every building or part thereof hereafter erected, except single-family dwellings, two family dwellings, and multiple family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.

2. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Building Inspector and appropriate state or county agency for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, except as required in *ARTICLE 14 – SITE PLAN REVIEW*, herein, in which case this requirement shall not apply.

16.60. SPECIFICATIONS FOR LOADING FACILITIES

1. Each off-street loading/unloading space shall not be less than the following:
 - A. In a commercial district, a loading space shall not be less than ten (10) feet in width and sixty (60) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
 - B. In an industrial district, a loading space shall not be less than fifteen (15) feet in width and seventy (70) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
2. Subject to the limitations of *Section 16.60.4* following, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
3. Any loading space shall not be closer than fifty (50) feet to any lot located in residential districts unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strip not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.
4. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
5. Required off-street parking spaces shall not be included in the count of required loading spaces.
6. In the case of mixed uses on one lot or parcel the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

ARTICLE 17. SIGN REGULATIONS

17.10. PURPOSE

The purpose of this section is to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment, and the Township's ability to attract sources of economic development and growth; to eliminate physical and visual clutter; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

17.20. DEFINITIONS

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Awning Sign. A sign which is a part of a fabric or other non-structural awning.

Banner. A lightweight fabric or similar material which is permanently mounted to a pole either enclosed in a frame or mounted to allow movement caused by the atmosphere.

Canopy Sign. A sign that is mounted or painted on, or attached to, a canopy that is otherwise permitted by this Ordinance.

Changeable Copy Sign. Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

Construction Sign. A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

Flashing Sign. A sign that employs lighting that flashes, blinks, moves, oscillates or varies in intensity more frequently than once every three (3) seconds and is not an animated sign or a reader board sign.

Freestanding Sign. A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.

Historical or Memorial Marker. A sign or tablet attached to a building, indicating the date of construction and/or the names of the building or the principals involved in its construction. Also an attached sign on bona fide historic buildings.

Marquee Sign. A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.

Maximum Sign Area. The aggregate square footage of sign area on a lot or building. For lots fronting on more than one street, the maximum sign area shall be the allowable sign area for each street frontage. Maximum allowable sign area may not be transferred from one street frontage to another.

Monument Sign. A sign attached to a permanent foundation whose entire bottom is in contact with the ground and not attached or dependent for support from any building, pole, posts, or similar uprights.

Off-Premise Sign. A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.

On-Premise Sign. A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

Political Sign. Any sign which supports the candidacy of person for any political and/or public office, or relating to a political party, or involving a matter to be voted upon at an election.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T-frame signs; menu and sandwich board signs; gas or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.

Projecting Sign. A sign forming an angle with a building which extends from the building and is supported by the building.

Reader Board. An electronic sign or portion thereof with characters and/or letters that can be changed or rearranged without altering the face or the surface of the sign.

Real Estate Sign. A sign advertising the premises for sale, rent or lease.

Roof Sign. A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered a wall signs. Signs on mansard or canopy roofs are considered wall signs.

Sign Area. The sign area is measured by finding the area of an imaginary rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantage point which gives a view of the largest amount of sign area. If 2 identical signs are back to back, and are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Sign Height. The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as a part of the sign height.

Suspended Sign. A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

Temporary Sign. Any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.

Wall Sign. Any sign, other than a projecting sign, which is attached to or painted on any wall of any building and projects from the plane of the wall less than 12 inches. This definition shall not include free standing walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance, notwithstanding the fact that certain portions of such a sign may project more

than 12 inches. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. For signs higher than the roof, see: "Roof Signs."

17.30. GENERAL PROVISIONS

1. No portable, permanent, or any other type of sign unless specifically exempt from having a permit shall be installed in any district unless a sign permit is secured.
2. No portable, permanent, or any other type of sign shall be allowed in any part of the public right-of-way.
3. Any sign allowed by this section for advertising shall only advertise the business within that building or the goods produced or offered for sale within said premises. No sign shall advertise any other business or product not sold or offered within said building.
4. No freestanding sign shall be constructed at any location where, by reason of its position, shape or color may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No sign shall make use of the words "Stop," "Danger," or any other traffic "caution" word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic. No sign, signal, marking, device or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.
5. No freestanding sign shall be erected at an intersection of any streets in such a manner as to obstruct free and clear vision.
6. No person, business or entity shall display upon any sign or other advertising structure any obscene or indecent matter.
7. Signs, except as otherwise prohibited in this section, may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. All spotlights shall be diffused or shielded so as not to shine on other properties.
8. No sign shall be erected, relocated or maintained so as to prevent the free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
9. All signs shall be constructed of durable material and in conformance with the requirements and specifications of the current Michigan Building Code.
10. All signs shall be kept in workable order, with all plastic faces intact and all metal on the sign kept free of rust and painted with a rustproof paint.
11. All animated or internally illuminated signs must bear the emblem of a nationally recognized testing laboratory.

17.40. EXEMPT SIGNS

The following signs shall be exempt from the provisions of this Ordinance:

1. Signs erected by the federal, state, and or county government in the operation of public service.
2. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, does not obstruct traffic vision, and does not contain any advertising copy of logos.
3. Customary identification signs, such as: nameplates, building numbers, addresses, private parking signs, no trespassing signs, or dangerous animal signs. Such signs shall not exceed 3 square feet in area per sign.
4. Historical or memorial marker signs.
5. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
6. Yard sale signs which do not exceed six (6) square feet in area per sign.
7. Real estate signs in residential districts which do not exceed six (6) square feet in area and six (6) feet in height and which are limited to one per street frontage.
8. Real estate signs in nonresidential districts which do not exceed thirty-two (32) square feet in area per sign, and do not exceed eight (8) feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building façade is permitted if the entire building is for sale or lease. One wall sign per leasable unit is allowed if portions of the building are for sale or lease.
9. Political signs may be erected in all districts thirty (30) days prior to an election called by a public body and must be dismantled and removed no longer than ten (10) days after such election. Signs shall not exceed sixteen (16) square feet in all districts. They shall not be located in, project into or overhang a public right-of-way or dedicated public easement and must be located at least ten (10) feet apart. Political signs may only be erected by the landowner or with the permission of the landowner. No such signs shall create any problem of visibility between vehicles and/or between pedestrians.

17.50. TEMPORARY SIGNS

1. Non-illuminated temporary signs promoting political parties, candidates, or proposals so long as such signs are removed within three (3) days after the completion of election activities. Signs in residential areas shall not exceed six (6) square feet. Signs in nonresidential districts shall not exceed thirty-two (32) square feet.
2. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes are allowable only when authorized by the Building Inspector. In considering such authorization, the Township shall consider the following standards:

- A. The size, character, and nature of the display or sign shall consider the proposed site of display for property scale and relationship with the site and adjoining properties.
 - B. The duration of the time period during which the display or sign will be utilized shall coincide with the purposes for which it was approved.
 - C. The arrangements made for the removal of the sign or display after the termination of its usefulness.
 - D. Whether or not the sign or display will constitute a traffic hazard.
3. Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed, subject to the following:
- A. There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) orienting to each abutting street, shall be permitted.
 - B. In residential areas, temporary construction signs shall not exceed six (6) square feet. In non residential areas, temporary construction signs shall not exceed thirty-two (32) square feet. Temporary construction signs shall not be taller than six (6) feet.
 - C. Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access or public roadway.
 - D. Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not to exceed sixty (60) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development.
 - E. Temporary construction signs may not be maintained for a period in excess of one (1) year, unless the Building Inspector, in writing, grants and allows a continuation of such sign for a specified period of time, not to exceed six (6) months for each time extension.

17.60. PROHIBITED SIGNS

The following signs shall be prohibited, and may neither be erected nor maintained:

- 1. Roof, marquee, projecting, and suspended signs.
- 2. Signs with animated, blinking, chasing, flashing, or moving effects; however, this provision shall not prohibit signs with an alternating display of time or temperature on a reader board.

3. Rotating, revolving or scrolling signs.
4. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, balloons, flags and banners, other than a sign as permitted as a temporary sign in connection with a special decorative display.
5. Off-premise signs.
6. Exterior string lights used in connection with commercial or industrial premise, other than holiday decorations.
7. All other signs which are not expressly exempt from regulation and expressly permitted under this section.

17.70. NON-CONFORMING SIGNS

Non-conforming signs shall not:

1. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer.
2. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.
3. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Inspector.

17.80. SIGNS IN RESIDENTIAL DISTRICTS

No sign shall be permitted in any Residential Zoning District except as complies with the following provisions:

1. Home occupations may have one (1) non-illuminated name plate, not more than two (2) square feet in area be attached to the building or placed at the end of a driveway which shall contain only the name, occupation, and address of the premises.
2. Residential development signs indicating only the name of the development and shall be a monument sign not to exceed thirty-two (32) square feet in gross surface area or exceed four (4) feet in height from the base of the sign. There shall be not more than one (1) residential development sign for each point of vehicular access to a development.
3. Two (2) signs consisting of a combination wall or awning, and freestanding or monument signs identifying a park, church, public building, other authorized use or lawful nonconforming use subject to the following:
 - A. Each sign shall not exceed thirty-two (32) square feet in area.
 - B. Freestanding or monument signs shall not exceed four (4) feet in height.

- C. Wall signs shall not project above the roof and may not project more than one (1) foot beyond the face of the building wall. Wall signs shall be attached to, and be parallel to, the wall of the building.
- D. Awning signs shall maintain a clearance of nine (9) feet above a public right-of-way or required front yard, be located not closer than two (2) feet, measured in horizontal distance, from the curb line of any street, and shall not extend more than 5 feet into the right-of-way. Any fabric awning valance may not extend more than one (1) foot below the rigid mount of the awning.

17.90. SIGN IN NON-RESIDENTIAL DISTRICTS

No sign shall be permitted in any Non-Residential Zoning District except as complies with the following provisions:

- 1. Wall Signs
 - A. Wall signs may not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building.
 - B. For a one tenant building, wall signs shall be limited in number to one (1) wall sign per business on each wall having an individual public means of access. The maximum size of any such sign shall not exceed ten (10) percent of the building façade where the sign will be placed. However, no such sign shall exceed one hundred (100) square feet.
 - C. In the instance of several tenants utilizing a common public entranceway, a common wall sign shall be permitted provided any such sign shall not exceed two (2) square feet for each tenant listed, or one hundred (100) square feet in area for all tenants listed, whichever, is more restrictive. No occupant shall be listed on more than one (1) such sign per side of building have individual means if public access.
 - D. Buildings having multiple tenants with their own individual public access shall be permitted a wall sign for each tenant and wall having individual public access not to exceed five (5) percent of the building façade in which their business is located.
- 2. Awning and/or Canopy Signs
 - A. Awning/Canopy signs shall be limited in number to one (1) awning/canopy sign per business on each wall having an individual public means of access.
 - B. The maximum sign area is forty (40) square feet per sign.
 - C. The area of all permitted awning signs shall be included in the area of all wall signs.
 - D. Awnings and/or canopy signs must maintain a minimum eight (8) foot clear space distance from the bottom of the structure to the grade.

3. Freestanding Pole or Monument Signs

- A. A maximum of one (1) freestanding pole or monument sign shall be permitted for a single structure or planned grouping of structures. Projects located on a corner with more than three (3) acres shall be permitted a second freestanding pole or monument sign.
- B. Monument signs shall not exceed six (6) feet in height.
- C. Freestanding pole signs shall not exceed fifteen (15) feet in height
- D. Signs shall not exceed thirty-two (32) square feet in area for properties with a frontage of less than one hundred fifty (150) feet. Signs of up to eighty (80) square feet in area may be allowed for properties with frontage of one hundred fifty (150) feet or more. To encourage the development of monument signs, they will be allowed ten (10) extra square feet per side.

4. Freeway Service Signs

The Planning Commission may approve Freeway Service Signs when the following conditions are met:

- A. The sign serves a highway oriented business such as a service station, restaurant or motel.
- B. The sign is located within 150 feet of the right-of-way of a controlled or limited access highway or is located within 400 feet of the right-of-way of such a highway and within 150 feet of the right-of-way of a street which intersects with and has access to such highway.
- C. The height of the sign shall not exceed sixty (60) feet. The Planning Commission, in its review, may ask the applicant to supply documentation to show that the additional height is necessary for the sign to be reasonably visible from a point located 900 feet in advance of the intersection providing access to the property. Reasonably visible shall mean that the sign can be seen at a height five (5) feet above a natural or artificial obstruction. The Planning Commission may require that additional information be supplied by the applicant in order to determine the maximum allowable height of the sign.
- D. An additional freestanding sign on the local access road may be allowed upon review of the Planning Commission provided the property has frontage greater than 150 feet. The secondary freestanding sign shall meet the requirements of 17.90.3 herein except that the sum or all freestanding signs shall not exceed 100 square feet and no individual sign shall exceed 80 square feet.

ARTICLE 18. ADMINISTRATION AND ENFORCEMENT

18.10. ISSUANCE OF BUILDING PERMIT

The power to issue, or grant, building permits shall be reserved for the Township Clerk, unless some other individual or office is so designated by the Township Board.

18.20. ZONING ENFORCEMENT OFFICER: APPOINTMENT

The provisions of this Ordinance shall be administered and enforced by the Township Zoning Enforcement Officer or by deputies of their department as the Township Board may designate.

18.30. DUTIES

1. Building Inspector

The Building Inspector shall have the power to grant certificates of occupancy; to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve plans or to issue building permits or certificates of occupancy for any excavation, construction, or use until the Planning Commission and Township Board, as outlined under *Section 14.20 – BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW* has inspected such plans or premises and found them to conform to this Ordinance.

The Building Inspector shall issue a certificate or permit of occupancy when the applicant has complied with all applicable regulations of this Ordinance, even though violations of contracts, such as covenants or private agreements, may occur upon the issuance of such certificate or permit.

2. Zoning Enforcement Officer

If the Zoning Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, the Zoning Enforcement Officer shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Enforcement Officer shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. The Zoning Enforcement Officer shall be responsible for making periodic inspection of the Township or parts thereof for the purpose of finding violations of this Ordinance.

18.40. SITE PLANS

An application for a building permit shall be accompanied by a site plan as required in this Section, unless a site plan is required under *ARTICLE 14 – SITE PLAN REVIEW*, herein, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

1. Scale, date, and north point.
2. Location, shape and dimensions of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures.
4. A clear description of existing and intended uses of all structures.
5. Additional information as required by the Township for purposes of determining compliance with the provisions of this Ordinance.

18.50. BUILDING PERMITS

The following shall apply in the issuance of any permit:

1. **Permits Required.** It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a building permit from the Township Clerk, or designate. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances. "Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
2. **Permits for New Use of Buildings or Structures.** A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
3. **Accessory Buildings.** Accessory buildings shall require their own building permit.
4. The Township Building Inspector may suspend, revoke or cancel a building permit in case of failure or neglect to comply with the provisions of Public Act 230 of 1972, as may be amended, or the building code or upon a finding that a false statement or representation has been made in the application for the building permit.

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

18.60. CERTIFICATES OF OCCUPANCY

1. **Certificate Required.** It shall be unlawful to use or occupy or permit the use of any building or premise, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of occupancy has been issued by the Building Inspector. A certificate

of occupancy shall not be issued for any building a structure or a part thereof, which does not comply with all provisions of this Ordinance. The certificate shall state that the building or structure, conform to the requirements of this Ordinance. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under *Section 18.120*, herein.

2. New or Altered Building. Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used for occupancy or use caused to be done until a certificate of occupancy is issued for such occupancy.
3. Accessory Structures for Residences. An accessory structure for a residence shall require a separate certificate of occupancy, unless included in the certification of occupancy issued for the residential structure, when such accessory structure is completed at the same time as the residence structure.
4. Application. Application for certificates of occupancy shall be made in writing to the Building Inspector.
5. Certificate to Include Zoning. Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to existing buildings or structures, shall also constitute review and compliance with the Zoning Ordinance.

18.70. ZONING CERTIFICATE

1. Certificate Required. It shall be unlawful to use or occupy or permit the use of any building or premise, or both that has had a change in use until a Zoning Certificate has been issued. A Zoning Certificate will only be required for those buildings where no alterations have occurred. If alterations to the building have occurred refer to 18.60 herein. A Zoning Certificate shall not be issued for any building or structure or a part thereof, or for the use of the building, which does not comply with all provisions of this Ordinance. The certificate shall state that the building or structure, and the use thereof, conform to the requirements of this Ordinance. Failure to obtain a Zoning Certificate when required shall be a violation of this Ordinance and punishable under *Section 18.120*, herein.
2. Change in Building Use. A structure or part thereof shall not be changed to or occupied by a use different from the existing at the effective date of this Ordinance unless a Zoning Certificate is first issued for the different use.
3. Existing Structure and Use. A Zoning Certificate shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, if after inspection of the premises, it is found that such structure or use comply with all provisions of this Ordinance.
4. Application. A Zoning Review Application for a Zoning Certificate shall be made, in writing, to the Building Inspector.

18.80. INSPECTION

The applicant for a certificate of occupancy or building permit shall notify the Building Inspector when inspection is desired. Certificates and permits shall be issued within ten

(10) days after receipt of such application if the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance.

If issuance of such certificate is refused, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

18.90. RECORDS

The Building Inspector shall maintain a record of all certificates and permits and said record shall be open for public inspection.

18.100. FEES

The Township Board shall establish a schedule of fees for administering this Article. The schedule of fees shall be posted on public display in the office of the Township Clerk and may be changed only by the Township Board. No certificate or permit shall be issued unless required fees have been paid in full.

18.110. COMPLIANCE WITH PLANS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector 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 a violation of this Ordinance and punishable as provided by *Section 18.110*, herein.

18.120. VIOLATIONS AND PENALTIES

1. **Violations.** Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars or as set by the state of Michigan or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violations(s) may each be found guilty of a separate offense and suffer the penalties provided by law.
2. **Compliance Required.** The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.
3. **Public Nuisance.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.

18.130. CHANGES AND AMENDMENTS

The Township Board may from time-to-time, on recommendation from the Township Planning Commission, or its own, after requesting recommendations from the Township Planning Commission, amend, modify, supplement or revise the district boundaries or the regulations herein, or as the same area subsequently established, pursuant to the authority and procedure authorized in Public Act 110 of 2006, of the State of Michigan, as amended.

Whenever a petitioner requests a zoning district boundary amendment, the petitioner shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribed to the petition.

There shall be a twelve (12) month waiting period between a Township Board denial of a zoning district boundary change and a new request.

Applications or petitions to the Township for amendment involving reclassification of property shall be in writing signed by the fee holder owner(s) of the property proposed for rezoning, and accompanied by a legal description and a dimensioned plot plan of the property concerned, and a statement of the proposed use. The application or petition shall be accompanied by a filing fee in an amount as established by the Township by its own resolution. The fee shall be paid over the Township Treasurer and shall be deposited in the General Fund of the Township.

ARTICLE 19. ZONING BOARD OF APPEALS

19.10. CREATION OF ZONING BOARD OF APPEALS

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

19.20. BOARD MEMBERSHIP

1. The Board of Zoning Appeals shall consist of the following three (3) members:
 - A. The first member shall be a member of the Township Planning Commission.
 - B. The second member shall be a member of the Township Board appointed by the Township Board and shall not serve as Chair of the Zoning Board of Appeals.
 - C. Additional member shall be selected and appointed by the Township Board from among the electors residing the unincorporated area of the Township for at least one (1) year, provided that no elected officer of the Township or any employee of the Township Board may serve simultaneously as an additional member.
2. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
3. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
4. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

19.30. MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chair, and at such times as the Zoning Board of Appeal may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present.

19.40. APPEALS

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

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

19.50. NOTICE OF HEARING

The Zoning Board of Appeals shall make no decision until after a public hearing, conducted by the Zoning Board of Appeals, has been held. Notice of the hearing of the appeal shall be given by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Township at least fifteen (15) days prior to the hearing per Public Act 110 of 2006. Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Zoning Board of Appeals, as well as a brief description of the nature of the appeal.

19.60. POWERS CONCERNING VARIANCE

The Zoning Board of Appeals shall have the following specific powers and duties concerning appeals and request for variances:

1. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement 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 Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

2. The Zoning Board of Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.
3. The Zoning Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use; if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.
4. The Zoning Board of Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
5. The Zoning Board of Appeals shall have the power to permit temporary buildings and uses for periods not to exceed one (1) year.
6. Where owing to special conditions, a literal enforcement of the nonuse provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modifications of the nonuse provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the nonuse provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
 - A. *Does a physical hardship exist that makes compliance with the ordinance difficult?* If practical difficulties exist with the site, for example an irregular shaped parcel, difficult environmental features, exceptional topographic conditions or other extraordinary situation or conditions that make carrying out the strict letter of the zoning ordinance difficult, the Zoning Board of Appeals may grant a variance.
 - B. *Would granting the variance be fair to the applicant as well as to other property owners in the district?* The physical hardship must be unique and not shared by neighboring properties in the same zone. If the hardship is not unique, but common, an ordinance amendment should be sought.

- C. *Would a lesser variance provide the necessary relief to the applicant?* The Zoning Board Appeals should only grant the variance necessary to overcome the unique circumstances inherent to the property, not property owner.
 - D. *Is the plight of the landowner due to the unique circumstances of the property?* It should be shown that zoning requirements cannot be met by reason of irregular parcel shape, topography, or other site limiting characteristic.
 - E. *Was the practical difficulty created by the applicant?* The Zoning Board of Appeals should not grant variances for “self-created” hardships, including for persons that knowingly or unknowingly purchase property that does not meet the requirements of the ordinance.
 - F. *If the variance is granted, will the spirit of the ordinance be preserved, public safety maintained, and substantial justice done?* The variance should not contravene the original purpose the ordinance requirements were drafted, not cause a substantial adverse affect upon adjacent lands, or convey a special privilege to the applicant.
 - G. In consideration of all appeals and all proposed variations to this Ordinance, the Zoning Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township of Summerfield. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Township of Summerfield in the manner provided by law.
 - H. In exercising the above powers, the Zoning Board of Appeals 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.
7. No variance shall be made in connection with or an appeal heard on any condition established as part of a Special Approval Use or a Planned Unit Development.

19.70. ZONING BOARD OF APPEALS APPROVAL

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

19.80. APPROVAL PERIOD

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting the creation of a lot or lot split shall be valid for a period longer than one (1) year unless such new lot is established within such period

An order of the Zoning Board of Appeals which becomes invalid due to the above provisions shall be considered null and void.

19.90. FILING FEE

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

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ZONING ORDINANCE TEXT AMENDMENTS SOLAR ENERGY SYSTEMS

TOWNSHIP OF SUMMERFIELD COUNTY OF MONROE STATE OF MICHIGAN

INSERT six new definitions in alphabetical order into Section 2.20 DEFINITIONS

Abandoned solar energy system. Any Solar Energy System that remains nonfunctional or inoperative to the extent that it is not used to generate electrical energy for a continuous period of 180 days.

Building integrated photovoltaic system. A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

Photovoltaic Device. A system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

Solar array. Any number of photovoltaic devices connected together to provide a single output of electrical energy or other energy.

Solar energy system - large. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt. Large solar energy system may be a primary or an accessory use.

Solar energy system - small. A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. Small solar energy systems shall only be an accessory use to a primary use.

INSERT new General Provisions #3.300 Building Integrated Photovoltaic System to ARTICLE 3 GENERAL PROVISIONS

3.300 BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM

The purpose and intent of this regulation is to allow by-right new integrated technologies to be deployed on buildings that do not impact the aesthetic appearance of the building or structure and may not be noticeable to the average resident looking at the structure. No zoning approval is required for building integrated photovoltaic systems.

INSERT new use #16 Solar Energy Systems - Small to SECTION 4.20 PRINCIPAL USES PERMITTED (AG-1 District)

16. Solar Energy Systems, Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM - SMALL

INSERT new use #16 Solar Energy Systems - Small to SECTION 5.20 PRINCIPAL USES PERMITTED (AG-2 District)

16. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM - SMALL

INSERT new use #13 Solar Energy Systems - Small to SECTION 6.20 PRINCIPAL USES PERMITTED (R-1 District)

13. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use #10 Solar Energy Systems - Small to SECTION 7.20 PRINCIPAL USES PERMITTED (R-2 District)

10. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use #10 Solar Energy Systems - Small to SECTION 8.20 PRINCIPAL USES PERMITTED (RM District)

10. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use #13 Solar Energy Systems - Small to SECTION 9.20 PRINCIPAL USES PERMITTED (C-1 District)

13. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use #10 Solar Energy Systems - Small to SECTION 9A.20 PRINCIPAL USES PERMITTED (C-2 District)

10. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use #9 Solar Energy Systems - Small to SECTION 10.20 PRINCIPAL USES PERMITTED (I-1 District)

10. Solar Energy Systems - Small, when developed in accordance with Section 15.350 – SOLAR ENERGY SYSTEM- SMALL

INSERT new use # 22 Solar Energy Systems - Large to SECTION 10.30. USES PERMITTED WITH SPECIAL APPROVAL (I-1 District)

22. Solar Energy System - Large when developed in accordance with Section 15.360 – SOLAR ENERGY SYSTEMS, LARGE

RENUMBER Use #22 Warehousing in SECTION 10.30 USES PERMITTED WITH SPECIAL APPROVAL (I-1 District)

23. Warehousing.

INSERT new 15.350 Solar Energy System – Small to ARTICLE 15. LAND USE DEVELOPMENT STANDARDS 15.350 SOLAR ENERGY SYSTEM - SMALL

1. Intent. The purpose of these regulations is to regulate the construction, location, and operation of small solar energy systems that are accessory uses to a site's primary use and subject to reasonable conditions that will protect the public health, safety, and welfare.
2. Accessory Use. The Solar Energy System – Small shall be considered an accessory use to a principal use allowed within the zoning district.
3. Location. Small solar energy systems shall not be constructed or installed in the front yard of any lot.

4. Size. For residentially zoned parcels, ground mounted systems may not exceed 1,000 square feet in area utilized for solar panels and electrical equipment. For all other zoning districts, ground mounted systems may not exceed 10,000 square feet in total area.

5. Height.

a) Roof Mounting: In residentially zoned districts, small solar energy systems attached to pitched roofs may not extend above the existing peak of the roof. In commercially and industrial zoned districts, small solar energy systems attached to flat roofs may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, the solar array shall not exceed the maximum building height for the zoning district in which it is located.

b) Ground Mounting: small solar energy systems cannot be constructed in any required setback area. Greenbelts and landscape screening shall be required to screen the small solar energy system from adjoining properties and roadways.

6. Buffering. All small solar energy systems shall be buffered by the planting of shrubs measuring 36-48 inches (36-48") tall at planting along the length of the each of the sides of the area utilized for solar panel arrays. The shrubs shall be planted on five-foot centers.

**INSERT new 15.360 Solar Energy System - Large to ARTICLE 15. LAND USE DEVELOPMENT STANDARDS
15.360 SOLAR ENERGY SYSTEM - LARGE**

1. Intent. The purpose of these regulations is to allow and promote the use of renewable energy as an alternative energy source and to provide associated place, land development, installation, and construction regulations for large solar energy systems facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements for large solar farm facilities while promoting a renewable energy source in a safe, effective, and efficient manner.

2. Minimum Lot Size. Ten (10) acres of industrially zoned land.

3. Height Restrictions. For ground mounting, all photovoltaic panels and support structures located on a large solar energy system facility shall be restricted to a maximum height of twelve (12) feet when orientated at a maximum tilt as measured from the existing grade. For roof mounting, large solar energy systems attached to flat roof, arrays may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, the solar array shall not exceed the maximum building height for the I-1 Industrial District.

4. Setbacks. All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty feet (40') from a side or rear property line and sixty-five feet (65') front yard setback. All solar arrays and electrical equipment must be setback not less than sixty-five feet (65') from any adjacent residential structure.

5. Maximum Lot Coverage. Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

6. Safety/Access. A six (6) foot tall security fence shall be placed around all electrical equipment not included on the individual solar panel arrays. The use of barbed wire and electrical fences are expressly prohibited.

7. Noise. No large solar energy systems shall exceed fifty-five (55) dBA as measured at the property line.

8. Glare. Large solar energy system facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto adjoining properties or roadways at any time of the day.

9. Landscaping. The special approval use application for large solar energy systems shall include a proposed landscaping and screening and buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special approval use review procedures process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way.

10. Electrical Interconnections. The use of above ground transmission lines is prohibited within the site.

11. Additional Standards for Special Approval Uses. In addition to the special approval use and site plan requirements found in Article 13 (Standards for Special Approval Uses) and Article 14 (Site Plan Review), the applicant shall address the following topics in the application for large solar energy system applications:

a) Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and expected markets for the generated energy.

b) Analysis of On-site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.

c) Visual Impacts: Graphically demonstrate the visual impact of the project using photos and renderings of the project with consideration given to setbacks and proposed landscaping.

d) Environmental Analysis: Identify impacts on surface water quality and any impacts to County drains and/or established natural and private drainage features in the area.

e) Waste: Identify any solid or hazardous waste generated by the project.

f) Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not exceed 0.1 footcandles when adjacent to residentially used property or 1.0 footcandles on any other property.

g) Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb the solar panel access drive.

h) Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created.

i) Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.

j) Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.

k) Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete or an Abandoned Solar Energy System, as determined by the Township Building Official or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Approval Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the Applicant. The Decommissioning Plan shall include the life of the project, estimated decommissioning costs net of salvage value in current dollars, and method of ensuring that funds will be available for decommissioning and restoration.

l) Continuing Security: If any Large Solar Energy System is approved for construction under this Section, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

(1) Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Approval Use Permit and this Ordinance, and will subject the Large Solar Energy System, applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Approval Use Permit.

m) Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance has been established.

n) Township Review: Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternative in both the dimensional and physical requirements in this Section as a part of the special approval use review process.

INSERT new 14.20.9 Buildings, Structures, and Uses Requiring Site Plan Review to ARTICLE 14. SITE PLAN REVIEW

9. Solar Energy Systems – Large