

Chapter 14 CEMETERIES¹

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burial space means an adult burial space shall consist of a land area four feet wide and ten feet in length. An infant or stillborn burial space shall consist of a land area minimum three feet wide and 31/2 feet in length in areas set aside specifically for such burials. (Optional area or when available.)

Cemetery means any public cemetery within the township owned, managed, operated or controlled by the township board. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

(Ord. No. 14, § 1, 5-6-1968)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 14-2. Cemetery board.

The township board shall constitute the cemetery board for the township and shall have all the powers and duties as conferred upon it by law.

(Ord. No. 14, § 2, 5-6-1968)

Sec. 14-3. Establishment of regulations.

The township board shall have the authority to pass regulations by resolution of the board relating to the sale and purchase of cemetery lots, the establishment of prices for such lots, the establishment of charges for grave openings, the control of the character and placement of markers or memorials, the establishment of interment regulations and the requirement of permits therefore, the maintenance of grounds, and the keeping of records, and any other regulations it may deem necessary for the proper management and control of the cemetery.

(Ord. No. 14, § 3, 5-6-1968)

Sec. 14-4. Cemetery Hours.

- (a) The cemetery shall be open to the general public from the hours of 8:00 a.m. to sunset each day.
- (b) No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

¹State law reference(s)—Authority to acquire and maintain cemeteries, MCL 128.1; permit for disposition of body, MCL 333.2850.

(Ord. No. 14, § 4, 5-6-1968)

Sec. 14-5. Substance Abuse.

No person shall enter the cemetery premises who is under the influence of alcoholic liquor, and no person shall bring into or consume on the cemetery premises any alcoholic liquor at any time.

(Ord. No. 14, § 5, 5-6-1968)

Sec. 14-6. Loitering; creating disturbance.

No person shall loiter or recreate in any cemetery, or engage in disorderly conduct, or create loud and disturbing noises at any time, at any cemetery within the township.

(Ord. No. 14, § 6, 5-6-1968)

Sec. 14-7. Damaging or defacing monuments, structures or grounds.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or memorial or other structure or thing placed or designed for memorial of the dead, or any fence, railing, curb or other thing intended for the protection or for the ornament of any tomb, monument, gravestone or other structure mentioned in this section, or of any enclosure for the burial of the dead; nor shall any person destroy, mutilate, remove, cut, break or injure any tree, shrub or plant placed upon any grave or being within any enclosure; nor shall any person drive over any grave or damage or deface any of the grounds or properties within the cemetery.

(Ord. No. 14, § 7, 5-6-1968)

Cross reference(s)—Offenses against property, § 38-91 et seq.

State law reference(s)—Similar provisions, MCL 750.387.

Sec. 14-8. Sale of burial spaces.

- (a) Hereafter, cemetery lots or burial spaces shall be sold only to residents or taxpayers of the township for the purpose of the burial of such purchaser or his or her heirs at law or next of kin. No sale shall be made to funeral directors or others than as heretofore set forth. The township administration or board, however, is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the township through previous residence in the township or immediate relationship to persons interred therein.
- (b) All such sales shall be made on a form approved by the township board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. This form shall be executed by the township clerk and supervisor.
- (c) Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the township and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit issued by the township clerk, approved by said clerk, and entered upon the official records of said clerk. Upon such assignment, approval and record, said clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

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Sec. 14-9. Purchase price and transfer fees.

- (a) Each adult burial space fee shall be \$100.00.
- (b) Each burial space fee for infants or stillbirths shall be \$100.00, also includes if located in an area especially set aside for such burials.
- (c) All transfer fees of one or more burial spaces from an original purchaser to a qualified assignee shall be \$50.00 for each requested transfer.
- (d) The foregoing charges shall be paid to the township treasurer and shall be deposited in the cemetery fund for the particular cemetery involved.
- (e) The township board, by resolution, may periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance or acquisition.

Sec. 14-10. Grave opening/closing charges.

- (a) The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- (b) No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

Sec. 14-11. Markers or memorials.

- (a) All markers or memorials must be of stone or other equally durable composition.
- (b) Any large upright monuments (maximum four ft. in height/see schedule of cemetery regulations) must be located upon a suitable foundation as determined by sexton or designee, to maintain the same in an erect position.
- (c) Only one monument, marker or memorial shall be permitted per burial space.
- (d) The footing or foundation upon which any monument, marker or memorial must be placed, shall be constructed by the township at cost to the owner or family. Fee to be determined by township board resolution.

Sec. 14-12. Interment regulations.

- (a) Only one person may be buried in a burial space except for a mother and infant, two children buried at the same time or two cremations as directed at time of purchase. If approved by sexton, cremans with an existing burial. All cremans must be in an urn and buried.
- (b) Not less than 36 hours notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.
- (c) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. Where such permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

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- (d) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

Sec. 14-13. Ground maintenance.

- (a) No grading, leveling, or excavating upon burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- (b) No shrubs, trees or vegetation of any type shall be planted without the approval of the cemetery sexton or the township clerk. Any of the foregoing items planted without such approval may be removed by the township or the cemetery sexton. Please note that planting of flowers are allowed within two feet from marker. These plantings are done so at families risk.
- (c) The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- (d) Mounds or vegetation which hinder the free use of a lawn mower or other gardening apparatus are prohibited and shall be removed.
- (e) The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefore that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.
- (f) Surfaces other than earth or sod are prohibited.
- (g) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed or deposited in containers located within the cemetery. The township will not be held responsible for items discarded after April 1, spring cleanup and September 30, fall cleanup weather permitting.

Sec. 14-14. Forfeiture of vacant cemetery lots or burial spaces.

Cemetery lots or burial spaces sold after the effective date of the ordinance from which this section is derived and remaining vacant 40-years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

- (1) Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40 year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.
- (2) No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the township clerk from the last owner of record of said lots or spaces, or his heirs or legal representative within 60 days from the date of mailing of said notice. Said lots shall be considered forfeited.

Sec. 14-15. Repurchase of lots or burial spaces.

- (a) The township will repurchase any cemetery burial space from the owner for the original price paid the township upon written request of said owner or his legal heirs or representatives.
- (b) The township excludes forfeited lots from this provision.

Sec. 14-16. Records.

The township clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

Sec. 14-17. Vault/Urns.

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment. All cremans must be in an urn and buried. Scattering of ashes in cemetery is not allowed.

Chapter 22 ENVIRONMENT²

ARTICLE I. IN GENERAL

Secs. 22-1—22-30. Reserved.

ARTICLE II. JUNK, GARBAGE AND OUTDOOR VEHICLE STORAGE³

Sec. 22-31. Findings.

It is hereby determined that there exist, on privately owned parcels of land within the township, accumulations of junk, garbage, and unlicensed inoperable motor vehicles and that such accumulations of junk and/or garbage and unlicensed and/or inoperable motor vehicles constitute a hazard to the public health, safety and welfare of the residents of the township, for the reason that they provide a habitat conducive to breeding and nesting of mice, rats, and other vermin, and also that they contain objects with sharp edges and other hazards which can injure small children who would be attracted to play thereon without appreciating the danger thereof, and further that such junk, garbage, and unlicensed and/or inoperable motor vehicles create an unsightly condition and are aesthetically a blight to township residents, and that the regulations contained in this article are the minimum requirement required to eliminate these undesirable conditions and to protect the public health, safety and welfare.

(Ord. No. 87, § 1, 9-13-1985)

²Cross reference(s)—Animals, ch. 6; buildings and building regulations, ch. 10; moving of buildings, § 10-61 et seq.; dangerous buildings, § 10-91 et seq.; duty to remove and clean up dangerous or hazardous substances, § 18-65; land divisions and subdivisions, ch. 30; outdoor assemblies, ch. 42; parks and recreation, ch. 46; planning, ch. 50; solid waste, ch. 58; utilities, ch. 70; waterways, ch. 74; zoning, app. A.

State law reference(s)—Natural resources and environmental protection act, MCL 324.101 et seq.

³Cross reference(s)—Traffic and vehicles, ch. 66.

Sec. 22-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned, wrecked, dismantled and/or junked motor vehicle means the whole or any remaining portion or part of what was originally a machine, truck, tractor, motorcycle, automobile or any other motor vehicle defined as such by the Michigan Vehicle Code, or of any type or description thereof, which has been left standing, parked, or unmoved upon private premises (unless concealed from view of the public and from neighboring properties) or in a public place for a continuous period of 72 hours or more, and which is not readily driveable or usable for the purpose for which built or manufactured.

Antique vehicle means old motor vehicles which are in the bona fide process of restoration by the owner, if the restoration process is continuous in nature and is reasonably progressing to completion.

Disabled or inoperable motor vehicle means any machine, truck, tractor, motorcycle, automobile or other type of motor vehicle defined as such by the Michigan Vehicle Code, which by reason of accident, mechanical condition, disrepair or other cause is incapable of being self propelled. Lack of a current motor vehicle license shall be considered as evidence of inoperability.

Garbage means any accumulation of trash, refuse, or litter, specifically including, but not limited to, containers once containing edible, drinkable or usable materials, as well as dead animals or parts thereof, and discarded edible or drinkable items.

Junk means any unused or unusable building materials, furniture, machinery, appliances or parts thereof, including inoperable motor vehicles which, because of mechanical conditions or missing parts, cannot be driven, excluding licensed junkyards.

Private premises means any lot or parcel of land owned or occupied by any person, whether or not improved with any dwelling, house, building or other structure and whether inhabited, temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch or steps belonging or appurtenant to any dwelling, house, or building, or any other structure erected thereon.

Public place means any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

Rubbish means waste paper, tinware or aluminum ware, tin or aluminum cans, tin or aluminum cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, lawn cuttings and hedge trimmings. Biodegradable is exempt.

Special purpose vehicle means tractors, vehicles and machinery currently used for farming/gardening purposes, or special mobile equipment, machinery and equipment used in the current operation of a business permitted by the zoning ordinance in that location.

Vehicle storage means the parking of four or more motor vehicles upon private premises, continuously parked for a period of seven days or over, excepting when the vehicles are used in connection with a public garage business or other businesses duly licensed to operate and place where motor vehicles are stored as part of such operation, and excepting the use of vehicles in connection with multiple dwelling units and commercial and industrial businesses, and excepting such as are concealed from view of the public and from neighboring properties, and excluding vehicles parked inside garages.

(Ord. No. 87, § 2, 7-13-1985)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 22-33. Nuisances and unlawful acts.

- (a) The owner or any person in control of any private premises shall at all times maintain the premises free from any disabled, inoperable, abandoned, wrecked, dismantled, and/or junked motor vehicles, or parts thereof, unless the vehicle is concealed from view. No owner, occupant or possessor of land within the township shall keep or permit to be kept at any two times not less than four days apart within any calendar month on any such parcel any accumulation of junk thereon which has a total cumulative weight exceeding 40 pounds or a total cumulative dimension exceeding nine cubic feet unless the junk is within a completely enclosed building.
- (b) No owner, occupant or possessor of land shall keep or permit to be kept at any two times not less than four days apart within any calendar month on such parcel any rubbish or garbage unless the rubbish or garbage is kept within a closely covered can or other metal, plastic or rubber container designed for the rubbish or garbage and sufficient to prevent entry by rats, mice and other vermin. This provision is not intended to bar biodegradable, organic matter such as compost piles and the like.
- (c) No owner or person having had possession of the disabled, inoperable, abandoned, wrecked, dismantled, and/or junked motor vehicle shall leave, deposit or place any disabled, inoperable, abandoned, wrecked, dismantled, and/or junked motor vehicle, or parts thereof, upon any public place, and, if done or permitted, such act is hereby declared to be a public nuisance.
- (d) The fact that a disabled, inoperable, abandoned, wrecked, dismantled and/or junked motor vehicle, or parts thereof, is actually upon any private premises not concealed from view, or upon any public place, in violation of this article, is hereby declared a public nuisance.
- (e) The fact that more than four motor vehicles are stored on private premises, as vehicle storage is defined in this article, unless the vehicles constitute special purpose vehicles, in violation of the terms of this article, is hereby declared a public nuisance.
- (f) This article does not apply to inventory on premises occupied by a merchant licensed under MCL 205.53 and conducting a lawful business or to the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station, while left on the premises of either for purposes of service or repair, nor does this article apply to junkyards which can be regulated by chapter 54, article II.
- (g) No person shall park, place, deposit or otherwise leave or let remain any disabled, inoperable, abandoned, wrecked, dismantled, and/or junked motor vehicle, or parts thereof, or any garbage or rubbish, upon any public place in the township; provided that this shall not apply to towing or transporting of such vehicles, and provided further that a reasonable time, not to exceed 72 hours, shall be permitted for the removal or servicing of a wrecked or disabled vehicle in an emergency caused by an accident or sudden breakdown of the vehicle unless the vehicle may constitute a safety hazard.
- (h) No person or person in charge occupying any lot or lands in the township defined in this article as private premises shall park, keep, maintain, accumulate or permit to remain thereon any disabled, inoperable, abandoned, wrecked, dismantled and/or junked motor vehicle, or parts thereof, for a period of time exceeding 30 days, unless concealed from view, provided such motor vehicle is registered in his name. Any such person may, in the event of hardship, secure a permit from the building inspector to extend such period of time from 30 days for an additional period to not to exceed 15 days for any one such dismantled, partially dismantled or inoperable motor vehicle.

(Ord. No. 87, § 3, 7-13-1985)

Sec. 22-34. Enforcement; notice to abate; exceptions.

(a) The enforcement of this article by abatement of any nuisance may be by application to a court of competent jurisdiction for injunctive order, or by misdemeanor complaint duly filed for violation thereof in the manner specified, or in the manner specified in this section. When any person, being the owner, tenant or person in charge of or occupant of any private premises, shall permit or accumulate any unscreened disabled, inoperable, abandoned, wrecked, dismantled and/or junked motor vehicle thereon, or permit any rubbish or garbage to be located on the premises, and the police department or ordinance enforcer notifies the owner, person in control or occupant of such private premises to remove such motor vehicle, trash, or rubbish and clear the private premises within a term limited in the notice, such time to be not less than seven days and not more than 30 days from the time such notice is served, and such notice shall be served:

- (1) By delivering the notice to the owner, person in charge or occupant of the premises personally or by leaving the notice at his residence, office or place of business with some person of suitable age and discretion;
- (2) By mailing the notice by certified or registered mail to such owner, person in charge or occupant at his last known address; or
- (3) If the owner or person in charge is unknown and the premises are not occupied, by posting the notice in some conspicuous place on the premises for a period of ten days before the required clearing;

and if the owner, tenant, person in charge or occupant of any premises so notified to abate a nuisance on any private premises fails to abate the nuisance within the time limited in the notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate the nuisance by removing the cause and clearing the private premises. The cost of abating such nuisance, plus an additional 25 percent for overhead and other expenses, shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within 60 days after the bill for such charges has been rendered, such charges may be collected as a special assessment against the premises in the manner provided by law or in any other manner authorized for the collection of debts owed to the township.

(b) Nothing in this article shall prevent the open storing of farm machinery or commercial vehicles, providing the machinery or vehicles are mechanically operable. If a license is required, the vehicle must be licensed at least once in any calendar year.

(Ord. No. 87, § 4, 7-13-1985)

Secs. 22-35—22-60. Reserved.

ARTICLE III. NOISE

Sec. 22-61. Excessive noise prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, injures, endangers or disturbs the public health.

(Ord. No. 72, § 1, 6-5-1995)

Sec. 22-62. Specific noises prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive, namely:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, truck, motorcycle, or other vehicle on any street or public place of the township, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2) *Radios, phonographs, etc.* The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, commercial establishment, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 11:00 a.m. in such a manner as to be plainly audible at a distance of 300 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers or amplifiers for advertising or for reproduction of sound for commercial entertainment.* The using, operating, or permitting to be placed, used or operated of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, or which is used in any commercial structure for entertainment, which can be heard outside of the commercial structure for a distance of 300 feet.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing in the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- (5) *Animals and birds.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, upon request of proper township authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or loaded in such manner as to create loud and unnecessary grating, rattling or other noise.
- (9) *Loading, unloading, or opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the

emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

- (11) *Creation of noise near school, court, church or hospital.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the institution is in session, or adjacent to any hospital, which unreasonably interferes with workings of such institution or which disturbs or unduly annoys patients in the hospital, provided the street is a school, hospital or court street.
- (12) *Use of drums or other instruments for attracting attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (13) *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (14) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. No. 72, § 2, 6-5-1995)

Sec. 22-63. Exceptions.

- (a) All areas zoned agricultural (A) are specifically excluded from the provisions of this article.
- (b) Specifically excluded from the provisions of this article are any noises made by poultry and/or domesticated livestock.

(Ord. No. 72, § 3, 6-5-1995)

Secs. 22-64—22-90. Reserved.

ARTICLE IV. SURFACE WATER AND GROUNDWATER DRAINAGE⁴

Sec. 22-91. Approval of discharges of water and private retention ponds.

- (a) No person shall permit surface water from his property to run off his property onto adjoining properties or public roads.
- (b) All water, shall be retained on the property owner's premises until the same reaches a safe place of discharge, that being a sewer, drainage ditch, retention pond, or acceptable ponding area.

⁴Cross reference(s)—Utilities, ch. 70.

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- (c) All water discharging into a creek, river, lake, draining ditch or pond (except one excavated for such discharge on private property) shall require prior approval from the state department of natural resources and the township building official. All such ponds constructed for the retention of water shall require the prior approval of the building official.

(Ord. No. 86, 4-1-1985)

Secs. 22-92—22-100. Reserved.

ARTICLE V. OIL AND GAS FACILITIES AND PIPELINES

DIVISION 1. GENERALLY

Sec. 22-101. Intent and purpose.

This article shall be known as the "Oil and Gas Facilities and Pipelines Hydrogen Sulfide Ordinance" (the "ordinance"). The intent of the Township of Addison (the "township") in enacting this article is to protect the health, safety, welfare and well-being of its residents, property, environment and concerns of the township. This article is adopted to protect the property, environment and concerns of the township and the health, safety, welfare and well-being of its residents, by the regulation of oil and gas facilities and pipelines containing or impacted by hydrogen sulfide within the limits of the township, or connected to property therein.

(Ord. No. 128, § 1.011, 1-16-2006)

Sec. 22-102. Declarations.

The board of trustees for the township state the following concerns, general findings and declarations regarding the enactment of this article:

- (1) Hydrogen sulfide is a toxic hazardous material and is a chemical substance of deadly gas which can pose a serious threat to, or which otherwise can endanger life, public health, safety and general welfare.
- (2) Hydrogen sulfide is present in high concentrations throughout oil and gas formations underlying Addison Township and property connected thereto.
- (3) The risk of release of concentrations of hydrogen sulfide through activities related to oil and gas constitutes a nuisance and an endangerment to life, health and safety.
- (4) There is currently no adequate federal or state regulatory standard that protects citizens of the township from being exposed to unacceptable levels of hydrogen sulfide that would result from a release from oil and gas exploration, development, production, or operation.
- (5) The importance of protecting the public from risks associated with hydrogen sulfide; the lack of adequate state regulation currently in place to sufficiently protect public health from oil and gas operations involving hydrogen sulfide; and the power of the township to act legally to protect its citizens from the risks associated hydrogen sulfide and environmental concerns.
- (6) The dangers of hydrogen sulfide, the risk of release, and the lack of regulation sufficient to protect the public have combined to create a need to protect immediately the public health, safety, general welfare, and property concerns in Addison Township.

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- (7) This emergency situation does not exist with respect to the extraction of mineral well brine as an end-product and/or for use in manufacturing another product for the following reasons:
 - a. First, because the extraction of mineral well brine is better-regulated by state and federal authorities, under the Safe Drinking Water Act, 42 USC 300f, et seq., and its regulations, and the State Mineral Well Act, MCL 324.62501, et seq., than oil and gas activity involving hydrogen sulfide.
 - b. Second, because the extraction of mineral well brine poses a smaller risk to public health and safety than oil and gas activity involving hydrogen sulfide. Mineral well brine is extracted from shallower depths than oil and gas, resulting in lower concentrations and risks of hydrogen sulfide exposure, and less chance of perforating the geological formations containing large amounts of pressurized hydrogen sulfide.
 - (8) The regulation of pipelines, processing facilities and other structures related to the development of oil and gas containing or impacted by hazardous concentrations of hydrogen sulfide is required to protect the natural resources and the public therein and the public health, safety and general welfare of the people of the township. Specifically, and not by way of limitation, such township concerns are based upon the authority and duties imposed by the Michigan Constitution, 1963, Article IV, Sections 51 and 52; the Michigan Environmental Protection Act (now Part 17 of the Natural Resources and Environmental Protection Act), MCL 324.1701, et seq.; and the Township police powers as provided by law.
 - (9) A hydrogen sulfide exposure of ten parts per million has been established by the Federal Occupational Safety and Health Administration ("OSHA") as the permissible exposure limit for workers. According to OSHA, this concentration exceeds the minimum concentration which causes unpleasant odor and irritation of the eyes, mucous membranes and upper respiratory system. OSHA also states that headaches and dizziness may occur at this concentration. The Michigan Public Service Commission sets a standard for hydrogen sulfide concentration in residential lines which is lower than ten parts per million, at four parts per million.
 - (10) The use of a concentration of ten parts per million as the hazardous exposure and as the concentration upon which the baseline radius of exposure and air dispersion models are generated shall not necessarily imply that the township finds this standard to constitute an acceptable exposure limit for a diverse general public. There is a clear implication in the OSHA standard that for the 16-hour balance of the 24-hour day, the worker should not be exposed to a significant amount of additional hydrogen sulfide, at least beyond that which could be considered normal for ambient air. Therefore, the OSHA standard has been set forth as a reference value which can be used in the evaluation of the various structures regulated by this article. It is intended, for purposes of a reasonable regulatory approach, as a baseline number which will provide minimum assurance of an acceptable public risk to hydrogen sulfide exposure during facility or pipeline construction or operation, or in the event of an accident.
 - (11) The 1996 Ambient Air Quality Standards for hydrogen sulfide adopted by the State of Nebraska are among the best in the nation. Those standards, governing concentrations for acute and chronic exposure situations, are designed to be appropriate for the general public. The standards are: 10.0 parts per million for a one-minute average exposure; 0.10 parts per million for a 30-minute average exposure; and 0.005 parts per million for a 28-day rolling average exposure. The findings of the State of Nebraska in support of those standards were generated by a process which meticulously followed guidelines recommended for the development of such air quality standards in a report sponsored by Federal Environmental Protection Agency.

These findings are adopted by reference.

(Ord. No. 128, § 1.021, 1-16-2006)

Sec. 22-103. Definitions.

For the purposes of this article, certain terms and words are hereby defined as follows (words used in the present tense include the future; the singular includes the plural and the plural includes the singular.)

Administrator means the Supervisor of the Township of Addison, or a person appointed administrator by the supervisor with the approval of the township board.

Administratively complete means an application for a permit that is submitted on a form and contains all of the information or documentation required by this article.

Applicant means individuals, firms, corporations, or any political subdivision of the state, including any government authority created by statute, who seek a permit to conduct any of the activities regulated by this article.

Area of exposure means, in the case of a processing facility or other discrete structure, the area within a circle constructed with the point of escape as its center and the baseline radius of exposure as its radius. In the case of a pipeline or other linear or continuous structure, area of exposure means the area extending in both lateral directions from the structure out to the radius of exposure and continuing along the entire length of the structure, thereby forming a corridor of width equal to twice the baseline radius of exposure.

Certified to meet means that the structure is shown to meet the minimum standards for public health and safety by means of acceptance, quantitative models for the assessment of public health and safety risks arising from credible accidental releases.

Chronic low-level exposure means any release of hydrogen sulfide into a public area of concentrations greater than or equal to 0.005 parts per million but less than 0.1 parts per million where such release is continuous and lasts for more than seven days.

Credible means a reasonable possible release or escape of hydrogen sulfide from the location, installation, construction, operation, maintenance, repair, moving, removal, shut down, or closure of any structure or structures, including but not limited to: a complete line break due to excavation or construction, a puncture of pipeline, a leak or break arising from corrosion or stress of a pipeline, failure of gaskets, gauges, or fittings, any of which can be accompanied by failure of preventive safety measures, such as automatic shutoff valves, or blowout protection systems.

Credible accident means the worst case accidental release of hydrogen sulfide, in gas form, or in the form of bulk liquids, mists, fogs, in which hydrogen sulfide can be present in liquid solutions, from a pipeline or facility. The direction of the release can be arbitrary (vertical, horizontal) and the state of the liquids can range from bulk liquids, to sprays, mists, or clouds, whichever appears to yield the most hazardous situation that threatens or endangers life or the public health, safety and welfare. "Worst case" implies conditions leading to the largest possible radius of exposure for a given release, which could include complete line breaks, control failures, long-lasting undetected pinhole leaks and other reasonably foreseeable scenarios.

Dispersion model means a computer model for dispersion of gases and liquids containing hydrogen sulfide into the atmosphere, which can include fogs or mists in which the liquids contain hydrogen sulfide in solution. The dispersion model shall comport with the best available model or technique sanctioned by the United States Environmental Protection Agency, 40 CFR § 68, for atmospheric dispersion of gas releases. At a minimum a dispersion model shall mean:

- (1) A model that represents the turbulent mixing of gases emerging from any credible accidental or intentional release of hydrogen sulfide gas, as defined in this article, from a structure subject to regulation under this article, and subject to wind variations, humidity variations, atmospheric temperature and pressure, and other scientifically recognized or reliable and significant influences as can be reasonably be expected to be present. Models should, when applicable, include dispersions of

liquid fogs or mists, including the outgassing of dissolved hydrogen sulfide from the liquids, the dynamics of such clouds, and other factors which can yield more reliable and accurate information about the dispersion, provided such aspects of the model have been subject to experimental confirmation of the theory by the applicant, by the federal EPA or others having professional credentials in that area.

- (2) A model that discloses and details a complete and thorough selection and use of the techniques relied upon by the applicant, and the input data employed for the computations. Any model which is not sanctioned by the federal EPA must be pre-approved by the township.
- (3) A model that demonstrates scientifically reliable containment of any hydrogen sulfide that may be released during any construction, production, processing, operation, maintenance, repair or other activity, with respect to any pipeline, production facility or other equipment regulated by this article. Generally, the utilization of pipeline or facility statistical models to justify ignoring certain accidental dispersion situations will not be acceptable, and worst-case scenarios for all such accidental releases should be considered, including complete line breaks, control failures, and other reasonably foreseeable scenarios, and in accord with sound engineering practices.
- (4) A model that exhibits a conservative and reliable method and technique so as to protect the health, safety and general welfare to the fullest extent that is reasonably possible from a technical standpoint.

Environment means land, surface water, groundwater, air, fish, wildlife or biota within the state.

Environmental impact report means a written document that assesses and determines the likely adverse environmental or health, safety and welfare impacts from, and the feasible and prudent alternative locations, techniques, and methods to, a proposed pipeline, facility or equipment for which a permit is required under this article. The statement or report shall include the likely secondary and cumulative impacts from any related facilities, processes or activities.

Flowline means a structure comprising pipes, fittings and valves for the purpose of transmitting gas and/or oil from a wellhead to the first processing equipment; it falls within the definition of pipeline as stated below in this section.

Gathering line means a structure comprising pipes, fitting and valves for the purpose of transporting gas from the first processing equipment of one or more wells to, or in the event of no first processing equipment then directly to, a sweetening or other oil and gas processing facility or related equipment; it falls within the definition of a pipeline as stated below in this section.

Hazardous concentration means any concentration of hydrogen sulfide in the ambient air greater than or equal to ten parts per million.

Hydrogen sulfide means a substance containing or impacted by the chemical compound commonly referred to as hydrogen sulfide (commonly abbreviated "H₂S"), regardless of whether it takes the physical form of a gas, fog, mist or other mixture or form, or any combinations thereof, present at various concentrations, including components of natural gas mixtures and dissolved in hydrocarbon oils or in aqueous solutions which may emerge from oil or gas wells or related facilities, pipelines or processing or production facilities.

Homograph means the chart used by the township for determining the radius of exposure to ten parts per million of hydrogen sulfide as provided in this article, a copy of which shall be attached to the permit application.

Nuisance means any release that violates any air pollution standards specified in the statutes, codes, or regulations that are now or hereafter established by the Michigan State Health Department; the Oakland County Health Division; the Michigan Department of Environmental Quality-Air Part 55, Natural Resources and Environmental Protection Quality Act, MCL 324.5501, *et seq.* ("NREPA"); and any violation of the Michigan Protection Act (Part 17 of the NREPA), MCL 324.1701, *et seq.*, or any release that would be held a common-law

nuisance by a court of competent jurisdiction or any other release that endangers the life, health, safety and general welfare, or the property of the Township.

Oil and/or gas well means an exploratory or production well subject to or authorized under the authority of the Michigan Department of Environmental Quality, Supervisor of Wells, as provided by law, or other federal or state regulatory agency as provided by law.

Permittee means a person who has been granted a permit to conduct any one or more of the activities regulated by this article.

Person means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

Pipeline means flowline or gathering line, together with ancillary equipment such as pigging stations and compressors which serve to transport any gas product.

Point of escape means any point on a structure from which a release of hydrogen sulfide is possible.

Process means an action, operation, or series of actions or operations that emits or has the potential to emit or cause or a release hydrogen sulfide.

Process equipment or *process facility* means all equipment, devices, and auxiliary components, including pollution control equipment, flares, stacks, and other potential emission or release points, used or part of a process.

Public area means any place of dwelling, business, commercial building, church, school, bus stop, hospital, office, park, public sidewalk or any other place where a person is likely to frequent other than an employee of the applicant.

Radius of exposure means the distance from the point of escape to the outmost point at which a concentration of hydrogen sulfide equal to or greater than ten parts per million can be expected.

Rate of release means the maximum volume of gas containing hydrogen sulfide which could escape during a credible accident, in cubic feet per day. The rate of release shall encompass the worst-case release scenario referenced in the definition of "credible accident."

Release means any spill, leak, escape, disposal, emission, pumping, pouring, emptying, discharge, escape, leaching, dumping or disposal of hydrogen sulfide into the environment, regardless of whether such event is intended or unintended, expected or unexpected, accidental or deliberate, "to release" means to effect or cause a release as defined above.

Structure or process facility or *process equipment* means any building, structure, machinery, and/or equipment used for or in connection with the production, processing or transmitting of natural gas, oil or allied products or substances, which includes but is not limited to any pipeline, storage wells, sweetening plants or similar treatment facilities, central processing facilities, compression facilities, carbon dioxide removal facilities, bulk storage plants, hydrogen sulfide removal facilities, dehydration facilities, compressor stations, pigging stations, metering facilities or any other facility distinguished from mere pipes, fittings and valves, oil and gas mud pits or brine disposal pits; except that the permitting and application requirements of this article shall not apply to an oil or gas well that has been lawfully permitted under Part 615 of the Natural Resources and Environmental Protection Act, MCL 324.101, *et seq.* ("NREPA"). Other permitting requirements of this article shall not apply to injection wells permitted under the Safe Drinking Water Act, 42 USC 300f, *et seq.*, or its rules, and the State Mineral Well Act, MCL 324.62501, *et seq.*, for the disposal of salt water or spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts, unless:

- (1) A federal or state permit has been revoked or terminated; or
- (2) Hydrogen sulfide is present in the formation in quantities greater than 100 parts per million.

Further, even though a permit is not required under this article for such activity, the owner or operator of the injection well must file a copy of federal and state permits, applications and supporting documentation and complete a zoning compliance permit with the township. This article shall apply to oil and gas wells, however, regardless of whether a well has been permitted under Part 615 of the NREPA. Processing or related oil and gas facility may also be referred to as any type of on-site or off-site "separating facilities" or "sweetening facilities" intended or designed to remove hydrogen sulfide.

System means the portion of any structure in which gas containing hydrogen sulfide is stored or used or through which gas containing hydrogen sulfide moves, circulates or is transported, or any gas or oil well that is connected to any such structure.

Township or township board refers to Addison Township or the Board of Supervisors of the Township, Oakland County, Michigan.

(Ord. No. 128, § 1.031, 1-16-2006)

Sec. 22-104. Release of certain substances prohibited.

It is hereby prohibited and declared to be unlawful to release hydrogen sulfide, or oil or natural gas containing a concentration of hydrogen sulfide greater than 0.1 parts per million, from any structure, including an oil or gas well, into any public area of the township. Violation of this section shall be punishable by a fine not to exceed \$500.00 per day, which shall be levied on each and every day on which the release occurs and/or continues. Each day on which the release occurs or continues shall be a separate violation.

(Ord. No. 128, § 1.042, 1-16-2006)

Sec. 22-105. Violations, penalties and enforcement of article.

Violations of this article or any term or provision of a permit issued pursuant to this article shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500,000.00 or by such fine and imprisonment. This penalty provision does not limit equitable remedies and sanctions imposable by the township. Each and everyday on which a violation continues shall constitute a distinct and separately punishable violation. Any violation of and state or federal law or regulation arising out of or in the course of any business or activity regulated by this article shall also constitute a violation of this article. The township is specifically authorized to pursue enforcement of this article or any term or provision of any permit issued pursuant to this article through criminal prosecution, or by the filing of a civil action in the circuit court or any other court of competent jurisdiction for declaratory, equitable, injunctive or any other equitable relief or order, or for monetary damages, fines, costs, sanctions, expenses including expert witness and attorney fees incurred and reasonably necessary for such equipment.

(Ord. No. 128, § 1.101, 1-16-2006)

Secs. 22-106—22-120. Reserved.

DIVISION 2. PERMIT

Sec. 22-121. Required to install, construct, alter, etc, pipeline, process facility or process equipment.

A person shall not install, construct, reconstruct, relocate, alter, modify, operate, or close and remove any pipeline, oil and gas sweetening or similar process facility, or process equipment that involves the release or potential credible accidental release of hydrogen sulfide within the township without first filing an administratively complete application and obtaining a permit to install and operate the structure or equipment authorized and in compliance with the provisions and standards of sections 22-122 through 22-127 of this article.

(Ord. No. 128, § 1.041, 1-16-2006)

Sec. 22-122. Application required.

A person who is subject to this article must file an application for permit to install and operate any pipeline, oil and gas sweetening facility or similar process facility, or any process equipment. The application must be submitted in a form and with the information, data, determinations, calculations, analyses and documentation required by this section.

(Ord. No. 128, § 1.051, 1-16-2006)

Sec. 22-123. Requirement of administrative completeness.

No recommendation by the administrator or decision by the township board on an application for a permit shall be made until it has been determined that the application is administratively complete.

(Ord. No. 128, § 1.052, 1-16-2006)

Sec. 22-124. Content of application.

No recommendation to approve or decision to approve or issue a permit shall be made unless the applicant demonstrates and the administrator and township board determine that the administratively complete application, together with all other evidence compiled by the township or made a part of the record before any hearing, meets all of the following:

- (1) The applicant shall file a written application, together with a permit fee of \$2,000.00 or such other amount as determined by the township board by resolution, to cover the administration and review of a specific permit application. The township may by resolution increase the permit fee to cover the expenses of analyzing and reviewing the application for permit, and applicant shall pay such amount to the township before the permit process can be continued.
- (2) The application shall contain at a minimum all of the following:
 - a. Names, address and phone number of applicant, engineer, attorney, scientist, contractor or other person engaged in or participating in the preparation of the application, including any information in support thereof, and names and qualifications of any person providing technical information and assistance in support of the application;
 - b. The legal description of the premises for which the permit is sought;
 - c. Detailed description of any treatment or processing to be done on the permit premises or at other related locations within the township;

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- d. A detailed statement of measures to be taken to control noise, vibration, dust, odors, erosion, emissions, discharges, or credible accidental release or other adverse environmental impacts;
 - e. A detailed description of any credible accidental or deliberate release that may or are reasonably possible as a result of the construction, operation, maintenance, repair, monitoring or termination, closure, abandonment and removal of any facility, equipment or of the proposed activity;
 - f. A detailed description of all proposed monitoring and warning systems, equipment or devices, including but not limited to how they will operate, how they will be installed and maintained, and how the information from such equipment or devices will be made known to the public and township.
- (3) The applicant also shall submit:
- a. A copy of any permit from the Michigan Department of Environmental Quality, pursuant to Part 615 of the Natural Resources and Environmental Protection Act, MCL 324.61501 *et seq.*, and the rules promulgated under Part 615, for any oil and gas well, pipeline, process facility, process equipment, or other related activity required in conjunction with the overall well and processing or production system proposed by the applicant or person with whom applicant has entered into an agreement for all or part of such project, together with copies of any other permits, approvals, licenses, certifications or other approvals required by law or regulation for the facilities, processes, equipment, structures or activities regulated by this article;
 - b. A site plan showing the exact location and topographical survey showing the exact elevation of any pipeline, process facility, process equipment or other activity for which a permit is sought;
 - c. The exact location and elevation of any oil or gas well that will connect to such pipeline, process or equipment;
 - d. A map showing the location of all occupied dwellings or structures, public roads, streets, schools, hospitals, parks or other places frequented by the public within two miles of the proposed site and its related system;
 - e. The location of any mud pit to be used for disposal or storage of liquids or solids containing hydrogen sulfide;
 - f. The proposed access, and at least one other access from a different direction to the proposed site or site system;
 - g. Proposed buffers and set backs from any dwellings or structures not related to the proposed system or activity;
 - h. A map and description of the entire system that is part of or connected to, or will use or rely on the proposed structure, process facility or equipment, or activity.
- (4) The applicant shall file written reports setting forth and addressing all of the following:
- a. Determine all concentrations of hydrogen sulfide that will enter or pass through the system during its operating lifetime. Separate concentrations must be listed for any structure or activity for which a permit is required and sought under this article.
 - 1. The determination of hydrogen sulfide concentrations shall be made from tests modeled and conducted in accordance with the American Society for Testing and Materials (ASTM) Standard D-2385-66 or the Gas Processors Association plant operation test manual, GPA publication 2265-68, or other methods pre-approved by the Administrator.

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2. If testing is not available or insufficient data exists upon which to make a determination of hydrogen sulfide concentrations, in the case of an unexplored well, the applicant may estimate the concentration by demonstrating that a well of known hydrogen sulfide as the unexplored well.
 3. If such a demonstration is not possible, and in all other cases where testing is not available or insufficient data exists upon which to make a determination of hydrogen sulfide concentrations, a concentration of 1,000 parts per million shall be presumed for purposes of generating the baseline radius of exposure required by
 - b. Determine the rate of release of hydrogen sulfide in the event of a release that complies with the ASTM procedure, the GSA manual, or other suitable method pre-approved by the administrator. If testing is not available or insufficient data exists upon which to make a determination of the rate of release of hydrogen sulfide, then the rate of release shall be presumed to be 500 million cubic feet per day.
 - c. Determine the baseline radius of exposure from a release of hydrogen sulfide. A baseline radius of exposure shall be calculated by plotting the concentration of hydrogen sulfide and the rate of release on a homograph and connecting them with a straight line. The baseline radius of exposure shall then be measured as the point at which the straight line intercepts the axis for the radius of exposure.
 - d. From the baseline radius of exposure, the area of exposure shall be drawn as specified in this article on a map of sufficient detail and accuracy to indicate all public areas in the vicinity.
- (5) If and when a well is drilled, which will be connected to any structure regulated by this article, the hydrogen sulfide concentration in the structure shall be determined in accordance with the procedures specified in this article. The baseline radius of exposure shall then be re-determined based on this figure and submitted in writing to the township, The application and permit may then be reconsidered based upon this information, at the discretion of either the township or the applicant. Any drilling, construction, site preparation or other commitment by the applicant of financial resources, materials or labor towards the well or any other related structure is undertaken at the applicant's own risk, and not in reliance upon any express or implied promise by the township that necessary permits or approvals will be given.
- (6) In order to meet the requirements of subsection 22-125(1), the applicant must additionally submit the following:
- a. A detailed dispersion model of a type which has been pre-approved by the administrator and conforms with all of the requirements of this article.
 - b. An environmental impact report consistent with the requirements of the nature and scope of the duties imposed by the Michigan Environmental Protection Act (now Part 17 of the Natural Resources and Environmental Protection Act), MCL 324.1701 *et seq.*, and the National Environmental Policy Act, 42 USC 4332(c). If an applicant has prepared and filed such environmental impact report with the Michigan Department of Environmental Quality or other federal or state agency, it may file that report to satisfy this provision. If such report does not cover all of the requirements for an environmental impact report, as defined by this article, applicant shall file a supplemental report.
 - c. A description or any public facilities or services required for the installation and maintenance of a regulated use, such as roads or fire protection, whether such services exist, and if not, how applicant proposes that these services be financed and provided.
 - d. A detailed description of the measures which the applicant proposes to assure the public safety and health, emergency response, evacuation, emergency and safety plans, monitoring plans, and reporting and notification of any release or exposure to hydrogen sulfide.

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- e. A safety study for any pipeline, facility, or equipment to be used in applicant's system, certifying that credible accidental releases from the applicant will not result in health hazards in areas accessible to the public, and that the system otherwise complies with all aspects of this article.
 - f. Proof that the system and structures, or any use thereof, shall meet any hydrogen sulfide public health and safety criteria or standards of federal or state public health officials for each type of credible accidental release.

(Ord. No. 128, § 1.053, 1-16-2006)

Sec. 22-125. Approval and denial standards.

The standards for approval or denial of a permit of this article shall be as follows:

- (1) If any portion of the area of exposure includes any part of a public area, as defined in this article, or if the baseline radius of exposure is greater than one kilometer in length, the permit shall be denied unless the applicant files a dispersion model and report that establishes that no person within the area of dispersion other than an employee of the applicant shall be exposed to more than ten parts per million hydrogen sulfide.
- (2) If no portion of the area of exposure includes any part of a public area, as defined in this article, the permit shall be granted unless the township or other person establishes that a person within the area of exposure other than an employee of the applicant will be exposed to more than ten parts per million hydrogen sulfide.

(Ord. No. 128, § 1.054, 1-16-2006)

Sec. 22-126. Additional evidence required at hearing.

No permit shall be approved or issued unless all of the following are determined to be satisfied by the evidence at the hearing process provided in section 22-128 of this article:

- (1) The threat or risk of a release of hydrogen sulfide in connection with the construction, use, operation, maintenance, repair, monitoring, abandonment, removal and closure of any proposed structure, pipeline, process facility or equipment will not constitute a nuisance as defined by this article or the law of Michigan, or alternatively, that there is no feasible and prudent alternative and that the proposed conduct is consistent with the promotion of the health, safety and general welfare.
- (2) There is no likely pollution or impairment of the air or other natural resources or the public trust therein, contrary to the Michigan Environmental Protection Act (now Part 17 of the Natural Resources and Environmental Protection Act), MCL 324.1701, et seq.
- (3) The proposed structure, use and operation has been permitted in accordance or complies with any other applicable federal or state statute or regulation concerning the risks of a release of or exposure to hydrogen sulfide.
- (4) The emergency response plan, evacuation plan, and rescue plan, or other actions that are required or will be implemented in the event of a release are feasible, prudent and consistent with the public health, safety and general welfare.

(Ord. No. 128, § 1.055, 1-16-2006)

Sec. 22-127. Terms and conditions.

If approved or issued, a permit shall include terms and conditions necessary to assure compliance with all applicable requirements of this article, including those necessary to meet release or emission limits of hydrogen sulfide, and including at a minimum the following:

- (1) The permittee shall file with the township treasurer a performance bond in the penal sum of \$100,000.00, conditioned on and to reimburse and indemnify the township. Reimbursement or payment of an indemnity under the bond shall not release permittee from any claim the township may have for reimbursement or otherwise. The bond shall be approved by the township attorney, and where necessary the township may require the permittee to provide an additional amount or other security for the bond.
- (2) The permittee before any construction shall provide and file a copy with the township clerk public liability insurance for claims of bodily injury, sickness, illness, disease, medical disorder, or death of any person other than an employee. This insurance shall be at least \$1,000,000.00 per person/per occurrence and \$3,000,000.00 aggregate unless the administration of the township determines that the potential risk is not adequately covered and if such event, higher coverage may be required. Further property insurance shall be at least in the same amounts for per occurrence and aggregate. The policy must be for at least one year, and copies of any change, modification, renewal or new policy must be filed with the township clerk. Any lapse or expiration of coverage whatsoever shall render the permit inoperative, null and void.
- (3) The permittee shall sign a separate agreement in the permit in which the permittee agrees to release, indemnify and hold harmless the township, its employees, agents, and contractors from any and all liability arising out of the construction, operation, maintenance and repair of structures or equipment permitted under this article, including suits brought by third parties who have been subjected to any release or chronic low-level exposure. This indemnification provision shall be co-signed by the owner or lessor of the property on which structures or equipment are planned to be built, if that person is different from the applicant.
- (4) The permittee shall develop and implement a plan to monitor and prevent any exposure and odors.
- (5) The permit may not be assigned or otherwise transferred without written notification to the township clerk and approval of the township board, showing that the requirements of this article have been and will continued to be met. Failure to comply with this provision shall render the permit inoperative, null and void, and any operation pursuant to the permit shall cease and any pipeline, process facility, or process equipment shall be properly closed and shut down.
- (6) The permit shall require applicant to establish within 14 days of issuance of the permit an escrow account with cash or letter of credit for the closure and abandonment of any pipeline, facility, or equipment approved by the permit and for any restoration of the property, air or environment where it is located or that has been harmed by operation and closure. The escrow shall or letter of credit shall be in the amount not less than \$100,000 or determined by the township administration in such reasonable additional amount as determined by resolution of the township board, to pay for the expenses of the township in the event the permittee defaults otherwise fails to perform as required by its permit or otherwise is required to clean up or restore property or the environment.
- (7) The permit shall require the permittee to acknowledge that approval or issuance of a permit under this article does not excuse obviate the permittee's compliance with all other local, state and federal laws and regulations.

(Ord. No. 128, § 1.056, 1-16-2006)

Sec. 22-128. Review by planning commission.

The Administration shall contact the planning commission for review and recommendation with respect to the proposed structure, facility or equipment or activity.

- (1) Prior to the granting of any permit hereunder, and not earlier than 56 days after the filing of the application not later than 182 days after the application the administrator shall cause the township clerk to set a date for a public hearing which shall be held by the township board within 45 days of such request for hearing. A notice of the date, time place and purpose shall be published in a newspaper of general circulation in the township at least 14 but not more than 21 days prior to said hearing.
- (2) At least ten days prior to said public hearing, the planning commission shall, whenever possible under reasonable constraints of time and resources, forward their findings and recommendations with respect to the determinations required of the township board under this article, supported by any information which is deemed necessary, including at least one copy of the complete application and any other relevant information which has been submitted or obtained with respect to the application.
- (3) Upon the conclusion of such public hearing, the township board shall render a final determination based upon the facts and records before it, 90 days from the hearing, and such determination shall be in accordance with standards set forth in this article. Such determination shall consist of a concise statement setting forth the action taken and the reasons in support thereof. In the event that the township board cannot make such decision or determination within the said 90-day period, it shall notify all interested parties, including the applicant, of such fact and upon such notification, shall be deemed to have an additional 30 days in which to make such determination. At the expiration of 90 days, or the extended 30-day period, if the township board has not rendered a decision as required under the terms and provisions of this article, the applicant shall be deemed to be approved unless further extensions have otherwise been consented to in writing.

(Ord. No. 128, § 1.061, 1-16-2006)

Sec. 22-129. Special conditions and restrictions.

The township board may attach any special conditions, restrictions, requirements, or limitations to any permit which are reasonable and necessary to protect the public health, safety and general welfare, to prevent pollution, impairment or destruction of natural resources and avoid the creation of public or private nuisances. The township may also set up such terms and conditions for bond or liability insurance protection as are reasonably necessary and appropriate to the extent that such insurance is obtainable.

(Ord. No. 128, § 1.071, 1-16-2006)

Sec. 22-130. Monitoring.

The township may provide in the permit for the monitoring of the operation covered by the permit and for payment of the reasonable cost(s) of said monitoring activities. If the permittee falls to monitor as required by the permit, the township may conduct its own monitoring and under special conditions which shall grant access to the township and for such monitoring and the township may recover from the permittee the reasonable and necessary cost of such shall be paid for by the applicant in accordance with the terms of the permit.

(Ord. No. 128, § 1.072, 1-16-2006)

Sec. 22-131. Suspension or revocation.

The township may, upon recommendation of the administrator, suspend any permit granted under this article upon a finding that the permittee has committed or is committing serious violations of any provision of this article or any term or condition of a permit approved under this article. The permit may also be revoked or suspended upon a finding that the permittee has failed to disclose a material fact that was known, or should reasonably have been known, to it at the time the application was made and the permit granted. The township may suspend any permit without notice upon a determination that such suspension is necessary to prevent an imminent endangerment of life, health, safety or property. Except as provided in an emergency and imminent endangerment set forth in the preceding sentence, a permit shall be revoked or suspended only after the following proceedings are complied with:

- (1) The permittee shall be served with a written notice of the intention of the township to suspend the permit, which notice shall specify the alleged facts and reasons which form the basis for the proposed suspension or revocation, and shall specify the date, time and place when the township shall meet to consider the proposed suspension or revocation. Such notice shall be served by first class mail, addressed to the permittee.
- (2) At the time, place and date specified, which will be at least seven days after the service of the notice, the township shall hear and consider evidence regarding the matters mentioned in the notice and shall afford the permittee and opportunity to be heard and to present evidence.
- (3) The permit shall not be suspended unless the township board determines the existence of grounds for suspension or revocation as set forth above.
- (4) Any suspended or revoked permit will be reinstated by the township board upon a finding that the reasons and grounds for the suspension or revocation no longer exists unless there are underlying material facts which were not disclosed at the time the application was made and the permit granted and which would result in a determination by the township board that the conduct allowed by the original permit violates the standards established by this article.

(Ord. No. 128, § 1.081, 1-16-2006)

Sec. 22-132. Exceptions to division.

Except as hereafter expressly set forth, nothing contained in this article shall be deemed to require a permit for any activity or operation or facility or pipeline, which is in existence prior to the effective date of this article so long as the activity, operation, facility, or pipeline does not introduce or increase the concentrations of hydrogen sulfide, or so long as such activity, operation, facility pipeline, or conduct is not expanded beyond the nature, extent, scope and degree of that which exists on the effective date of this article. The township does not by this provision recognize any preexisting uses, operations, activities, facilities, pipelines, or conduct as lawful or waive any other rights or remedies if has by law to protect the health, safety, welfare and the environment if the township and its citizens.

(Ord. No. 128, § 1.901, 1-16-2006)

Secs. 22-133—22-150. Reserved.

ARTICLE VI. MARIHUANA ESTABLISHMENTS⁵

Sec. 22-151. Title.

This article shall be known as and may be cited as the Addison Township Prohibition of Marihuana Establishments Ordinance.

(Ord. No. 19-1, § I, 1-14-2019)

Sec. 22-152. Definitions.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., specifically at MCL 333.27953, or as otherwise codified or amended.

(Ord. No. 19-1, § II, 1-14-2019)

Sec. 22-153. No marihuana establishments.

Addison Township hereby prohibits all marihuana establishments within the boundaries of the township pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., specifically at MCL 333.27956, or as otherwise codified or amended.

(Ord. No. 19-1, § III, 1-14-2019)

Sec. 22-154. Violations and penalties.

- (a) Any person who disobeys neglects or refuses to comply with any provision of this article or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this article. A violation of this article is deemed to be a nuisance per se.
- (b) A violation of this article is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township incurs in connection with the municipal civil infraction.
- (c) Each day during which any violation continues shall be deemed a separate offense.
- (d) In addition, Addison Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- (e) This article shall be administered and enforced by the ordinance enforcement officer of Addison Township or by such other person(s) as designated by the township supervisor or board from time to time.

⁵Cross reference(s)—Controlled substances, § 38-286.

(Ord. No. 19-1, § IV, 1-14-2019)

Chapter 34 LAW ENFORCEMENT⁶

ARTICLE I. IN GENERAL

Secs. 34-1—34-30. Reserved.

ARTICLE II. ORDINANCE ENFORCEMENT OFFICERS⁷

Sec. 34-31. Position established.

There is hereby established the office of ordinance enforcement officer within the township.

(Ord. No. 105, § 1, 4-6-1992)

Sec. 34-32. Appointment and removal.

The township board is hereby authorized, by resolution, at any regular meeting of the board, to appoint any person to the office of ordinance enforcement officer for such term as may be designated in the resolution. The board may further, by resolution, remove any person from such office, at the discretion of the board.

(Ord. No. 105, § 2, 4-6-1992)

Sec. 34-33. Authority.

The ordinance enforcement officer is hereby authorized to enforce all ordinances of the township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the ordinance or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the ordinance enforcement officer to enforce the ordinance shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such ordinance enforcement officer shall also be in addition and supplementary to the authority vested in the township supervisor by state statute. The ordinance enforcing authority of the township supervisor and the other officers specifically designated in any township ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of this article.

(Ord. No. 105, § 3, 4-6-1992)

⁶Cross reference(s)—Administration, ch. 2; emergency services, ch. 18; offenses, ch. 38; traffic and vehicles, ch. 66. State law reference(s)—Law enforcement officers training council act, MCL 28.601 et seq.; minimum employment standards, MCL 28.607.

⁷Cross reference(s)—Officers and employees, § 2-61 et seq.

Sec. 34-34. Duties.

The ordinance enforcement duties authorized in this article shall include, among others, the following: investigation of ordinance violations, serving notice of violations, serving appearance tickets as authorized under chapter IV of Public Act No. 175 of 1927 (MCL 764.1 et seq.), appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance-enforcing duties as may be delegated by the township supervisor or assigned by the township attorney.

(Ord. No. 105, § 4, 4-6-1992)

Chapter 46 PARKS AND RECREATION⁸

ARTICLE I. IN GENERAL

Secs. 46-1—46-30. Reserved.

ARTICLE II. WATERSHED PRESERVE PARK⁹

Sec. 46-31. Purpose; applicability.

The township property known as the watershed preserve park (park) shall operate under provisions as stated in this article. The property area subject to this article is described in exhibit A, which is on file in the office of the township clerk. This article is to be construed to provide maximum protection to the wilderness character and nature of the park described in this section.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-32. General rules.

General rules shall be posted at the park's access points as follows:

General Rules:

⁸Cross reference(s)—Environment, ch. 22; outdoor assemblies, ch. 42; waterways, ch. 74.

State law reference(s)—Township powers to acquire property for public purposes, MCL 41.2; township parks, MCL 41.421 et seq.; authority to operate system of public recreation, MCL 123.51; playground equipment safety act, MCL 408.681 et seq.

⁹Editor's note(s)—Ord. No. 12-02, adopted July 16, 2012, in effect repealed the former Art. II, §§ 46-31—46-40, and enacted a new Art. II as set out herein. The former Art. II pertained to the watershed preserve and derived from Ord. No. 120, adopted May 15, 2000.

Open to Public Sunrise to Sunset, unless otherwise posted by Addison Township at the Park entrance and at the publication board in the Township Office, located at 1440 Rochester Road, Leonard, Michigan 48367.

No alcoholic beverages on the park premises.

No wheeled or motorized vehicles allowed beyond the parking area (exception is made for handicapped access).

No snowmobiles or personal motorized watercraft allowed.

Do not remove or disturb any tree, plant, flower or animal unless authorized by the approved camping and hunting regulations in section 46-40 and section 46-41.

Stay on designated trails, unless authorized by the approved camping, and hunting regulations, sections 46-40 and section 46-41.

All pets must be on a leash under the owner's control at all times, unless the dog at issue is being utilized in the activity of waterfowl hunting as allowed under [section] 46-41(2).

No fires are allowed.

Pack out what you pack in - Leave only footprints on the trails.

Special use permits for camping may be obtained at the Fire Department upon two weeks' advance notice and filling out a Township approved application for special use for specific functions as provided by Township ordinance.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-33. Mission statement.

- (a) The purpose of the park is to protect and preserve in perpetuity the integrity of the extremely sensitive watershed and wildlife habitat area within the park boundaries and to maintain the pristine beauty of the land and waters in an undisturbed and natural state.
- (b) The park was acquired in order to create an ecological park within the township. All activities within the park must have minimal impact on the environment and the unique hydrogeology and wildlife that characterize the property. The park will be minimally developed, and maintained in a way that will allow visitors the opportunity to see what this area looked like in its natural state, before the surrounding area was settled and forever altered by human development.
- (c) All visitors to the park must follow the posted rules contained in this article.
- (d) In order to comply with MNRTF grant funding requirements, designated and approved types of hunting are allowed. The township and hunters shall follow all Michigan Department of Natural Resources (DNR) regulations pertaining to those types of hunting allowed in the park (see section 46-41 for specific types and township restrictions).

(Ord. No. 12-02, 7-16-2012)

Sec. 46-34. Hours; vehicular access.

The park will be open to the public from sunrise to sunset year round, unless otherwise indicated or restricted due to hunting seasons. No wheeled motorized vehicles, snowmobiles or motorized watercraft of any kind will be allowed beyond the parking area. The only exception will be made for wheelchair handicapped access to trails and patrolling law enforcement rangers and authorized maintenance personnel and equipment.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-35. Trails.

All visitors shall remain on designated trails unless otherwise indicated and authorized by the approved camping and hunting regulations in section 46-40 and section 46-41. Snow-shoeing and cross country skiing is permitted on designated trails only.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-36. Equestrian access.

Horses may be ridden in the park, but must remain on designated trails.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-37. Pets.

All pets entering the park must be confined to a leash at all times. No pet may interfere with, worry or annoy wildlife and such occurrence shall subject the owner or accompanying person of the pet to prosecution unless the dog at issue is being utilized in the activity of waterfowl hunting as allowed under section 46-41(2).

(Ord. No. 12-02, 7-16-2012)

Sec. 46-38. Boating.

Small non-motorized rowboats, kayaks or canoes may be allowed on the lakes within the park provided that they do not interfere with water bird nesting and brooding patterns.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-39. Removal of litter; fires.

All visitors to the park are required to pack out any materials, litter or refuse they bring in. There will be no ground fires allowed within the park except by special permit.

(Ord. No. 12-02, 7-16-2012)

Cross reference(s)—Fire prevention and protection, ch. 26; solid waste, ch. 58.

(Supp. No. 15)

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Sec. 46-40. Special use access for camping.

- (a) Permits may be issued for special use access to the park by the township supervisor or designee. Such uses must be consistent with the intent of this article. Such permits will be required for any uses that do not fall within the posted rules for visitor use. These will include any activity that will entail after-hours use of the park, any activity that might impact normal visitor use of the park, and/or camping overnight. Special use permits must be obtained two weeks in advance of any such activity by contacting the township offices unless the supervisor waives this time requirement.
- (b) Special use permits will be issued on a one-time use basis for specific dates of use. Any person or group requesting a special use permit must fill out an application form at the fire department. The following rules will apply to the issuance of permits:
 - (1) Camping.
 - a. Primitive camping will be allowed within the park. Camping will be restricted to designated campsites located in areas that will not adversely impact wildlife. The campsites will be accessible only by foot. All campsites must be "minimal impact" tent sites without power or running water. Campfires will be allowed only in designated fire pits constantly attended by the special use designee. All organic human refuse must be buried. All debris, trash and the like must be carried out.
 - b. The use of campsites will be by advance reservation only, and will be limited to a maximum of three days to minimize impact on the environment and biota. No campsite shall be occupied continuously. A minimum of five days' vacancy will be required between use of any campsite.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-41. Hunting.

All hunting shall follow DNR rules and regulations, including applicable licensing requirements. The following types of hunting are allowed:

- (1) Archery hunting throughout the DNR designated regular archery deer hunting season.
 - a. All blinds, platforms or tree stands shall follow the most current requirements of the DNR which currently prohibits blinds, platforms or tree stands that pierce or otherwise damage the bark of any tree.
 - b. The township prohibits the cutting of any shooting lanes for the purpose of archery hunting or any type of allowed hunting.
- (2) Waterfowl hunting during the DNR-designated regular waterfowl hunting season except that in no event shall waterfowl hunting be allowed in the park prior to October 1st of any given year.
- (3) Fishing shall be allowed and is subject to all DNR rules and regulations.

For safety purposes, the township, reserves the right, to close the park for all other purposes during the allowed designated seasons. The closure of the park shall be determined by the board or the supervisor in an emergency situation.

(Ord. No. 12-02, 7-16-2012)

Sec. 46-42. Discharge of firearms or fireworks.

There shall be no discharge of firearms or fireworks within the park unless a township approved event or firearms as allowed in section 46-41.

(Ord. No. 12-02, 7-16-2012)

Chapter 50 PLANNING¹⁰

ARTICLE I. IN GENERAL

Sec. 50-1. Land development fee schedule.

A land development fee schedule shall be adopted by resolution of the township board from time to time.

(Ord. of 12-7-1998)

Secs. 50-2—50-30. Reserved.

ARTICLE II. PLANNING COMMISSION¹¹

Sec. 50-31. Membership.

The planning commission shall consist of seven members. All members shall be qualified electors of the township and one member shall be a member of the township board.

(Ord. No. 77, § 2, 1-6-1982)

Sec. 50-32. Appointment and removal of members.

All members of the planning commission shall be appointed by the township supervisor with the approval of the township board. Members may be removed by the township supervisor, with the approval of the township board.

(Ord. No. 77, § 3, 1-6-1982)

¹⁰Cross reference(s)—Buildings and building regulations, ch. 10; environment, ch. 22; land divisions and subdivisions, ch. 30; utilities, ch. 70; waterways, ch. 74; zoning, app. A; PUD planned unit development, app. A, § 25.01 et seq.

State law reference(s)—Township planning, MCL 125.321 et seq.; municipal planning, MCL 125.31 et seq.

¹¹Cross reference(s)—Boards and commissions, § 2-91 et seq.

State law reference(s)—Authority to create a planning commission, MCL 125.323.

Sec. 50-33. Term of members; vacancies.

The term of each member of the planning commission shall be for three years. A successor shall be appointed not more than one month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

(Ord. No. 77, § 4, 1-6-1982)

Sec. 50-34. Powers and duties.

All powers, duties and responsibilities provided by Public Act No. 184 of 1943 (MCL 125.271 et seq.) for zoning boards created thereunder, and specifically all powers, duties and responsibilities as assumed by the township zoning board, shall be and are hereby transferred to the planning commission created by this article, and upon the establishment of this planning commission the powers, duties and responsibilities of the township zoning board shall cease and terminate.

(Ord. No. 77, § 5, 1-6-1982)

Chapter 70 UTILITIES¹²

ARTICLE I. IN GENERAL

Secs. 70-1—70-30. Reserved.

ARTICLE II. SEWAGE¹³

DIVISION 1. GENERALLY

Secs. 70-31—70-50. Reserved.

DIVISION 2. DISPOSAL OF WASTE AND EFFLUENT

¹²Cross reference(s)—Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 22; surface water and groundwater drainage, § 22-91 et seq.; land divisions and subdivisions, ch. 30; planning, ch. 50; solid waste, ch. 58; telecommunications, ch. 62.

State law reference(s)—Local government authority to provide and regulate water and sewer service, MCL 324.4301 et seq.; collection of water or sewerage charges, MCL 123.161 et seq.; sewage disposal, water supply and solid waste management system, MCL 124.281 et seq.; rates charges for use of public improvement in order to pay bonds, MCL 141.121.

¹³State law reference(s)—Sewerage systems, operation, construction and inspection, MCL 324.4101 et seq.; sewerage contracts between political subdivisions, MCL 123.321 et seq.

Sec. 70-51. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disposal includes the incineration, longterm storage, treatment, discharge, deposit, injection, dumping, spilling, leaking or placing of waste into or on land, water or the air.

Waste means municipal and industrial sludge, sludgecakes, sediment, deposits, effluent or precipitate from wastewater treatment, septic tank cleaning, garbage, rubbish, ashes, incinerator ash, residue, street cleanings, solid commercial and solid industrial wastes, any other similar discarded material, or any combination of such material regardless of its source or form.

(Ord. No. 74, § 1, 7-6-1981)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 70-52. Permit required; exceptions.

No person shall dispose of or authorize, sanction or permit the disposal of waste in the township except pursuant to a permit issued by the township board. No person, however, shall be required to obtain a permit for the disposal of his own residential or agricultural waste.

(Ord. No. 74, § 2, 7-6-1981)

Sec. 70-53. Application for permit; issuance.

- (a) Application for a permit to dispose of waste shall be made to the township board as follows:
- (1) Any person seeking a permit from the township board to dispose of waste shall file an application with the township clerk containing his name and residence and the location of the proposed facility. The person shall simultaneously provide the township board with a complete copy of the application submitted to the state pursuant to either part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) or part 111 of Public Act No. 451 of 1994 (MCL 324.11101 et seq.), including any hydrogeological reports, monitoring programs, environmental assessments, engineering plans, or procedures for closure and postclosure monitoring, as part of his application to the township board. The person shall also provide any additional information the township board deems necessary regarding the application, including the complete and definitive hydrogeological study discussed in subsection (b) of this section.
 - (2) The permit fee shall be as adopted by resolution of the township board from time to time, payable with the application to the township clerk.
 - (3) No permit shall be issued by the township board until the applicant has submitted proof of a permit issued under parts 111 and 115 of Public Act No. 451 of 1994 (MCL 324.11101 et seq., 324.11501 et seq.) cited in subsection (a)(1) of this section and has supplied all information requested by the township board under subsection (a)(1) of this section, and, in any event, no permit shall be issued by the township board before it has a minimum of 120 days to review the completed application.
- (b) No permit shall be issued by the township board until a complete and definitive hydrogeological study of the area potentially affected by the proposed disposal of waste has been submitted to the township board and the lapse of at least 60 days, or such further time not exceeding 120 days as may be required, for referral to appropriate soils and geological engineers for analysis and comment. The hydrogeological study shall

contain, at a minimum, a complete and definitive analysis of the nature, extent, permeability and stability of aquifers in the potentially affected area and shall incorporate proposed safeguards for ensuring that waste shall not in any way impair the quality of the groundwater system or influence its behavior from time to time, whether by lake level influence, septic system impact, effect on well level requirements or groundwater recharge systems, or surface water drainage and runoff, or in any other way.

(Ord. No. 74, § 3, 7-6-1981)

Sec. 70-54. Monitoring reports.

Any person disposing of waste pursuant to a permit shall simultaneously provide the township board with monitoring reports or any other documentation concerning the disposal provided to the state.

(Ord. No. 74, § 4, 7-6-1981)

Sec. 70-55. Suspension or revocation of permit.

Upon receipt of facts reasonably leading him to believe that any person is disposing of waste in violation of the laws of the state, this article, or other ordinances of the township, the township supervisor may suspend the permit therefor for a period of up to 30 days and file a complaint with the director of the state department of natural resources. Upon a hearing to be scheduled for the township board meeting immediately following the suspension, the township board may reinstate the permit or revoke the permit for a sufficient period of time necessary for the department of natural resources to make a determination on the township's complaint.

(Ord. No. 74, § 5, 7-6-1981)

Secs. 70-56—70-70. Reserved.

ARTICLE III. ELECTRIC AND GAS SUPPLY FRANCHISE ORDINANCE

DIVISION 1. GENERALLY

Sec. 70-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning:

Customer means a residential, commercial or industrial end-user of electricity or natural gas in the township.

Disruption means a physical change, modification, alteration, disturbance, injury and/or damage to or in a right-of-way, including but not limited to construction, installation, location, maintenance, modification, alteration, replacement or repair of facilities, and the removal or alteration of a right-of-way surface grade or material, tree, sign, marker, hydrant or other material or object.

Facility and *facilities* mean any overhead or underground cable, wire, line, main, pipe, pole, building, structure, or equipment and all other manmade or man-placed materials or objects or combinations thereof, for the transmission or distribution of electricity or natural gas to customers.

Franchise means a nonexclusive limited authorization to transact a local business and the right to incidental use of right-of-way under this article.

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Grantee means the holder of a valid and effective franchise granted by the township. MPSC means the Michigan Public Service Commission.

Right-of-way means any and all public right-of-way, streets, highways, roads, sidewalks, alleys, thoroughfares, public easements and public places located within the township.

Supplier means a person that supplies electricity (electric generation) or natural gas to customers in the township through facilities in the township in which the person has no ownership, operation, leasehold, repair or maintenance rights or responsibilities.

Utility means a person that owns, operates and maintains facilities used to provide electricity or natural gas to customers in the township.

(Ord. No. 10-1, 9-20-10)

Sec. 70-72. Statement of purpose.

- (a) Pursuant to Section 29 of Article 7 of the Michigan Constitution of 1963, use of the highways, streets, alleys and other public places for operation of a public utility requires the consent of the township and the transaction of local business in the township by a public utility requires that a franchise first be obtained. The ordinance from which this article is derived is adopted for the purpose of conforming and providing the process, terms and conditions for suppliers of electricity and natural gas to obtain the required consents and franchises and to fully exercise the township's constitutional authority, which includes the reasonable control of its highways, streets, alleys and public places.
- (b) As a result of regulatory changes that have or may occur, and interpretations of existing laws, at the state and federal levels, specifically including the state public service commission (referred to in this section as "deregulation"), the persons that may be authorized to supply electricity and natural gas to customers in the township are no longer limited to the public utility that owns and operates the facilities used to deliver electricity and natural gas to customers. The ordinance from which this article is derived is adopted in recognition of the deregulation which has and may continue to occur, with the intent and purpose of confirming that all persons supplying electricity or natural gas to customers in the township are required to have a franchise as provided in this article, regardless of whether it is required as a condition of state or federal regulatory permits, approvals or certificates.
- (c) The township will incur costs and expenses in reviewing and acting on franchise requests, and, upon granting a franchise, monitoring and enforcing its terms and conditions. Such costs and expenses should be paid by franchise applicants and holders as provided herein.

(Ord. No. 10-1, 9-20-10)

Sec. 70-73. Franchise required; effect of franchise.

Being a supplier of electricity or natural gas to customers in the township is the transaction of local business of a public utility, which shall not be done without a franchise. A franchise granted under this article constitutes the township's consent to the grantee's limited and incidental use of right-of-way to the extent that facilities are located within it.

(Ord. No. 10-1, 9-20-10)

Sec. 70-74. Application requirements.

Applications for franchises shall be made to the clerk of the township by providing the following written information and documents:

- (1) A nonrefundable franchise application fee of \$3,500.00. The board reserves the right to modify the fees, by resolution, from time to time.
- (2) The name, if an individual, you must be over 18 years of age, and address of the applicant, and, if the applicant is not a natural person, the date, state and form of business organization.
- (3) A description of the local business the applicant proposes to transact.
- (4) Copies of certificates, articles, permits, approvals, licenses, the last annual report and other written documentation of the applicant's lawful incorporation, organization, existence, authorization and good standing to conduct its proposed business in the state. If any of the listed items have not been received, documentation that they have been applied for must be provided.
- (5) If applicable, the applicant's minimum quantity requirements of existing and potential customers.
- (6) The length of the franchise term being requested, which shall have a duration of not longer than ten years.
- (7) An acknowledgment and agreement to accept and comply with a franchise in the form of an ordinance that contains and incorporates by reference all of the terms and conditions contained in division 2 of this article.

(Ord. No. 10-1, 9-20-10)

Sec. 70-75. Processing of application; adoption of franchise ordinance.

- (a) Upon receipt of a franchise application, the township clerk shall schedule the application and a proposed ordinance that would grant the franchise requested, for introduction at the first available township board meeting after the franchise application is deemed complete at the sole discretion of the township clerk.
- (b) The applicant or its representative shall receive notice and may appear at the township meeting when its franchise request is introduced. If the application meets the requirements of this article, the proposed ordinance will be accepted for introduction and scheduled for possible adoption at the first meeting thereafter that allows time to satisfy any publication and legal requirements for adoption of a valid franchise ordinance.
- (c) After all publication and other legal requirements for adoption of a valid franchise ordinance have been satisfied, at a regular or special meeting, the township board may adopt, reject or table adoption of a proposed franchise ordinance.

(Ord. No. 10-1, 9-20-10)

Sec. 70-76. Acceptance by grantee.

After a franchise ordinance is adopted by the township board and all publication and other legal requirements for it to become effective are satisfied, a certified copy of the ordinance shall be delivered or mailed to the approved grantee together with a written acceptance for the approved grantee to sign under oath, confirming its acknowledgment, agreement and acceptance of the franchise and all of its terms and conditions. If the required signed and notarized acceptance is not delivered to the clerk within 30 days of the delivery or mailing

of the franchise ordinance and agreement to the grantee, the effectiveness of the ordinance will be automatically terminated. Upon the approved grantee's timely acceptance of the franchise ordinance, it shall constitute a contract between the township and the grantee.

(Ord. No. 10-1, 9-20-10)

Sec. 70-77. Provisions of article to be incorporated in franchise ordinance.

Unless amended by the individual franchise ordinance, all of the definitions in section 70-71, the terms and conditions in division 2 of this article and section 70-109 and the penalties and relief in sections 70-73, 70-74, 70-75, 70-76, 70-77 and 70-78 shall apply and be incorporated by reference as part of every supplier's individual franchise ordinance. Any amendments to this article shall be automatically included in every franchise.

(Ord. No. 10-1, 9-20-10)

Sec. 70-78. Term; renewal.

- (a) *Term.* No franchise granted under this article shall be for longer than ten years. The term of each franchise shall be stated in the individual franchise ordinance.
- (b) *Renewals and extensions.* There is no right to a franchise renewal or extension. Franchise renewal or extension may be applied for and approved as provided in sections 70-91 through 70-109.

(Ord. No. 10-1, 9-20-10)

Sec. 70-79. Provisions of article do not constitute waiver of rights by township.

Nothing in this article shall be construed as a waiver of any of the rights, remedies and/or authority of the township pursuant to any laws, ordinances, codes or regulations of the township, and the township reserves the right to exercise all authority and take any and all action granted to it by any constitution, law, township ordinance, code and/or regulation. Nothing in this article shall be construed to limit and/or preclude the township from exercising its right of eminent domain.

(Ord. No. 10-1, 9-20-10)

Sec. 70-80. Notices.

Any notices required to be sent to the grantee by this article may be delivered, or may be sent by first class mail to the grantee, at the address listed in the franchise application or such other address as the grantee has provided to the clerk in writing.

(Ord. No. 10-1, 9-20-10)

Sec. 70-81. Violations; penalties.

- (a) *Transacting business without franchise.* Any person transacting business without a franchise required by this article shall be responsible for a municipal civil infraction, and shall pay a fine in the following amount:
 - (1) First offense: \$3,500.00.
 - (2) Second or subsequent offense: \$5,000.00.

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- (3) The board reserves the right to modify the fees, by resolution, from time to time.
- (b) *Restoration of damaged right-of-way.* Any person in violation of the franchise requirement of this article or a franchise issued under it who damages a right-of-way shall be responsible for restoration of the right-of-way to the condition that existed prior to the violation. If such person fails or refuses to restore the right-of-way after 30 days' notice from the township, and if the township determines that the civil infraction remedy is inadequate under the circumstances, the township may initiate proceedings in the appropriate court to recover the cost estimated to accomplish the restoration, or recover such costs as have been actually expended by the township in achieving the restoration, as the case may be. Such costs shall include finance and reasonable administrative costs estimated or incurred.
- (c) *Separate offenses.* Each occurrence of a violation, and each day a violation exists, shall constitute a separate offense.
- (d) *Nuisances.* Violations of this article or a franchise issued under it are considered to be a nuisance per se with such violations and correction of any conditions resulting from violations subject to abatement by injunctive or other appropriate order by a court of competent jurisdiction.
- (e) *Election of remedies.* Violations of this article and franchises issued under it subject the violator to franchise revocation, if applicable, and township enforcement through one or more of the remedies provided herein, and the election by the township to pursue one form of remedy does not waive or restrict the township's option to pursue other remedies at the same or later time.
- (Ord. No. 10-1, 9-20-10)

Secs. 70-82—70-90. Reserved.

DIVISION 2. GENERAL FRANCHISE TERMS AND CONDITIONS

Sec. 70-91. Rights granted by franchise.

Subject to all terms and conditions in this division and the individual franchise ordinance, a franchise grants the grantee the right to transact a local business of supplying electricity or gas, as designated in the individual franchise ordinance, to customers in the township using facilities of an identified utility to the extent that it is lawful under applicable legislation, administrative rules, including those of the MPSC, and express or implied contract or agreement with the utility. A franchise does not grant the right to own, construct, operate, maintain or repair facilities in the township.

(Ord. No. 10-1, 9-20-10)

Sec. 70-92. Revocation or termination.

The term of a franchise, which shall be stated in the individual franchise ordinance, is subject to revocation at the will of the township and without cause, and the franchise may be surrendered and terminated by the grantee on 30 days' notice to the township. Any unsatisfied obligations of the grantee to the township shall survive revocation or termination and be enforceable by the township as provided in the franchise, as amended.

(Ord. No. 10-1, 9-20-10)

Sec. 70-93. Franchise nonexclusive.

A franchise is nonexclusive and does not restrict the township from approving additional franchises or establish any priority between grantees to transact local business and the incidental use of right-of-way.

(Ord. No. 10-1, 9-20-10)

Sec. 70-94. Assignment.

A franchise may not be sold, leased, assigned, transferred or used by any person other than the grantee without the written approval of the township by ordinance amendment as approved by the township board.

(Ord. No. 10-1, 9-20-10)

Sec. 70-95. Compliance with laws and ordinances.

A franchise requires grantee compliance with all applicable current and future township, state and federal ordinances, laws, rules and regulations and any permit, approval, certificate or license requirements and conditions under such laws, and shall not be construed as a waiver by the grantee of any of its rights under state or federal law.

(Ord. No. 10-1, 9-20-10)

Sec. 70-96. Disruption or obstruction of right-of-way.

Disruption or obstruction of and physical entry in or upon a right-of-way by a grantee or its personnel or equipment are prohibited.

(Ord. No. 10-1, 9-20-10)

Sec. 70-97. Franchise subject to rights of township.

A franchise and the rights granted by it shall at all times be subject to the paramount rights of the township in its right-of-way, and shall be subject to immediate suspension or termination by the township in the interest of the public health, safety and welfare.

(Ord. No. 10-1, 9-20-10)

Sec. 70-98. Effect of vacation of right-of-way.

If a right-of-way is vacated, discontinued, abandoned, terminated or released, a grantee's incidental right to use the right-of-way shall immediately terminate.

(Ord. No. 10-1, 9-20-10)

Sec. 70-99. Rights of township in case of public emergencies.

Without prior notice, the township has the right to remove, damage, destroy or otherwise disrupt and/or order a cessation of use of facilities used by the grantee or its customers, when necessary, due to a public

emergency. For purposes of this section, public emergency means any situation which, in the opinion of the township official authorized to declare an emergency, presents an immediate threat to persons or property in the township. The township shall have no liability or responsibility for repairing or restoring facilities damaged by actions taken under this section.

(Ord. No. 10-1, 9-20-10)

Sec. 70-100. Township's authority to regulate and control right-of-way.

A franchise shall not be construed in any manner as a waiver or limitation of the township's discretion and authority or rights to regulate and control the use of right-of-way.

(Ord. No. 10-1, 9-20-10)

Sec. 70-101. Assumption of risk by grantee.

A grantee assumes all risks of damages or injuries to its officers, employees, agents and contractors from dangers of right-of-way conditions, if any.

(Ord. No. 10-1, 9-20-10)

Sec. 70-102. Non-liability of township.

The township and its officials, employees, agents and contractors shall have no liability for damages or injuries to any person or property, including the grantee, that arise from granting, enforcement or exercise of rights under a franchise.

(Ord. No. 10-1, 9-20-10)

Sec. 70-103. Indemnification of township.

A grantee shall, at its sole cost and expense, defend, indemnify and hold harmless the township and its officials, employees, agents, contractors, right-of-way and property from all claims and liability for damages or injury to persons or property caused by or resulting from the actions or omissions of the grantee and/or its officers, employees, agents and contractors. This obligation extends to all costs and expenses, including attorneys' fees and expert fees that may be incurred by the beneficiaries of the grantee's obligation. The township shall notify the grantee of any claim or liability that is covered by the grantee's obligations, and shall not be prevented from participating in the defense of any claim by its own attorney, the cost of which shall be the grantee's responsibility.

(Ord. No. 10-1, 9-20-10)

Sec. 70-104. Insurance.

No franchise shall be granted unless the grantee shows evidence of having obtained, and continued in full force and effect, public liability insurance in the amount of not less than \$1,000,000.00 for property damage, \$1,000,000.00 for injury to one person and \$2,000,000.00 for injury arising out of one occurrence. On its policy, the township shall be included as an additional insured and submitted with the franchise application for review.

(Ord. No. 10-1, 9-20-10)

Sec. 70-105. Information to be provided to township.

The grantee shall provide and update written disclosure to the township of its contact person(s), address, telephone numbers, fax numbers, E-mail addresses, if applicable, and procedures for service requests and complaints, together with a written disclosure of pricing, billing, warranty and contract rates, terms, policies and procedures.

(Ord. No. 10-1, 9-20-10)

Sec. 70-106. Supply requirements.

The grantee shall supply electricity or natural gas in accordance with all applicable laws.

(Ord. No. 10-1, 9-20-10)

Sec. 70-107. Franchise fees.

Every three years commencing after the effective date of the ordinance, the township has the right, after providing prior notice and an opportunity to comment to the grantee, to require the payment by the grantee, on a periodic basis, of a franchise fee, provided that any such fee is applied equally to all grantees under this article that are supplying the same commodity (electricity or natural gas) as the grantee. Such a franchise fee would be an additional franchise term and condition, to be adopted and presented to the grantee for acknowledgment, agreement and acceptance as an ordinance amendment as provided in section 42-36. In any such fee review, the grantee shall disclose and the township may consider if the grantee pays a franchise fee, charge or other periodic payment for a franchise to any other state municipalities and the manner in which such fees are computed. It is a condition of a franchise that the grantee notify the township of any such fees that are paid, and the township shall have the right to inspect the grantee's books and records to monitor, enforce and determine the grantee's compliance and the accuracy of amounts paid or to be paid by the grantee under this section.

(Ord. No. 10-1, 9-20-10)

Sec. 70-108. Reimbursement of enforcement costs.

The grantee shall reimburse the township for any costs it incurs, including reasonable attorneys' fees, in enforcing and/or reviewing franchise terms and conditions.

(Ord. No. 10-1, 9-20-10)

Sec. 70-109. Reservation of township's rights.

A franchise shall at all times be subject to the rights of the township, which are hereby reserved, to make all regulations, take all actions and do all things provided for by law.

(Ord. No. 10-1, 9-20-10)

APPENDIX A ZONING¹⁴

ARTICLE 1. SHORT TITLE AND PURPOSE

Section 1.01. Short title.

This ordinance, of which the Addison Township zoning map, as amended, is a part, shall be known and may for brevity be cited as the Addison Township Zoning Ordinance. Within the text, it may be referred to as the "ordinance."

Section 1.02. Purpose.

The board of Addison Township adopts this ordinance in the interest of public health, safety, morals, convenience, comfort; and to provide for more favorable land use to stabilize and enhance property and civic values with reasonable consideration to the nature of existing structures and districts and their particular suitability for specific uses with the reasonable limits of a uniform land use pattern; to lessen congestion, disorder and danger. It is the intention of the township board of Addison that this ordinance recognize the rural character of the township and preserve and maintain this rural character so that the spirit of this ordinance will be interpreted under the Michigan Right to Farm Act, Public Act No. 193 of 1981 (MCL 286.471 et seq.). In order to accomplish the aims and purposes of this comprehensive plan, the township is divided into districts deemed most suitable for the use designated within the scope an intent of this ordinance, in the best public interest; and by further regulation to limit the nature, location, use and occupancy of buildings, structures and land. This ordinance is established pursuant to authority granted by Public Act 110 of 2006 (MCL 125.3101—125.3702).

(Ord. No. 09-01, § 2, 2-17-2009)

ARTICLE 2. DEFINITIONS

¹⁴Editor's note(s)—Printed herein is Ordinance No. 300, as adopted on October 7, 2004. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original zoning ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same style of capitalization and citation to state statutes as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference(s)—Any ordinance pertaining to zoning saved from repeal, § 1-11(a)(15); buildings and building regulations, ch. 10; environment, ch. 22; land divisions and subdivisions, ch. 30; planning, ch. 50; telecommunications, ch. 62; waterways, ch. 74; franchises, app. B.

State law reference(s)—Township Rural Zoning Act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

Section 2.01. Construction of language.

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows, and the following rules of construction shall apply to the text of this ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
4. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural number, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, a public utility, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, or [where] a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," ["or" or] "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - c. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02. Definitions.

For the purpose of this ordinance, certain terms are herewith defined:

Accessory building: A subordinate detached building, such as a garage, the use of which is clearly and customarily incidental to the permitted principal use of the principal building on the same lot.

Accessory use: A use that is clearly incidental to, customarily found in connection with, and is located on the same zoning lot as the principal use to which it is related.

Accessway: A private road that provides access to no more than four (4) parcels or building sites and meets the requirements specified in Section 4.19.18.

Adult regulated uses; definitions: See Section 4.40.3.

Aircraft: Any contrivance, now known or hereafter invented, built, used or designated for navigation or flight in the air.

Airport: Any location, either on land or water, which is used for the landing or takeoff of aircraft, which provides the facilities for the shelter, supply, or care of aircraft, or for receiving or discharging passengers or

cargo, and all appurtenant areas used or suitable for airport buildings, or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Alterations: As applied to a building or structure, "alterations" means any change, addition or modification to a structure, any change in the structural members of a building such as walls or partitions, columns, beams, or girders as presently existing, or any change which may be referred to herein as "altered" or "reconstructed," whether by extending a side or by increasing in height, or moving from one location or position to another.

Apartment house: A dwelling for three or more families living independently of each other with separate and individual kitchen, bath, and toilet facilities. (See "multiple-family dwelling.")

Attic: The space between the ceiling beams of the top habitable floor and roof.

Automobile: For the purposes of this ordinance, "automobile" shall include cars, trucks, vans, campers, motorcycles, and other such motor-driven wheeled vehicles, except farm equipment not heretofore mentioned.

Automobile service stations: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water or other operating commodities for motor vehicles, aircraft or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for the temporary storage of vehicles not over 48 hours, minor repairs, servicing or steam cleaning but not including bumping, painting, refinishing, major repairs and overhauling, rust-proofing, or high speed automated conveyor drive-through washing.

Basement: That portion of a building that is partly or completely below grade. A basement shall not be counted as a story except as included in the definition of "story."

Beach: A shore of a lake, pond, or bank of a river covered by sand, gravel, or larger rock fragments.

Bed and breakfast inn: A dwelling in which the owner resides and in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only and for overnight guests only. See regulation in Section 4.39.

Benefit, recognizable and substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation, longterm protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Berm: A mound of earth planted with shrubs, grass and trees to serve as an obscuring (and without division by wetlands) screen.

Billboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

Buffer strip: A strip of land of definite width and location reserved for the planting of shrubs and trees to serve as an obscuring screen.

Buildable area: The buildable area of a lot is a contiguous (and without division by wetlands) area that is free of all public rights-of-way, all private road easements, all natural feature areas as defined in this ordinance, and any public utility easements which shall place limitations on overhead, surface or underground use or development. Local service easements which provide service directly to a lot and common drainage easements serving a lot or the subdivision alone in which a lot is located shall not be excluded from the

calculations of the minimum buildable area for that lot. The buildable area of a lot shall be of such contiguous configuration as to permit construction of a structure and placement of an initial and a replacement (nonengineered) septic field thereon. Buildable does not mean the area is without building limitations.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or other property of any kind.

Building height: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and the ridge of gable, studio, hip, and gambrel roofs; and seventy-five (75) percent of the height of an "A" frame.

BUILDING HEIGHT REQUIREMENTS (see illustration following definitions).

Building line: The minimum distance from which any building must be located from a street or road right-of-way or easement or high-water line and for the purpose of this ordinance a minimum building line is the same as a front setback line. Front lines that are not adjacent to a right-of-way or easement shall have the same minimum setback as though such lines are adjacent to such features.

Building, principal: A building in which is conducted the primary use of the lot on which it is situated.

Carport: An open sided, roofed auto shelter, usually formed by the extension of a roof from the side of a building.

Clinic: A place for the care, diagnosis, and treatment of persons, including those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

Clinic, veterinary: A place for the care, diagnosis, and treatment of animals, including those in need of medical or minor surgical attention. A veterinary clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of the animals, but may not include facilities for boarding of animals or major surgery.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, agriculture, literature, politics or similar activities.

Commercial aviation activity or operation: An activity or operation such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or tiedown of aircraft, the overhaul or repair of aircraft or of engines, or otherwise offering aeronautical facilities or services to the public.

Commercial use: Relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereon of buildings, offices, stores, shops, recreational or amusement enterprises. For the purposes of this ordinance, a home occupation that operates within the limits of this zoning ordinance shall not be considered a commercial use.

Commission (or planning commission): The Planning Commission of Addison Township.

Community impact statement: An assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the community impact statement.

Conditional (special approval) use: A use which is subject to conditional special approval by the township planning commission and which may also be referred to as a special approval use. A conditional use may be

granted only when there is a specific provision in this ordinance. A conditional (special approval) use is not considered to be a nonconforming use.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular unit or apartment in such building.

Confined paddock: A small field or enclosure typically fenced and near a stable in which horses are exercised and confined.

Convalescent home or nursing home: A home for the care of children, the aged, the infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under state and local law.

Court: An open sided, unoccupied space other than a yard, and bounded on at least two (2) sides by a building. A court extending to the front line or rear lot line or rear yard is an outer court. Any other court is an inner court.

Density: The number of dwelling units permitted on an area of land exclusive of area included in a public or private right-of-way or easement. For purposes of calculating maximum permitted density, areas of public utility or private or public road right-of-way or easement shall be excluded.

Depth to width ratio: The calculation of the ratio of any dimension of a lot or parcel to another dimension (e.g., width and length or length and width).

District: A portion of the unincorporated area of the township within which, on a uniform basis, certain uses of land and buildings are permitted, and within which certain regulations and requirements apply under the provisions of this ordinance.

Driveway: Private vehicular entrance serving one residence only.

Dwelling: A building or portion thereof, containing sleeping, living room space, kitchen, and bathroom facilities designed for and occupied by one (1) family, excluding hotels, motels, and tourist homes. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this ordinance. Accessory buildings shall not be deemed part of a dwelling.

Dwelling, multiple-family: A building, or portion thereof, designed exclusively for occupancy by two (2) or more families, living independently of each other.

Dwelling, one-family: A building designed exclusively for and occupied exclusively by one (1) family.

Easement (Access): The general description of land (public or private) needed to provide access to other parcels of land. A non-possessing interest in land held by one person whereby the first person is accorded partial use of such land for a specific purpose (access).

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

Essential services: The erection, construction, alteration or maintenance by public utilities or any municipal departments or commission of underground, surface or overhead gas, electrical, communication, sewer or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for public health, safety or general welfare. Cellular communication facilities shall not be deemed essential services.

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

Exception: A use permitted as a conditional use or use subject to special approval only after review and special approval of the application by the township planning commission.

Family: means either of the following:

1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special approval use based upon the applicable standards in this ordinance.

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

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming or agriculture is carried on directly by the owner/operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten acres or more in area; provided further, farms may include establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry or livestock farms, and apiaries and the like. It excludes the raising of furbearing animals, riding stables, animal kennels and establishments for disposal or feeding of public garbage, rubbish, or offal to animals.

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

Fence: Any permanent or temporary partition, structure or gate of definite height and location erected as a dividing marker, barrier or enclosure. For the purpose of this ordinance, any structure exceeding twelve (12) inches above grade for the above use is a fence.

Fence, obscuring (walls): A structure built of a permanent, durable material and of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

Filling: The depositing or dumping of any matter on or in the ground except common household gardening and ground care.

Floor area: The minimum allowable floor area in a residential dwelling unit is computed as the sum of the horizontal areas of the floors of each story of a building measured from the exterior faces of the exterior walls, excluding unfinished basements, unfinished attics, attached garages, breezeways and enclosed and

unenclosed porches. In the case of multifamily dwellings, the minimum allowable floor area of a dwelling unit is the horizontal floor area of the dwelling unit measured to the interior face of the dwelling unit's perimeter walls, excluding hallways and common areas.

Floor area, gross: Gross floor area is the sum of the gross horizontal areas of the floors within outside walls of a building including basement, elevator shafts and stairwells at each story, floor space used for mechanical equipment, penthouse, half story, and mezzanine or interior balcony.

Floor area, usable: Usable floor area is any floor area within outside walls of a building exclusive of areas in cellars, basements, utility areas, unfinished attics, garages, open porches and accessory buildings.

FLOOR AREA TERMINOLOGY (see graphics following definitions).

Foster care homes:

1. *Adult foster care family home:* A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence. (Section 3, Subsection 5, Public Act No. 218 of 1979 (MCL 400.703(5)), as amended.)
2. *Large group home:* An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care. Beginning four (4) years after the effective date of Public Act No. 218 of 1979 (MCL 400.701 et seq.), as amended (approved January 16, 1980), an adult foster care large group home which is licensed by the department of health to provide foster care in each respective category may receive only those adults in the category whose primary need for services is based upon not more than one (1) of the following categories:
 - a. Aged condition.
 - b. Mental illness, developmental disability, or physical handicap, or a combination of mental illness, developmental disability, or physical handicap.
3. *Small group home:* An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

Fuel (aircraft): Any and all gasoline, distillates, benzine [benzene], naphtha, bottle gas, benzol and other volatile and inflammable liquids produced, or which may hereafter be invented, produced, compounded and used for the propelling of aircraft.

Garage, private: An accessory building or portion of the principal building if attached to the principal building, used for the storing of automobiles and designed or used for private residences only.

Garage, public: A building or structure designed or used for the storage, care, repair, or commercial display of automobiles, tractors, trucks or other power equipment.

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Greenbelt: A strip of land not less than ten (10) feet in width which is planted and maintained with a type and variety of shrubbery or other landscape materials approved by the planning commission, from five (5) to six (6) feet in height, so as to create a permanent buffer.

Group day 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 of less than twenty-four (24) hours a day unattended by a

parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Hazard (aircraft): Any obstruction of whatever character, object of natural growth, or use of land, upon or surrounding or adjacent to an airport, landing field, or other aeronautical facility, which prevents the safe use of such facilities for takeoff or landing of aircraft.

Hazardous substances: Any chemical or other material which, by virtue of its inherent properties and not solely by the manner in which it is used, has the potential to be injurious to the public health, safety and welfare even in small quantities. Uses and facilities which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month, or twenty-five (25) gallons per month, whichever is less, shall be subject to site plan review requirements and approval of a hazard mitigation plan.

Hazardous uses: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in Section 306 of the Basic Building Code/1987, as amended, edition prepared by the Building Officials Conference of America, Inc.

Home occupation: Any occupation or profession carried on by a member of the family, residing on the premises, and does not significantly change the character of the principal dwelling, and further, provided that not over thirty-five (35) percent of the total actual floor area of each story is used for such occupation or profession. One (1) unlighted sign of an area no larger than two (2) square feet shall be permitted attached to the dwelling. Clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, and child care nurseries, among others, shall not be deemed to be home occupations.

Hospital: An institution in which sick or injured persons are given medical or surgical treatment, operating under license by the Health Department of the State of Michigan.

Hospital, animal: An institution in which sick or injured animals are given medical or surgical treatment, operating under license by the Health Department of the State of Michigan.

Junk: Any unused, unusable, nonfunctional or inoperable equipment or matter, including building materials, furniture, machinery, appliances or parts thereof, and any inoperable motor vehicles, which because of mechanical conditions or missing parts, cannot be driven.

Junkyard: An open area where waste, used, discarded or salvage materials or junk are bought, sold, exchanged, baled, packed, disassembled or handled or stored, including but not limited to scrap iron, and other metals or materials, and including automobile wrecking yards and any area of two thousand (2,000) square feet used for storage, keeping or abandonment of junk.

Kennel, dog: Any premises on which a total of more than four dogs, six (6) months or older, are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets.

Lake: Any body of water, natural or artificial, defined as an "inland lake or stream" in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 346, as amended [Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.)].

Landfill: Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Landing area: The area within an airport or landing field used for the takeoff and landing of any aircraft.

Landing field: Any location, either on land or water, which shall be used for the landing or takeoff of aircraft with safety, but which is not equipped with facilities for the shelter, supply and repair of aircraft.

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

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated public roadway or an approved private road as may be provided by appropriate ordinance. Such lot may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record or portions thereof; or
4. A parcel of land described by metes and bounds;

provided that in no case shall a division or combination of any residential lot or parcel be created which does not meet the requirements of this ordinance or Ordinance #112 Land Division Ordinance. A lot that does not meet the foregoing definition shall be deemed a nonconforming lot.

Lot area: The total horizontal area within the lot lines of the lot. Minimum lot area shall not include any portion within a public right-of-way or public road easement or bottomland (as defined in Michigan Public Act 451 of 1994) for any lot created after the effective date of this definition.

Lot, contiguous: Lots or parcels of land adjoining each other and under the same ownership.

Lot, corner: A lot of which at least two adjacent sides abut upon a street provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS (see illustration following definitions).

Lot coverage: That part or percent of the lot occupied by buildings including accessory buildings.

Lot depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, double frontage: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yard setback and other regulations shall be observed.

Lot, interior: Any lot other than a corner lot or double frontage lot.

Lot, lake: A lot abutting directly upon a lake, natural or manmade.

Lot lines: The property lines bounding the lot.

1. *Front lot line:* In the case of a lot abutting upon one (1) street or lane, the front lot line shall mean the line separating such lot from a road, street or lane. In the case of a corner lot or double frontage lot, front lot line shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit.
2. *Rear lot line:* That lot line opposite the front lot line. The rear lot line of a lake lot shall be the high-water mark of the adjacent lake. In the case of irregular, triangular, or wedge-shaped lots, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front line, shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. In

cases where none of these definitions are applicable, the building inspector shall designate the rear lot line.

3. *Side lot line*: Any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record: A lot that is part of a subdivision recorded in the office of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

Lot width: The horizontal, straight-line distance between the side lot lines measured in a perpendicular fashion at the two points where the minimum building line or setback intersects on the side lot lines. In the case of a lot fronting on a cul-de-sac (as differentiated from other curved streets), the lot width is defined as the straight-line distance of a line extended at right angles from the highest point on the setback line to each side lot line.

MEASUREMENT OF LOT WIDTH ON A CUL-DE-SAC (see illustration following definitions).

Major thoroughfare: An arterial street which is intended to serve a large volume of traffic for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street proposed as a major thoroughfare in the township master land use plan [township land use master plan], shall be considered a major thoroughfare. No roads are designated as major thoroughfares in the township land use master plan.

Master plan (land use master plan): The comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, land uses, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the planning commission.

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third ($\frac{1}{3}$) of the floor area of the story in which the level or levels are located.

Mining: Refers to the site and/or activity of stone quarries, gravel or sand pits, peat operation, commercial excavation of dirt and other mining or burrowing activities related to the physical removal for intended profit of natural materials and resources other than lumber.

Miniwarehouse: A building or group of buildings within, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Miniwarehouses are typically contained within a fenced, controlled access compound.

Minor thoroughfare: An arterial street which exists as a paved county primary and is listed on the Township Master Thoroughfare Plan as contained in the Addison Township Land Use Master Plan (Appendix A) as a Paved County Primary.

Mobile home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required utilities and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle or travel trailer.

Mobile home park (manufactured housing community): A parcel of land under the control of a person upon which two or more mobile homes are located on a continual nonrecreational 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 (manufactured) home and which is not intended for use as a temporary travel trailer park.

Motel: A series of attached, semidetached or rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Natural feature area: Any of the following:

1. Water bodies including but not limited to lakes, rivers, or streams, as defined by the high-water mark.
2. Any wetland area as defined within this ordinance.
3. Any floodplain area as documented by the Michigan Department of Natural Resources.

Nonconforming building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, that does not conform with the provisions of this ordinance in the district in which it is located.

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this ordinance, as amended, and that does not conform with the use regulations of the district in which it is located.

Nonconforming lot or parcel: Any lot or parcel which does not meet any dimensional provision, Schedule of regulations provision, access or frontage provision at the time of adoption of this ordinance or any amendment thereto.

Nonconformity: Any structure, or use of any land or structure, which does not conform at the time of adoption of this ordinance or any amendment thereto, to the regulations for the district in which it is located.

Off-street parking lot: A facility providing vehicular parking space along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open air business: Open air business uses shall include the following and uses having clearly similar characteristics:

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 or similar recreation uses.
4. Bicycle, trailer, motor vehicle, boats or home equipment sales, service or rental services.
5. Outdoor display and sale of garages, swimming pools, and similar uses.

Outlot: Within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

Parking space: A rectangular area of not less than nine (9) feet wide and twenty (20) feet long exclusive of drives, aisles or entrances giving access thereto, which shall be fully accessible for the storage or parking of each automobile or motor vehicle.

Pasture: A field or plot of land where animals such as horses and cattle are put out to graze or feed.

Piggery: A location or establishment where pigs are raised.

Planned unit development: A planned unit development may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Pond: An excavation or the altering of a watercourse by damming or excavation or combinations thereof, for the purpose of creating thereby a body of water, more than two (2) feet in depth and more than one thousand (1,000) square feet in area for the use as an irrigation source, for livestock watering, for fish or aquatic life production, or for recreational or scenic purposes.

Private road: See definition of "street or road, private."

Public: Individuals or group of individuals other than the applicant or those individuals specified in a permit.

Public utility: Any person, firm, corporation, municipal department, board or commission fully authorized to furnish and furnishing (under federal, state or municipal regulations to the public) energy, gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.

PUD: Planned unit development as described in this ordinance.

Recreational vehicles: See "travel homes."

Restaurants: One (1) or a combination of the following:

1. *Dining room restaurant:* A structure which is maintained, operated, and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in nondisposable (reusable by the restaurant) containers.
2. *Drive-in restaurant:* A drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.
3. *Fast-food restaurant:* A structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed inside the building or carried out for consumption off the premises.
4. *Carryout restaurant:* A structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposal containers or wrappers from a serving counter or drive-up counter for consumption primarily off the premises.
5. *Bar/lounge:* A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

Riding arena, private: A noncommercial building greater than four thousand five hundred (4,500) square feet in area not open to the general public containing an indoor arena or track designed and used exclusively for the riding, exercising or training of horses.

Riding arena, public: A riding arena other than a private riding arena greater than four thousand five hundred (4,500) square feet in area open to the general public and used exclusively for the riding, exercising or training of horses.

Road maintenance: Upkeep and effort required to keep a road and roadside in passable condition.

Roadside stands: A temporary or permanent building operated for the purpose of seasonal selling of produce raised or produced by the proprietor of the stand or his family. Its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

Setback: The minimum horizontal distance between the front line of the building excluding steps and unenclosed porches, and the front street or right-of-way line or road easement. Parcels which do not have a continuous and uninterrupted frontage along a front right-of-way or easement line must have a setback equal to the minimum side setback for the portion of the front of the lot which is not contiguous or adjacent to the road right-of-way or easement.

Signs: Any structure, or part thereof, on which there is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

Site condominium: A condominium project designed to function in a similar manner, or as an alternative, to a platted subdivision. A site condominium shall be considered as equivalent to a platted subdivision on for purposes of the regulations in this ordinance and may be referred to as a "condominium subdivision."

Sleeping quarters: A building or portion thereof, containing strictly sleeping space designed for and used by one person, not to include space for living room or kitchen. In no case shall sleeping quarters be considered a dwelling unit.

Soil removal: Removal from the premises of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except for common household gardening and general farm care.

Solar collector: A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar energy system: A complete design or assembly consisting of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy (to the extent they cannot be used jointly with the conventional energy system). Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational. Subterranean homes are included.

Special use: A special use is that which would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning division or district as special uses permitted by planning commission approval, but only when specific discretionary and nondiscretionary provisions for such uses are made in this ordinance.

Stable, private: A stable for the keeping of horses for the noncommercial use of the residents of the principal premises.

Stable, public: A stable other than a private stable, capacities of which are designated within the A agricultural district regulations.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above is a story. A basement shall not be considered a story, provided, however, that a basement shall be considered a story if the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter or more than twelve (12) feet at any point, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

Story, ground: The lowest story that cannot be considered a basement in a building.

Story, half: A story which is situated within a sloping roof, the area of which at a height of four (4) feet above the floor does not exceed two-thirds ($\frac{2}{3}$) of the floor area directly below it and wherein living quarters are used only as a part of the dwelling situated in the story below.

Standard "C" road: The gravel road standard currently approved by the Oakland County Road Commission.

Street: Any public or private thoroughfare or way, other than a public alley, dedicated to or designed for the use of the public or open to public travel, whether designated by name as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

Street or road, private: A street that has not been accepted for maintenance by the township or county, but which meets the requirements of this ordinance and has been approved by the township.

Street, public: A street, the right-of-way and improvements of which has been accepted for maintenance by the township or county.

Structure: Any object constructed or installed by man, including without limitation, buildings, towers, satellite antennas, smoke stacks, and overhead transmission lines, but not including highways, and their appurtenances. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

Subdivision: The division of a parcel or tract of land into five (5) or more lots, building sites, or other divisions each of which is ten (10) acres or less in area for the purpose of sale or building development, in accordance with the Subdivision Control [Land Division] Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended.

Swimming pool: Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for the purpose of computing lot coverage.

Temporary use, temporary building or temporary structure: A structure, building or use permitted by the township building official or zoning board of appeals (pursuant to Section 4.16) to exist during periods of construction of the principal use or for special events or purposes, which periods shall not exceed one year unless otherwise permitted or extended by the board. Temporary uses shall be only those that are clearly short in duration, and involve no permanent structures.

Tents: As used in this ordinance, [tents] shall not include those used solely for children's recreational purposes.

Township board: The Addison Township Board of Trustees.

Travel homes (also campers, recreational vehicles, travel trailers): Any structure intended for or capable of human habitation, sleeping or eating, mounted upon wheels and capable of being moved from place to place, either by its own power or power supplied by some other vehicle attached thereto. This definition shall include all such vehicles eight (8) feet or under in width and thirty-two (32) feet or under in length. Such definition shall include travel trailers, motor homes, campers, etc.

Underlying zoning: The zoning classification and regulations applicable to lake lots, the zoning designated for recreational land which are no longer utilized for recreational purposes and to the property immediately preceding the grant of an application to designate the property planned unit development.

Urban services: The use of public sanitary sewer and public water supplies.

Use: The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or maintained.

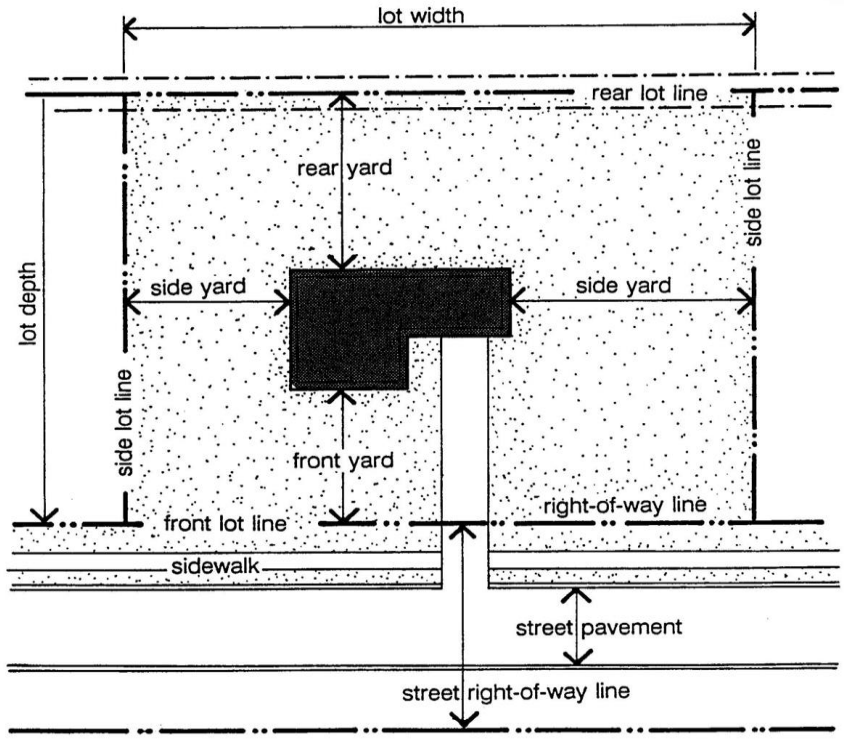
Utility room: A room or space, located other than in the basement, specifically designed and constructed to house any utilities or laundry facilities.

Variance: A modification of the literal provisions of this ordinance granted by the zoning board of appeals when strict enforcement of this ordinance would cause practical difficulty due to circumstances unique to

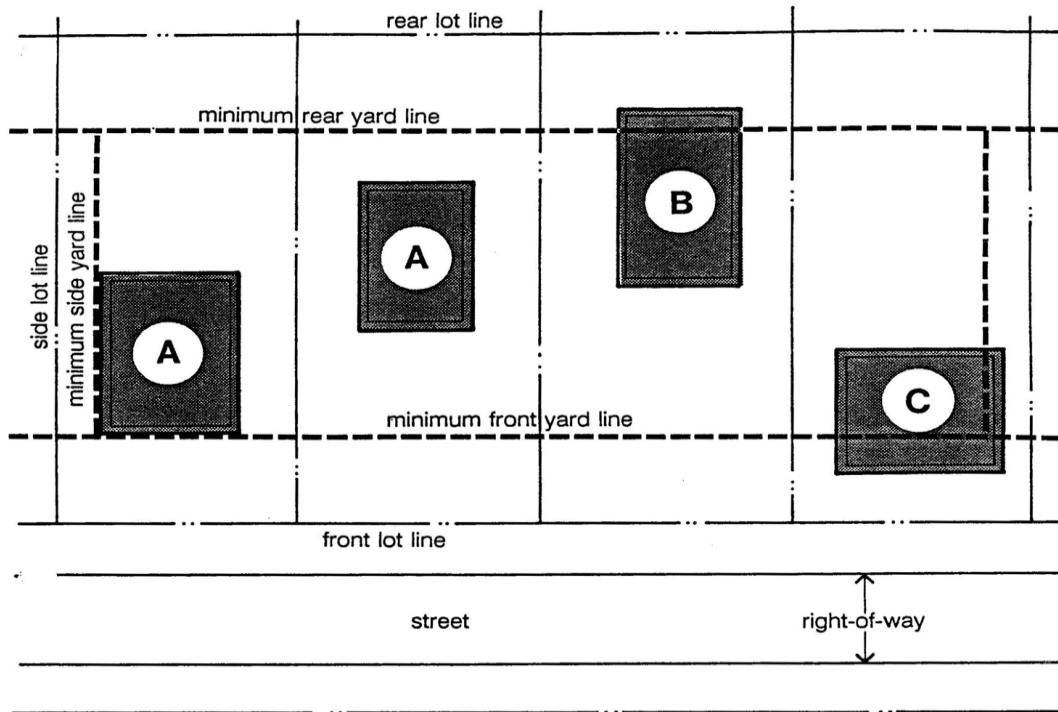
the individual property on which the variance is granted. The crucial points of a variance are practical difficulty and unique circumstances applied to the property that are not self-imposed. A variance is not justified unless these elements are present in the case. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment and/or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

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

1. *Front yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. *Rear (back) yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or established zoning district line and nearest line of the principal buildings.
3. *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.



Open Space Terms



LEGEND

- A Structures satisfying minimum yard requirements.
- B Structure with deficient rear yard.
- C Structure with deficient front and side yards.

Open Space Yard Requirements

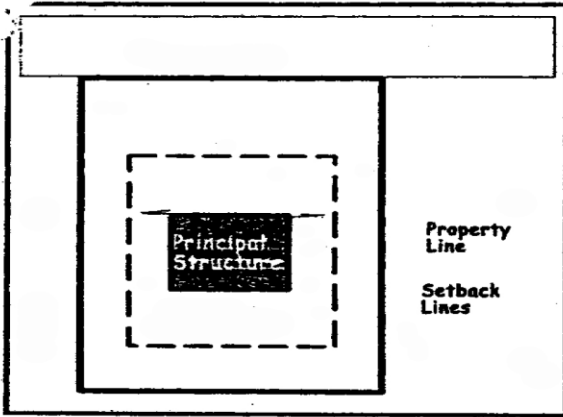


Figure 1: Permitted Area (shaded) for Accessory Structures in RE, SE, and SF Zoning Districts.

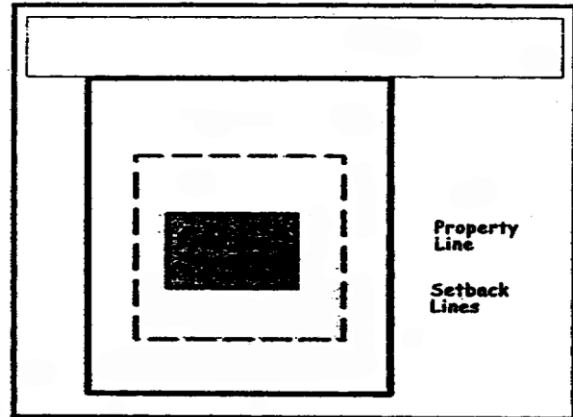


Figure 2: Permitted Area (shaded) for Accessory Structures in the Agricultural Zoning District.

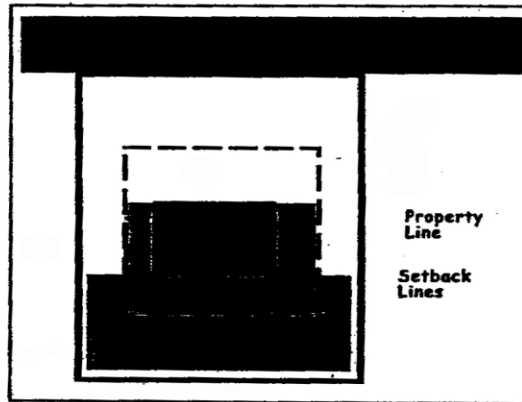
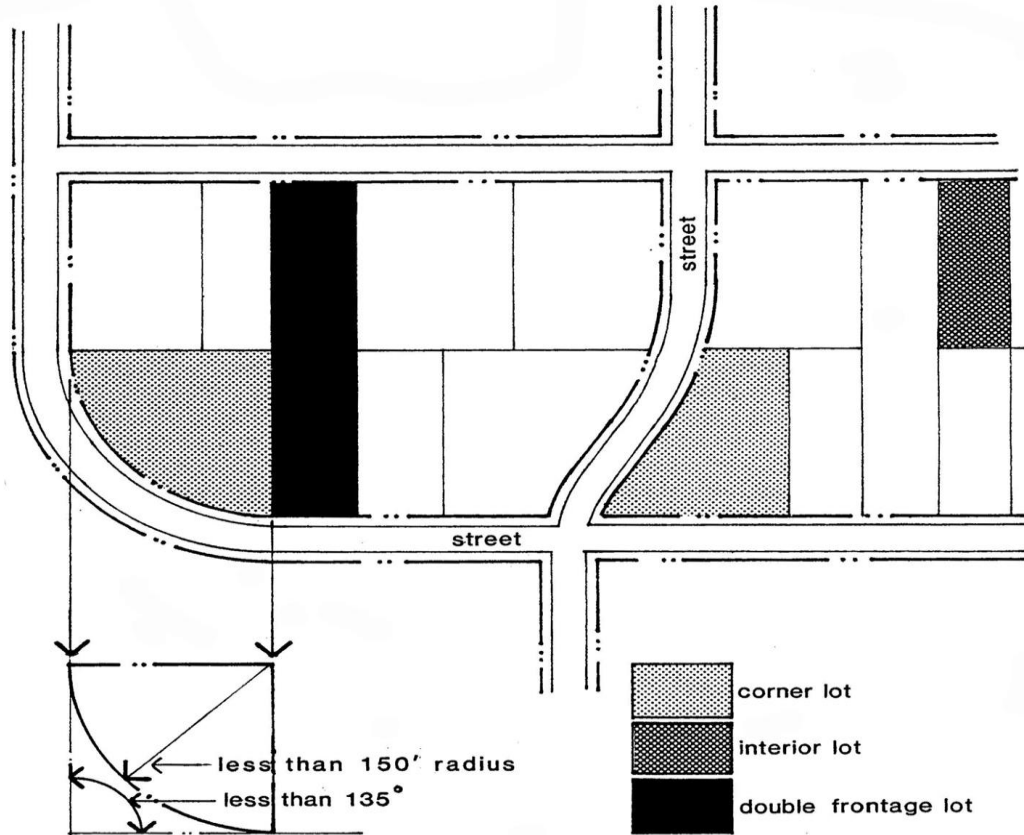
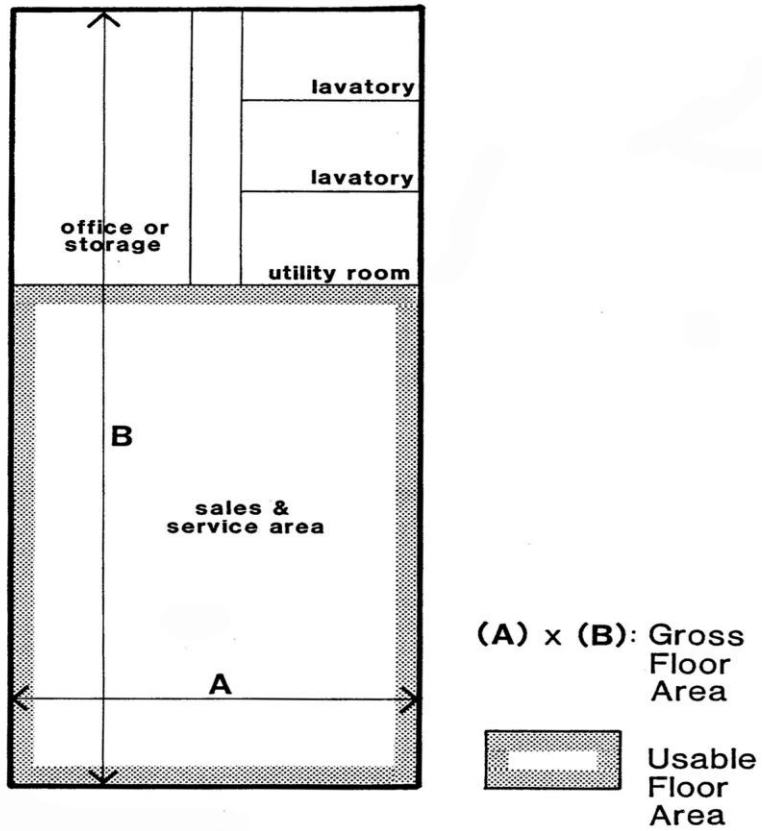


Figure 3: Permitted Areas (shaded) for Accessory Structures in the R-1, R-2, R-3, MD and MP Zoning Districts.

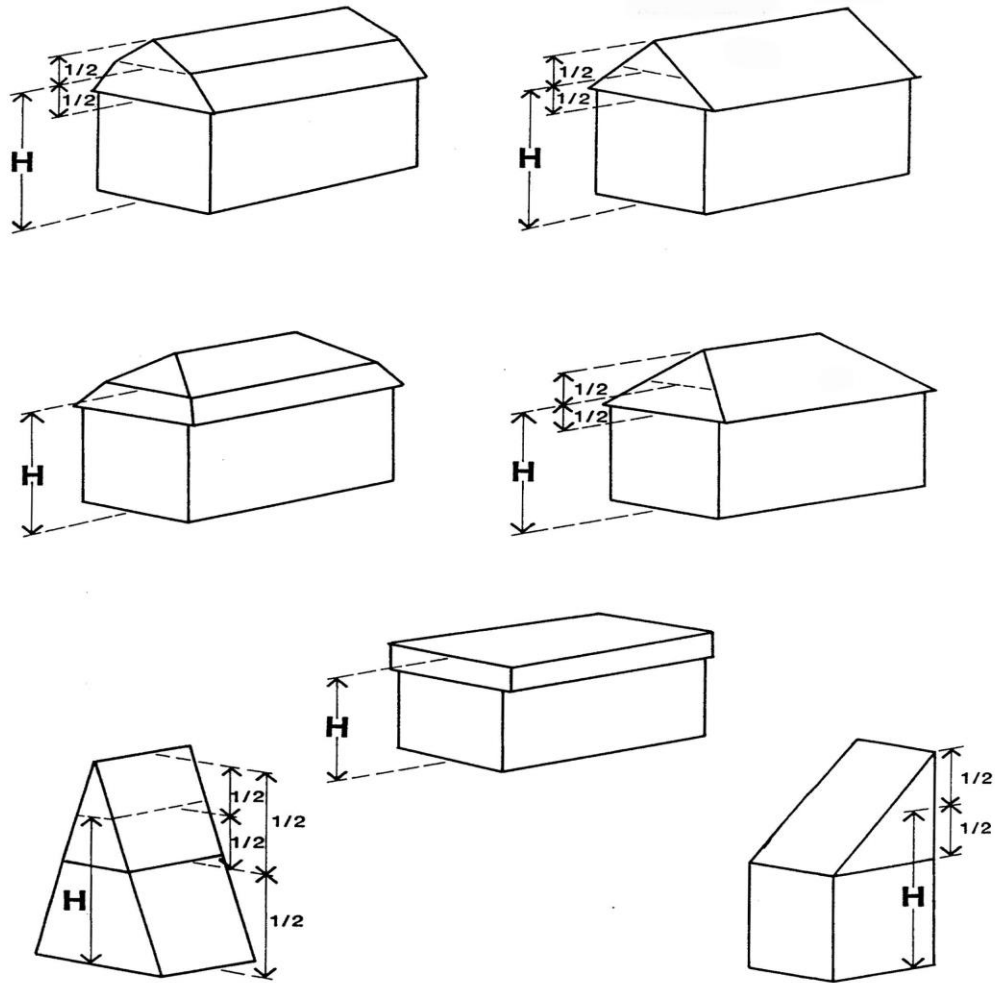
Property Line



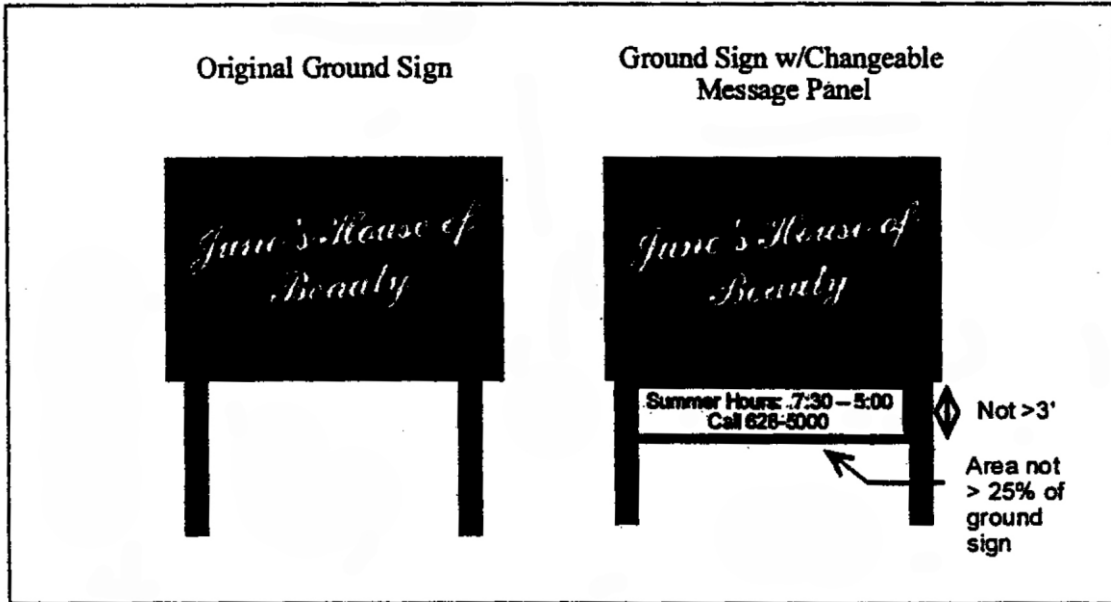
Corner, Interior & Double Frontage Lots



Floor Area Terminology

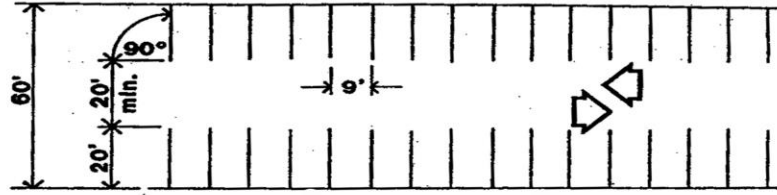


Building Height Requirements

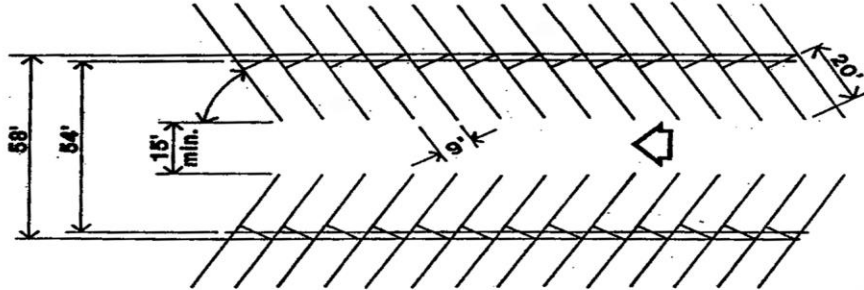


Changeable Message Panel

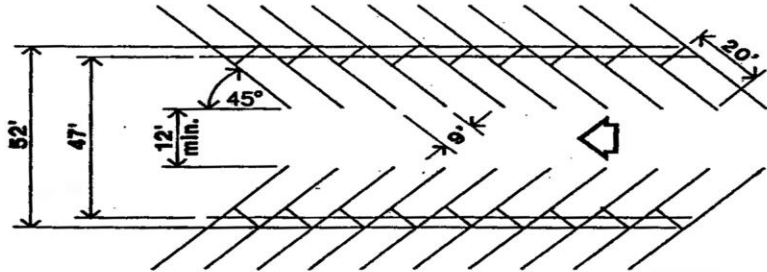
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degree



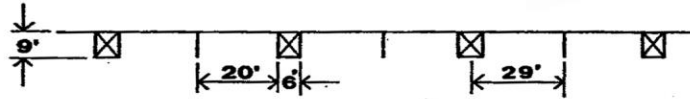
54 to 74
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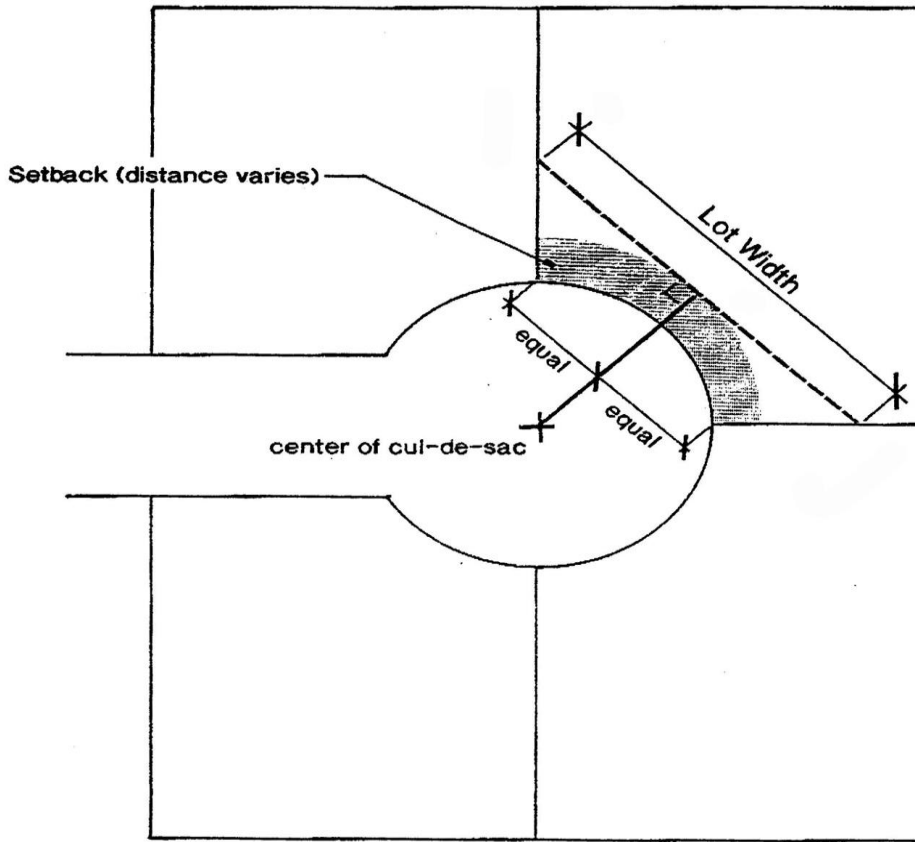
30 to 53
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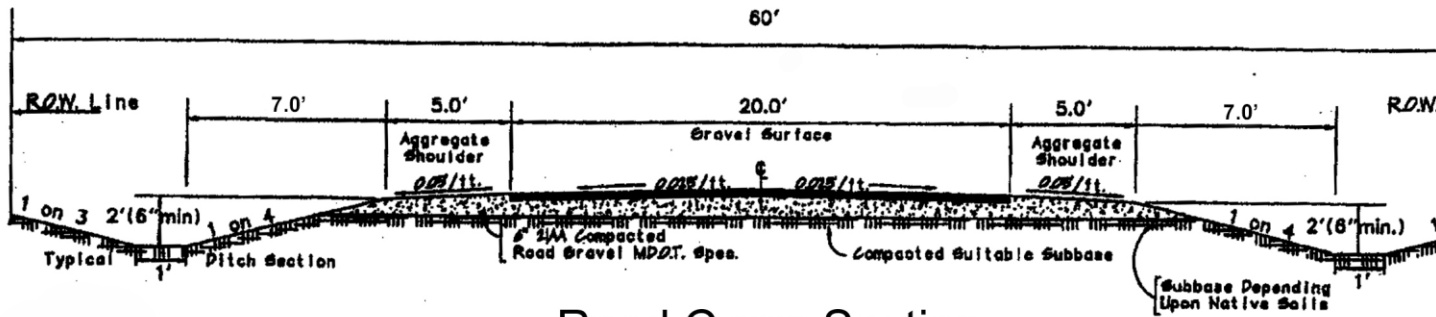
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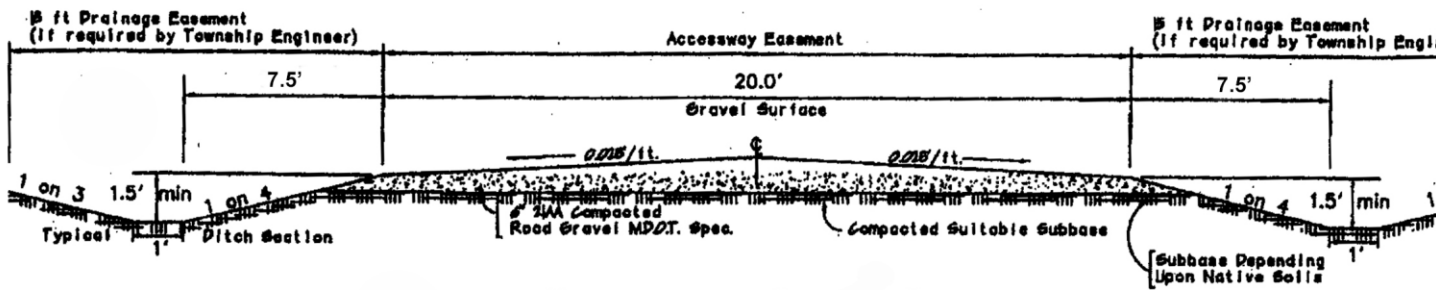
Parking Layouts



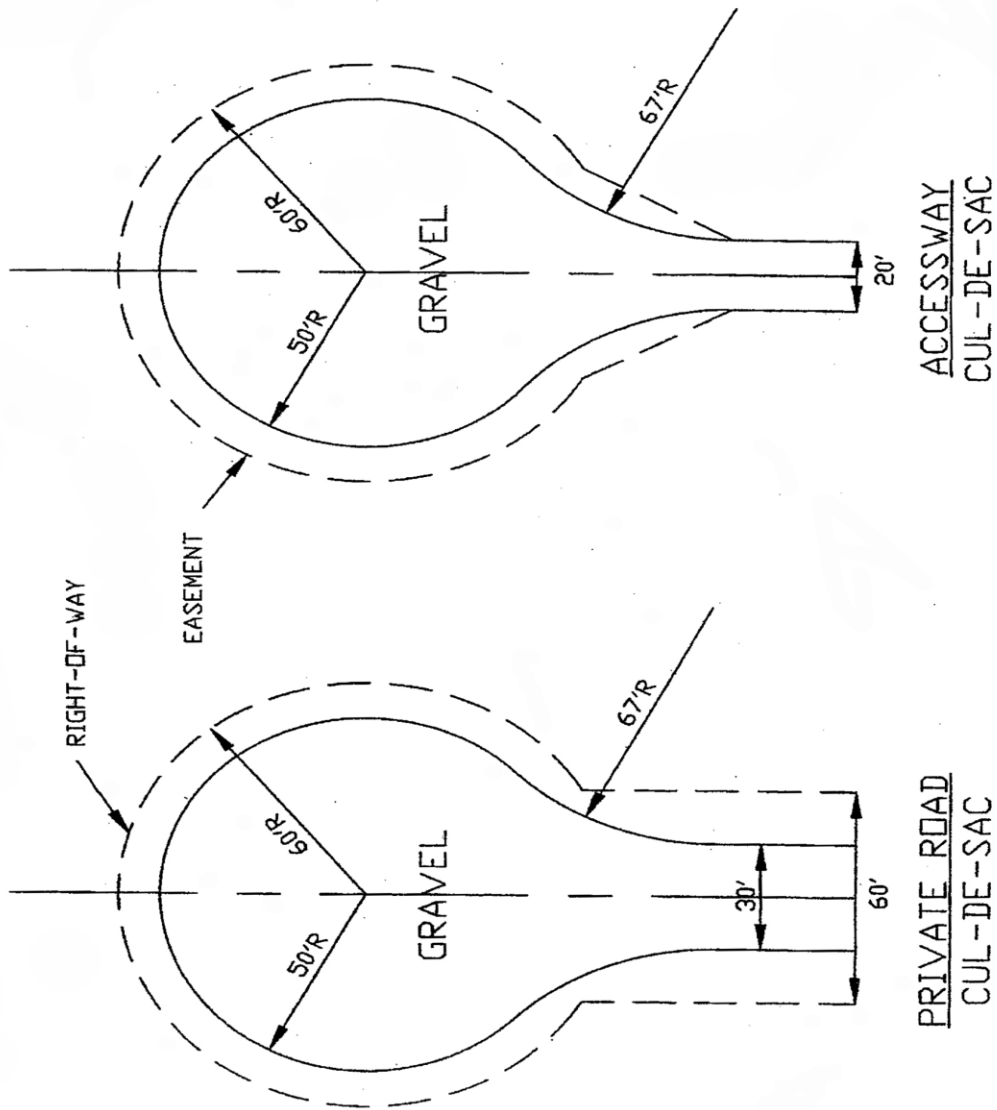
Measurement of Lot Width on a Cul-De-Sac



Road Cross Section



Modified Road Cross Section



(Ord. No. 09-01, § 3, 2-17-2009; Ord. No. 14-1, § 3, 4-21-2014; Ord. No. 17-02, 9-18-2017)

ARTICLE 3. ZONING DISTRICTS

Section 3.01. Districts established.

For the purpose of this ordinance, the Township of Addison shall be divided into the following zoning districts, which shall be known by the names and symbols here shown:

A	Agricultural
R-E	Rural Estate
S-E	Suburban Estates
S-F	Suburban Farms

R-1	Residential
R-2	Residential
R-3	Residential
LS	Lake Lot District (an Overlay District)
MD	Multiple Dwelling
C-1	Commercial (Local)
C-2	Commercial (General)
P-O	Professional Office
M-1	Industrial (Light)
M-2	Industrial (General)
REC	Recreation
P-I	Public-Institutional
M	Mining
M-P	Mobile Home Park

Except as otherwise provided in this ordinance, erection of buildings and uses of land shall conform to the specific provisions for the zoning districts involved.

Lawful nonconforming structures and uses existing at the time of passage of this ordinance are specifically governed by Article 5, and generally governed by this ordinance.

Section 3.02. Zoning map.

The boundaries of the Addison Township zoning districts are shown on a map adopted by the township board. The map shall be entitled "Zoning Map, Addison Township, Oakland County, Michigan," and shall bear the date adopted or amended. It shall be the duty of the clerk to authenticate such records by placing the clerk's official signature thereon. Such map with all accompanying explanatory matter is hereby made a part of this ordinance and shall be, as such, a part of this ordinance as if the matters and information set forth thereon were all fully described herein. In the event of a discrepancy, it is intended that the zoning map be a representation of the zoning districts only, the official records of zoning designations are those kept by the township clerk. A note to this effect will be included on the zoning map.

Section 3.03. Boundaries interpreted.

1. Unless otherwise shown, the boundaries of the districts are lot lines, the centerlines of streets or alleys, or such lines extended, and the limits of Addison Township. A single lot of record may include more than one zoning designation. In such instances, the use and requirements of any one zoning designation may not extend beyond the zoning district boundary line to the entire lot.
2. Where due to the scale, lack of detail or illegibility of the zoning map of this ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted upon written request, or upon its own motion, by the board of appeals, after recommendation by the planning commission.

Section 3.04. Zoning of vacated areas.

Whenever any street, alley or other public way within the township shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

Section 3.05. Permissive zoning.

Land uses are permitted specifically in the various zoning districts of this ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted. No land contained within any zoning district within Addison Township shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Article 5, Nonconformities.

Section 3.06. Zoning of filled lands; use of waters.

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

Section 3.07. Uses permitted as a right.

Permitted uses, as identified in articles covering each district, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the general provisions, parking regulations, district intent, permit, certificate and site plan requirements found elsewhere in this ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions, unless otherwise indicated herein.

Section 3.08. Uses permitted under special approval.

The uses identified as special approval uses in articles covering each district are recognized as possessing characteristics of such unique and special nature (relative to location, off-site impacts, design, size, public service, utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. Article 30, regarding procedure and requirements for special approval uses, shall apply to these uses.

Section 3.09. Residential density limitations.

In all residential districts, a maximum allowable dwelling unit (D.U.) density is determined. Regardless of all other conditions and requirements by district, the following is the maximum dwelling unit density permitted. Maximum densities may not be achievable due to parcel configuration, preexisting nonconforming situation, the presence of wetlands or other circumstances:

District	Dwelling Units (D.U.) per Acre
A Agricultural	1 D.U./10 acres
R-E Rural Estates	1 D.U./5 acres
S-E Suburban Estates	1 D.U./3 acres
S-F Suburban Farms	1 D.U./2 acres
R-1 Residential	1 D.U./acre
R-2 Residential	1.75 D.U./acre
R-2 Residential (without full urban services)	1 D.U./acre
R-3 Residential	3.5 D.U./acre
R-3 Residential (without full urban services)	1 D.U./acre

MD Multiple Dwelling	6.5 D.U./acre
M-P Mobile Home Park	6.5 D.U./acre

Note: Full urban services consists of both public water and sewer service.

ARTICLE 4. GENERAL PROVISIONS

Section 4.01. General provisions.

For the purpose of this ordinance, except as hereinafter specifically provided otherwise, the following general regulations and provisions shall apply. These general regulations shall be liberally interpreted for the purposes of this ordinance, and the limitations herein set forth shall be construed as the minimum regulation necessary to promote and protect the general safety and welfare of the community.

Section 4.02. Conflicting laws, regulations and restrictions.

It is not intended by this ordinance to repeal, abrogate or annul any existing provision of the law, ordinances or any regulations, or ordinances relating to the use of buildings or land, except as hereinafter specifically provided; nor is it intended by this ordinance to abrogate or annul any existing easement, covenants or other agreements between parties; provided, however, that where any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of land or buildings, or upon the height of buildings, or requires larger yards, land areas or open space than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. The requirements of this ordinance are to be construed as minimum requirements and shall in no way impair or affect any covenant, easement, agreements between parties or restrictions running with the land, except where such covenant, easement, agreement between parties, or restriction imposes lesser requirements.

Section 4.03. Permitted uses.

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

Section 4.04. Qualifying space.

No building shall be located nor [or] erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of the ordinance for yards, courts, lot area per family or percentage of lot occupancy, in connection with an existing or projected building, or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 4.05. Essential services.

Essential services (not including buildings) that are designed to serve only uses in Addison Township shall be exempt from the provisions of this ordinance. Other essential services shall be permitted as authorized and regulated by law and other provisions of the township ordinance.

Section 4.06. Voting place.

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

Section 4.07. Height line.

The height limitations of this ordinance shall not apply to church spires, flagpoles, public monuments, water towers, or wireless transmission towers, provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special approval use. Whenever such structures do not require special approval, their height shall be limited to a maximum of ten feet above the height permitted for the principal use.

Section 4.08. Porches.

An open, enclosed and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet. This shall not be interpreted to include or permit fixed canopies on said porch.

Section 4.09. Use of yard spaces and other open areas for storage.

No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property.

Section 4.10. Ingress and egress.

Each dwelling and each commercial or industrial building and accessory buildings shall have at least two (2) doors providing ingress and egress. One (1) of these doors shall be at the front and the other shall be at the rear or side.

Section 4.11. Reserved.

Section 4.12. Visibility.

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding thirty (30) inches in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curblines and a line connecting them at points twenty-five (25) feet from the intersection of said curblines.

Section 4.13. Dwellings in nonresidential districts.

No dwelling unit shall be erected in the commercial, office, industrial, recreational or mining districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

Section 4.14. One single-family or mobile home structure per lot.

On lots located outside of mobile home parks, no single-family dwelling, either on-site built or a mobile home, may be erected upon the same lot with another single-family dwelling or mobile home, unless said lot is developed in accordance with the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended. For site condominiums, one dwelling per building site shall be permitted.

Section 4.15. Occupancy: garages, accessory buildings, basement apartments prohibited.

Buildings erected after the effective date of this ordinance as garages or accessory buildings shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time, except when a one (1) year permit is issued by the board of appeals.

Section 4.16. Temporary and portable buildings, uses, structures and special events.

1. The following land uses or activities which are clearly temporary in nature as defined herein, along with associated temporary buildings and structures, may be permitted by the township building official subject to the requirements given in Section 4.16.3, below. Such temporary uses may include, but are not limited to:
 - a. Carwash events to support nonprofit clubs and organizations.
 - b. Emergency facilities for disaster relief.
 - c. "Tent" sales or sidewalk sales of retail goods.
 - d. Facilities at "running events" including portable toilets, tents and signs.
 - e. Temporary housing or shelter for relief from fire, natural disaster, or acts of God for a period no longer than one hundred twenty (120) days from initial occupancy.
 - f. Carnivals and fairs.
 - g. Festivals sponsored by nonprofit organizations.
 - h. Golf tournaments.
 - i. Facilities for temporary storage of materials or equipment related to large construction projects.
 - j. Contractor's portable office or toilet facilities.
 - k. Construction equipment and other apparatus when used on a construction site stored other than during times of active construction.
 - l. Temporary land uses and activities intended for seven consecutive days or less, or no more than two (2) consecutive weekends.
 - m. Mobile home while building a permanent dwelling for a period no longer than six (6) months from initial occupancy if construction of a permanent dwelling is actually underway and in progress during temporary occupancy and providing sanitary and other conditions are expressly approved by the township building official as meeting the minimum requirement under this ordinance. Any time extension beyond the six (6) month period must be approved by the zoning board of appeals. A performance guarantee shall be required in an amount established by the township board to ensure cleanup and removal of the mobile home.
 - n. Crop mazes

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2. The following land uses or activities which are clearly temporary in nature as defined herein, along with associated temporary buildings and structures, may be permitted by the zoning board of appeals subject to the requirements given in Section 4.16.3, below. Such temporary uses include:
 - a. Temporary rental/sales offices or storage.
 - b. Extension of the time period of use of a mobile home while building a permanent dwelling after expiration of the initial six (6) month period which was approved by the township building official.
 - c. Outdoor musical presentations and concerts.
 - d. Temporary land uses and activities intended for more than seven (7) consecutive days or two (2) consecutive weekends.
 3. The township building official or zoning board of appeals shall consider the impacts (both on-site and off-site) of all of the following items in review of an application for a temporary use, temporary building or temporary structure:
 - a. Adequacy of parking and access.
 - b. Adequate drainage.
 - c. Compatibility with surrounding land uses.
 - d. Size, height, and type of construction of proposed buildings and structures in relation to surrounding sites.
 - e. Sufficient setbacks from road right-of-way and lot lines.
 - f. Adequate utilities.
 - g. Trash disposal and site cleanup.
 - h. Sanitary facilities.
 - i. Hours of operation.
 - j. Outdoor lighting and signs.
 - k. Other licenses or permits required.
 - l. Potential noise, odors, dust, and glare.
 - m. Fire lanes, fire protection and security.
 - n. Off-site impacts of traffic volumes.
 - o. Necessity of a performance bond or insurance to ensure prompt termination and removal of the use, cleanup or compensation for impacts of the temporary use.
 - p. Other concerns which may impact the public health, safety or general welfare.
 4. Application for approval of any temporary land use, building or structure shall be filed by the owner of the property or his designated representative with the township building department. The applicant shall submit a written request on such forms as provided by the township. The request shall be accompanied by the required fee(s) as established by the township board. The request should include the following information:
 - The name, address and telephone number of the applicant.
 - The location of the property.
 - A complete explanation of the proposed temporary use.
 - A plot plan in sufficient detail to allow review of the items listed in Subsection a, above.

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- Any other information requested by the township building official or zoning board of appeals and deemed necessary to make the necessary findings for approval.
5. Prior to taking action on a request for a temporary land use, building or structure that requires zoning board of appeals approval pursuant to Section 4.16.2, above, the board may, at its discretion, hold a public hearing. Notice of said hearing shall be given in accordance with the requirements of Section 30.03, Notice of public hearing.
 6. The township building official or zoning board of appeals may approve without conditions, approve with conditions or deny a temporary land use, building or structure, based upon review of the items required pursuant to Section 4.16.3, above. The zoning board of appeals may set forth conditions for approval of the temporary use, may set a time limit for the expiration of the temporary use permit and may require the posting of a performance guarantee to ensure cleanup and removal.
 7. The township building official or zoning board of appeals may revoke or reconsider a temporary use permit based upon a finding that the conditions of the approval have been violated, or that the use is adversely affecting the surrounding area. A temporary use permit may be suspended by the township building official and/or until the zoning board of appeals can act, if the public health or safety is jeopardized.
 8. No temporary building shall be erected in any residential district unless a building permit has been issued for construction of a permanent building on the same site. Before a certificate of occupancy shall be issued for the permanent building, any temporary building shall be removed from the site. However, a temporary building may be erected without a building permit in conjunction with a temporary land use or activity subject to approval by the township building official or zoning board of appeals in accordance with the requirements of this section.
 9. Temporary construction equipment, buildings, shanties, and other apparatus, and the operation of the same, may be permitted in any zoning district by the township building official during periods of actual construction in said zoning district or in another zoning district in conformance with the township building code and subject to the conditions of this ordinance.

Section 4.17. Road frontage.

No dwelling or building shall be erected on a lot which does not have continuous frontage for its required minimum width upon a street or road either currently certified by the Road Commission for Oakland County or designated on a recorded subdivision existing on or prior to the effective date of this ordinance or a private road as approved by the township board and defined herein unless the lot exists as a nonconforming lot according to Article V. Road frontage shall be determined from the road right-of-way line and not the traveled portion of the road. Multifamily development or planned unit development for office or commercial uses need not front each such structure upon such street or roads provided that adequate vehicular access can be assured in the site plan submitted for approval by the planning commission. As identified in Section 4.19.18, an accessway (improved easement) meets the road frontage requirement of this section for up to four (4) or fewer parcels (or building sites) if the standards of Section 4.19.18 are met.

Section 4.18. Division of lots.

1. Approval required. For the purposes of this ordinance, the township shall not recognize any lot which was not either a lot of record as of the effective date of this ordinance or which has not been subsequently approved by the township as established under this section. Subdivisions or plats may be made only in accordance with the Michigan Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, and any township subdivision control ordinance.

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2. Application for land division. Application for a land division shall be made to the township clerk. The township clerk shall examine the application to determine that it generally contains the necessary information. If the application is not complete, the applicant will be notified in writing of the deficiencies. When the application is complete, it shall be processed in accordance with this ordinance and the Land Division Ordinance[, Ordinance] # 117. Fees shall be paid within a fee schedule established by the township board. The application shall be signed by all parties of interest in the property.
 3. Required information. The following required information shall be included on all applications for lot splits and land divisions:
 - a. Property survey signed and sealed by a land surveyor registered in the State of Michigan, including the following:
 - 1) North arrow, date and scale.
 - 2) Existing and proposed lot lines and dimensions.
 - 3) Existing utilities and county drainage courses within fifty (50) feet of the lot(s) or parcel(s) to be split.
 - 4) Location and dimensions of existing and proposed easements, lot numbers, roadways and lot irons.
 - 5) Existing structures on the proposed lot(s) and all structures within fifty (50) feet of the proposed lot lines.
 - 6) Zoning classification of the lot(s) to be split and all abutting lots.
 - 7) All required front, rear and side yard setbacks resulting from the requested split or division.
 - 8) At the discretion of the township, the owner shall provide a preliminary plan for the feasible plan development, division and access to any remaining or abutting lands affected by the proposed splits.
 - 9) Buildable area.
 - b. A written instrument fully executed in a form legally sufficient for recording with the Oakland County Register of Deeds, including a legal description of the requested parcels. Area shall be shown to the square foot on parcels of less than one (1) acre and acres to the one one hundredth (1/100) of an acre on parcels larger than one (1) acre.
 - c. All existing and proposed deed restrictions for the property(s), including any required easements for drainage, roads or utilities attached in recordable form.
 - d. Name, address and phone number of the property owner(s) and all others holding interest in the property. Satisfactory evidence of ownership or interest shall be presented to the township.
 - e. If the division or partition of the parcel will result in a minimum lot size less than the requirements of Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, and/or the applicable provisions of the Addison Township Zoning Ordinance or its successor ordinance, if any, then the applicant shall submit in addition a fully executed affidavit in form legally sufficient for recording with the Oakland County Register of Deeds and signed by all persons who have any legal or equitable interest in the parcel acknowledging that they understand the partitioned or divided parcel or parcels may not thereafter be developed or used separately but only in conjunction with the adjoining parcel or parcels of land and shall not be considered a building site by itself.
 4. Criteria for approval or denial of lot splits. The following criteria shall be used as a basis upon which lot splits will be reviewed by the office of the supervisor, clerk, treasurer, assessors and township planner:

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- a. No lot splits shall be approved if the proposed resultant parcels contain less area than required by the minimum standards of this ordinance except where resultant abutting parcels combined together exceed the minimum size.
 - b. The ratio of lot or parcel depth to width or width to depth shall not exceed four to one (4:1).
 - c. All lots shall be provided with a satisfactory means of access to a public road or a private road complying with the provisions of Section 4.19 of the ordinance. Property lines shall be laid out to promote efficient development with shared access to roads available for future development. Parcels proposed to be divided which are not located on a public road or township-approved private road which complies with the provisions of Section 4.19 shall not be entitled to additional building sites if divided, but any additional parcels shall be considered nonconforming parcel (created after amendment of this ordinance) but not building sites. The parent parcel may transfer the original building site to any of the newly created parcels in accordance with Section 5.04 of this ordinance.
 - d. The size, shape and orientation of the lots shall be appropriate for the type of development and land use contemplated. No split shall be approved which would conflict with existing drainage ditches, natural watercourses, easements or public right-of-way.
 - e. No lot splits shall be granted which are contrary to, or in violation of, the State of Michigan Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, the Land Division Act.
 - f. No lot split shall be approved if the division would reduce any required yard space or off-street parking space below the minimums required by the zoning ordinance or if the division would effectively allow the avoidance of the requirements of this ordinance.
 - g. No lot splits shall be approved which would preclude the feasible and efficient development, division or access for remaining or abutting lands affected by the proposed split.
 - h. The proposed land division shall be reviewed for compliance with the adopted master plan of the township.
5. Review and approval of lot splits. Following receipt of a land division application, the township clerk shall forward to the planner and upon review refer said application to the office of the supervisor, clerk, treasurer, and assessors, for review and approval. Accompanying submission shall be the following:
- a. A memo from the township clerk stating whether or not the parcel or parcels to be divided contain any improvements.
 - b. If any improvements are contained thereon, a memo from the building inspector stating whether the proposed division would reduce required yard space or off-street parking space below minimum limits required in the zoning ordinance or would otherwise preclude the application of the provision of this ordinance.
 - c. The township board is hereby authorized to establish a policy wherein a reasonable time limit shall be permitted for the duration of the administrative approval of a division of a lot or parcel which may include the submission of necessary information and documentation, or for the completion of necessary improvements pursuant to the construction of private roads and related improvements, or other township required improvements.

Section 4.19. Private roads.

Private road development that occurs in the township shall be subject to the minimum private road regulations and standards of this section (Section 4.19). No person, firm or corporation shall hereafter divide or develop any land as hereinafter described without providing for public or permanent private easements for access to such divided lands with said private easements to conform to these minimum requirements.

A. *Definitions.*

1. *Existing easement access.* An easement that is recorded with the Oakland County Register of Deeds, prior to the effective date of this provision of the zoning ordinance, that has not received approval from the township board (as determined by the township board) as part of a land division, private road application, subdivision or site condominium.
2. *Approved existing private road.* A recorded easement that has been approved by the township board as a result of a subdivision, site condominium or private road application as provided in [this] Section 4.19 and has been constructed and received final township board post-construction approval for the full approved final length.
3. *New private road.* A proposed easement that conforms to the requirements of [this] Section 4.19 and is approved by the township board with any and all conditions of approval met.
4. *Nonconforming access.* Any access (e.g., including driveways, unrecorded easements, unapproved easements, unimproved easements) other than a public road, approved existing private road or new private road that does not meet the definitions contained in Section 4.19.A.1—3 or any standard contained in [this] Section 4.19.

B. *Requirements.*

1. Every dwelling hereafter erected or located in the township shall be on a parcel abutting a public road, a new private road or an approved existing private road (both as defined herein) that complies with all provisions of [this] Section 4.19, and with access to the road to provide safe, convenient yearround access/egress for serving emergency access, pedestrian safety and fire protection.
2. When land parcels are being divided and roads created within the township, the resulting road standards shall meet or exceed the standard "C" type described in the cross section drawing of the Oakland County Road Commission, dated December 14, 1972. Rights-of-way or easements, while not required to be dedicated, will be reserved for future dedication and preclude any development within this designated area. Any land division application or development plans as submitted for approval must show any proposed private road easement including a legal description, and must include the grades for these roads or future extension shall be deemed waived.
3. All private roads (unless an accessway easement as provided in Section 4.19.18) shall have a minimum right-of-way easement of at least sixty (60) feet or the current Road Commission for Oakland County's designated right-of-way width for subdivision roads, whichever is greater. No resultant parcel from the land division shall have lot width less than that required in the zone in which the parcel is located.
4. Construction permits from the Road Commission for Oakland County are required for connection of private roads to county roads. Permits are required from Oakland County Drain Commissioner under the Soil Erosion and Sedimentation Control Act, Act 347 [Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.)], when applicable. No building permit shall be issued on any private road until such private road is given final approval by the township board following construction. Preexisting parcels on approved existing private roads may be issued one building permit for a single home.
5. Application for new private road approval shall be made at the same time as a land division application, site condominium application, building permit application, or subdivision application occurs. Applicants shall prepare a general property development plan complying with the requirements of Section 4.18 (for land divisions), Section 4.43 (for site condominiums) of this ordinance or the township subdivision ordinance (for subdivisions).

Prior to approval of any new private road by the township board, the applicant will prepare and provide three sets of:

- a. Construction drawings that meet approval of the township engineer prior to township board approval. If the private road will serve a single parcel or building site that is adequately deed-restricted from further division in a manner acceptable to the township land division committee, following review by township legal counsel, the land division committee may waive the requirement of construction drawings.
 - b. Road maintenance/reconstruction agreement signed by the applicant/owner.
 - c. Road easement agreement signed by applicant/owner, providing for:
 - 1) A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
 - 2) A workable method of apportioning the costs of maintenance, reconstruction and improvements to a specified maximum number of parcel owners and/or homeowners at any one time.
 - 3) A notice that if repairs and maintenance are not made, the township board may bring the road up to class "C" design standards and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs. In the event further land divisions are proposed on an existing private road, such divisions may only occur with frontage as measured along an approved existing private road or a new private road.
 - 4) A representation that no public funds of the Township of Addison are to be used to build, repair, reconstruct or maintain the private road.
 - 5) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary for access.
 - 6) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners except by mutual agreement of all involved in the use of the road. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, and others bound to or returning from any of the properties having a need for use of the road.
 - 7) A limitation on the maximum number of parcels/building sites to be served by the easement.
6. The township engineer shall review the plans of the new private road and forward a recommendation of approval, approval with conditions, or denial (with reasons) to the township board. When new private road plans are approved by the township board, a construction permit will be issued by the township clerk and/or supervisor. The township engineer will inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road including proper placement of any stop sign(s) and street identification sign(s) will be made by township engineer who shall forward his recommendation to the township board who shall be responsible for considering final approval. If final approval contains conditions, the approval shall not be considered final until all conditions have been met to the full satisfaction of the township board.

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7. All private roads shall be designated as such and shall be appropriately signed by the property owner. The township clerk shall check with the county to avoid a duplication of names and give approval of [the] same.
 8. An application fee is to be established by the township board. Before final approval of the cost of review of plans and inspection by the township engineer of the private road and drainage shall be paid for the by the applicant/developer.
 9. Extensions of private roads.
 - a. Approved existing private road. Approved existing private roads shall be allowed to be extended in the same manner as the original approved existing private road. Any approved existing private road may apply at any time for township extension approval. Extensions shall be limited to existing parcels that are contiguous to the approved existing private road easement as the original road easement exists according to the existing approved easement prior to the application. Existing parties to any existing road maintenance agreement must agree to any proposed extension by providing a preapproved (by township) road maintenance agreement for the extension in addition to the original length of the private road. (All extensions [which shall be considered a part of the existing road for purposes of maximum length] and the resultant extended road must comply with all of the requirements of [this] Section 4.19.) Any extension of an approved existing private road can only occur on a conforming parcel (complies with all provisions of this zoning ordinance [300]) and extension can only be to a conforming parcel.
 - b. Existing easement access. Unless an easement has been reserved and approved by the township or a preexisting township-approved road maintenance agreement identifies a proposed extension, no existing easement access shall be extended unless the extension and original easement access are altered to comply with all of the requirements of [this] Section 4.19, including maximum length for the entire road.
 - c. New private road. Unless an easement has been reserved and approved by the township board, or a preexisting township-approved road maintenance agreement identifies the proposed extension, no new private road shall be extended after it is approved by the township board. All extensions must comply with all of the requirements of [this] Section 4.19, including maximum length for the entire road.
 10. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

This parcel of land has private road access across a permanent sixty (60) foot easement which is a matter of record and a part of this deed.

This notice is to make purchaser aware that this parcel of land has egress and ingress over this easement only.

Neither the county nor [the] township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Public Act No. 139 of 1972 [MCL 247.391 et seq.] as amended.)
 11. No fences, structures, and similar elements are permitted within the private road easement.

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12. Any parcel across which a private road easement is proposed shall meet the minimum road frontage and lot width requirement on a public (not private) road of the zoning district wherein the parcel to be traversed is located.
 13. Maximum private road length. The maximum private road segment length (distance between intersections of private road segments as measured along road centerlines) and length of cul-de-sac shall be eight hundred (800) feet. Public roads may be used for parcels that require lengths in excess of that which is allowed for private roads. A road segment is a length of private road that serves at least four (4) parcels exclusively (no direct access to another portion of a private road). Private road segments (non-cul-de-sac segments) in land divisions, subdivisions and site condominiums may not exceed one thousand six hundred (1,600) feet unless a variance is granted for the minimum variance necessary if multiple access/egress points to the segment and subdivision/site condominium are provided to the development for each and every phase of the development. Private road standards shall be used in any underlying plan (conventional or parallel plan) as provided in Section 25.03.
 14. The width of a proposed private road shall not be considered a part of the minimum lot width requirements of this zoning ordinance.
 15. The intersection of a private road with a public road and the intersection of private road segments with other private road segments (intersection to intersection) shall be at right angles or as nearly as possible to right angles as conditions permit. Intersections with offsets of less than one hundred twenty-five (125) feet should be avoided where possible. A private road intersection with a public road shall be at least one hundred twenty-five (125) feet from any portion of another private road. Private road and accessway easements should be offset from adjacent property lines at least sixty (60) feet to allow for parallel private roads and minimization of turning conflicts.
 16. Cul-de-sac road length shall not exceed eight hundred (800) feet unless no more than four (4) existing or proposed parcels or future divisions or building sites are created from the parent parcel or served by the cul-de-sac road. Parcels with potential access to both a public and proposed private road shall be considered to have access to the proposed private road unless a parcel contains a home and preexisting driveway. For purposes of this provision, the proposed number of divisions shall apply to the parent parcel from which the divisions are proposed and over which a private road (including accessway is proposed). A limitation on future divisions for building site purposes shall be imposed by the township board as part of private road approval, which limitation shall be so recorded in parcel deeds following review and approval of the proposed deed restrictions by township legal counsel.
 17. Private road configurations that serve more than twenty-five (25) lots, parcels, or condominium units shall provide an alternate access (private road access) for purposes of public safety. A boulevard entrance shall not qualify as the alternative access. The alternate access shall be provided as far as possible from the origin of the private road (intersection with public road) and shall provide maximum alternate access to as many lots, parcels or condominium units as practicable.
 18. Parcels which front on a public (not private) road may meet the frontage requirements of Section 4.17 for up to four (4) building sites or parcels through the calculation of frontage on an easement (accessway) which meets the following requirements:
 - a. Each easement shall be recorded with the county register of deeds with a maintenance agreement, the form and content of both (easement and maintenance agreement) shall be acceptable to the township board and approved by the township board following review by township legal counsel at the applicant's expense.

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- b. Each accessway shall be submitted for approval of the township engineer for compliance with recommended standards for design, construction and drainage.
 - c. Each easement shall be twenty (20) feet in width for the finished travel surface and provide for adequate drainage and any required drainage easement, as reviewed and recommended by the township engineer.
 - d. Parcels which had an easement which crosses a parcel which fronts on a public (not private) road, which preexists the date of adoption of this amendment [section], may be utilized for up to four building sites under the provisions of this section and upon issuance on any minimum variance necessary from the zoning board of appeals.
 - e. Land divisions that are proposed to be accessed from an accessway shall be submitted simultaneously with the accessway, application and construction drawings.
 - f. Approvals of accessways shall be by the township board following review and recommendation by the township planning consultant, township engineer and township fire department.
 - g. Land divisions which are approved conditioned upon an accessway shall be considered denied (for lack of zoning ordinance compliant access) unless approval of an accessway is granted.
 - h. Parcels that utilized this subsection shall be deed restricted in a manner acceptable to the township board following review by township legal counsel, at applicant's expense, which prevents further divisions of building sites.
 - i. Nothing in this section shall allow the extension of a private road, creation of an accessway from a private road, or access across a parcel which does abut a public (not private) road, unless such parcel is combined with a preexisting parcel in a manner which conforms to this Zoning Ordinance [300 (this ordinance)].
 - j. The accessway shall be constructed to comply with private road standards (shall meet or exceed standard "C" type described in the cross section drawing of the Road Commission for Oakland County, [including the cul-de-sac radius for a private road] dated 12-14-[19]72 [except for easement width and any design modification recommended in Subsection "f" above and approved by the township board] when the second parcel is served by the accessway.

(Ord. of 5-16-2005; Ord. No. 17-01, 9-18-2017)

Section 4.20. Sewage disposal, outside privies.

No human excreta or domestic, commercial or industrial wastes shall be deposited on the surface of any premises in the township. Where a sewer system is available, all sanitary fixtures such as water closets, lavatories, catch and slop sink, laundry trays and bathtubs shall be connected to such system. Where a sewer is not available, all facilities used in connection with the disposal of human excreta and water-carried wastes shall be connected with and the wastes therefrom discharged into a private disposal system, the operation and location of which complies with the requirements of the Oakland County Health Department and which creates neither a nuisance nor pollutes a stream or lake or a water supply. The provisions of this section shall not relieve a property owner from fully complying with all requirements of any other township ordinance.

No outside privy shall be permitted for new construction and/or any changes of occupancy; provided, however, that temporary use of outside privies shall be permitted during periods of construction pursuant to a valid building permit.

Section 4.21. Accessory structures and uses.

Accessory buildings in all districts shall be subject to the following regulations, except when specifically provided otherwise in this ordinance:

1. General requirements.
 - a. No accessory structure or use shall be constructed or established on a parcel unless there is a principal building, structure, or use being legally constructed or already established on the same zoning lot. An accessory structure may be erected when no primary structure exists provided that a building permit for a primary structure has been issued. The building official may allow the establishment of an accessory structure without a principal structure (or permit to construct a primary structure) upon making the following written findings:
 - 1) Said accessory structure legally exists and will become illegal under [this] Section 4.21 due to a proposed land division, primary structure demolition or similar circumstances; or
 - 2) Compliance with Section 4.21 would require removal of said accessory structure; or
 - 3) The absence of a primary structure is of a demonstrably temporary nature; and
 - 4) The lot is two (2) acres or more in area.
 - b. All accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where specified in this ordinance.
 - c. Accessory buildings which are connected to or within ten (10) feet of the principal building shall be considered a part of, and subject to the same yard setback requirements, as that principal building.
 - d. At such time as any accessory building is structurally attached in any way to a principal building, it shall cease to be considered an accessory building but shall be considered a part of the principal building and shall be subject to all requirements of this ordinance, and all building codes, which are applicable to the principal building to which it is attached.
 - e. In the case of double frontage and lake lots, such accessory buildings shall be restricted to the central one-third ($\frac{1}{3}$) of the lot. The central one-third ($\frac{1}{3}$) of the lot shall be measured from within the lot lines, lot lines having the meaning as defined in Article 2. Additionally, in the case of lake lots, accessory buildings shall only be located in the side or rear yard and no accessory building shall be located closer than five (5) feet to the side lot line or twenty-five (25) feet to the rear lot line. On a corner lot, accessory buildings shall not project into a corner side yard or into the required corner side yard.
 - f. An accessory building or structure with dimensions less than ten (10) feet by ten (10) feet by ten (10) feet shall not require a building permit provided that said building or structure meets all yard requirements for accessory buildings set forth in this ordinance, including, without limitation, Paragraph e [1.e.] of this section.
 - g. An accessory garage or barn may be constructed simultaneously to a principal use building when the building permit for the principal use has been issued and work on said principal use is undertaken and maintained.
 - h. In no instance shall an accessory building be located within a road easement or right-of-way.
 - i. Accessory buildings shall be subject to all applicable codes and ordinances regarding construction, installation and operation.

- j. Natural feature setback: All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require planning commission approval, this setback may be reduced by the planning commission. Other requests for reduction of the setback require a variance granted by the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks or seawalls may be located within the natural feature setback.
2. Accessory buildings in the A, R-E, S-E and S-F districts. Unless specifically provided for otherwise elsewhere in this ordinance, accessory buildings in the A, R-E, S-E and S-F districts shall be subject to the following regulations:
- a. An accessory building shall not exceed twenty (20) feet in height.
 - b. An accessory building located in the R-E, S-E or S-F district shall meet the minimum yard setback requirements of the district in which the accessory building or structure is located and shall not be located in the front yard.
 - c. An accessory building located in the A agricultural district shall be subject to all requirements of this ordinance with the exception of the following:
 - 1) No accessory building shall be located closer than fifteen (15) feet from any lot line and an accessory building may be located in a front yard provided it is not in the required front yard setback.
 - 2) Notwithstanding this section, farm-related accessory buildings shall not exceed fifty (50) feet in height, provided that any such accessory building shall meet the setback requirements of a principal building if it exceeds twenty (20) feet in height.

Property Line (see illustrations following definitions, Section 2.02).
 - d. The total area of an individual accessory building shall not exceed the following limitations:

A, R-E, S-E and S-F Lot or Parcel Size	Maximum Total Area for an Individual Accessory Building
87,121 to 217,800 sq. ft. (2 to 5 acres)	2,500 sq. ft.
217,801 to 435,600 sq. ft. (5 to 10 acres)	3,500 sq. ft.
Over 435,600 sq. ft. (over 10 acres)	4,500 sq. ft.

- e. Accessory buildings within thirty (30) feet of each other or in any manner connected (including foundations or floors within thirty (30) feet of each other) shall be considered part of an individual accessory building for purposes of this zoning ordinance, and shall be considered an individual accessory building for purposes of calculating maximum total area for an individual accessory building.
3. Accessory buildings in the R-1, R-2, R-3, MD, and M-P districts. Unless specifically provided for otherwise elsewhere in this ordinance, accessory buildings in the R-1, R-2, R-3, MD, and M-P districts shall be subject to the following requirements:
- a. An accessory building shall not exceed one (1) story or fourteen (14) feet in height.
 - b. An accessory building shall not be located in the front yard. An accessory building located in the side yard shall meet the side yard setback requirement of the district in which the accessory

building is located. An accessory building located in the rear yard shall not be located closer than five (5) feet to any property line.

- c. An accessory building shall not exceed, in total floor area, the ground floor area of the principal building or structure on that lot or the minimum floor area of the district in which it is located, whichever is greater.
- d. The total area of all residential accessory buildings shall not exceed a total one thousand five hundred (1,500) square feet.
- e. A residential accessory building shall have a concrete floor or pad and rat wall.

Property Line (see illustration following definitions, Section 2.02).

- 4. Accessory buildings in the C-1, C-2, M-1, and M-2 districts. Accessory buildings in the C-1, C-2, M-1 and M-2 districts may be constructed to exceed fourteen (14) feet in height, but not higher than the permitted height of principal buildings in those districts, provided such buildings shall comply with all setback requirements for principal buildings in those districts.
- 5. Other accessory structures. Structures such as steps, paved terraces, garden walls, and retaining walls shall not be considered accessory structures and may be erected in the required minimum front, side or rear open spaces (see Article 24), subject to the requirements of this ordinance.
- 6. Prohibited accessory structures. Accessory structures which are principally constructed of clear plastic, glass or membrane type materials shall be prohibited in residential zones except when used as detached garden houses or noncommercial domestic greenhouses in conformance with Section 4.21.8 below.
- 7. Swimming pools. The area of any swimming pool, in-ground or aboveground, and the accompanying deck and/or apron, shall be included in the calculations for lot coverage. Occupied lot area requirements shall apply to pools. Setbacks and other requirements shall be as regulated under this ordinance.
- 8. Greenhouses. Garden houses or noncommercial domestic greenhouses shall be permitted as accessory structures subject to setbacks and other requirements as regulated under this section, including area limitations. However, they shall be exempt from the materials and roofing requirements for accessory structures as outlined in Section 4.21.3.h [sic] above. Garden houses or noncommercial greenhouses shall be used for agricultural or horticultural purposes only and shall not be used as accessory storage facilities. Attached greenhouses shall meet requirements identified in [Section] 4.21.1.

Section 4.22. Mobile homes outside parks.

Individual mobile homes and other single-family dwelling units may be located in the A, R-E, S-E, S-F, R-1, R-2 and R-3 residential zoning districts which allow single-family residences, subject to the following:

- 1. The minimum requirements for lot and width and area, lot coverage, building area and yard setbacks shall be the same as those required for single-family housing in the zoning district wherein the mobile home is located.
- 2. A mobile home shall comply with the U.S. Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards [Manufactured Home Construction and Safety Standards], 24 CFR 3280 et seq., and pertinent state statutes and regulations.
- 3. All units must be installed on a permanent foundation. At a minimum, this shall include a forty-two (42) inch cement block foundation with cement footings around the complete outside perimeter of the mobile home. For mobile homes, a basement satisfying the same standards as for single-family

housing, in accordance with applicable township-adopted codes and ordinances, may be substituted for equivalent portions of the forty-two (42) inch foundation. If the foundation or basement does not meet the mobile home manufacturer's specifications for pillar placement and imposed load capacity, adequate additional support shall be provided. The mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Construction Code Commission. The towing system, wheels, axles and chassis shall be removed from the mobile home.

4. A crawl space of not less than twenty-four (24) inches shall be provided between the floor of the unit and the ground level. The crawl space shall not be utilized for storage purposes.
5. The minimum length, width and floor area requirements for a unit home, including additions, shall correspond to the minimum floor area requirements for the zoning district in which the unit is located. Any additions to a mobile home must be either constructed by a licensed mobile home manufacturer or satisfy the applicable township adopted code and ordinances for single-family residences. Any addition must be similar in appearance, materials and foundation to the mobile home itself.
6. Utility and service lines, electrical and natural gas service, shall be designed for attachment to the unit using the designs and specifications for single-family housing in accordance with applicable township codes and ordinances. Water and sewer systems shall be approved by the appropriate public authority having jurisdiction. An exterior water faucet is required.
7. A mobile home site shall comply with the same township-adopted codes and ordinances relative to sidewalk, driveway and parking placement, fencing and area as for single-family housing.
8. The mobile home shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with windowsills or roof drainage systems, concentrating roof drainage at collection points along the sides of the dwelling; and not less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling; and containing steps connected to said exterior door areas or to porches connected to said door areas, where a difference in elevation requires the same.

Compatibility of design and appearance shall be determined in the first instance by the township building inspector upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal to the board of appeals within a period of fifteen (15) days from the receipt of notice of said building inspector's decision. Any determination of compatibility shall be based on the standards as set forth in this ordinance, as well as the character, design, and appearance of one or more residential dwellings located outside of a mobile home park within two thousand (2,000) feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance pertaining to mobile home parks.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with township regulations.

Section 4.23. Building grades.

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

Section 4.24. Buildings to be moved.

Any building or structure which has been wholly or partially erected on any premises within or outside the Township of Addison shall not be moved to and/or placed upon any premises in the township unless a zoning compliance permit (as required in Section 27.05) and a building permit (if applicable) for such building or structure shall have been secured. Any such building or structures shall fully conform to all the provisions of this ordinance in the same manner as a new building or structure.

Cross reference(s)—Moving of buildings, § 10-61 et seq.

Section 4.25. Protective screening of nonresidential areas from residential areas.

In order to provide adequate protective screening for residential areas adjacent to nonresidential areas, the following regulations shall apply:

1. Where a C-1, C-2, MD, P-O, M-1, or M-2 district or nonresidential uses abut directly upon a residential district, those districts shall be screened from such contiguous, residentially zoned district by a solid, ornamental masonry wall six (6) feet in height above [the] grade. The planning commission may recommend during site plan review, that an alternative screening be accepted where there is natural vegetation on the subject site to be retained and maintained (with maintenance agreement) or site circumstances (e.g., elevation of terrain compared to surrounding sites) would accommodate an alternative and equally effective screening technique.
2. Where required walls are provided on the nonresidential side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas.
3. If a legal commercial or industrial use, existing prior to the effective date of this ordinance, is expanded, enlarged, moved or altered, the protective screening provisions of this section shall be required and enforced.

Section 4.26. Fences, walls and other protective barriers.

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

1. The erection, construction or alteration of any fence, wall or privacy screen as defined herein shall be constructed within all municipal codes and shall require a building permit with the following exceptions:
 - a. When it does not exceed four (4) feet in height; and

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- b. When the value of the erection, construction or alteration does not exceed \$500.00.
 - c. When any fence, wall or privacy screen is located in the A agricultural district.
2. Fences in other than A, M-1 or M-2 districts, unless specifically provided otherwise, shall conform to the following requirements:
 - a. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed four (4) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house unless the location of the fence is approved by the zoning board of appeals, subject to a finding that the fence will not impede pedestrian traffic or interfere with the view, will be compatible with the character of the building and other fences in the area, and can be reasonably maintained.
 - b. Fences on recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
 - c. Fences that enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height.
 - d. All fences hereafter erected shall be of an ornamental nature. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
 - e. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary in the interests of public safety, or protection of private property subject to the approval of the planning commission. Fences that carry electric current shall be permitted only in conjunction with an agricultural use.
 - f. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.
 3. Fences in the AG [A], M-1 and M-2 districts may be located on property or road right-of-way lines of a lot provided that such fences shall be maintained in a good condition and shall not constitute an unreasonable hazard.
 4. No fence shall be erected, established or maintained on any corner lot that will obstruct the view of a driver of a vehicle approaching the intersection.

Section 4.27. Outdoor trash containers.

Outdoor trash containers shall be permitted in the C-1, C-2, P-O, R, P-I, M-P, MD, M-1 and M-2 districts and for nonresidential (except agricultural) uses in other districts provided that they comply with the following requirements:

1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
2. A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen said containers.

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3. The trash container(s), the screening wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, wastepaper or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
 4. A cement pad shall be poured or placed under the trash container and extend an adequate distance in front of the container to ensure adequate support for vehicle loading/unloading of the container.

Section 4.28. Exterior lighting.

1. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences, and shielded so as not to interfere with the vision of persons on adjacent streets.
2. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent roads or adjacent property.
3. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

Section 4.29. Easements.

It shall be unlawful for any person to install, erect or cause or permit the installation of a permanent or temporary structure (garage or building) on or across an easement of record that will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Where public utilities now exist, a six (6) foot easement shall be maintained.

Section 4.30. Regulation of nuisance activities.

No activity or use shall be permitted on any property that by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the zone district or is obnoxious or offensive to uses permitted in neighboring zoning districts.

Section 4.31. Excavations or holes.

The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building inspector. This section shall not apply to lakes, streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, Oakland County, the township or other governmental agency.

Section 4.32. Commercial bulk storage of flammable substances.

No commercial bulk storage of gasoline or flammable liquids shall be made in tanks or other containers unless said tanks or containers are completely below the ground level.

Cross reference(s)—Fire prevention and protection, ch. 26.

Section 4.33. Performance guarantees.

To ensure compliance with this ordinance and any conditions imposed under this ordinance, including conditions of the site plan approval, special approval, cluster development, planned development, private road, land division approval, or temporary and portable buildings, uses, structures and special events approval, the township board, planning commission, zoning board of appeals, land division committee or building official (in the case of temporary approvals under Section 4.16 of this zoning ordinance) may require that financial security acceptable to the township be deposited with the township clerk/treasurer to ensure faithful completion of improvements defined in this section. The following procedures and guidelines shall apply:

1. The amount of the cash deposit, certified check, or irrevocable bank letter of credit shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.
2. "Improvements" means those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, parking, paving or parking and circulation areas, screening, drainage and other site improvements. "Improvements" does not include the entire project that is the subject of the approval.
3. The performance guarantee along with a detailed description and schedule of improvements to be completed shall be deposited with the clerk/treasurer prior to the issuance of a certificate of occupancy authorizing use of the activity or project.
4. The applicant shall be required to provide the performance guarantee or financial security by one or a combination of the following arrangements, whichever the applicant elects:
 - a. An irrevocable letter of credit issued by a bank authorized to do business in Michigan in an amount sufficient to cover the cost of the contemplated improvements as estimated by the township.
 - b. A cash deposit, or deposit by certified check drawn on a bank authorized to do business in Michigan sufficient to cover the cost of the contemplated improvements as estimated by the township shall be deposited with the clerk/treasurer. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.
5. In the case of cash deposits, the clerk/treasurer shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described below.
6. Procedure for obtaining the return or refund of the security:
 - a. Certificate by the building department. The applicant shall furnish the clerk/treasurer a letter or document signed by the building inspector indicating satisfactory completion of the required improvements.
 - b. Inspection of public improvements by the township engineer or building inspector. After the completion of the construction of any required public improvements, the township engineer or building inspector, or the county, state or federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection and certify compliance with the required public improvements. This inspection shall be made to ensure the improvements are completed according to the approved plans and specifications. The applicant shall furnish the clerk/treasurer with a letter or document signed by the authorized representatives of the applicable agency that indicates acceptance of the public improvements.

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7. In case the applicant shall fail to complete the required improvements work within such time period as required by the conditions or guarantees as outlined above, the township board may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.
 8. The township may require, prior to the acceptance by the township of public improvements, a maintenance bond acceptable to the township for a period of up to three (3) years in an amount not to exceed thirty-five (35) percent of the total cost of the public improvements.
 9. This section shall not be applicable to improvements for which cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended.

(Ord. No. 14-1, § 2, 4-21-2014)

Section 4.34. Satellite antenna regulations.

Satellite antennas shall be permitted as accessory structures in all districts in accordance with the provisions of this section.

1. The construction or placement of a satellite antenna greater than three (3) feet in diameter shall not commence before a building permit is issued in accordance with this ordinance.
2. Only one (1) satellite antenna per lot shall be permitted.
3. All such antennas shall be bonded to a grounding rod.
4. No satellite antenna shall be:
 - a. Located in any front yard open space.
 - b. Constructed closer to any lot line than its overall height.
 - c. Linked physically or connected in any way with any structure which is not on the same lot.
 - d. In excess of fifteen (15) feet in height.
 - e. Supported by structural supports other than corrosion resistant metal.
 - f. Wired to a receiver except by wires located at least four (4) inches beneath the ground in a conduit.
5. All such antennas shall be designed to meet wind load standards of the building code, and shall be solid in color.
6. No satellite antenna shall be constructed upon the roof of any garage, residential dwelling, or any other building or structure, nor shall they be mounted upon independent towers, spires or the like.
7. In MD, C-1, C-2, P-O, M-1 and M-2 zoning districts, a satellite antenna may be mounted on the roof of any building or structure, subject to all other regulations in this section, provided that no portion of the satellite antenna shall extend above the height limit for principal buildings in the district.
8. A variance may be granted by the zoning board of appeals from the provisions of this section in cases involving practical difficulties, where the evidence supports that the topographic features or special characteristics of the site create special conditions such that the strict application of this section will prevent the reception of usable satellite signals.

Section 4.35. Parking and storage of campers, travel trailers, and boats.

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

1. No more than one (1) camper or travel trailer may be parked on a lot of record that is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lessee.
2. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.
3. Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located only in the rear yard and, in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district where located.
4. The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space shall not be exceeded.
5. Recreational equipment parked or stored shall not be connected to electricity, water, gas or sanitary facilities, and at no time shall same be used for living, lodging or housekeeping purposes.
6. All recreational equipment must be kept in good condition and have a current year's license and/or registration.

Section 4.36. Landscaping requirements, plant materials, greenbelts and maintenance.

Whenever landscaping treatment is required, it shall be in accordance with the specifications of this section unless specifically modified by the planning commission. All plant materials shall be installed within six (6) months of the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a performance guarantee in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited in accordance with Section 4.33.

1. Whenever a greenbelt is required by this ordinance or as a requirement of site plan or special approval, or permitted, it shall be installed so as to provide, within a reasonable time, an effective barrier to vision, light, physical encroachment, and sound. Maintenance shall be required to ensure its permanent effectiveness. Specific planting requirements are:
 - a. The planting area will be no less than ten (10) feet in width.
 - b. Plant materials shall not be placed closer than four (4) feet to the property line.
 - c. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals, and shall have a minimum height of eight (8) feet at planting with alternating rows, minimum of two (2) rows.
 - d. An alternate grouping of plant materials of equivalent screening effect may be planted, subject to approval of the planning commission.
2. Berms required shall be at least two (2) [to] four (4) feet in height and shall have slope no greater than one to two and one half (1:2.5), i.e., one (1) foot of vertical rise for each two and one half (2.5) feet of horizontal distance. The ground surface area shall be seeded, sodded or planted with groundcover, and planted with trees or shrubs.
3. The owner of landscaping required by this section shall perpetually maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All

diseased and/or dead material shall be replaced within the next appropriate planting season or within one (1) year, whichever comes first.

4. In the event the owner fails to maintain the landscape area in a neat and orderly manner, free from debris, the building inspector shall mail to the owner a written notice setting forth the manner in which there has been failure to maintain said landscaping and requesting that these deficiencies be cured within thirty (30) days from date of said notice. If the deficiencies set forth in the notice shall not be cured within thirty (30) days, or any extensions thereof granted by the township, the township shall have a right to enter upon such property and correct such deficiencies and the costs thereof shall be charged, assessed and collected from the owner.
5. In instances where healthy plant materials exist on a site prior to its development, the planning commission may adjust the application of the above standards to allow credit for such plant material if such plant materials are maintained according to Section 4.36.4 and if such an adjustment is in keeping with, and will preserve, the intent of this ordinance.
6. Whenever landscaping is required, the plant materials will be installed in fertile soil with good surface drainage and provided maintenance as required to ensure their health and permanence.

Section 4.37. Removal of soil, sand, clay, gravel or similar materials; mining excavation; filling operations.

From and after the effective date of this ordinance or amendment thereto, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct a mining excavation as defined, or to remove, grade or strip any topsoil, sand, clay, gravel or similar material or to use lands for filling and/or stockpiling soil or rock within the unincorporated area of Addison Township without first submitting an application as prescribed to the township board, and procuring a permit thereafter from the building inspector. The following regulations shall be applicable:

1. Permits. No special permits shall be required for excavation or filling done for building construction purposes pursuant to a duly issued building permit under the Addison Township Building Code.
2. Application. Prior to the approval and authorization of a permit for removal of soil, sand, clay, gravel or similar materials, excavation or filling operations, the Addison Township Board shall review and approve such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the building inspector and shall contain the following information:
 - a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - b. Full legal description of the premises wherein operations are proposed.
 - c. Location of all buildings on the site and within five hundred (500) feet of the perimeter of the site.
 - d. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
 - e. Detailed statement as to exactly what content and type of deposit is proposed to be extracted or deposited.
 - f. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer. Such survey shall include:

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- 1) Existing spot elevations on a fifty (50) foot grid system on parcels not exceeding four (4) acres in area and a hundred (100) foot grid system on areas exceeding four (4) acres in area. The contour interval shall not exceed five (5) feet.
 - 2) Existing spot elevations on the grid system and a line parallel to and exterior to at a distance of twenty-five (25) feet (minimum) from the lot boundary lines in order to indicate existing grade elevations of abutting parcels of land.
 - 3) Existing and proposed contour lines, drainage swales, storm sewers and methods of stormwater runoff drainage.
- g. Existing roadways, drains, roadway ditches, and existing utilities locations, widths and elevations.
 - h. Location of wetlands on site.
 - i. Such other information as may be reasonably required by the township board to determine whether a permit should be issued.
3. Fees. Application for a permit under this section shall be accompanied by a permit fee as established by the township board, the sum of which shall be used to defray administrative expenses occasioned by processing such application. Permits issued by the township under the terms of this section shall be for a period of one (1) year from the date of issuance and shall be renewable upon payment of an annual inspection fee, the sum of which shall be established by the township board. Such permits shall be renewed as herein established, provided the permit complies with all the provisions of this ordinance and other conditions set forth in the permit.
 4. Issuance of permit. The township board shall review, and approve or disapprove said application. A permit shall be issued only if the board has determined that issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the township.
 5. Mandatory requirements. The following requirements shall be mandatory:
 - a. Mining excavations.
 - 1) Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends; said fence will be wire mesh or other suitable material and is to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
 - 2) When mining operations cease, the entire excavation shall be fenced with a suitable fence, as required in [Subsection 5.a]1) above, approved by the township board upon which there shall be placed and maintained appropriate signs warning the public of danger.
 - 3) When mining operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT—DANGER" signs around said premises not more than two hundred (200) feet apart.
 - 4) Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dustfree by hard-topping with cement, bituminous substance or chemical treatment.
 - 5) No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence, nor closer than one hundred (100) feet to any property line; provided, however, that the township board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it.

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- 6) The required slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the property line of an adjoining landowner, shall not exceed a minimum of one (1) foot vertical drop to each seven (7) feet horizontal and where permanent ponded water results from the mining operation the slope of all banks adjoining the pond must be maintained at the one to seven (1:7) ratio above and must be extended into the water of such permanent pond to a water depth of at least five (5) feet.
 - 7) The township board may require such other performance standards where, because of peculiar conditions, they deem it necessary for the protection of health, safety, morals and well-being of the citizens of Addison Township.
- b. Stripping or removal operations.
- 1) No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the Oakland County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of Oakland County Drain Commissioner.
 - 2) Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dustfree by hard-topping with cement, bituminous substance or chemical treatment.
 - 3) No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
 - 4) Wherever topsoil exists, suitable for growing turf or for other land use, at the time the operations begin a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
 - 5) The township board may require such further requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Addison Township.
- c. Filling operations.
- 1) The filling of land with rubbish or garbage or any other waste matter is hereby prohibited in all unincorporated areas of Addison Township except as may be permitted under Section 22.04 of this ordinance and Section 58, the Addison Township Solid Waste Ordinance.
 - 2) No soil, sand, clay, gravel or similar materials shall be deposited in such manner as to cause water to collect or to result in a place of danger or a menace to the public health.
 - 3) The township board may require a temporary fence to be erected to prevent the scattering of fill materials.

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- 4) The building inspector may waive the regulations for filling operations and the review by the township board and conduct an independent review to permit those filling operations which meet the following requirements:
 - a) The fill material does not include garbage, rubbish, or any other waste matter.
 - b) The actual area on which the filling operation is to be performed does not exceed ten thousand (10,000) square feet and does not lie within fifteen (15) feet of any property line.
 - c) The fill does not alter the topography of drain easements or other public or private easements of record or cause an increase in stormwater runoff to adjacent properties. Final grades of the perimeter of the filled area must be compatible to existing grades off-site.
 - d) All applicable requirements of the Michigan Department of Natural Resources and Michigan Department of Environmental Quality must be met.
 - 5) The township board shall, to ensure strict compliance with any regulations contained herein and required as a condition of the issuance of a permit either for mining, topsoil stripping and removal or filling operations, require the permittee to furnish a surety bond executed by a reputable surety company authorized to do business in the State of Michigan in an amount determined by the township board to be reasonably necessary to ensure compliance hereunder. In fixing the amount of such surety bond, the township board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as may be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

Section 4.38. Ponds.

Recreational ponds, scenic ponds, and agricultural or farm ponds are considered a favored use in Addison Township and may be permitted on lots which have a minimum area of two acres in the A, S-E, R-E and S-F districts, subject to the following:

1. Ponds, unless otherwise determined by the board of appeals, shall be considered to be excavations more than two (2) feet in depth and/or more than one thousand (1,000) square feet in area.
2. A pond shall have a maximum area of three thousand (3,000) square feet for every one (1) acre or fraction thereof of gross land area of the lot on which the pond is located.
3. There shall be a minimum setback from the edge of the excavation to all dwellings and structures of at least one hundred (100) feet.
4. There shall be a minimum setback from any septic tank and/or tile disposal field of at least one hundred (100) feet.
5. There shall be a minimum setback from any telephone, electrical or other utility line of at least one hundred (100) feet.
6. Ponds shall be constructed and excavated material located in such a manner that overflow, spillage or seepage encroachment on property owned by another person [does not occur].
7. At the request of the Addison Township Building Official a site plan shall be provided showing the details of any sodding, drainage and landscaping (if applicable) of the banks of the pond and the

surrounding affected areas. The site plan shall also provide the proposed or existing location and dimensions of the pond, the location of all property lines, the location of all dwellings and structures within one hundred (100) feet, the location of all utilities including utility lines, wells and septic systems, location of lifesaving devices, and topographical information of appropriate contour intervals which clearly indicate existing and proposed finished elevations for both the pond and spoilage area. The site plan may be requested at any time.

Section 4.39. Bed and breakfast inns.

Bed and breakfast inns may be permitted in A, R-E, S-E, S-F, R-1 and MD districts after special approval is granted by the planning commission in accordance with the procedures, requirements, and standards set forth in Article 30, and subject to any conditions imposed by the planning commission, provided that the following minimum requirements are met:

1. The owners or operators shall be permanent residents of all such inns which shall remain as single-family homes in appearance and shall have no internal or external structural alteration such as an enlargement of the kitchen for volume food service.
2. Off-street parking shall be provided for the households and guests as follows: Two (2) parking spaces plus one (1) additional space per room to be rented.
3. There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant material or other screening may be required to screen parking areas from adjoining residential properties. Off-street parking in front yard areas shall not be permitted.
4. Food may only be served in an inn to those persons renting an inn room only during their stay at the inn.
5. An inn shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this ordinance and the maximum number of rooms that may be rented at one time shall not exceed five (5).
6. There shall be no signs except that one wall sign not to exceed a total area of eight (8) square feet shall be permitted for identification purposes only.
7. The lot location shall be such that at least one (1) property line abuts a collector street or minor thoroughfare as indicated on the township master land use plan.

Section 4.40. Adult regulated uses.

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 operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting, deteriorating and/or downgrading of the area or areas adjacent thereto. These special regulations are itemized in this section. The planning commission is aware by the testimony and report adopted by reference of an experienced planner regarding concentration of such uses that control or regulation is for the purpose of preventing a concentration of these uses in any open area, i.e., not more than one such use within seven hundred fifty (750) feet of another such use.
2. Itemization of "adult regulated uses." Uses subject to the controls set forth in this section shall be as follows, and are referred to herein as "adult regulated uses":

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- a. Adult bookstore.
 - b. Adult mini motion picture theater or live stage performing theater.
 - c. Adult motion picture theater or live stage performing theater.
 - d. Amusement gallery.
 - e. Cabaret.
 - f. Halfway house.
 - g. Massage parlor (an individual engaged as a licensed masseuse shall not be considered a massage parlor operation).
 - h. Modeling studio.
3. Adult regulated uses; definitions. As used in this ordinance, the following definitions shall apply to adult regulated uses:
- a. Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and novelty items which are distinguished or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
 - b. Adult mini motion picture theater or live stage performing theater: An enclosed building with a capacity for less than fifty (50) persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
 - c. Adult motion picture theater or live stage performing theater: An enclosed building with a capacity for less than fifty (50) persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
 - d. Amusement gallery/arcade: Any business which provides on its premises four (4) or more machines which upon the insertion of a coin, slug or token may be operated for use as a game, contest, or amusement of any description, not including musical devices.
 - e. Cabaret: An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or females or similar entertainers or topless and/or bottomless waitresses or employees.
 - f. Halfway house: A facility established by the Michigan Department of Corrections in connection with a jail, prison, or other correctional institution or facility as a residence for three (3) or more persons committed to the jail, prison, or correctional institution prior to full release from supervision including any period of parole.
 - g. Massage parlor: A building, room, place or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body

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- for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.
- h. Modeling studio: An establishment which furnishes facilities to the public for the taking of photographs of males and/or females with specified anatomical areas, as defined below, exposed or makes such models available for any other purposes.
 - i. Specified anatomical areas are defined as:
 - 1) Less than completely and opaquely covered:
 - a) Human genitals, pubic region;
 - b) Buttock;
 - c) Female breast below a point immediately above the top of the areola; and
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - j. Specified sexual activities are defined as:
 - 1) Human genitals in a state of sexual stimulation or arousal.
 - 2) Acts of human masturbation, sexual intercourse or sodomy.
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
4. Requirements.
- a. The adult regulated use shall be located only in a C-2 commercial district—general.
 - b. The structure of any adult regulated use shall be at least seven hundred fifty (750) feet from the nearest property line of any public, private or parochial school, library, park, playground or other recreational facility which admits minors, day care center, family day care home, or nursery schools; and at least seven hundred fifty (750) feet from the nearest property line of any church, convent, monastery, synagogue, or other similar 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 (1) or more adult regulated uses within seven hundred fifty (750) 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 boundary line of the proposed adult regulated use on a plane to the nearest boundary line of the use in connection with which the measurement is being taken.
5. Application and review.
- a. Any person desiring to establish an adult regulated use shall submit an application for special approval to the township clerk, who shall place the application on the planning commission agenda for formal receipt at the next regular meeting.
 - b. A date for a public hearing shall be set by the planning commission. The public hearing of the planning commission shall be conducted as soon as reasonably possible, and in any event shall not exceed forty-five (45) days from the filing of the application.
 - c. Notice of public hearing shall be published, mailed and delivered as required by Section 30.03 of this ordinance.
 - d. The planning commission shall approve the application at the public hearing if all of the following findings are made:
 - 1) All locational requirements of this section are met.

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- 2) The site layout, and its relation to streets giving access to it, shall be such that vehicular pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, dangerous, or inconvenient to the neighborhood. In applying this standard, the planning commission shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general intensity of the existing and potential development of the neighborhood. The planning commission shall determine that the proposed use will not be a clear detrimental effect.
 - 3) The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare, and/or cause an unreasonable diminution to the value of other property in the immediate area.
- e. The planning commission shall waive the locational provision requiring minimum distances between adult regulated uses and a public, private or parochial school, library, park, playground, or other recreational facility, which admits minors, day care center or nursery school, church, or other similar place of worship, if all of the following findings are made after public hearing:
- 1) 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
 - 2) That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and
 - 3) That all applicable regulations of this ordinance will be observed; and
 - 4) There is no other reasonable location in the township at which the use is suited.
- f. Prior to granting a permit for any adult regulated use, the planning commission may impose any such conditions or limitations authorized by law in connection with the grant of special approval of uses in accordance with Article 30 of this ordinance.
6. Discontinuance. An adult regulated use granted pursuant to the terms of this ordinance may not be reestablished after discontinuance for a period of ninety (90) consecutive days without a new grant of approval by the planning commission.

Sec. 4.41. Limitations on outside storage or operations.

Unless specifically provided otherwise in this ordinance, all business, servicing or manufacturing, except for permitted farming uses and off-street parking and loading, shall be conducted within a completely enclosed building; and no outdoor storage or display of any kind shall be permitted. The planning commission may permit an exception to the regulations of this section upon good cause, only after special approval is granted by the planning commission in accordance with the procedure, requirements and standards set forth in Article 30, and subject to any conditions that the planning commission may wish to impose.

Section 4.42. Signs.

1. Findings pertaining to signs. It is hereby determined that regulating the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customary usage.
2. Definitions.

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- a. On-premises sign means a sign that advertises only goods, services, facilities, events or attractions available on the premises where located, identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.
 - b. Premises means a lot as otherwise used in this ordinance.
 - c. Political signs: A sign commenting on the election or appointment of a person, or an issue or a matter to be voted upon by a public body.
 - d. Street frontage means the length of that portion of a lot that is considered the front lot line as defined in this ordinance.
 - e. Interior sign: A sign that is visible from any public street, sidewalk, alley, park or public property and located within a building.
 - f. Occupational sign: A sign denoting only the name and profession of an occupant.
 - g. Site identification sign: A sign listing the names and addresses only of the establishments occupying a development or subdivision. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.
 - h. Wall sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, and which may not project above the roof or parapet line. The roofline shall mean 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 the average height between eaves and ridge boards for gable, hip and gambrel roofs.
 - i. Ground sign: A freestanding sign supported by one (1) or more uprights, poles, pylons or braces placed in the ground and not attached to any building or other structure.
 - j. Temporary sign: An information sign, or banner, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations, special events and sales, not including signs pertaining to sale, rent, or lease of property.
 - k. Changeable message extension sign: A sign panel extending from a ground sign whereon a changeable message is displayed.
 - l. Institutional bulletin board: An on-[premises] or off-premises structure containing a surfaced area upon which is displayed the name of a religious institution, school, library, community center or similar institutions, and the announcement of its services or activities.
3. District regulations.
 - a. Signs permitted in the A district. On-premises signs are permitted having an area not exceeding one (1) square foot for each ten (10) feet of street frontage with a maximum of sixty (60) square feet for each sign. Signs permitted in this district are exempt from the front setback requirements.
 - b. Signs permitted in the S-E, R-E, S-F, R-1, R-2, R-3, MD and M-P districts. One (1) sign identifying each subdivision, multiple complex or mobile home park per vehicle entrance, having an area not exceeding twenty (20) square feet and a height not exceeding six (6) feet, is permitted. During development of a subdivision or other property for a period not exceeding two (2) years, one (1) sign, having an area not exceeding twenty (20) square feet and a height not exceeding twelve (12) feet, is permitted in the subdivision, together with signs having an area not exceeding six (6) square feet each and a height not exceeding six (6) feet, directing the public to or identifying models. Signs permitted in this district are exempt from the setback requirements.

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- c. Signs permitted in the C-1, C-2, P-O, and R districts. Total sign area per premises shall not exceed one hundred sixty-four (164) square feet except as otherwise provided below:
- 1) Wall signs are permitted, not to exceed three (3) square feet of area for each ten (10) feet of street frontage, or thirty (30) square feet for each acre or fraction thereof of the premises, whichever is greater. In no event shall the total area of wall signs per premises exceed one hundred (100) square feet.
 - 2) No premises may have more than one (1) ground sign. A ground sign shall not exceed sixty-four (64) square feet in area or twelve (12) feet in height. However, a premises in the C-1 or C-2 zoning district with eight hundred (800) feet of road frontage or more may have a second ground sign, with the following restrictions:
 - a) A permitted second ground sign shall be limited to two-thirds ($\frac{2}{3}$) the area of the first sign and no greater than ten (10) feet in height;
 - b) The second sign must be of the same design format as the primary ground sign;
 - c) If a second ground sign is permitted under Subsection 4.42 for a corner lot, a third sign shall not be permitted under this subsection.
 - 3) Where any premises has more than one occupant, as in a shopping center, permitted area shall be divided among them in the same proportion of floor space and outdoor sales space as is occupied by them.

Where any premises has more than one occupant, as in a shopping center, the following area may be permitted.

 - a) One freestanding ground sign may be allowed per premises provided it does not exceed twelve (12) feet in height or eighty (80) square feet in copy area.
 - b) When a development is located on a corner and has exposure to two (2) or more major thoroughfares, a second sign may be permitted provided the following conditions are met:
 - i. The second sign must be of the same design format as the primary ground sign.
 - ii. The total sign area for all permitted ground signs shall not exceed one hundred thirty (130) square feet.
 - iii. There shall be no more than one (1) sign per street.
 - 4) A ground sign shall not be located closer than one hundred (100) feet to any residential district.
 - 5) Interior signs (no permit required): An additional area of interior signs not to exceed thirty (30) percent of the window area shall be permitted. The intent of this provision is to protect the public health, safety and general welfare, to facilitate efficient policing, and to expedite fire protection.
- e. Additional signs permitted in the M-2 district. Off-premises signs are permitted in addition to on-premises signs, having an area not exceeding six (6) square feet for each ten (10) feet or fraction thereof of street frontage, or sixty (60) square feet for each acre or fraction thereof of the premises, whichever is larger, provided that no off-premises sign shall exceed two hundred (200) square feet in area. Area limits for off-premises signs shall be in addition to those for on-premises signs, but not more than one (1) off-premises sign shall be erected or maintained on any premises.

4. Other sign provisions.

- a. Sign height. No sign shall project above the maximum height limitation of the zoning district in which the premises in [is] located unless otherwise specified in this ordinance. Note: The maximum height of

business signs are determined by the maximum height limitation of the zoning district as provided in Section 4.42 of the ordinance.

- b. Exemptions from sign regulations. Signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon; signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one (1); church or institutional bulletin board without interior illumination having an area not exceeding thirty-two (32) square feet; on any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least one hundred (100) and not more than two hundred (200) feet from any entrance to a polling place; signs visible only from the premises on which located or visible off the premises only through a window or windows; signs posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this ordinance.
- c. Temporary signs. Temporary signs other than political signs covered under Subsection 4.42.4.1 shall be authorized by the building inspector if the following standards are met:
 - 1) Permit shall be limited to a duration of not more than one (1) month;
 - 2) The proposed sign or signs are for the direction and/or information of the public or to promote a special event or sale and not contrary to the spirit and purpose of this ordinance;
 - 3) No single business or organization shall be issued more than three (3) temporary sign permits in any one (1) calendar year; no extensions to the one (1) month time restriction shall be granted;
 - 4) A written permit shall be submitted which shall show the size, shape, content, height, number, type of construction, area and location of such signs and the time period requested for display;
 - 5) The applicant shall make payment of a fee set by the township board for each permit and renewal;
 - 6) If such signs are placed on public right-of-way property the building inspector shall remove them forthwith and without notice;
 - 7) Temporary signs shall not be either internally or externally illuminated, and shall not have balloons, streamers, banners, windcatchers, or similar materials attached to them;
 - 8) Temporary signs shall be constructed of durable and weatherproof materials and otherwise be designed to endure for the length of time for which it is proposed to be installed. Petitioner for a temporary sign permit shall agree in writing to maintain the sign in a neat and readable condition;
 - 9) No more than two (2) temporary signs shall be permitted in any multi-occupant development, including shopping centers, at one time;
 - 10) Temporary signs shall be limited in sign area (each side) to forty (40) square feet.
- d. Nonconforming signs.
 - 1) It is intended to eliminate nonconforming signs, except as otherwise specifically set forth in this section, as rapidly as the police power of the township permits. Nevertheless, any lawfully erected sign and maintenance of which is made unlawful by this ordinance may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this ordinance.

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- 2) No nonconforming sign:
 - (a) Shall be changed to another nonconforming sign;
 - (b) Shall have any changes made in the words or symbols used or for message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or a substantially similar type of sign, specifically designed for periodic change of message;
 - (c) Shall 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;
 - (d) Shall be reestablished after the activity, business or usage to which it relates has been discontinued for sixty (60) days or longer; or
 - (e) Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the reproduction cost.
 - 3) The zoning board of appeals shall permit variances from Subsection 4.42.4.d.2 of this section or variances permitting the erection or maintenance of a nonconforming sign only upon the grounds established by law for granting of zoning variances upon a finding that the grant of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this ordinance.
- e. Obsolete signs. It is unlawful to maintain for more than thirty (30) days any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises, removal from the location to which it directs or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.
 - f. Permission of owner or occupant. It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
 - g. Restrictions on movement. It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.
 - h. Illumination. It is unlawful to erect or maintain any illuminated sign where the light source moves or is not of constant intensity and color, or where any lightbulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence, or where the illumination interferes with the visibility or readability of any traffic sign or device.
 - i. Exceptions. Subsections 4.g and 4.h shall not be applied to prevent the erection or maintenance of holiday lights each year, or signs that convey changing information such as time or temperature.
 - j. Signs located on or projecting over public property. It is unlawful to erect or maintain any sign on, over or above any public land or right-of-way if any part of such sign extends more than four (4) feet over such land or right-of-way, is less than nine (9) feet above ground level or has an area exceeding eight (8) square feet. Signs placed upon public right-of-way contrary to the provisions of this ordinance shall be removed forthwith by the building inspector without notice. This ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
 - k. Billboards. All off-premises signs placed contrary to the provisions of these regulations, but in accordance with the Highway Advertising Act of 1972, Public Act No. 106 of 1972 (MCL 252.301 et seq.), shall be set back seventy-five (75) feet from any public right-of-way.
 - l. Political signs. Political signs shall be permitted subject to the following conditions:

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- 1) Maximum area and number: No more than four (4) political signs shall be placed on any premises, and the area of each sign shall not exceed sixteen (16) square feet. Political signs shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than forty-eight (48) inches above average mean grade of the yard on which it is placed.
 - 2) Political signs shall be removed within ten calendar days after the election or event to which it relates. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days (whether consecutive or not) in one (1) calendar year on any premises.
 - 3) Political signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
- m. Sign construction. All signs must be of a freestanding, self-supporting construction. Signs, except those required for proper identification of the structure, are prohibited from being attached or affixed to telephone poles, fence poles, sign poles, gas line poles, mailboxes, and similar type of structures.
- n. Sight lines. The locations of all signs are subject to the provisions of Section 4.12, Visibility.
- o. Changeable message sign panel.
- 1) A changeable message sign panel shall be allowed in addition to the area permitted in this section for a permanent ground sign.
 - 2) A permit shall be required to install a changeable message sign panel.
 - 3) A changeable message sign panel may not exceed the horizontal width of the accompanying ground sign. In addition, the area of the changeable message sign panel shall not exceed twenty-five (25) percent of the sign area of the ground sign. In no case shall a changeable message sign panel exceed three feet in vertical height.
 - 4) Such changeable message shall not flash or move and must otherwise be in compliance with applicable regulations within this section, notably [Subsections] 4.42.4.g and 4.42.4.h, above.
- CHANGEABLE MESSAGE PANEL (see illustrations following definitions, Section 2.02).

Section 4.43. Condominium projects.

The following regulations shall apply to all condominium projects within the township:

1. Initial information required. The following information with respect to any condominium project shall be provided to the township clerk by any persons intending to develop a condominium project, concurrently with the notice required to be given the township pursuant to Section 71 of Public Act No. 59 of 1978 (MCL 559.171), as amended:
 - a. The name, address and telephone number of:
 - 1) All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
 - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or and proprietor of the condominium project.
 - b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

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- c. The acreage area of the land on which the condominium project will be developed.
 - d. The purpose of the project (for example, residential, commercial, industrial, etc.).
 - e. Approximate number of condominium units to be developed on the subject parcel.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community septic system is contemplated.
 - h. One (1) copy of the proposed master deed and accompanying exhibits.
2. Information to be updated. All information required to be furnished under this section shall be kept updated until such time as a certificate of occupancy has been issued pursuant to Section 27.07 of this ordinance.
 3. Site plan review and engineering review. Prior to recording of the master deed required by Section 72 of Public Act No. 59 of 1978 (MCL 559.172), as amended, the condominium project shall undergo site plan review and approval pursuant to Article 29 of this ordinance. In addition, the township shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.
 4. Site plan review for expandable or convertible projects. Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article 29 of this ordinance.
 5. Master deed, restrictive covenants and "as-built" survey. The condominium project developer or proprietor shall furnish the township clerk with the following: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as-built survey." The "as-built survey" shall be reviewed by the township engineer for compliance with township ordinances. Fees for this review shall be established by resolution of the township board.
 6. Monuments required—Site condominium projects. All condominium projects that consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 - a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
 - b. All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 - d. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

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- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - f. All required monuments shall be placed flush with the ground where practicable.
 - g. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other approved markers.
 - h. The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the township clerk cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
7. Monuments required—All condominium projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 6.b above.
 8. Compliance with federal, state and local law. All condominium projects shall comply with federal and state statutes and local ordinances.
 9. State and county approval. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.
 10. Temporary occupancy. The township board may allow occupancy of the condominium project before all improvements required by this ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.
 11. Single-family detached condominiums. Single-family detached condominiums shall be subject to all requirements and standards of the applicable A, S-E, S-F, R-1, R-2 and R-3 districts including minimum floor area requirements, but not including minimum lot size.

There shall be maintained a minimum distance from the center of one residential dwelling unit to the center of another residential dwelling unit equal to the requirements for the applicable zoning district set forth in Article 24. This requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum requirements set forth in Article 24 for front yard, rear yard, side yard (least one), and total of two (2) side yards can be met.

12. Single-family site condominiums. Single-family site condominiums shall be subject to all requirement applicable to A, R-E, S-E, S-F, R-1, R-2 and R-3 districts, including minimum lot requirements which shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit that shall be at least equivalent to the minimum yard area requirements.
13. Street and road requirements in all single-family detached and single-family site condominiums. All streets and roads in a single-family detached condominium project, or a single-family site condominium project, shall, at a minimum, conform to the standards and specifications promulgated by the Oakland County Road Commission for a typical residential road in single-family residential subdivisions.

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14. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a mylar sheet of at least thirteen (13) [inches] by sixteen (16) inches with an image not to exceed ten and one half (10½) [inches] by fourteen (14) inches.

State law reference(s)—Condominium Act, MCL 559.101 et seq.

Section 4.44. Wetlands protection.

These regulations shall be known and cited as the Addison Township Wetlands Ordinance and shall be incorporated as part of the township Zoning Ordinance No. 300 [this ordinance, this] Section 4.44. It shall be sufficient that any action for the enforcement of the provisions of this section define the same by such title and reference to the number hereof. It is the intent of these regulations to be consistent and comply with the Goemaere-Anderson Wetland Protection Act (P.A. 203 of 1979 as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)].

1. Purpose. The purpose of these regulations and standards are intended to provide for:
 - The definition of wetlands for the purpose of regulating any proposed change or development.
 - The development standards for the preservation and continued functioning of wetlands as a healthy ecological system.
 - The establishment of an administrative procedure for public review of development petitions involving wetland areas to provide for enforcement of these standards.
 - The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations including but not limited to:
 - a. The Goemaere-Anderson Wetland Protection Act (Act 203, Public Acts of 1979, as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)], enforced by the Michigan Department of Natural Resources; and
 - b. The Michigan Inland Lakes and Streams Act (Act 346, Public Acts of 1972) [part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.)]; and
 - c. The Soil Erosion and Sedimentation Control Act (Act 347, Public Acts of 1972) [Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.)]; and
 - d. The Michigan Environmental Protection Act (Act 127, Public Acts of 1970) [Public Act No. 451 of 1994 (MCL 324.101 et seq.)], which imposes a duty on government agencies and private individuals and entities to prevent or minimize the pollution, impairment or destruction of the natural resources that is likely to be caused by their activities.
 - e. The establishment of standards and procedures for the review and regulation of the use of wetlands.
 - The provision of penalties for violations.
2. Applicability. All applicants for a zoning compliance permit will complete a preliminary wetlands determination. The full review process and standards herein defined shall apply to any activity on a parcel of land deemed to affect a wetland consisting of two (2) acres or more as defined in this section and to any person applying to Addison Township for a special use permit as described in the Zoning Ordinance No. 300 [this ordinance], as amended.
3. Definitions.

Activity shall mean any use, operation, development or action caused by any person, including, but not limited to, construction, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water; pumping or discharge of surface water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

APCWC shall mean the Addison Township Planning Commission Wetlands Committee.

Aquatic resources shall mean those natural resources that are an integral part of the bottomland ecosystem, which include fish, wildlife, insects, hydrophytes and aquatic vegetation, soil, nutrients and water.

Bottomland shall mean the land area of a pond, lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water.

Buildable site shall mean the area of a lot having land area exclusive of any wetlands, meeting all setback requirements of the zoning ordinance, providing sufficient land area for septic and off-street parking requirements as specified in the Addison Township Zoning Ordinance.

Channel shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.

Contiguous means any of the following:

- a. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream.
- b. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.
- c. Located within five hundred (500) feet of the ordinary high-water mark of any lake, pond, river or stream.
- d. Separated only by manmade barriers, such as dikes, roads, berms, or other similar features.

Deposit shall mean to fill, place or dump.

Development shall mean any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Fill material shall mean soil, rocks, sand, waste of any kind, or any other material which displaces soil or water or reduces water retention potential.

Final wetland determination shall mean a formal, scientific inventory and analysis of a wetland by trained wetland expert professionals to determine its boundaries, and to describe its biotic and hydrogeologic setting, and to propose measures to minimize or mitigate the disruption to the wetland resulting from the proposed development.

Minor projects shall mean such projects include proposed activities that would contribute three hundred (300) cubic yards or less of fill material in a defined wetland in any twelve (12) month period. Examples are activities related to construction of utilities, driveways, roads, and single-family residences and accessory buildings when located on an existing lot of record.

Mitigation shall mean methods for eliminating or reducing potential damage and/or destruction to wetlands; or the creation of wetlands from land presently not classified as bottomland to offset destruction to existing wetlands. For the purpose of this ordinance, mitigation can include the restoration of previously drained wetlands.

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

Preliminary wetland determination shall mean an in-office administrative review of the township wetland map and related information by the township building inspector at the time of application for a zoning compliance permit.

Regulated wetland shall mean any wetland under the jurisdiction of the Michigan Department of Natural Resources in accordance with Act 203 of the Public Acts of 1979 [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)], as amended, and any wetland under the jurisdiction of the township pursuant to [this] Section 4.44 of the zoning ordinance.

Wetland shall mean:

- a. Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life, commonly referred to as a bog, swamp, fen, pond, marsh or wet meadow, and which is any of the following:
 - 1) Contiguous to any lake, pond, river or stream.
 - 2) Not contiguous to any lake, pond, river or stream; and more than two (2) acres in size.
 - 3) Not contiguous to any lake, pond, river or stream; and two (2) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Wetland consultant shall mean an individual or organization providing wetland inventorying, mapping, management and mitigation design services and having expertise in the areas of botany, ecology, hydrology and soil science. The consultant should be able to apply wetland identification methods used by the Michigan Department of Natural Resources and federal agencies. The consultant should also be familiar with state, federal and local regulation of wetlands.

Wetland functional values shall mean the ecological and social values provided by wetlands including, but not limited to, the following:

- a. Flood mitigation by detaining surface runoff;
- b. Control of soil erosion and sedimentation loading in rivers and lakes;
- c. Groundwater recharge;
- d. Maintenance of water quality that is degraded by such things as:
 - 1) Nutrients and chemicals from fertilizers and pesticides used in agriculture and landscaping/lawn care;
 - 2) Polluted urban runoff from automobile/transportation/parking facilities, industrial and other commercial activities;
 - 3) Treated effluent from wastewater treatment facilities;
 - 4) Erosion and sedimentation resulting from agricultural and construction activities;
- e. Providing highly productive ecosystems in terms of wildlife habitat and vegetation; and
- f. Serving a variety of aesthetic and recreational functions.

Wetland map shall mean an official map maintained by the township that indicates the general location of the known wetlands within the township. This map is maintained as a general guide to property owners in the township and requires field verification.

Wetland use permit shall mean a permit issued under the provisions of Section 4.44(8) of this ordinance to carry out an activity normally prohibited under Section 4.44(6) of this ordinance.

Wildlife shall mean native, nondomesticated mammals, marsupials, birds, reptiles, amphibians and fish.

4. Wetland map. Addison Township hereby incorporates into this section of the zoning ordinance an official wetland map indicating the general location of areas that indicate the possible presence of regulated wetlands within the township. The wetland map shall serve as a general guide for the location of potential regulated wetland areas within the township. Any wetland areas not shown on the official wetland map are still subject to regulation by the Michigan Department of Natural Resources and/or the Township of Addison. Field investigations to delineate the precise boundaries of wetlands on a development site shall be the responsibility of the property owner and subject to all delineation requirements herein.
5. Permitted activities. Subject to compliance with applicable state, federal and all other ordinances of this township, the following activities and uses are allowed in wetlands:
 - a. Activities intended for the protection of wildlife habitat, vegetation, water quality, soil conservation and erosion control measures.
 - b. Nature study, hiking, and pedestrian paths, and conservation and environmental interpretive areas (kiosks, overlooks, boardwalks or open shelters) as long as the activity is not detrimental to the wetland and is constructed of the most environmentally compatible materials.
 - c. Fishing, trapping, hunting or birdwatching.
 - d. Swimming, boating, or canoeing.
 - e. Hiking.
 - f. Grazing and/or watering of animals.
 - g. Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetland altered under this subdivision shall not be used for a purpose other than a purpose described in this subsection without a permit obtained under Section 4.44(8) of this ordinance.
 - h. Maintenance or operation of serviceable structures in existence on the effective date of this amendment or constructed pursuant to this ordinance.
 - i. Construction or maintenance of farm or stock ponds.
 - j. Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:
 - 1) An existing private agricultural drain.
 - 2) That portion of a drain legally established pursuant to the Drain Code of 1956, [Public Act No. 40 of 1956 (MCL 280.1 et seq.),] as amended, which has been constructed or improved for drainage purposes.
 - 3) A drain constructed pursuant to other provisions of this ordinance.

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- k. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 - l. Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this ordinance, wetland improved under this section after the effective date of this amendment shall not be used for nonfarming purposes without a permit from the township. This shall not apply to a wetland that is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the township has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required.
 - m. Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the street, highway, or road.
 - n. Operation and maintenance of stormwater and drainage devices when in compliance with state, county and township regulations.
 - o. Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six (6) inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
 - p. Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power line if the distribution power lines are constructed, maintained, or repaired in a manner to ensure that any adverse effect on the wetland will be otherwise minimized.
 - q. Public or private road rights-of-way and provision of essential services where no feasible and prudent alternative exists.
 - r. Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on the effective date of this amendment or constructed pursuant to this ordinance.
 - s. Construction of iron and copper mining tailings basins and water storage areas.
6. Prohibited activities. The following activities and uses are prohibited in wetlands unless included in an activity permitted under Section 4.44(5) of the zoning ordinance or specifically included as part of an activity approved under the procedures stated in Section 4.44(8):
- a. Dredging of wetland.
 - b. The excavating or filling of wetland.
 - c. Construction of primary and accessory structures.
 - d. The draining of any surface water from a wetland, other than as permitted under [Section] 4.44(5) above.
 - e. Any other uses not addressed herein and determined by the planning commission to have a similar negative impact as those listed above.

Every effort should be made to explore alternative designs that do not affect wetland areas. A part of any wetland determination shall address other feasible design alternatives.

7. Wetland determination process.

- a. Filing procedure for a wetlands determination. Any person desiring a zoning compliance permit for any activity requiring a township permit or land use review such as: constructing a building, filing a tentative preliminary plat, submitting a site plan, a planned unit development, condominium or site condominium, a special use permit or requesting a lot split must make application with the building inspector for a preliminary wetland determination.
- b. Preliminary wetland determination. If the building inspector (in the case of a land division application or zoning compliance permit) or the planning commission (in the case of a special use permit or site plan review) determines, after reviewing the Addison Township wetlands map, and other related information, that the proposed activity does encroach into a wetland, as defined herein, then a final wetland determination shall be required of the applicant or his/her agent before such application shall be accepted for public review and comment.

If the building inspector or the planning commission determines that a site is buildable, as defined in herein, that there is no potential for the activity to impact a regulated wetland, and finds all other applicable township requirements satisfied, the building inspector can issue a zoning compliance permit without requiring a final wetland determination.

- c. Final wetland determination. If the building inspector or the planning commission has determined that the proposed activity may encroach into a wetland area, the applicant for the zoning compliance permit shall arrange to have a final wetland determination completed by an experienced wetland consultant before the zoning compliance permit can be processed further. This does not preempt any responsibility of the applicant to also apply to MDNR for the required state wetland permits.
- d. Required information (final wetland determination). The applicant or agent shall supply the following information and submit an application on forms provided by the township for a zoning compliance permit and final wetland determination. The building inspector or the planning commission (as indicated in the situations described in Section 4.44.7.b) may reduce the requirements for item #6 [(6)] below for minor projects at their discretion.
 - 1) The name, address and telephone number of the owner and the applicant.
 - 2) The name, address and telephone number of the applicant's agent and/or the individual responsible for making the wetland determination.
 - 3) The owner of the property if different from the applicant, and the applicant's interest in the property together with written permission of the owner for the applicant to file the request for a wetland determination.
 - 4) A legal description of the property, including the total area, exclusive of public road right-of-way, accurate to the nearest hundredths of an acre.
 - 5) Written and graphic descriptions and graphic plan of the proposed activity.
 - 6) An accurate graphic description of the wetlands to include complete with:
 - a) A written summary of how and when the wetland was delineated.
 - b) The major plant species and animal breeding habitat that are present and an estimation of how the wetland functions or relates to its general environment.
 - c) The presence of any hills, valleys, swales, ponds, wetlands or springs.

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- d) An accurate measurement and corresponding delineation of the wetland(s) area to the nearest hundredth of an acre along with the method and results of the measurement of each area described as a wetland including a separate measurement for each noncontiguous wetland area.
 - e) Any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request if the wetland is to be impacted by the proposed activity.
 - 7) A resume and list of experience of the firm or individual preparing the wetland delineation.

The study shall be prepared by an experienced wetland consultant recognized by the MDNR as an expert in the delineation and composition of wetlands. The MDNR shall review all wetlands greater than five (5) acres or other state-regulated wetlands according to their wetland determination and permit procedures. MDNR findings will be an integral part of the township review.
 - e. Submittal review process. Upon receipt of the final wetland determination application and required information, the building inspector or planning commission (as indicated in the circumstances described in Section 4.44.7.b) shall review the proposed activity to determine if it encroaches into a wetland. If the proposed activity is determined to encroach into a wetland the applicant shall be required to seek a wetland use permit under the requirements of Section 4.44(8). The building inspector or the planning commission may also refer proposals not requiring a wetland use permit to the Addison Township Planning Commission Wetlands Committee (APCWC) for review and comment, as provided for in Paragraph [7.]f below.
 - f. Addison Township Planning Commission Wetlands Committee (APCWC) review. The building inspector or the planning commission may request APCWC review for a zoning compliance permit application not requiring a wetland use permit. The building inspector shall schedule a meeting date for the Addison Township Planning Commission Wetlands Committee to review the submittal after all of the information listed in Section 4.44(7)(d) is submitted. The APCWC is only a recommending body and will not take any formal action.
 - 8. Wetland use permit.
 - a. Application for wetland use permit. Applications for a permit to use protected wetland for a purpose described in Section 4.44(6) shall be filed with the building inspector. When the site is proposed for development or activity necessitating review and approval of a site plan, plat or other action pursuant to the township zoning ordinance, said application for a wetland use permit shall be made at the same time as the site plan or plat submittal complying with the following:
 - 1) If the use application is for a wetland which is regulated by the Department of Natural Resources, then the applicant shall make complete application for a use permit with the DNR. The planning commission may review the application and make written recommendations to the DNR. If the DNR determines that it does not have jurisdiction over the subject wetland, then the applicant shall be required to file a use application with the township.
 - 2) If the use application is for a wetland that is regulated solely by the township, the applicant shall submit a complete application to the building inspector. Upon receipt, the building inspector shall review the use application for completeness. Applicants shall be notified in writing of any missing items. Following a determination that a use application is complete, the building inspector shall specify the number of copies to be submitted by the applicant.

The building inspector shall forward one copy of the use application to the department of natural resources.

- b. Township review process.
- 1) Upon receipt of a complete application, the building inspector shall refer the application to the APCWC which may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received and during such review shall refer to the wetlands map. The receipt of a wetland use permit application shall comprise permission from the owner to complete an on-site investigation.
 - 2) The APCWC will conduct a review of the wetland use permit application for activities encroaching into a defined wetland, as prohibited under Section 4.44(6), and make a recommendation based upon the standards set forth in [Section] 4.44(8)(c). It shall be the responsibility of the APCWC to retain (with township board approval if any costs are not covered by the township budget for any costs not paid by the applicant) a qualified wetlands consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the township. The APCWC will then forward its recommendation to the township planning commission in writing. The APCWC review must be received in writing by the planning commission within forty-five (45) calendar days of being notified in writing by the building inspector or township clerk that a application has been received.
 - 3) Upon receiving the recommendations from the APCWC for the wetland use permit application, the planning commission will approve or deny the application. Planning commission action will take place within ninety (90) days of the complete application submittal to the township building inspector. If a wetland use permit is denied, reasons for denial will be provided to the applicant in writing.
 - 4) The planning commission may hold a public hearing on the wetland use permit application if the proposal has the potential to significantly impact the water and other natural resources of Addison Township. The public hearing shall be held by the planning commission, when it considers the wetland use permit application.
- c. Standards for review for a wetland use permit. The APCWC shall use the following criteria when evaluating an application for a wetland use permit and making recommendation to the township planning commission for action on the application:
- 1) A permit shall be issued only if the proposed project or activity is clearly in the public interest is necessary to realize the benefits derived from the activity, and is otherwise lawful in all aspects.
 - 2) In determining whether the activity is in the public interest, the benefit that would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources from pollution, impairment and/or destruction. The following general criteria shall be applied in undertaking this balancing test:
 - a) The relative extent of the public and private need for the proposed activity.
 - b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.

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- c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
 - d) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - f) The size and quality of the wetland being considered.
 - g) The amount and quality of remaining wetland in the area.
 - h) Proximity to any waterway.
 - i) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
 - j) Economic value, both public and private, of the proposed land change to the general area.
 - k) Findings of necessity for the proposed project that have been made by state or other local agencies.
- 3) An approval shall not be granted unless it is shown that there will be no unacceptable disruption to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria set forth in Section 4.44(8)(c)(2) shall be considered. An approval shall not be granted unless the applicant also shows either of the following:
- a) The proposed activity is primarily dependent upon being located in the wetland; or
 - b) A feasible and prudent alternative does not exist.
- d. Notice to the department of natural resources. The township shall notify the Michigan Department of Natural Resources (MDNR) of the adoption of this ordinance. The township shall enter into an agreement with the MDNR providing for the exchange of information and for the coordination of the granting of permits, as required by Section 8(4) of the Goemaere-Anderson Wetlands Protection Act (Act 203, Public Acts of 1979, as amended) [Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.)].
- Where the MDNR has jurisdiction, the MDNR shall make any final decision on a wetland permit after recommendation from the township planning commission.
9. Michigan Department of Natural Resources (MDNR) permit. An MDNR permit shall be required for proposed activities in a wetland that is greater than five (5) acres in area or a regulated wetland. The wetland permit application shall be submitted to MDNR with the final wetlands determination for wetlands greater than five (5) acres or other regulated wetlands. MDNR will forward a copy of the permit application to Addison Township for comment. For wetlands not regulated by MDNR, only APCWC review is required but MDNR will be sent a copy of the permit application for comment.
10. Mitigation.
- a. Prior to considering a proposal for wetland mitigation, the applicant shall submit evidence that all of the following requirements have been satisfied:
 - 1) That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.

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- 2) That all practical means have been considered to minimize impacts.
 - 3) That it is practical to replace the wetland resource values which will be unavoidably eliminated.
- b. If the planning commission, based upon recommendation from the APCWC, determines that it is practical to replace the wetland resource values which will be unavoidably impacted, the following criteria shall be considered when reviewing an applicant's mitigation proposal:
- 1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, mitigation in the immediate vicinity of the permitted activity or within the same watershed may be considered. When possible, mitigation shall be provided within the jurisdiction of Addison Township.
 - 2) Any proposal shall assure that, upon completion, there shall be no net loss to the wetland resources.
 - 3) The proposal shall give consideration to replacement of the predominant functional value lost within the impacted wetland.
 - 4) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the township and the applicant.
 - 5) Monitoring to establish documentation of the functional performance of the mitigation may be required as permit conditions. If monitoring is required, then it will be conducted for a period of five (5) years after the date that mitigation activities have been completed with written annual reports to Addison Township.
- c. Wetland impact mitigation and monitoring plans shall become conditions of use approval.
- d. All costs for preparing and carrying out mitigation and monitoring plans shall be the responsibility of the applicant.
11. Property reassessment. If an applicant who is aggrieved by a decision of the planning commission concerning the use of wetlands and drainageways, and has exhausted all appeals, the landowner may request a revaluation of the affected property for assessment purposes by the Addison Township annual board of review to determine its fair market value under the use restriction.
12. Judicial review. This article does not limit the right of a wetland owner to institute proceedings in any court of the state against any person when necessary to protect the wetland owner's rights.
13. Protection standards. The following standards shall apply to all defined wetlands:
- a. All newly created lot shall contain a sufficient buildable site land area to meet the minimum zoning setback regulations, off-street parking, septic disposal fields, well location and accessory uses. This provision shall not apply to previously recorded lots of record upon which one single-family house is proposed to be built.
 - b. Maximum lot coverage by a building shall apply to that part of the site outside the wetland.
14. Fees. The Addison Township Board shall establish by resolution a schedule of fees to be charged for a wetland use permit and for any activity requiring a review of a wetland determination under this ordinance.
15. Violations and penalties.
- a. Violations. Any person who fails to comply with these standards shall be subject to the penalties as defined in Article 32 of the [this] zoning ordinance.

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- b. Restoration requirements for illegal wetlands alteration. In the event of a violation involving illegal alteration of wetlands protected under this ordinance, the township building inspector shall have the power to order complete restoration of the wetland area by the person or agency responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the township shall have the authority to restore the affected wetlands to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the township for twice the cost of restoration. Requirements and specifications for wetland restorations ordered by the township shall be coordinated with state and/or federal agency requirements and specifications for wetland restoration, if any.
 - c. Stop work order. The township building inspector may issue a stop work order or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this ordinance, including any conditions attached to a use approval, have been fully met.

Section 4.45. Environmental impact statement requirements.

The township board, planning commission or board of appeals may require the submission of an environmental impact statement prior to rendering any discretionary decision in any district.

An environmental impact study may be required by the planning commission or the township board in the following circumstances:

1. When ten (10) or more parcels are created under a metes and bounds description.
2. When property is divided under the plat division of the Subdivision Control [Land Division] Act [Public Act. No. 288 of 1967 (MCL 560.101 et seq.)].
3. For any special approval use request.

All required environmental studies shall be furnished by the applicant at the applicant's sole expense. Any environmental impact study must be prepared by a Michigan licensed and registered professional community planner, landscape architect, and/or civil engineer.

Any required environmental impact statement shall contain the following information at a minimum:

1. All existing environmental characteristics of the site;
2. Proposed alterations to the site regarding topography, vegetation, drainage, soils, watercourses and wetlands;
3. Proposed land use, site access, and pertinent setbacks;
4. Location and type of site utilities;
5. Number of people to be housed and an estimated of vehicular and recreational lake traffic generated by the project; and
6. Detailed methods of controlling stormwater runoff, soil erosion and sedimentation.

Section 4.46. Hazardous substances.

These provisions shall apply to all uses and facilities that use, store or generate hazardous substances. All such uses and facilities shall be designed to prevent spills or discharges to the air, ground, groundwater, surface water, or other waters of the township, and shall submit the hazardous substances reporting form for site plan review and state/county environmental permits checklist provided by the township. The storage and handling of

hazardous substances shall comply with all applicable state, county, federal and local standards. There shall be no discharges to groundwater without the appropriate permits.

No floor drains shall be permitted in any facility that stores, uses or generates hazardous substances. All aboveground storage containers for hazardous substances shall require secondary containment facilities capable of containing the total volume of all hazardous substances.

State law reference(s)—Hazardous Waste Management Act, MCL 324.11101 et seq.; Low-Level Radioactive Waste Authority Act, MCL 333.26201 et seq.; Hazardous Materials Transportation Act, MCL 29.471 et seq.

Section 4.47. Wireless communication facilities.

1. Purpose and intent. It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the township to provide for such authorization in a manner that will retain the integrity of neighborhoods and the pristine rural character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- b. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- c. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- d. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- e. Promote the public health, safety and welfare.
- f. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- g. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- h. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures that are designed for compatibility, including the use of existing structures taking into consideration the purposes and intent of this section.
- i. The legislative body of the community finds that the presence of numerous shorter tower structures, particularly if located within developed areas, would decrease the attractiveness and destroy the pristine rural character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to promote collection of wireless communication facilities to minimize the adverse impact from the presence of numerous tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation

would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

2. Definitions. The following definitions shall apply in the interpretation of this section:

- a. Wireless communication facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges cellular communication towers and antennae, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulatory authority.
- b. Attached wireless communications facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- c. Wireless communication support structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- d. Collocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

3. Authorization.

- a. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted accessory use:
 - 1) An existing structure which will serve as an attached wireless communication facility where the existing structure is not, in the discretion of the township, proposed to be either materially altered or materially changed in appearance.
 - 2) A proposed collocation upon an attached wireless communication facility or wireless communication support structure, either of which had been preapproved for such collocation as part of an earlier approval by the township. Such a proposed collocation shall be considered a permitted use and shall be subject to site plan review unless the collocation does not comply with Section 4.47.3.a.5) a)—c).
 - 3) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - 4) The existing wireless communication support structure or existing equipment compound is in compliance with the Addison Township Zoning Ordinance or was approved by the appropriate zoning body or official of Addison Township.
 - 5) The proposed collocation will not do any of the following:
 - a) Increase the overall height of the wireless communication support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.

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- b) Increase the width of the wireless communication support structure by more than the minimum necessary to permit collocation.
 - c) Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
 - 6) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the appropriate zoning body or official of Addison Township.
 - b. Subject to the standards and conditions set forth below, wireless communication facilities shall be a permitted accessory use after special land use approval is granted by the planning commission within the following districts:
 - 1) A Agricultural. (Only those portions of which are designated for agricultural/rural preservation in the township land use master plan future land use policy pattern map.)
 - 2) P-I Public-Institutional.
 - 3) REC Recreation.
 - 4) M-1 Industrial [(Light)].
 - 5) M-2 Industrial [(General)].
 - c. Wireless communications equipment that meets the requirements of subsection 4.47.3.a 3) and 4) but does not meet the requirements of subsection 4.47.3.a.5) or 6) is a permitted use of property if it receives special land use approval.
4. Requirements.
- a. Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission in its discretion:
 - 1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - 2) Facilities shall be located and designed to be harmonious with the surrounding areas.
 - 3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - 4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
 - b. Standards and conditions applicable to special land use facilities. Wireless communication facilities as described in Subparagraph (3)(b) shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission. The following standards shall be met:
 - 1) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure); in no case shall the structure be higher than two hundred (200) feet. The accessory building contemplate to enclose such as switching

equipment shall be limited to the maximum height for accessory structures within the respective district.

- 2) The minimum lot size shall be twenty (20) acres.
 - 3) The setback of the support structure from all lot lines shall be no less than the height of the structure. Structures shall be set back from existing or proposed right-of-way line an additional fifty (50) feet beyond the height of the structure.
 - 4) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site, utilities needed to service the tower and any attendant facilities, the location of buildings and parking facilities, proximity to residential districts and minimizing disturbance to the natural landscape, and the type of equipment which will need to access the site.
 - 5) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
 - 6) The planning commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the property owner in cooperation with the lessee(s) of the land upon which the tower is located to maintain the wireless communication facility in a neat and orderly condition.
 - 7) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission, and Michigan Aeronautics Commission shall be noted.
 - 8) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the longterm continuous maintenance to a reasonably prudent standard.
 - 9) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
 - (a) Proximity to an interstate or major thoroughfare.
 - (b) Areas of population concentration.
 - (c) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (d) Other specifically identified reason(s) creating facility need.
 - 10) The proposal shall be reviewed in conformity with the collection requirements of this section.
- c. Nonconforming wireless communication towers. In accordance with Article 5, where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, its location on

the lot or other requirement concerning the structure, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- 1) The provisions as outlined in Section 5.07 of this ordinance.
 - 2) Collocation of antennas on legally existing nonconforming communications structures shall be considered a permitted use (upon the issuance of a special land use permit in accordance with Article 30 of this ordinance) on the nonconforming structure.
 - 3) General maintenance to the nonconforming structure, such as painting and repairs, shall be permitted to ensure minimal negative visual impact.
5. Application requirements. For wireless communication facilities that are considered permitted with special approval, the application shall include the following information:
- a. A site plan prepared in accordance with Article 29 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - b. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
 - c. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - d. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Paragraph (8)[8] below. In this regard, the security shall, at the election of the applicant, be in the form of (1) cash, (2) surety bond, (3) letter of credit, or (4) an agreement in a form approved by the attorney for the community and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The township board, which will have ultimate approval of the site plan, shall review the terms of the security offered to ensure that payment will not lapse in the future and that the inflated future costs of removal are provided for.
 - e. The application shall include a map showing existing and known proposed wireless communication facilities within the township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information that is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

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- f. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
6. Collocation.
- a. Statement of policy. It is the policy of the township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in Paragraph (1) of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996 [47 USC 151 et seq.], it is the policy of the township that all users should be collected on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Paragraph (1) of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this subsection are designed to carry out and encourage conformity with this policy.
- b. Feasibility of collocation. Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
- 1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the township, taking into consideration the several standards contained in this section, above.
- c. Requirements for collocation.
- 1) A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - 2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
 - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - 4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the

party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

7. Incentive. Review of an application for a permit for use of a facility permitted under Paragraph (3)(a)[3.a.], above, shall be a use permitted by right within the township.
8. Removal.
 - a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - 1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - 2) Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
 - b. The situations in which removal of a facility is required, as set forth in Paragraph (a)[8.a.] above, may be applied and limited to portions of a facility.
 - c. Upon the occurrence of one or more of the events requiring removal, specified in Paragraph (a)[8.a.] above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the township.
 - d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(Ord. No. 13-2, §§ 2—4, 7-15-2013)

Section 4.48. Reserved.

Section 4.49. Open space preservation.

This section is intended to provide an alternative development option for landowners of parcels in the following zoning districts in accordance with Public Act 177 of the Acts of the 2001 Legislature of the State of Michigan: A Agricultural, R-E Rural Estates, S-E Suburban Estates, S-F Suburban Farms, R-1 Residential. Residential density that could be developed under all other provisions of this zoning ordinance may be developed on fifty (50)

percent of the land in question, subject to the provisions contained herein. In this manner, the preservation of the balance of the land in question will be assured to meet the objectives of open space preservation. Definitions of words used in this section shall have the meaning as contained in Public Act 177 of 2001 [Public Act No. 184 of 1943 (MCL 125.310(1))].

1. Applicability — Parcels zoned as indicated above may be developed for residential building sites upon approval of a special land use permit according to Article 30.
2. Design criteria — The following standards shall be met by development proposals under this section:
 - a. The total number of residential building sites that could be created shall be based upon the number of sites that could be developed on the subject parcel in spite of this section. The planning commission shall determine the number of residential sites based upon a review of traditional layout design which complies with all other provisions of this zoning ordinance as submitted by the applicant. The traditional layout is required to meet all zoning ordinance requirements including maximum density according to the recommended land use policy pattern of the Addison Township Land Use Master Plan.

Parcels that are split by a density designation may use an average density determined by the planning commission based upon the proportion of the parcel covered by each density designation. The site shall meet the minimum public health requirements for on-site sewage disposal without dependence on mechanical or chemical treatment facilities.

- b. Open space shall comprise at least fifty (50) percent of the subject site outside the proposed area of each proposed lot or building site. Such open space shall remain perpetually in an undeveloped state by means of a conservation easement as defined in Section 40.(1) of Public Act 177 of 2001, plat dedication, restrictive covenant, or other legal means acceptable to the township board following review by township legal counsel.

Any reduction in the area requirements (Schedule of Regulations [Article 24]) shall be the minimum necessary (but in no case less than fifty (50) percent of Article 24 standards for the underlying zoning district) to meet the purpose of this section and the zoning ordinance.

Sec. 4.50. Conditional zoning.

1. *Purpose and intent.* This section is intended to acknowledge instances where it would be in the best interests of Addison Township and beneficial to property owners seeking a change in zoning, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of the Michigan Zoning Enabling Act (MZEA) — Public Act 110 of 2006 (MCL 125.3101—125.3702).
2. *Application/conditions.*
 - a. A voluntary written offer by an owner of land relating to the use and/or development of land for which rezoning is requested may be made at the time an application for rezoning is filed or may be made at a later time during the rezoning process.
 - b. The process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests without an offer of conditions except as may be modified by this section.
 - c. No use or development not permitted in the requested new zoning district may be a part of an offer of conditions.
 - d. A development or use proposed by the owner's offer of conditions that would require a special land use permit, variance or site plan review may only be commenced upon any or all required approvals in accordance with all provisions of the Addison Township Zoning Ordinance.

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- e. Any offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - f. An 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. A property owner may withdraw all or part of an offer of conditions at any time prior to final rezoning action of the township board provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, the rezoning application shall be referred to the planning commission for a new public hearing at the owner's expense with appropriate public notice and a new or revised recommendation by the planning commission.
2. *Review by planning commission.* Any recommended changes to the offer of conditions that are part of the planning commission recommendation on the conditional rezoning following public hearing shall be acceptable to and thereafter offered by the owner.
 3. *Township board review.* Following receipt of the planning commission's recommendation, the township board shall deliberate the requested rezoning and may approve or deny the conditional rezoning request. If the township board considers amendments to the proposed offer of conditions those amendments shall be acceptable to and thereafter offered by the owner, then the township board shall refer such amendments to the planning commission for a report thereon within a time specified by the township board and proceed thereafter to approve or deny the conditional rezoning with or without amendments.
 4. *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. 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:
 - 1) Be in a form recordable with the register of deeds of Oakland County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the township board;
 - 2) Contain a legal description of the land to which it pertains;
 - 3) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;
 - 4) 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;
 - 5) Contain a statement acknowledging that the statement of conditions or an affidavit of memorandum giving notice thereof may be recorded by the township at owner's expense, with the Oakland County Register of Deeds; and
 - 6) Contain the notarized signatures of all 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.
 - c. After the rezoning takes effect, the 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 state of conditions.

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- d. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the Oakland County Register of Deeds. 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.
 - e. 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.
5. *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 punished 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.
 6. *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. The time limitation may upon written request be extended by the township board if 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 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.
 7. *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 6 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the township board by requesting that the planning commission proceed with the procedures necessary to consider rezoning to the former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
 8. *Subsequent rezoning of land.* When land 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 7 above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the township clerk shall record with the Oakland County Register of Deeds a notice that the statement of conditions is no longer in effect.
 9. *Amendment of conditions.*
 - a. During the time period for commencement of an approved development or use specified pursuant to Subsection 6 above or during any extension thereof granted by the township board, the township shall not 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.

10. *Township right to rezone.* Nothing in the statement of conditions or 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 according to the procedures outlined in the Michigan Zoning Enabling Act (MZEA) Public Act 110 of 2006 (MCL 125.3101—125.3702).

11. *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.

(Ord. No. 09-02, § 2, 11-16-2009)

Sec. 4.51. Wind energy system.

This section is intended to provide for accommodation and regulation of (on site) wind turbines for use by an individual property according to the provisions listed below. An on-site wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer on that site.

- a. Tower mounted wind turbines (and associated generator, blades, tower, base and pad transformer [if any]) shall be considered an accessory use in the following zoning districts — A agricultural; R-E rural estate residential district; S-E suburban estates district; S-F suburban farms district; R-1 residential district, C-1 commercial district — local, C-2 commercial district — general and the M-1 and M-2 industrial districts.
- b. Minimum parcel size shall be determined by the minimum setback distances specified herein.
- c. Minimum property set-back (distance between the wind energy system and the owner's property lines) shall be equal to the height of the wind energy system tower including the top of any blade in its vertical position except any property line adjacent to a public or private road right-of-way or road easement. The minimum setback from any road right-of-way, road easement or overhead utility easement shall be one and one-half (1½) times the height of the wind energy system tower including the top of any blade in its vertical position.
- d. Sound pressure level shall not exceed fifty-five (55) dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A) the standard shall be ambient dB(A) plus five (5) db(A).
- e. On-site use wind energy systems including towers shall comply with all applicable construction and electrical codes, building permit and zoning compliance permit requirements and shall comply with the Michigan Airport Zoning Act and Michigan Tall Structures Act as well as Federal Aviation Administration requirements.
- f. For purposes of safety, the on-site use wind energy system shall have automatic braking, governing or other system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is support by guy wires, the wires shall be clearly visible to a height of all least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet.
- g. Wind energy systems mounted on pre-existing buildings shall not be subject to the regulations of this section and shall be a permitted accessory use in all zoning districts.

(Ord. No. 09-03, § 2, 11-16-2009)

ARTICLE 5. NONCONFORMITIES¹⁵

Section 5.01. Scope.

No building or land or part thereof in Addison Township shall be used, altered, constructed, reconstructed or moved within or into said township without a variance except in conformity with the provisions of this ordinance which apply to the district in which it is located. If within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment, it is the intent of this ordinance to permit these nonconformities to continue until they are removed or discontinued but not to encourage their survival. It is further the intent of this ordinance that the nonconformity shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited. Notwithstanding the foregoing, the zoning board of appeals may grant variances to extend or expand nonconforming structures but not the degree of nonconformity. A parcel which is nonconforming due to area, lot width, road frontage (as specified in Section 4.17 and Section 4.19) or depth to width ratio may not be altered to increase the number of building sites or parcels except in compliance with all provisions of this zoning ordinance. Such nonconforming parcels shall be limited to the number of building sites which existed when the nonconforming parcel was created. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Section 5.02. Discontinuance of use.

A nonconforming use shall be deemed discontinued for the purposes of this section if no nonconforming use is made of the property for a period of six (6) months and there is an intent to abandon the right to the nonconforming use by the owner or the holder combined with an act or omission on the part of the owner or holder that clearly demonstrates the decision to abandon. There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

(Ord. No. 12-01, 5-21-2012)

Section 5.03. Construction begun prior to effective date of ordinance.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition for 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.

¹⁵State law reference(s)—Nonconforming uses, MCL 125.286.

Section 5.04. Nonconforming lots of record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of the ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the minimum requirement for area and/or width, that are generally applicable in the district, provided that yard dimensions and other requirements shall conform to the regulations for the district in which such lot is located. Variances of yard requirements may be obtained only through action of the board of appeals, except in cases of front, side and rear yard setbacks, where the building inspector may grant a permit for building, where said building is to be built with a setback that is no closer than the average setback of forty (40) percent of the developed frontage on the block (street) or five hundred (500) feet each way, whichever is the lesser. In no case, however, may the building inspector grant a permit which allows a building to be built closer than thirty (30) feet to the front property line, unless a variance is granted by the zoning board of appeals.

Section 5.05. Zoning lot.

If two (2) or more lots, combinations of lots, and/or portions of lots with continuous frontage and single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. For the purpose of this ordinance, no portion of said parcel shall be used or separated in a manner that diminishes compliance with lot width and area requirements established by this ordinance; no division of any parcel may be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 5.06. Nonconforming uses of land (or land with minor structures only).

Where at the time of passage of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, and where such use involves structures with replacement costs not exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. The nonconforming use shall not be enlarged, increased, or extended to occupy a greater space of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. The nonconforming use shall not be moved in whole or in part within the lot after effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than sixty (60) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional nonconforming structure or use shall be erected in connection with such nonconforming use of land.
5. Prior to the issuance of a building permit or certificate of occupancy, for a use on a lot that already contains a nonconforming use or uses, all such nonconforming use or uses shall be permanently terminated. This provision shall not be circumvented by the division of the lot in question, unless the lot division conforms with requirements for lots in the zoning district in which the lot is located.

Section 5.07. Nonconforming structures.

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

1. The nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or portion of structure be destroyed by any means to any extent of more than one hundred twenty (120) percent of its state equalized value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 5.08. Repairs and maintenance.

On any nonconforming structure or portion of structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing to an extent not exceeding one hundred twenty (120) percent of the current state equalized value of the nonconforming structure or nonconforming part of the structure as the case may be, provided that the cubic foot content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared so by the building inspector, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Section 5.09. Uses under special approval.

Any use that is permitted as a special approval use in district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

Section 5.10. Nonconforming farms.

Buildings, structures and uses on nonconforming farms may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance, provided such expansion, enlargement or extension is approved by the planning commission and further subject to site plan approval in accordance with Article 29, Site Plan Review. In approving or disapproving site plans, the commission shall consider off-site impacts of the farm on abutting and surrounding uses, especially residences.

ARTICLE 6. A AGRICULTURAL DISTRICT

Section 6.01. Intent.

This district is intended to conserve and enhance the rural character and agricultural use of substantial portions of the township that do now, and for a substantial period of time, should have such character. By conserving such rural character, the municipality and other public agencies are more likely able to provide necessary community services to protect the public health, safety and welfare by minimizing scattered demand for

urban types and levels of services, utilities and facilities in otherwise predominantly rural areas. Further purposes of this district (as addressed in the top community land use concerns of the Addison Township Land Use [Master] Plan) are to encourage agricultural land uses and lifestyles, preserve agricultural and rural viewsheds, watersheds, preservation of rural tranquility, maintaining rural residential density of residential living to promote neighborliness and civic involvement, conservation of natural areas, wildlife habitat, and wildlife corridors and protection of groundwater recharge areas and upland watershed areas from increased volumes and velocities of stormwater runoff, promote the township rural character, goals and objectives and policies of the Land Use [Master] Plan. Furthermore, a variety of entrepreneurial agricultural and commercial pursuits are permitted as special land uses if such uses are found to be compatible with the intent of this district. Minimum lot area shall be ten (10) acres.

Section 6.02. Permitted principal uses.

1. Single-family residential detached dwellings.
2. Generally, recognized farming, including livestock and poultry raising, dairying, horticulture, forestry, raising and maintenance of deer (defined as an ungulate type of animal, having hooves, being herbivorous, and may be horned) for private purposes subject to the approval of the Michigan Department of Natural Resources, and similar agricultural use of land and structures, except that no farm operated wholly or in part for the disposal of garbage, sewerage, rubbish, offal and waste from rendering plants or slaughterhouses may be permitted, and all manure piles or accumulation of refuse shall be located no closer than one hundred (100) feet to any property line.
3. Family day care home.
4. Adult foster care family home.
5. Truck gardening.
6. Farm buildings.
7. Greenhouses, nurseries and landscape and gardening services that are not retail in nature.
8. Public utility transformer stations, substations and gas regulator stations without service or storage yards.
9. Building contractor's facilities (all storage shall be enclosed within a building, bordering a public road and no more than ten (10) employees other than those residing on the premises).
10. Landscape and gardening services.
11. Agricultural processing facilities (for goods and produce from the site).
12. Antique sales (as an accessory use to a farm).
13. Sales of agricultural goods produced on the premises and related goods from off-site (which shall be limited to less than half (½) of the on-premises goods as measured by volume of sales).
14. Private riding arena (subject to the standards of Section 6.04.10).
15. Caretaker's residence (in compliance with Article 24, Schedule of Regulations, for the S-F zoning district, [the residence shall remain a part of the parent parcel but otherwise meet Article 24 requirements]).

Section 6.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling up to a maximum of one thousand two hundred (1,200) square feet.

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2. Barns, sheds, silos, structures for the storage of equipment and similar structures and activities customarily incidental to the principal permitted uses.
 3. Garden house, tool house, swimming pool, playhouse, or greenhouse, if not used for retail purposes.
 4. Seasonal roadside stands for the display and sale of produce grown on the premises. Maximum of one (1) such stand per lot.
 - a. The gross floor area of the building shall not be more than eight hundred (800) square feet.
 - b. Suitable containers for rubbish shall be placed on the premises for public use.
 - c. Any stand located within two hundred (200) feet of any dwelling or adjacent premises shall close by 10:00 p.m.
 - d. The building shall be located not less than twenty-five (25) feet from the nearest public right-of-way. Its height shall be no more than one (1) story and approved by the building inspector.
 - e. Off-street parking shall be provided. A minimum of five (5) off-street parking spaces per stand are required. Paving of parking is not required.
 - f. The building shall be constructed to be portable and shall be removed from its location during the off-season of the produce being sold. It may be stored as an accessory building in the rear yard of the premises, meanwhile subject to all yard setback and space requirements of the district.
 5. Home occupations complying with the definition of home occupation in Article 2 of this ordinance.
 - a. The occupation must be incidental to the use of the dwelling as a residence. No on premises sales or public at location.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises. All cars buffered from the road and neighboring property.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation, except for the permitted sign.
 - d. No persons other than members of the immediate family residing in the dwelling and one full time employee shall be employed in the home occupation provide however, a home occupation located upon a parcel of at least ten (10) acres may employ up to ten (10) on-site employees.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance, except that pavement is not required.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced by the use.
 6. Agricultural equipment shall be stored no closer than one hundred (100) feet from any side or front lot line.
 7. Campers, travel trailers, snowmobiles, boats, recreational vehicles, etc., shall be stored in a rear or side yard, or in a fully enclosed building.
 8. Ponds in accordance with Section 4.38.

Section 6.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

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1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
 2. Storage of any heavy duty equipment such as earthmovers, backhoes, bulldozers, semitrucks and trailers, and heavy-duty trucks. Such equipment must be stored in an enclosed building or behind an opaque fence so as not to create a nuisance or eyesore to adjoining property holders.
 3. Stables and riding academies.
 - a. Minimum lot area shall be one (1) acre per horse.
 - b. Stables, corrals, and piles of manure, or feed shall not be located nearer than 100 feet to any property line and not nearer than one hundred (100) feet to any dwelling.
 - c. Animals shall be confined in a suitably fenced area, corral, or paddock.
 - d. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
 - e. A shelter must be provided for all horses, including a separate stall for each horse. The minimum dimension of each stall shall be ten feet by ten (10) feet.
 - f. Manure piles shall be stored, removed, and/or applied in accordance with county health department regulations.
 - g. A vegetative strip at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
 - h. Off-street parking shall be provided at one (1) space per every two (2) horses (or other riding animals), based on the number of horse stalls or maximum number of horses allowed on the property, plus one (1) per every employee on the largest shift.
 4. The raising of furbearing animals.
 - a. Lot area shall be sufficient in size to provide not less than two hundred (200) feet between any lot line and any structure, care or pen housing such furbearing animals.
 - b. All outdoor animal areas shall be screened from view from off-site with a sound-deadening masonry wall, at least six (6) feet in height, or a landscaped greenbelt of evergreen trees. Such evergreens shall be a minimum of four (4) feet in height at time of planting, and shall be planted and maintained so as to form an opaque screen.
 - c. The level of noise emitted from the property shall not exceed sixty (60) decibels, as measured at the property lines.
 - d. Facilities shall be established and maintained in accordance with all applicable county and township sanitation regulations.
 5. Private noncommercial recreation uses, institutional or community recreation centers.
 - a. The proposed site shall have at least one (1) property line abutting a minor thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from said minor thoroughfare.

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- b. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
 - c. All lighting shall be shielded.
 - d. Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall shall be provided along the sides of the parking area adjacent to such residential land.
 - e. No outside storage shall be permitted.
6. Kennels.
- a. All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than two hundred (200) feet from any property line.
 - b. Dogs shall be kept within an enclosed building during the normal sleeping hours of 10:00 p.m. through 7:00 a.m. Such enclosed building shall be constructed with sound-deadening walls and ceiling.
 - c. During the hours of 7:00 a.m. until 10:00 p.m., dogs shall be permitted in covered outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised field training.
 - d. All outdoor animal areas shall be screened from view from off-site with a sound-deadening masonry wall, at least six (6) feet in height, or a landscaped greenbelt of evergreen trees. Such evergreens shall be a minimum of four (4) feet in height at time of planting, and shall be planted and maintained so as to form an opaque screen.
 - e. The level of noise emitted from the property shall not exceed sixty (60) decibels, as measured at the property lines.
 - f. When dogs are kept for commercial purposes such as sale, breeding, boarding or training, off-street parking shall be provided at a minimum of one parking space per four (4) dogs that can be accommodated in the kennel.
 - g. Kennel facilities shall be established and maintained in accordance with all applicable county and township sanitation regulations. Kennels shall be constructed with a drained concrete or an approved septic system, or other provision for the safe, sanitary collection and disposal of wastes.
 - h. At the discretion of the planning commission, a community impact statement may be required for any kennel with a capacity of eight or more dogs. The purpose of the community impact statement is to provide relevant information concerning potential environmental effects and to provide the necessary information for the planning commission to make a rational determination on the request. The community impact statement shall include, but not be limited to, the following information:
 - 1) Land use map indicating the subject property and land uses of adjacent properties for a radius of one-half mile.
 - 2) Site conditions of the subject property indicating:
 - a) Location and size of existing natural features such as trees, streams, bodies of water, floodplains, soil types and conditions, topography, [and] groundwater table.
 - b) Location and size of existing facilities and utilities (roads, water service, septic system or sanitary sewer, storm drain, gas lines, electric lines, etc.).

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- c) Features adjacent to and directly across the street, i.e., pavement width, driveways, passing lanes, curb cuts, etc.
 - 3) Detailed description of the proposed operation including number of employees (if any); purpose(s) of keeping the dogs such as sale, breeding, boarding or training; locations and times of training activities.
 - 4) Description of the means of sanitary waste disposal and estimated volumes, water service, solid waste disposal, and storm drainage. The adequacy and maintenance practices for such facilities shall be analyzed.
 - 5) Detailed description of proposed methods for minimizing potential off-site impacts of noise and odor.
 - i. The planning commission may specifically limit the number of adult dogs housed in a kennel. Any expansion in the adult dog population of twenty-five (25) percent or more shall require special approval of the planning commission.
7. Veterinary clinic.
- a. Minimum building setback shall be one hundred (100) feet from all property lines.
 - b. All principal use activities shall be conducted within a totally enclosed main building.
 - c. The site shall have at least one (1) property line abutting a minor thoroughfare. All ingress and egress shall be directly onto or from the minor thoroughfare.
 - d. Off-street parking shall be provided in conformance with Article 26 of this ordinance.
8. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
- a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.
9. Cemeteries, subject to the following conditions:
- a. The cemetery site shall contain an area of at least twenty (20) acres.
 - b. The site shall be so located as to have at least one (1) property line abutting a minor thoroughfare as designated on the township thoroughfare plan of the township land use [master] plan. All ingress and egress to the site shall be directly onto said minor thoroughfare.
 - c. The perimeter of the site shall be fenced in accordance with Section 4.26.
 - d. Any structure located on the site shall be at least one hundred (100) feet from any lot line.

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- e. Compliance with applicable state laws regulating the use of cemeteries.
10. Public riding arenas.
- a. The lot shall not be part of a recorded plat.
 - b. The minimum lot area shall be ten (10) acres and no more than one (1) horse may be housed for each one (1) acre of land.
 - c. Private riding arenas shall not be open to the general public and grandstands or other spectator facilities shall be prohibited.
 - d. No riding arena shall be permitted within five hundred (500) feet of any subdivision, site condo development, or multiple-family residential development of record, as measured from any portion of the riding arena building to the nearest lot line of such residential development.
 - e. No riding arena building or outdoor practice track shall be located closer than one hundred (100) feet to any property line. Also, in no instance shall a stable or confined paddock area be located closer than one hundred (100) feet to any property line. Any permitted horse may, however, be pastured to the property line provided the pasture is properly fenced.
 - f. In no instance shall any stable, riding arena or other building be located nearer than one hundred (100) feet to any dwelling on the premises.
 - g. A riding arena building shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
 - h. No riding arena building shall exceed the maximum height of structures permitted in the district where it is located.
 - i. All riding arenas, stables, practice tracks and confined paddock areas shall be kept clean and manure shall be disposed of in such a manner as to control odor, runoff and insects.
 - j. No riding arena building shall not [sic] be used for any purpose other than as an area to ride, exercise or train horses.
 - k. All required conditions and use limitations of any public riding arena shall be set forth in a written agreement, prepared in a recordable form, which agreement shall be recorded at the office of the Register of Deeds in Oakland County, Michigan, by the applicant at his sole expense, prior to the issuance of any building permit for the riding arena.
 - l. No public or private riding arena over four thousand five hundred (4,500) square feet in area shall be permitted unless the planning commission shall find that it is designed, located and operated in such a manner and under such conditions that each of the following applies:
 - 1) The public health, safety and welfare will not be adversely affected;
 - 2) It will be compatible with adjacent land uses;
 - 3) No living quarters will be located in the arena building; and
 - 4) If a private riding arena, it will be used only for horses that are permanently stabled on the same property, and will not become a commercial venture, which would generate nonresidential traffic.
11. Group day care homes, subject to the following conditions:

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- a. The group day care home is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - Another licensed group day care home.
 - Another licensed adult foster care small group home or large group home.
 - b. Appropriate fencing for the safety of the children in the group day care home is provided in accordance with the requirements of Section 4.26.
 - c. The lot location shall be such that at least one property line abuts a minor thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
 - d. The group day care home facility shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
 - e. The principal and accessory buildings shall be a minimum of one hundred (100) feet from any residential structure in the district.
 - f. The group day care home facility shall meet all applicable requirements of the Michigan Family Independent Agency or successor regulatory agency.
12. Extraction of valuable natural resources.
- a. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting natural resources, can receive revenue and reasonably expect a profit.
 - b. An applicant for a special use permit for extraction of valuable natural resources shall demonstrate:
 - (1) That there are valuable natural resources located on the property for which a special use permit is sought,
 - (2) That there is a need for the valuable natural resources by the applicant or in the market served by the applicant, and
 - (3) No serious consequences would result from the extraction, by mining, of the valuable natural (resources) utilizing the standards set forth in *Silva v. Ada Township*, 416 Mich. 153 (1982) as applicable:
 - (a) The relationship of extraction and associated activities with existing land uses.
 - (b) The impact on existing land uses in the vicinity of the property.
 - (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - (e) The impact on other identifiable health, safety, and welfare interests in Addison Township.
 - (f) The overall public interest in the extraction of the specific natural resources on the property.
 - c. All extraction shall be subject to the mining requirements and regulations of Section 22.07 Mining requirements and regulations of the Addison Township Zoning Ordinance, which may be modified in terms of reasonable regulation of hours of operation, blasting hours, noise levels,

dust control measures, and traffic, not otherwise lawfully pre-empted by part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451, (MCL 324.63201 to 324.63224). However, such regulation shall be reasonable in accommodating customary mining operations.

- d. All extraction shall be subject to Section 22.08, Environmental Impact Study of the Addison Township Zoning Ordinance.

(Ord. No. 13-1, § 2, 3-18-2013; Ord. No. 14-1, § 4, 4-21-2014)

Section 6.05. Area, density, height and yard regulations.

1. Minimum lot area: Ten (10) acres.
2. Minimum lot width: Three hundred (300) feet.
3. Maximum ground floor lot coverage: Five (5) percent.
4. Minimum yards (setbacks):
 - Front: Sixty (60) feet.
 - Side, least one: Thirty (30) feet.
 - Side, total two: Sixty (60) feet.
 - Rear: Fifty (50) feet.
5. Accessory buildings.
 - a. Accessory buildings shall be subject to all requirements of this ordinance, including Section 4.21, except that no accessory building shall be located closer than fifteen (15) feet from any lot line and an accessory building may be located on a parcel provided it is not in the required front yard setback.
 - b. Notwithstanding Section 4.21, farm-related accessory buildings shall not exceed fifty (50) feet in height, provided that any such accessory building shall meet the setback requirements of a principal building if it exceeds fourteen (14) feet in height.
6. Maximum height: Two and one half (2½) stories or thirty-five (35) feet. Nonresidential buildings and structures shall not exceed fifty (50) feet.
7. Minimum floor area per dwelling unit: One thousand one hundred (1,100) square feet.
8. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.
9. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require planning commission approval, this setback may be reduced by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 6.06. Site plan approval required.

In accordance with Article 29, with the exception of permitted principal agricultural uses and single-family detached residential uses a site plan shall be required for all principal and special approval uses permitted in this district.

Section 6.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, as part of the required site plan review process, subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 6a. R-E RURAL ESTATE RESIDENTIAL DISTRICT

Section 6a.01. Intent.

The rural estate residential district is established to permit single-family residential development of a rural non-farm nature in areas without public sewer and water facilities on lots with a minimum of five acres. In recognition of the larger lot areas, certain uses permitted in the A agricultural district are permitted in this district as accessory uses. For the rural estate residential district, in promoting the general purpose of this ordinance, the specific intent of this section is:

1. To encourage the construction of, and the continued use of the land for single-family dwellings.
2. To permit new agricultural livestock activities at a limited scale compatible with rural non-farm single-family residential uses.
3. To permit the continued operation of existing farms and agricultural activities.
4. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
5. To encourage the discontinuance of existing uses, except farms, that would not be permitted as new uses under the provisions of this ordinance.
6. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
7. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

Section 6a.02. Permitted principal uses.

1. Single-family detached dwellings.
2. The growing of vegetables, fruit, flowers, trees and shrubs.
3. Publicly owned and operated museums, parks, playfields, libraries, and other recreational facilities.
4. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.

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5. Family day care homes.
 6. Adult foster care homes.

Section 6a.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling up to a maximum of one thousand two hundred (1,200) square feet.
2. Barns, sheds, silos, structures for the storage of equipment and similar structures and activities customarily incidental to the principal permitted uses.
3. Garden house, tool house, swimming pool, playhouse, or greenhouse, if not used for retail purposes.
4. Seasonal roadside stands for the display and sale of produce grown on the premises. Maximum of one (1) such stand per lot.
 - a. The gross floor area of the building shall not be more than eight hundred (800) square feet.
 - b. Suitable containers for rubbish shall be placed on the premises for public use.
 - c. Any stand located within two hundred (200) feet of any dwelling or adjacent premises shall close by 10:00 p.m.
 - d. The building shall be located not less than twenty-five (25) feet from the nearest public right-of-way. Its height shall be no more than one (1) story and approved by the building inspector.
 - e. Off-street parking shall be provided. A minimum of five (5) off-street parking spaces per stand are required. Paving of parking is not required.
 - f. The building shall be constructed to be portable and shall be removed from its location during the off-season of the produce being sold. It may be stored as an accessory building in the rear yard of the premises, meanwhile subject to all yard setback and space requirements of the district.
5. Home occupations complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation, except for the permitted sign.
 - d. No persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance, except that pavement is not required.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
6. Agricultural equipment shall be stored no closer than one hundred (100) feet from any side or front lot line.
7. Small scale truck gardening.
8. Livestock may be kept on a lot with a minimum area of five (5) acres. Maximum number of livestock allowed as follows:

Horses, ponies: One (1) per acre.

Cows: One (1) per acre. The combined number of cows and horses may not exceed one (1) animal per acre.

Pigs, sheep, goats: Two (2) per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained, two (2) sheep, goats or pigs may replace either a cow or a horse in the total number allowed as indicated above.

Poultry: Thirty-five (35) per acre.

All animals shall be properly fenced and contained.

9. Barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises. All barns and outbuildings shall require a zoning compliance permit. Barns and outbuildings shall conform to minimum setback requirements for residential buildings.
10. Lots on which animals are kept shall be substantially fenced. Special training or exercising corrals shall be located not less than one hundred (100) feet from any lot line.
11. Campers, travel trailers, snowmobiles, boats, recreational vehicles, etc., shall be stored in a rear yard or side yard behind the front line of the building, or in a fully enclosed building.
12. Ponds.
13. Any use customarily incidental to the permitted principal use.

Section 6a.04. Uses permitted after special approval.

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Storage of heavy duty equipment such as earthmovers, backhoes, bulldozers, combines and tractors.
 - a. Minimum lot size shall be ten (10) acres.
 - b. All such equipment shall be stored in an enclosed building.
 - c. Storage shall be only in a rear yard and shall be at least fifty (50) feet from any property line.
 - d. No such equipment shall be moved or driven between the hours of 10:00 p.m. and 7:00 a.m.
3. Private noncommercial recreation uses, institutional or community recreation centers.
 - a. The proposed site shall have at least one (1) property line abutting a minor thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from said minor thoroughfare.
 - b. Front, side, and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
 - c. All lighting shall be shielded to minimize off-site illumination.
 - d. Whenever off-street parking areas are adjacent to land zoned for residential purposes, a wall shall be provided along the sides of the parking area adjacent to such residential land.

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- e. No outside storage shall be permitted.
4. Group day care homes, subject to the following conditions:
- a. The group day care home is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - Another licensed group day care home.
 - Another licensed adult foster care small group home or large group home.
 - b. Appropriate fencing for the safety of the children in the group day care home is provided in accordance with the requirements of Section 4.26.
 - c. The lot location shall be such that at least one property line abuts a minor thoroughfare. The ingress and egress parking areas for residents, employees and guests shall be directly from said thoroughfare.
 - d. The group day care home facility shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
 - e. The principal and accessory buildings shall be a minimum of one hundred (100) feet from any residential structure in the district.
 - f. The group day care home facility shall meet all applicable requirements of the Michigan Department of Social Services.
5. Private riding arenas.
- a. The lot shall not be part of a recorded plat.
 - b. The minimum lot area shall be ten (10) acres and no more than one (1) horse may be housed for each one (1) acre of land.
 - c. Private riding arenas shall not be open to the general public and grandstands or other spectator facilities shall be prohibited.
 - d. No riding arena shall be permitted within five hundred (500) feet of any subdivision, site condo development, or multiple-family residential development of record, as measured from any portion of the riding arena building to the nearest lot line of such residential development.
 - e. No riding arena building or outdoor practice track shall be located closer than one hundred (100) feet to any property line. Also, in no instance shall a stable or confined paddock area be located closer than one hundred (100) feet to any property line. Any permitted horse may, however, be pastured to the property line provided the pasture is properly fenced.
 - f. In no instance shall any stable, riding arena or other similar building be located nearer than one hundred (100) feet to any dwelling on the premises.
 - g. A riding arena building shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum ten (10) acre site, except that an additional 1,5000 [sic] square feet of floor area may be permitted for each additional full acre in lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
 - h. No riding arena building shall exceed the maximum height of structures permitted in the district where it is located.
 - i. All riding arenas, stables, practice tracks and confined paddock areas shall be kept clean and manure shall be disposed of in such a manner as to control odor, runoff and insects.

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- j. A riding arena building shall not be used for any purpose other than as an area to ride, exercise or train horses.
 - k. No private riding arena over four thousand five hundred (4,500) square feet in area shall be permitted unless the planning commission shall find that it is designed, located and operated in such a manner and under such conditions that each of the following applies:
 - 1) The public health, safety and welfare will not be adversely affected;
 - 2) It will be compatible with adjacent land uses;
 - 3) No living quarters will be located in the arena building; and
 - 4) It will be used only for horses that are permanently stabled on the same property, and will not become a commercial venture that would generate nonresidential traffic.
6. Cemeteries, subject to the following conditions:
- a. The cemetery site shall contain an area of at least twenty (20) acres.
 - b. The site shall be so located as to have at least one (1) property line abutting a minor thoroughfare. All ingress and egress to the site shall be directly onto said minor thoroughfare.
 - c. The perimeter of the site shall be fenced in accordance with Section 4.26.
 - d. Any structure located on the site shall be at least one hundred (100) feet from any lot line.
 - e. Compliance with applicable state laws regulating the use of cemeteries.
7. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
- a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

Section 6a.05. Area, density, height, and yard regulations.

- 1. Minimum lot area: Five (5) acres.
- 2. Minimum lot width: Three hundred (300) feet.
- 3. Maximum ground floor lot coverage: Ten (10) percent.
- 4. Minimum yards (setbacks):
 - Front: Sixty (60) feet.

Side, least one (1): Thirty (30) feet.

Side, total two (2): Sixty (60) feet.

Rear: Fifty (50) feet.

5. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
6. Minimum floor area per dwelling unit: One thousand one hundred (1,100) square feet.
7. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.
8. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board upon recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 6a.06. Site plan approval required.

In accordance with Article 29, with the exception of single-family detached residential uses, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 6a.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board subject, as part of the required site plan review process, to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 7. S-E SUBURBAN ESTATES DISTRICT

Section 7.01. Intent.

This district is intended to provide for single-family uses on larger lots with a minimum of three (3) acres. The regulations are instituted to preserve a pattern of low-density estate type development. Commercial and other incompatible uses are prohibited. In recognition of the larger lot areas, certain uses permitted in the A agricultural district are permitted in this district as accessory uses. Land in this district is not intended to be serviced by community water or sanitary services in the foreseeable future and the district regulations are designed in consideration of this fact. This district will allow the opportunity to develop residences without destroying natural amenities or natural topography.

Section 7.02. Permitted principal uses.

1. Single-family residential detached dwellings.
2. Family day care homes.
3. Adult foster care homes.

Section 7.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling up to a maximum of one thousand two hundred (1,200) square feet.
2. Swimming pool, playhouse, and similar recreational facilities not used for commercial purposes.
3. Garden house, noncommercial domestic greenhouse, and similar facilities on the premises.
4. Home occupations complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation.
 - d. No persons other than members of the immediate family residing the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
5. Small scale truck gardening.
6. Livestock may be kept on a lot with a minimum size of three (3) acres. Maximum number of livestock allowed as follows:

Horses, ponies: One (1) per acre.

Cows: One (1) per acre. The combined number of cows and horses may not exceed one (1) animal per acre.

Pigs, sheep, goats: Two (2) per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained, two (2) sheep, goats or pigs may replace either a cow or a horse in the total number allowed as indicated above.

Poultry: Thirty-five (35) per acre.

All animals shall be properly fenced and contained.
7. Barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises. All barns and outbuildings shall require a building permit. Barns and outbuildings shall conform to minimum setback requirements for residential buildings.
8. Lots on which animals are kept shall be substantially fenced. Special training or exercising corrals shall be located not less than one hundred (100) feet from any lot line.
9. Campers, travel trailers, snowmobiles, boats, recreational vehicles, etc., shall be stored in a rear yard or side yard behind the front line of the building, or in a fully enclosed building.
10. Any use customarily incidental to the permitted principal use.
11. Ponds in accordance with Section 4.38.

Section 7.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Seasonal roadside stands for the display and sale of produce grown on the premises. Maximum of one (1) such stand per lot.
 - a. The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet.
 - b. Suitable containers for rubbish shall be placed on the premises for public use.
 - c. Any stand located within two hundred (200) feet of any dwelling or adjacent premises shall close by 10:00 p.m.
 - d. The building shall be located not less than twenty-five (25) feet from the nearest public right-of-way. Its height shall be no more than one (1) story.
 - e. Off-street parking shall be provided. A minimum of five (5) off-street parking spaces per stand are required. Paving of parking is not required.
 - f. The building shall be constructed to be portable and shall be removed from its location during the off-season of the produce being sold. It may be stored as an accessory building in the rear yard of the premises, meanwhile subject to all yard setback and space requirements of the district.
3. Public, parochial and private schools, not operated for profit.
 - a. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.
 - b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.
4. Nursery schools, family day care home, day nurseries.
 - a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced in accordance with Section 4.26 and screened in accordance with Section 4.36 by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.

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- d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children which can be accommodated in the school. Such spaces shall each be ten (10) feet wide by twenty-four (24) feet long.
5. Group day care homes, subject to the following conditions:
 - a. The group day care home is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - Another licensed group day care home.
 - Another licensed adult foster care small group home or large group home.
 - b. Appropriate fencing for the safety of the children in the group day care home is provided in accordance with the requirements of Section 4.26.
 - c. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
 - d. The group day care home facility shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
 - e. The principal and accessory buildings shall be a minimum of one hundred (100) feet from any residential structure in the district.
 - f. The group day care home facility shall meet all applicable requirements of the Michigan Department of Social Services.
 6. Cemeteries, subject to the following conditions:
 - a. The cemetery site shall contain an area of at least twenty (20) acres.
 - b. The site shall be so located as to have at least one (1) property line abutting a minor thoroughfare. All ingress and egress to the site shall be directly onto said minor thoroughfare.
 - c. The perimeter of the site shall be fenced in accordance with Section 4.26.
 - d. Any structure located on the site shall be at least one hundred (100) feet from any lot line.
 - e. Compliance with applicable state laws regulating the use of cemeteries.
 7. Private riding arenas.
 - a. The lot shall not be part of a recorded plat.
 - b. The minimum lot area shall be ten (10) acres and no more than one (1) horse may be housed for each one (1) acre of land.
 - c. Private riding arenas shall not be open to the general public and grandstands or other spectator facilities shall be prohibited.
 - d. No riding arena shall be permitted within five hundred (500) feet of any subdivision, site condo development, or multiple-family residential development of record, as measured from any portion of the riding arena building to the nearest lot line of such residential development.
 - e. No riding arena building or outdoor practice track shall be located closer than one hundred (100) feet to any property line. Also, in no instance shall a stable or confined paddock area be located closer than one hundred (100) feet to any property line. Any permitted horse may, however, be pastured to the property line provided the pasture is properly fenced.

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- f. In no instance shall any stable, riding arena or other similar building be located nearer than one hundred (100) feet to any dwelling on the premises.
 - g. A riding arena building shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
 - h. No riding arena building shall exceed the maximum height of structures permitted in the district where it is located.
 - i. All riding arenas, stables, practice tracks and confined paddock areas shall be kept clean and manure shall be disposed of in such a manner as to control odor, runoff and insects.
 - j. No riding arena building shall be used for any purpose other than as an area to ride, exercise or train horses.
 - k. No private riding arena over four thousand five hundred (4,500) square feet in area shall be permitted unless the planning commission shall find that it is designed, located and operated in such a manner and under such conditions that each of the following applies:
 - 1) The public health, safety and welfare will not be adversely affected;
 - 2) It will be compatible with adjacent land uses;
 - 3) No living quarters will be located in the arena building; and
 - 4) It will be used only for horses that are permanently stabled on the same property, and will not become a commercial venture that would generate nonresidential traffic.
8. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
- a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 7.05. Area, density, height and yard regulations.

- 1. Minimum lot area: Three (3) acres.
- 2. Minimum lot width: Three hundred (300) feet.
- 3. Maximum ground floor lot coverage: Ten (10) percent.

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4. Minimum yards (setbacks):
 - Front: Sixty (60) feet.
 - Side, least one (1): Thirty (30) feet.
 - Side, total of two (2): Sixty (60) feet.
 - Rear: Fifty (50) feet.
 5. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
 6. Minimum floor area per dwelling unit: One thousand one hundred (1,100) square feet.
 7. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.
 8. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board based upon a recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

(Ord. No. 19-2, 12-16-2019)

Section 7.06. Site plan approval required.

In accordance with Article 29, with the exception of single-family detached residential uses, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 7.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, for uses which are subject to site plan review as part of the required site plan review process, subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 7a. S-F SUBURBAN FARMS DISTRICT

Section 7a.01. Intent.

The regulations are intended to encourage a suitable environment for single-family uses on larger lots. In keeping with the intent, development is regulated to a low density to protect natural amenities and topography. Commercial and other incompatible uses are prohibited. The intent of this district is the same as R-1 except, in recognition of the larger lot areas, certain uses permitted in the A agricultural district are permitted in this district as accessory uses. These areas are not planned to be served by public sanitary sewer systems, public water supplies or public storm sewers in the foreseeable future. Minimum lot area shall be two (2) acres.

Section 7a.02. Permitted principal uses.

1. Single-family residential detached dwellings.
2. Family day care homes.
3. Adult foster care homes.

Section 7a.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling up to a maximum of one thousand two hundred (1,200) square feet.
2. Swimming pool, playhouse, and similar recreational facilities not used for commercial purposes.
3. Garden house, noncommercial domestic greenhouse, and similar facilities on the premises.
4. Home occupations complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation.
 - d. No persons other than members of the immediate family residing the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
5. Small scale truck gardening.
6. Livestock may be kept on a lot with a minimum size of two (2) acres. Maximum number of livestock allowed as follows:

Horses, ponies: One (1) per acre.

Cows: One (1) per acre. The combined number of cows and horses may not exceed one (1) animal per acre.

Pigs, sheep, goats: Two (2) per acre. If a combination of horses, cows, sheep, goats and pigs are to be maintained, two (2) sheep, goats or pigs may replace either a cow or a horse in the total number allowed as indicated above.

Poultry: Thirty-five (35) per acre.

All animals shall be properly fenced and contained.
7. Barns suitable for housing of animals and storage of the necessary hay and grain they consume may be constructed on the premises. All barns and outbuildings shall require a building permit. Barns and outbuildings shall conform to minimum setback requirements for residential buildings.
8. Lots on which animals are kept shall be substantially fenced. Special training or exercising corrals shall be located not less than one hundred (100) feet from any lot line.

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9. Campers, travel trailers, snowmobiles, boats, recreational vehicles, etc., shall be stored in a rear yard or side yard behind the front line of the building, or in a fully enclosed building.
 10. Any use customarily incidental to the permitted principal use.
 11. Ponds in accordance with Section 4.38.

Section 7a.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a major thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Seasonal roadside stands for the display and sale of produce grown on the premises. Maximum of one (1) such stand per lot.
 - a. The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet.
 - b. Suitable containers for rubbish shall be placed on the premises for public use.
 - c. Any stand located within two hundred (200) feet of any dwelling or adjacent premises shall close by 10:00 p.m.
 - d. The building shall be located not less than twenty-five (25) feet from the nearest public right-of-way. Its height shall be no more than one (1) story.
 - e. Off-street parking shall be provided. A minimum of five (5) off-street parking spaces per stand are required. Paving of parking is not required.
 - e.[f.] The building shall be constructed to be portable and shall be removed from its location during the off-season of the produce being sold. It may be stored as an accessory building in the rear yard of the premises, meanwhile subject to all yard setback and space requirements of the district.
3. Storage of heavy duty equipment such as earth movers, backhoes, bulldozers, combines and tractors:
 - a. Minimum lot size shall be ten (10) acres.
 - b. All such equipment shall be stored in an enclosed building.
 - c. Storage shall be only in a rear yard and shall be at least fifty (50) feet from any property line.
 - d. No such equipment shall be moved or driven between the hours of 10:00 p.m. and 7:00 a.m.
4. Public, parochial and private schools, not operated for profit.
 - a. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.

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- b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.
 5. Nursery schools, family day care home, day nurseries.
 - a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced in accordance with Section 4.26 and screened in accordance with Section 4.36 by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.
 - d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children which can be accommodated in the school. Such spaces shall each be ten (10) feet wide by twenty-four (24) feet long.
 6. Group day care homes, subject to the following conditions:
 - a. The group day care home is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - Another licensed group day care home.
 - Another licensed adult foster care small group home or large group home.
 - b. Appropriate fencing for the safety of the children in the group day care home is provided in accordance with the requirements of Section 4.26.
 - c. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
 - d. The group day care home facility shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
 - e. The principal and accessory buildings shall be a minimum of one hundred (100) feet from any residential structure in the district.
 - f. The group day care home facility shall meet all applicable requirements of the Michigan Department of Social Services.
 7. Cemeteries, subject to the following conditions:
 - a. The cemetery site shall contain an area of at least twenty (20) acres.
 - b. The site shall be so located as to have at least one (1) property line abutting a minor thoroughfare. All ingress and egress to the site shall be directly onto said minor thoroughfare. All ingress and egress to the site shall be directly onto said minor thoroughfare.
 - c. The perimeter of the site shall be fenced in accordance with Section 4.26.
 - d. Any structure located on the site shall be at least one hundred (100) feet from any lot line.
 - e. Compliance with applicable state laws regulating the use of cemeteries.
 8. Private riding arenas.

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- a. The lot shall not be part of a recorded plat.
 - b. The minimum lot area shall be ten (10) acres and no more than one (1) horse may be housed for each one (1) acre of land.
 - c. Private riding arenas shall not be open to the general public and grandstands or other spectator facilities shall be prohibited.
 - d. No riding arena shall be permitted within five hundred (500) feet of any subdivision, site condo development, or multiple-family residential development of record, as measured from any portion of the riding arena building to the nearest lot line of such residential development.
 - e. No riding area building or outdoor practice track shall be located closer than one hundred (100) feet to any property line. Also, in no instance shall a stable or confined paddock area be located closer than one hundred (100) feet to any property line. Any permitted horse may, however, be pastured to the property line provided the pasture is properly fenced.
 - f. In no instance shall any stable, riding arena or other similar building be located nearer than one hundred (100) feet to any dwelling on the premises.
 - g. A riding arena building shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
 - h. No riding arena building shall exceed the maximum height of structures permitted in the district where it is located.
 - i. All riding arenas, stables, practice tracks and confined paddock areas shall be kept clean and manure shall be disposed of in such a manner as to control odor, runoff and insects.
 - j. No riding arena building shall be used for any purpose other than as an area to ride, exercise or train horses.
 - k. No private riding arena over four thousand five hundred (4,500) square feet in area shall be permitted unless the planning commission shall find that it is designed, located and operated in such a manner and under such conditions that each of the following applies:
 - 1) The public health, safety and welfare will not be adversely affected;
 - 2) It will be compatible with adjacent land uses;
 - 3) No living quarters will be located in the arena building; and
 - 4) It will be used only for horses that are permanently stabled on the same property, and will not become a commercial venture which would generate nonresidential traffic.
9. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six unrelated persons upon a demonstration by the applicant of all of the following:
- a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.

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- c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 7a.05. Area, density, height and yard regulations.

1. Minimum lot area: Two (2) acres.
2. Minimum lot width: Two hundred (200) feet.
3. Maximum ground floor lot coverage: Ten (10) percent.
4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Side, least one (1): Fifteen (15) feet.
 - Side, total two (2): Thirty (30) feet.
 - Rear: Fifty (50) feet.
5. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
6. Minimum floor area per dwelling unit: One thousand one hundred (1,100) square feet.
7. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.
8. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications which require planning commission approval, this setback may be reduced by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 7a.06. Site plan approval required.

In accordance with Article 29, with the exception of single-family detached residential uses, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 7a.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, as part of any required site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 8. R-1 RESIDENTIAL DISTRICT

Section 8.01. Intent.

The regulations are intended to encourage a suitable environment for families and children. To this end, uses are basically limited to single-family dwellings, together with certain other uses such as schools, parks and playgrounds which make up a neighborhood. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses incompatible with this intent are prohibited. Minimum lot size shall be one (1) acre.

Section 8.02. Permitted principal uses.

1. Single-family residential detached dwellings.
2. Family day care homes.
3. Adult foster care homes.

Section 8.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling unit, not including the area of the garage if it is attached. In no event shall the area exceed one thousand two hundred (1,200) square feet.
2. Garden house, tool house, swimming pool, playhouse, or domestic greenhouse, not used for commercial purposes.
3. Home occupations complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation.
 - d. No persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
4. Any use customarily incidental to the permitted principal use.
5. Fences, subject to the restrictions listed in Article 4 of this zoning ordinance. Fences shall not exceed four (4) feet in height and shall not extend toward the front of the lot nearer than the front of the principal dwelling.

Fences shall not contain barbed wire, electric current or charges of electricity. Fences which enclose public or institutional parks, playgrounds or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height.
6. No commercial, industrial or agricultural equipment including but not limited to earthmovers, semitrailers, bulldozers, backhoes, combines, heavy-duty trucks, etc., shall be stored anywhere on the premises.

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7. Campers, travel trailers, snowmobiles, boats, recreational vehicles, etc., shall be stored in a rear yard or side yard behind the front line of the building, or in a fully enclosed building.

Section 8.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Public, parochial and private schools, not operated for profit.
 - a. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.
 - b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.
3. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields and community centers.
 - a. All vehicular access shall be from a minor thoroughfare with one hundred twenty (120) feet right-of-way, or detailed traffic studies may be required showing to the satisfaction of the commission that no significant adverse impact upon surrounding uses results.
 - b. No outside storage shall be permitted.
 - c. Barbed wire, industrial type fences and site features which adversely impact residential quality are prohibited.
4. Municipal, state or federal uses, public libraries, public museums, provided that no outside service or storage yards shall be permitted.
5. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
 - a. Such uses shall be permitted only when location in residential areas is required to serve the immediate vicinity.
 - b. No outside service or storage yard shall be permitted.
 - c. All structures shall be at a scale and have an exterior appearance compatible with a residential area.
 - d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.

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6. Nursery schools, family day care home, day nurseries.
 - a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced in accordance with Section 4.26 and screened in accordance with Section 4.36 by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.
 - d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children which can be accommodated in the school. Such spaces shall be ten (10) feet wide by twenty-four (24) feet long.
 7. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
 - a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 8.05. Area, density, height and yard regulations.

1. Minimum lot area: One (1) acre.
2. Minimum lot width: One hundred fifty (150) feet.
3. Maximum ground floor lot coverage: Fifteen (15) percent.
4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Side, least one (1): Fifteen (15) feet.
 - Side, total two (2): Thirty (30) feet.
 - Rear: Thirty (30) feet.
5. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
6. Minimum floor area per dwelling unit: One thousand one hundred (1,100) square feet.
7. No domesticated farm animals or poultry are permitted in the R-1 district.
8. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.

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9. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require planning commission approval, this setback may be reduced by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 8.06. Site plan approval required.

In accordance with Article 29, with the exception of single-family detached residential uses, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 8.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, as part of the required site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 9. R-2 RESIDENTIAL DISTRICT

Section 9.01. Intent.

The intent of the R-2 district is to contribute to the diversification and variety of the community's housing supply and provide locations suitable for residential accommodations, in proximity to shopping services and access to existing and planned major highway routes. Those locations that tie into existing sewer mains or laterals shall receive consideration for this zoning district designation.

Section 9.02. Permitted principal uses.

1. Single-family residential detached dwellings.
2. Family day care homes.
3. Adult foster care homes.

Section 9.03. Permitted accessory uses.

1. Private garage or carport not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of the principal dwelling, not including the area of the garage if it is attached. In no event shall the area exceed one thousand two hundred (1,200) square feet.
2. Garden house, tool house, swimming pool, playhouse or domestic greenhouse, not used for commercial purposes.
3. Home occupation complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.

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- b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation.
 - d. No persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
4. Any use customarily incidental to the permitted principal use.
 5. Fencing, same as permitted in the R-1 district.
 6. No commercial, industrial, or agricultural equipment, including but not limited to earthmovers, semitrailers, bulldozers, backhoes, combines, heavy-duty trucks, etc., shall be stored anywhere on the premises.
 7. Campers, travel trailers, boats, recreational vehicles, and similar vehicles shall be stored in a rear yard or side yard behind the front line of the building, or in a fully enclosed building.

Section 9.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Public, parochial and private schools, not operated for profit.
 - a. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.
 - b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.
3. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and community centers.
 - a. All vehicular access shall be from a minor thoroughfare, or detailed traffic studies may be required showing to the satisfaction of the commission that no significant adverse impact upon surrounding uses results.

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- b. No outside storage shall be permitted.
 - c. Barbed wire, industrial type fences and site features that adversely impact residential quality are prohibited.
 4. Municipal, state or federal uses, public libraries, public museums, provided that no outside service or storage yards shall be permitted.
 5. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
 - a. Such uses shall be permitted only when location in residential areas is required to serve the immediate vicinity.
 - b. No outside service or storage yards shall be permitted.
 - c. All structures shall be at a scale and have an exterior or appearance compatible with a residential area.
 - d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.
 6. Nursery schools, family day care home, day nurseries.
 - a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced in accordance with Section 4.26 and screened in accordance with Section 4.36 by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.
 - d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children that can be accommodated in the school. Such spaces shall be ten (10) feet wide by twenty-four (24) feet long.
 7. Functional equivalent family: additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
 - a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 9.05. Area, density, height and yard regulations.

1. Minimum lot area: Twenty-five thousand (25,000) square feet.
2. Minimum lot width: One hundred twenty-five (125) feet.
3. Maximum ground floor lot coverage: Twenty-five (25) percent.
4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Side, least one (1): Fifteen (15) feet.
 - Side, total two (2): Thirty (30) feet.
 - Rear: Thirty (30) feet.
5. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
6. Minimum floor area per dwelling unit: Nine hundred sixty (960) square feet.
7. No domesticated farm animals or poultry are permitted in the R-2 district.
8. Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.
9. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 9.06. Site plan approval required.

In accordance with Article 29, with exception of single-family detached residential uses, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 9.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of the site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 12. MD MULTIPLE DWELLING RESIDENTIAL DISTRICT

Section 12.01. Intent.

The multiple dwelling residential district is intended to provide sites for a variety of residential land uses to meet the housing needs of residents who cannot or choose not to live in single-family residences. Grouping of dwelling units will permit preservation of natural resources and fragile areas that have been identified in the

township master plan. Further, such a multiple-family zone may provide a transitional use between commercial, office, industrial or other intensive zoning categories and nearby low-density single-family residential areas. These multiple-family zoning districts will provide locations for garden apartments, townhouses, duplex, triplex, and quadplex [quadruplex] units, townhouses, patio houses, and condominiums, depending upon the availability of public utilities. These areas should be located on minor thoroughfares for good accessibility.

Section 12.02. Permitted principal uses.

1. Multiple-family dwellings, including but not limited to apartments, townhouses, duplexes and townhouses.
2. Off-street parking and loading in accordance with requirements of Article 26.
3. Family day care homes.
4. Adult foster care homes.

Section 12.03. Permitted accessory uses.

1. Social and recreation buildings, and facilities primarily for the use of the residents of the development subject to approval by the planning commission as part of the site plan.
2. Any use customarily incidental to the permitted principal use.

Section 12.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and community centers.
 - a. All vehicular access shall be from a minor thoroughfare, or detailed traffic studies may be required showing to the satisfaction of the commission that no significant adverse impact upon surrounding uses results.
 - b. No outside storage shall be permitted.
 - c. Barbed wire, industrial type fences and site features that adversely impact residential quality are prohibited.
2. Municipal, state or federal uses, public libraries, public museums.
 - a. No outside service or storage yards shall be permitted.
3. Public, parochial and private schools.
 - a. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.
 - b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.

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4. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
 5. General hospitals, convalescent homes or nursing homes.
 - a. The site shall have at least one (1) property line abutting a minor thoroughfare. All ingress and egress to the off-street parking area for visitors, employees, staff, as well as any other users of the facility, shall be directly from the minor thoroughfare.
 - b. The minimum setback of any main or accessory building shall be at least one hundred (100) feet from front, rear and side lot lines for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least fifty (50) feet.
 - c. Ambulance, emergency entrance and delivery areas shall be visually screened from the view of adjacent residential areas by a masonry wall six (6) feet or more in height.
 - d. No power plant or laundry shall be located in an area so as to cause an undue noise or vibration environment to any adjacent residential area.
 - e. All lighting shall be shielded from abutting residential uses or public right-of-way.
 6. Elderly housing, when the following conditions are met:
 - a. Elderly housing may provide for the following:
 - 1) Cottage-type one-story dwellings and/or apartment-type dwelling units.
 - 2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
 - b. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site, not including any dedicated public right-of-way.
 - d. Facilities shall be designed with grab bars in hallways and bathrooms.
 - e. Off-street parking shall be provided on the site in an amount equal to one (1) space for each dwelling unit.
 7. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
 - a. Such uses shall be permitted only when location in residential areas is required to serve the immediate vicinity.
 - b. No outside service or storage yards shall be permitted.
 - c. All structures shall be at a scale and have an exterior appearance compatible with a residential area.
 - d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.

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8. Nursery schools, family day care home, day nurseries.
 - a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced in accordance with Section 4.26 and screened in accordance with Section 4.36 by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.
 - d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children that can be accommodated in the school. Such spaces shall be ten (10) feet wide by twenty-four (24) feet long.
 9. Group day care homes, subject to the following conditions:
 - a. The group day care home is not located closer than one thousand five hundred (1,500) feet to any of the following:
 - Another licensed group day care home.
 - Another licensed adult foster care small group home or large group home.
 - b. Appropriate fencing for the safety of the children in the group day care home is provided in accordance with the requirements of Section 4.26.
 - c. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. The ingress and egress for off-street parking areas for residents, employees and guests shall be directly from said thoroughfare.
 - d. The group day care home facility shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
 - e. The principal and accessory buildings shall be a minimum of one hundred (100) feet from any residential structure in the district.
 - f. The group day care home facility shall meet all applicable requirements of the Michigan Family Independence Agency.
 10. Functional equivalent family: additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
 - a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

Section 12.05. Required conditions for multiple-family residential uses.

1. No site shall be utilized under this section which does not have at least one (1) boundary fronting on a paved minor thoroughfare. The development shall be designed to provide direct principal access from the site to the minor thoroughfare.
2. All outside storage of materials, supplies, equipment or similar items is prohibited.
3. Off-street parking is permitted only at the side and rear of the building and not in the required front yard area.
 - a. No parking area or driveway shall be closer than twenty-five (25) feet to adjacent property lines or twenty-five (25) feet to the multiple-family dwelling units unless said units are constructed with attached garages.
 - b. Paved walkways shall be provided for the safety and convenience of residents.
 - c. The required parking spaces shall be located no further than two hundred (200) feet from the dwellings they are intended to serve.
4. Landscaping, consisting of trees, shrubs, and plantings, shall be provided in the area located between the edge of the existing public roadway and the front of a building proposed for use in this district. Corner lots shall have landscape improvements on each side of the building that faces each street. Off-street parking areas shall be screened from view from an adjoining roadway, residential zone and/or residential use by means of landscaping, earth berm or permanent fence or wall, subject to approval of the township planning commission. The landscaped greenbelt area adjacent to any building and/or parking area shall be maintained in a safe, attractive and healthy condition.
5. An internal feeder road having a minimum right-of-way width of sixty (60) feet and constructed according to the specifications of the Road Commission for Oakland County shall be provided for access to the site from the minor thoroughfare. Driveways or access roads within the site plan area shall intersect the internal feeder road and no other public road. Access drives, parking areas and maneuvering lanes shall be at least twenty-five (25) feet from any residential building wall or portion thereof, and shall be located so as to provide adequate pedestrian and vehicular safety and convenience.
6. Covered trash receptacles surrounded on three sides by masonry walls one (1) foot higher than the receptacle shall be provided and located in the side and/or rear yard areas only. The four (4) sided enclosed area shall be equipped with an opaque lockable gate of the same height as the masonry wall.

Section 12.06. Area, density, height and yard regulations.

1. Minimum lot area: For the first dwelling unit, the minimum lot area shall be twelve thousand (12,000) square feet plus the additional area requirements per unit as listed below. Minimum lot area required for each dwelling unit shall be:

Dwelling Unit Size	Land Area (square feet)
Efficiency or one-bedroom unit	4,000
Two-bedroom unit	4,500
Three-bedroom unit	5,000
Four-bedroom unit	5,500 plus 500 square feet for each bedroom over 4 bedrooms in the dwelling unit

A den, library or extra room shall be counted as a bedroom for purposes of this ordinance. Notwithstanding the foregoing, the overall density shall not exceed six and one half (6.5) dwelling units per acre for any development in the MD district.

2. Minimum lot width: One hundred (100) feet.
3. Maximum ground floor lot coverage: Twenty-five (25) percent.
4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Side, least one (1): Thirty (30) feet.
 - Side, total two (2): Sixty (60) feet.
 - Rear: Thirty (30) feet.

In no event shall any side yard be less than the height of the building.

5. Maximum height: Three (3) stories or thirty-five (35) feet.

Minimum floor area per dwelling unit:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet
Four-bedroom unit	1,200 square feet plus 150 square feet for each bedroom over 4 bedrooms in the dwelling unit

Building placement: Between any two multiple-family dwelling structures the following shall be the minimum allowable yard space:

Front to front	50 feet
Front to rear	50 feet
Rear to rear	60 feet
Rear to side	50 feet
Corner to corner	30 feet

A six (6) foot-high obscuring wall or fence, measured from the surface of the ground, or a twenty (20) foot-wide landscaped greenbelt, shall be provided on those sides of the property abutting land zoned for residential use. The greenbelt planting shall be reviewed by the planning commission to see that at least the minimum requirements of Section 4.36 are met. When a minor thoroughfare forms the boundary or lies in between the multiple dwelling district and the residential district, no such wall, fence or greenbelt shall be required.

Other major regulations applicable to this district can be found in Article 4, General Provisions, and Article 26, Off-Street Parking and Loading Regulations.

6. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following recommendation by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In

determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 12.07. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 12.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, as part of the site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 13. LAKE LOT DISTRICT (AN OVERLAY DISTRICT)

Section 13.01. Purpose.

Recognizing the unique and fragile character of freshwater lakes and their immediate watersheds, and the hazards to public health, safety and welfare caused by the improper use of such lakes and lakefront land, including by way of example but not limitation, overcrowding and pollution, the following regulations are designed to preserve and enhance the lakes and the quality of lakefront living, recreation, and scenic natural environment as a valuable township resource, and preserve and protect the public health, safety and welfare. Development on lake lots shall be regulated so as to control stormwater runoff, soil erosion and water sedimentation, prevent aquatic weed growth, water contamination from improperly designed, located, or operating septic tanks, and protect natural features and wildlife habitats by preventing overuse of the lake.

Section 13.02. Application of lake lot regulations.

The provisions of this article shall apply to all lake lots and all lots having access to a lake regardless of whether such access is by easement, common fee ownership, single fee ownership, lease, condominium or other means. The provisions of this article shall also apply to all fragile waterfront development areas identified in the master plan. The provisions of this article shall overlay and be in addition to, and shall not preclude, any other provisions of this ordinance. Nevertheless, in the event that the provisions of this article shall conflict with any other provisions in this ordinance, the provisions in this article shall govern.

Section 13.03. Required regulations and conditions.

1. Lake lots zoned for single-family residential use may include as an accessory use a single private dock which shall not exceed thirty-five (35) feet in length or six (6) feet in width, provided that not more than two (2) boats shall be moored at such dock and boats which are not owned by residents of the lake lot shall not be permitted to be moored at such dock.
2. Boathouses or permanent hoists may be permitted on lake lots zoned for single-family use only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in Article 30, subject to any conditions imposed by the planning commission, and in accordance with the following minimum standards:

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- a. A maximum of one (1) single boathouse or one (1) permanent boat hoist larger than five (5) feet in height or capable of hoisting more than one (1) boat at a time may be permitted per single-family lot.
 - b. The boathouse or hoist shall not be more than one (1) story high and shall not be greater than twelve (12) feet in height at the peak of its roof. Height is measured as the distance above the ordinary high-water mark.
 - c. No plumbing facilities shall be installed, except one coldwater hose bib for boat washing purposes.
 - d. The boathouse or hoist shall not be used for either a temporary or permanent sleeping or living quarters or as a commercial boat shelter.
 - e. Maximum area permitted shall be three hundred thirty (330) square feet.
 - f. Minimum setback from the side lot line shall be five (5) feet.
 - g. The structure shall be determined compatible with the surrounding district and land uses and shall not impair the view or use of the lake by neighboring property owners.
 - h. Such boathouse or hoist shall be constructed in compliance with local, state, and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972 [Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.)], as amended.
3. Septic systems shall be located a minimum of one hundred (100) feet from the lake and shall be designed so as to drain away from the lake and its watersheds and its tributaries, and any wells. The one hundred (100) feet setback may be reduced to not less than fifty (50) feet provided that an applicant submits to the township an approved on-site wastewater treatment system permit issued by the Oakland County Health Division or any replacement entity.
 4. No change shall be made in the natural grade of the property without submission and approval of a site plan by the building inspector or by the planning commission if required by any other provisions of this ordinance.
 5. A natural protection strip shall be maintained within twenty-five (25) feet of the normal high-water line of the lake, which shall remain in native trees, shrubs or grass. The natural protection strip shall not be filled or excavated except to position water pipes. Trees and shrubs may be pruned to afford a view of the water.
 6. Any dock facility providing dockage for four (4) or more boats with marine sewage holding tanks on board shall provide a marine sewage pump-out facility which shall be capable of providing pump-out service to a health department approved sewage disposal facility.
 7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board upon recommendation by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

(Ord. No. 17-03, 11-20-2017)

Section 13.04. Public access sites.

Land abutting a lake or stream, which land is under the possession and control of a governmental agency including the Township of Addison, Village of Leonard, County of Oakland, the Road Commission for Oakland

County, the State of Michigan, or other governmental agency, and which governmental agency allows public access across the site to the lake or stream abutting the site, is herein described as a "public access site," provided that such sites, whether owned or leased by the public agency, or dedicated to the use of the public, are under the exclusive control of one (1) or more public agencies which have the authority to impose regulations and restrictions upon the use of the site and upon access to the abutting lake or stream.

The restrictions of this article shall not apply to a "public access site," as defined above, provided that such sites are subject to governmental agency regulations which may limit boat docking, moorage and boat launching, or may prohibit overnight mooring, camping and vehicle parking, and other controls upon use of the site.

The governmental agency shall have the authority to impose such controls and restrictions upon the use of public access sites and the abutting waters as are deemed necessary to protect the lake or stream and adjoining properties from pollution, congestion, other damage, or unreasonable impositions upon the use and enjoyment of others using the site, using other private property in the proximity of the site, or the waters which the site abuts.

If not otherwise prohibited by law, the township board shall also have the authority to pass ordinances and adopt rules restricting the use of such public access sites and the use of the abutting lake or stream in such manner as is deemed necessary in the future to protect the lake or stream, the users thereof, and properties in the proximity thereof from pollution, congestion or other damage, or unreasonable imposition upon the use and enjoyment of others. Such ordinances may designate different rules, regulations and restrictions for each individual public access site as shall be deemed appropriate for the protection of the particular site, the waters, or private property in the proximity of the particular site.

Section 13.05. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of the site plan review process and including land divisions reviewed by the land division committee subject to the provisions of Section 4.45, Environmental impact statement requirements. The township board, land division committee, planning commission or board of appeals may require the submission of an environmental impact statement prior to rendering any discretionary decision in the lake district or fragile waterfront areas of the township. No amendment or variance of this ordinance which permits an increase in density beyond one dwelling unit per two (2) acres in the area subject to this lake lot overlay district shall be considered without documentation in the form of an environmental impact statement showing that such decision will not adversely affect the quality of any lake water. Provided, however, one may seek rezoning without the necessity of an environmental impact statement, unless requested by the planning commission or township board.

Section 13.06. Beaches.

A beach is permitted for all lake lots provided that the beach is not larger than thirty (30) percent of the lot area. A ten (10) foot-wide access walkway may be provided through the required twenty-five (25) foot setback area.

Section 13.07. Riparian rights (keyhole development).

The following restrictions are intended to preserve the quality of waters, to promote safety, protect riparian rights, shoreline development, and to preserve the quality of recreational use of all waters within Addison Township. In all districts where a vacant parcel of land is contiguous to a lake, river, stream, or pond, such vacant parcel of land may be used and developed as a recreational park or used for the purpose of gaining riparian access and enjoyment to said body of water for the owners and occupants of one (1) or more residential lots or structures, subject to the following conditions:

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- (a) In all zoning districts, there shall be linear lake, river, stream or pond frontage, as measured along the normal high-water mark (as defined at Ordinance No. 300, this ordinance, Section 4.44.3), of the body of water for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment utilizing or accessing the body of water, the measure of which is equal to the minimum lot width for the underlying zoning district.
 - (b) Any multiple-unit residential development in any zoning district that shares a common lake, river, stream or pond frontage may not use or permit access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for minimum linear frontage per dwelling unit as specified in Section 13.07(1)(a), in such common body of water, as measured along the normal high-water mark (as defined at Ordinance [No.] 300 [this ordinance], Section 4.44.3.) of the lake or stream.
 - (c) The above restrictions shall apply to all lots and parcels on or abutting any lake, river, stream, or pond in all zoning districts regardless of whether access to the body of water shall be by easement, park, common fee ownership, single fee ownership, condominium agreement, license or lease.
 - (d) The minimum water frontage requirements of this section shall be doubled if more than fifty (50) percent of the property involved is comprised of or adjoins a wetland as defined by this ordinance at Section 4.44 and Michigan law.
 - (e) All access sites or parcels shall have a minimum depth of one hundred (100) feet.

ARTICLE 14. C-1 COMMERCIAL DISTRICT—LOCAL

Section 14.01. Intent.

The C-1 local business district is intended to permit retail business and service uses that are needed to serve persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy the limited shopping and service needs of those adjacent residences. In order to promote such business development appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic or late hours of operation. The intent of this zone is also to encourage the concentration of local business areas to the mutual advantage of both consumers and merchants, and thereby to promote the best use of land at certain strategic locations and to discourage the continuance of marginal, strip business development along minor thoroughfares.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 14.02. Permitted principal uses.

1. Business and government offices, financial institutions including banks, savings and loan association offices and credit unions, post offices or postal stations.
2. Clothing services including the following: dressmaking shops, dry cleaning establishments as long as cleaning is not done on the premises, laundry agencies, millinery, tailor, and pressing shops.
3. Equipment services including the following: electric appliance repair shops, radio and television repair shops, watch repair shops, etc.
4. Retail food services (excluding restaurants and drive-in type businesses), including but not limited to the following: bakeries, dairy stores, delicatessens, grocery stores, meat, fish and poultry markets.

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5. Professional offices and clinics, including the following: doctors, dentists, chiropractors, osteopaths, lawyers, engineers, and similar professions. Informational offices are also permitted in the P-O district.
 6. Personal service including the following: barbershops, beauty shops, and photographic studios.
 7. Retail service and retail stores generally including the following: antique shops, clothes shops, bicycle sales and service, bookstores, camera stores, drugstores, florists, gift shops, hobby shops, news dealers, jewelry stores, variety stores, stationeries.
 8. Commercial uses determined by the planning commission to be similar to the above.

Section 14.03. Permitted accessory uses.

Any use customarily incidental to the permitted principal use.

Section 14.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
 - a. Such uses shall be permitted only when location is required to serve the immediate vicinity.
 - b. No outside service or storage yards shall be permitted.
 - c. All structures shall be at a scale and have an exterior appearance compatible with the area.
 - d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.
2. Dining room restaurants, only, subject to the following:
 - a. Ingress and egress to the site must be directly from a minor thoroughfare.
 - b. All refuse and refuse containers shall be completely screened from public view.
 - c. Design and orientation of the proposed use shall be such as to reasonably minimize noise, odors, traffic problems and similar factors.
3. Veterinary clinic. All principal use activities shall be conducted within a totally enclosed main building.
4. Theaters, not including drive-in theaters, provided minimum site size is two (2) acres and that the proposed use will be so designed and so located as to reasonably minimize potential impact on adjoining properties for reason of traffic problems, noise, or similar factors.
5. Miniwarehouses.
 - a. No outside storage shall be permitted.
 - b. All drive aisles on site shall be a minimum of thirty (30) feet wide.
 - c. Minimum lot size shall be four (4) acres.
 - d. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot-high chainlink fence with screening or a masonry wall, constructed in accordance with the requirements in Section 4.26.

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- e. The exterior of any miniwarehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
 - f. Living quarters of a watchman or caretaker employed on the premises. Living quarters shall not exceed six hundred (600) square feet and shall be totally contained and integrated entirely within the largest miniwarehouse building. The living quarters shall not be considered as a dwelling as defined in Section 2.02 of this ordinance. The intent of limiting living quarters of a watchman is to prevent conversion of the watchman's quarters to a dwelling unit located within a commercial zoning district. By such prohibition of dwellings in a commercial zone, the incompatibilities of residential and nonresidential uses are avoided. Further, providing for on-site living quarters for a watchman allows twenty-four (24) hour access to the storage and miniwarehouse use, provides for improved security of the miniwarehouse site, and limits the residential aspect of such a use due to the potential detrimental effects commercial land use has upon residential land use.
6. Self-serve gasoline stations.
- a. No outside storage of products for sale shall be permitted.
 - b. A setback of at least fifty (50) feet shall be maintained from the public right-of-way for all parking and buildings.
 - c. A minimum lot area of at least seventy thousand (70,000) square feet shall be required.
 - d. All applicable safety and hazard regulations (township, county, state, federal and all fire department requirements) shall be met and maintained at all times.
 - e. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 - f. All waste, rubbish, and recyclables shall be kept in metal or other acceptable receptacles with a tight cover.
 - g. The entire parking area shall be hard-surfaced with concrete or a plant mixed bituminous material.
 - h. All stormwater runoff shall be contained on-site for infiltration, to avoid runoff to adjacent properties.
 - i. Ingress and egress for the site must be directly from a paved thoroughfare.
 - j. A six (6) foot-high masonry obscuring wall or landscaped berm of a design recommended by the planning commission and approved by the township board through site plan review, shall be provided and maintained adjacent to any residential zoning district.
 - k. Public access to the site shall be located at least fifty (50) feet from any street or road intersection as measured from the nearest right-of-way line to the edge of the subject access.
 - l. Such uses shall be subject to limitations on hours of operation including product delivery times.
 - m. No exterior sound amplification shall be permitted on the site.
 - n. Total square footage of signage shall be limited through approval of a site plan which specifies locations and size of advertising areas.
 - o. Dumpsters must be kept in an enclosed secure area and out of sight.
7. Public libraries.
8. Vehicle wash establishment:

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- a. Vehicle washes shall be located in areas wherein other auto-related uses such as bump shops, paint shops, muffler and brake shops, auto parts stores, used and new vehicle sales and similar uses are existing, suitable, or planned.
 - b. Design of vehicle wash sites shall eliminate potentially negative functional and visual impacts on the township's residential areas and image from the public right of way.
 - c. Vehicle washes shall be isolated and screened from other sites by walls, fences, landscaped greenbelts or persistent natural features such as hills or wetlands.
 - d. No washing facilities for large truck washing, degreasing or clean-up of toxic or hazardous waste shall be located in the C-1 district.
 - e. Ingress and egress to the site must be directly from a paved major thoroughfare and limited to one (1) driveway.
 - f. Design and orientation of the proposed use shall be such as to minimize noise, night sky light pollution, and traffic problems off-site.
 - g. The exterior of any vehicle wash establishment shall be of finished quality and design, compatible with the design of existing structures on surrounding property.
 - h. All washing activities shall be carried on within a building. Outdoor vacuuming or drying activities must be located at least fifty (50) feet distant from any adjoining residential lot line.
 - i. No public or private right-of-way shall be used as stacking, maneuvering, parking or drying space for vehicles being serviced by the subject facility.
 - j. No vehicular bays, entrances or exits from the washing structure shall face a major thoroughfare.
 - k. Adequate area shall be provided so that wet vehicles will not drip on public pavement and cause slippery conditions.
 - l. The planning commission shall attach other conditions to minimize physical, functional and visual impacts on the character of the township.

(Ord. passed 1994; Ord. No. 07-1, 5-21-2007)

Section 14.05. Area, density, height and yard requirements.

1. Minimum lot area: None (subject to Paragraph 3).
2. Minimum lot width: None (subject to Paragraph 3).
3. When full urban services (sanitary sewer, water service, paved road and storm drains) are not provided then the minimum lot area and lot width shall be such as is determined by the planning commission to be sufficient. Sanitary sewer and water systems shall be public or privately owned systems approved by the Michigan Department of Environmental Quality, the Oakland County Department of Public Health, and the state department of public health.
4. Maximum ground floor coverage: Thirty (30) percent.
5. Minimum yards (setbacks):
 - Front: Twenty-five (25) feet.
 - Sides: Each fifteen (15) feet. Interior side yards may be waived by the building inspector in neighborhood shopping centers or other combined development that utilizes a common drive and off-street parking system.

Rear: Twenty-five (25) feet.

6. Maximum height: Two (2) stories or thirty-five (35) feet.
7. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirement in Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
8. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following a recommendation by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 14.06. Site plan approval required.

In accordance with Article 29, a site plan shall be required for all principal and special approval uses permitted in this district.

Section 14.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board, as part of the site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 15. C-2 COMMERCIAL DISTRICT—GENERAL

Section 15.01. Intent.

The general business districts are designed to cater to the needs of a larger consumer population than served by the restricted local business district and as such are located in areas of higher population concentration and include commercial uses of greater intensity, both in vehicular and pedestrian traffic.

Section 15.02. Permitted principal uses.

1. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
2. All permitted principal uses in the C-1 commercial district—local and in the P-O professional office district.
3. Private clubs and lodge halls.
4. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within an enclosed building.
5. All restaurants, including bars, lounges and similar enterprises (but excluding drive-in restaurants) provided that such uses are conducted within a completely enclosed building.
6. Business and technical schools, schools and studios for photography, art, music, and dancing.
7. Commercial parking lots.

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8. Bus terminals, cabstands, and other transit facilities.
 9. Public uses intended to serve primarily Addison Township.
 10. Bowling alleys, indoor skating rinks and similar indoor recreation uses.
 11. Health and physical fitness salons.
 12. Skilled trades services: plumbing, electrical, heating and similar uses with no outside storage or displays.
 13. Commercial uses determined by the planning commission to be similar to the above.

Section 15.03. Permitted accessory uses.

Any use customarily incidental to the permitted principal use.

Section 15.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Automobile service stations subject to the following:
 - a. There shall be no outside storage of vehicles or new or used equipment or parts.
 - b. Automobile repair shall be conducted only within a completely enclosed building, and all body work shall be prohibited.
 - c. A setback of at least fifty-five (55) feet from the right-of-way of an existing or proposed street must be maintained.
 - d. Ingress and egress points shall be at least sixty (60) feet from the intersection of any two streets.
 - e. A minimum lot area of not less than twenty-two thousand five hundred (22,500 square feet.
 - f. All safety and hazard regulations are met and maintained.
 - g. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material. Any part of the lot not so surfaced shall be landscaped and separated from all surface areas by a low barrier or curb.
 - h. Where an automobile service station adjoins property located in any residential zone, except where there is a public street between the two (2) properties, a masonry wall six (6) feet in height shall be erected and maintained along the adjoining lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
 - i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 - j. No fuel tank shall be filled at an automobile service station except through a hose connected to a pump of a type approved by the Underwriters' Laboratories, Incorporated.
 - k. All combustible waste and rubbish shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Oil and grease shall not be allowed to accumulate on the floor. Sawdust shall not be kept in any automobile service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease, or gasoline.

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2. Drive-in, fast-food and carryout restaurants, bars and lounges, and drive-in character businesses subject to the following:
 - a. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
 - b. Public access to the site shall be located at least fifty (50) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
 - c. A six (6) foot-high masonry obscuring wall or landscaped berm shall be provided adjacent to residential districts and residential uses.
 - d. Ingress and egress to the site must be directly from a minor thoroughfare.
 - e. Refuse and refuse containers shall be completely screened from public view.
 - f. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent rights-of-way and neighboring property.
 3. Hotels, motels and other similar uses not outlined but requiring special consideration for the use without affecting surrounding properties.
 4. Open air businesses with outside storage subject to:
 - a. All displayed material shall be set back a minimum of fifty (50) feet.
 - b. A building of five hundred (500) square feet minimum shall be erected on same site.
 - c. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper and other debris from blowing off the premises.
 - d. All businesses shall comply with all county health regulations regarding sanitation and general health conditions.
 - e. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent rights-of-way and neighboring property.
 5. Funeral homes.
 - a. The site shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 - b. The site shall be so located as to have at least one property line abutting a minor thoroughfare, and all ingress and egress for the site shall be directly onto said thoroughfare.
 - c. Points of ingress and egress for the site shall be designed to minimize possible conflicts between traffic and adjacent thoroughfares and funeral processions and visitors or traffic.
 - d. No building shall be located closer than fifty (50) feet to the outer property line of the district when said property line abuts any residential district.
 - e. A caretaker's residence may be provided within the main building of the mortuary establishment.
 6. General hospitals, convalescent homes or nursing homes.
 - a. The site shall have at least one property line abutting a minor thoroughfare. All ingress and egress to the off-street parking area for visitors, employees, staff, as well as any other users of the facility, shall be directly from said thoroughfare.

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- b. The minimum setback of any main or accessory building shall be at least one hundred (100) feet from front, rear and side lot lines for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least fifty (50) feet.
 - c. Ambulance, emergency entrance and delivery areas shall be visually screened from the view of adjacent residential areas by a masonry wall or landscape berm six (6) feet or more in height.
 - d. No power plant or laundry shall be located in an area so as to cause any undue noise or vibration environment to any adjacent residential area.
 - e. All lighting shall be shielded from abutting residential uses or public right-of-way.
7. Planned shopping centers.
 - a. Direct access shall be provided to a minor thoroughfare.
 - b. Market feasibility may be required at the discretion of the planning commission.
 - c. Off-street parking areas shall be landscaped.
 8. Vehicle wash establishment.
 - a. All washing activities must be carried on within a building.
 - b. Vacuuming activities must be located at least fifty (50) feet distant from any adjoining residential use.
 - c. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering, parking or drying space for vehicles being serviced by the subject facility.
 9. Bump shop, auto repair garage and storage garages.
 - a. All disabled vehicles shall be parked inside an opaque enclosure or in a building.
 - b. The front twenty-five (25) feet for a distance equal to sixty (60) percent of the lot width shall be landscaped open space, unpaved, and shall not be used for off-street parking or equipment vehicle storage.
 - c. All vehicle parking and storage areas that directly face a public right-of-way shall be screened except at entrances and exits, by a six (6) foot masonry wall.
 - d. No tire recapping, auto dismantling or other similar activities whose external effects could extend beyond the property line shall be permitted.
 - e. The commission shall consider all potential off-site impacts in its decision.
 10. Lumberyards.
 - a. Minimum lot size shall be two (2) acres.
 - b. All structures shall be located a minimum of fifty (50) feet from property lines.
 - c. Outside storage of building materials and displays shall be located no closer than twenty-five (25) feet to a property line.
 - d. An obscuring wall or landscaped berm six (6) feet high shall be required where property lines abut residential zoning or use.
 11. Greenhouses for wholesale or retail purposes.
 - a. Applicants shall provide evidence that site design measures will adequately control noise, odor, windblown materials and other off-site impacts.

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- b. All outside storage must be fenced.
12. Outdoor recreation such as miniature golf, golf driving ranges, archery ranges, court games, vehicle tracks, remote control boats, aircraft vehicles and similar uses excluding firearm ranges.
 - a. Compatibility of hours with adjacent uses shall be assured.
 - b. Fencing and screening shall be provided so that any driven or batted airborne objects shall be contained on-site within a designated area.
 - c. There shall be no off-site noise, smoke, odor, dust or radio waves generated.
 - d. Performance guarantees may be required.
 13. New and used vehicle and equipment sales and service.
 - a. The front thirty (30) feet of the front setback shall be landscaped and shall not be used for parking or for the display of vehicles.
 - b. All sales, display and circulation lot area shall be paved and shall be graded and drained so as to dispose of stormwater within the area.
 - c. Ingress and egress points shall be located not less than sixty (60) feet from the intersection of any two (2) road right-of-way lines.
 - d. All repairs shall be conducted within a completely enclosed building.
 - e. A building with a minimum area of five hundred (500) square feet shall be constructed on-site.
 - f. The property shall front on a minor thoroughfare.
 14. Miniwarehouses.
 - a. No outside storage shall be permitted.
 - b. All drive aisles on site should be a minimum of thirty (30) feet wide.

Section 15.05. Area, density, height and yard requirements.

1. Minimum lot area: None (subject to Paragraph 3).
2. Minimum lot width: None (subject to Paragraph 3).
3. When full urban services (sanitary system, water service, paved road and storm drains) are not provided then the minimum lot area and lot width shall be such as is determined by the planning commission to be sufficient. Sanitary sewer and water systems shall be public or privately owned systems approved by the Michigan Department of Environmental Quality, the Oakland County Department of Public Health, and the state department of public health.
4. Maximum ground floor coverage: None.
5. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Sides: Each fifteen (15) feet. Interior side yards may not be required in shopping centers or other combined development that utilizes a common drive and parking system.
 - Rear: Thirty-five (35) feet.
6. Maximum height: Three (3) stories or forty (40) feet.

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7. Transition strip: A strip at least fifteen (15) feet wide shall be required along a property line adjacent to a lot in a residential district. In addition to the transition strip, the planning commission may require a fence to control the blowing of debris onto adjacent property.
 8. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements in Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
 9. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications which require township board approval, this setback may be reduced by township board following recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 15.06. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 15.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of the site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 16. P-O PROFESSIONAL OFFICE DISTRICT

Section 16.01. Intent.

The professional office zone is intended to permit those office and restricted business uses which will provide clean, modern office buildings in a landscaped setting; which will not generate large volumes of traffic, traffic congestion and parking problems; and which will promote the most desirable use of land in accordance with the township master plan as described for local commercial areas. Office uses are also intended to serve as a transition between lower intensity residential uses and higher intensity commercial and industrial uses.

Section 16.02. Permitted uses.

1. Business, professional and governmental offices including executive, administrative, professional, accounting, real estate, clerical, stenographic and drafting. This shall not be construed to eliminate offices of recognized manufacturer's agents; provided that no display will be in an exterior show window and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed fifteen (15) percent of usable floor space of the establishment.
2. Professional offices of a medical doctor, osteopath, chiropractor, podiatrist, dentist, optometrist, architect, lawyer, professional engineer, land surveyor, etc.

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3. Medical or dental centers and clinics but not for the care or boarding of a person on an around-the-clock basis.
 4. Medical or dental laboratories that provide testing services or provide medical or dental devices, such as artificial limbs, organs, teeth, etc.
 5. Financial establishments such as banks, credit unions, savings and [loan] associations.
 6. Any use which has as its primary function basic research, design or product development, including industrial, scientific, or business research, development and testing laboratories, provided that there are no physical or chemical byproducts produced as a result of such uses.
 7. Training and/or education facilities, including facilities designed and intended to provide training at the business, technical and/or professional level.
 8. There shall be no outdoor storage of goods and materials, irrespective of whether or not they are for sale. There shall be no more than twenty (20) percent of the gross floor area used for indoor storage of goods.
 9. Office uses determined by the planning commission to be similar to the above.

Section 16.03. Permitted accessory uses.

Any use customarily incidental to the permitted principal use.

Section 16.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Drugstores, florists, gift stores, bookstores, art galleries, personal services and small retail businesses.
Such uses shall be part of an office building or complex and shall enhance the character and function of the district.
2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, municipal pumping stations and gas regulator stations.
 - a. No outside storage or service yards shall be permitted.
 - b. All such structures shall be at a scale and have an exterior appearance compatible with the area.

Section 16.05. Area, density, height and yard requirements.

1. Minimum lot area: Without public water and sanitary sewer, one (1) acre; with public water and sanitary sewer, six thousand (6,000) square feet.
2. Minimum lot width: For one (1) acre and larger, one hundred fifty (150) feet; for lots smaller than one (1) acre, one hundred (100) feet.
3. Maximum ground floor lot coverage: Thirty (30) percent.
4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Side, least one (1): Twenty (20) feet.
 - Side, total two (2): Forty (40) feet.

Rear: Fifty (50) feet.

5. Maximum height: Two (2) stories or thirty-five (35) feet.
6. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements in Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications which require planning commission approval, this setback may be reduced by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 16.06. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses permitted in the district.

Section 16.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of the required site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 18. M-1 LIGHT INDUSTRIAL DISTRICT

Section 18.01. Intent.

To encourage and facilitate the development of industrial enterprises in planned areas of the township. These uses are not generally objectionable in terms of noise, heavy truck traffic, fumes or similar characteristics. It is further intended that these light industrial uses act wherever possible as a transition between heavier industrial uses and nonindustrial uses, that they not necessarily require railroad access or major utility facilities, and that they be located with access to minor thoroughfares.

Section 18.02. Permitted principal uses.

1. Bakeries.
2. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
3. Carpenter and cabinetmaking shops with no open storage of materials.
4. Ceramic and property manufacturing using only previously pulverized clay, and kilns that are electrically or gas fired.
5. Cold storage plants.
6. Confection manufacturing.
7. Dental, surgical and optical goods manufacturing.

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8. Jewelry manufacturing.
 9. Laboratories, research and testing centers.
 10. Central dry cleaning plants and laundries.
 11. Musical instruments manufacturing.
 12. Pattern making shops.
 13. Plastic molding and extrusion.
 14. Printing, engraving and bookbinding shops.
 15. Public utility buildings, including warehouse storage.
 16. Toiletries and cosmetic manufacturing.
 17. Tool and die, gauge, small parts, and machine shop manufacturing.
 18. Warehousing, miniwarehouses, transfer storage and loft buildings, including the distribution of the items so handled.
 19. Light industrial uses determined by the planning commission to be similar to the above.

Section 18.03. Permitted accessory uses.

1. Any use customarily incidental to the permitted principal use.
2. Enclosed storage for goods processed on the premises.
3. Living quarters for a watchman or caretaker employed on the premises. Living quarters shall not exceed six hundred (600) square feet and shall be contained entirely within the principal building.

Section 18.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Automobile service stations.
 - a. There shall be no outside storage of vehicles or new or used equipment or parts.
 - b. All automobile repair shall be conducted only within a completely enclosed building.
 - c. A setback of at least fifty-five (55) feet from the right-of-way line of an existing or proposed street must be maintained.
 - d. Ingress and egress points shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - e. A minimum lot area of not less than twenty-two thousand five hundred (22,500) square feet.
 - f. All safety and hazard regulations are to be met and maintained.
 - g. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material. Any part of the lot not so surfaced shall be landscaped and separated from all surface areas by a low barrier or curb.

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- h. Where an automobile service station adjoins property located in any residential zone, except where there is a public street between the two (2) properties, a masonry wall six (6) feet in height shall be erected and maintained along the adjoining lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
 - i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 - j. No fuel tank shall be filled at an automobile service station except through a hose connected to a pump of a type approved by the Underwriters' Laboratories, Incorporated.
2. Kennels.
- a. All kennels shall be located on a lot large enough so that no pens, cages, runs or other kennel structures are closer than three hundred (300) feet from any property line.
 - b. Dogs shall be kept within an enclosed building during the normal sleeping hours of 10:00 p.m. through 7:00 a.m. Such enclosed building shall be constructed with sound-deadening walls and ceiling.
 - c. During the hours of 7:00 a.m. until 10:00 p.m., dogs shall be permitted in covered outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised field training.
 - d. All outdoor animal areas shall be screened from view from off-site with a sound-deadening masonry wall, at least six (6) feet in height, or a landscaped greenbelt of evergreen trees. Such evergreens shall be a minimum of four (4) feet in height at time of planting and shall be planted and maintained so as to form an opaque screen.
 - e. The level of noise emitted from the property shall not exceed sixty (60) decibels, as measured at the property lines.
 - f. When dogs are kept for commercial purposes such as sale, breeding, boarding or training, off-street parking shall be provided at a minimum of one (1) parking space per four (4) dogs that can be accommodated in the kennel.
 - g. Kennel facilities shall be established and maintained in accordance with all applicable county and township sanitation regulations. Kennels shall be constructed with a drained concrete floor and approved septic system, or other provision for the safe, sanitary collection and disposal of wastes.
 - h. At the discretion of the planning commission, a community impact statement may be required for any kennel with a capacity of eight or more dogs. The purpose of the community impact statement is to provide relevant information concerning potential environmental effects and to provide the necessary information for the planning commission to make a rational determination on the request. The community impact statement shall include, but not be limited to, the following information:
 - 1) Land use map indicating the subject property and land uses of adjacent properties for a radius of one half (½) mile.
 - 2) Site conditions of the subject property indicating:
 - a) Location and size of existing natural features such as trees, streams, bodies of water, floodplains, soil types and conditions, topography, [and] groundwater table.

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- b) Location and size of existing facilities and utilities (roads, water service, septic system or sanitary sewer, storm drain, gas lines, electric lines, etc.).
 - c) Features adjacent to and directly across the street, i.e., pavement width, driveways, passing lanes, curb cuts, etc.
 - 3) Detailed description of the proposed operation including number of employees (if any); purpose(s) of keeping the dogs such as sale, breeding, boarding or training; locations and times of training activities.
 - 4) Description of the means of sanitary waste disposal and estimated volumes, water service, solid waste disposal, and storm drainage. The adequacy and maintenance practices for such facilities shall be analyzed.
 - 5) Detailed description of proposed methods for minimizing potential off-site impacts of noise and odor.
 - i. The planning commission may specifically limit the number of adult dogs housed in a kennel. Any expansion in the adult dog population of twenty-five (25) percent or more shall require special approval of the planning commission.
 3. Commercial television, radio towers and public utility microwave towers, public utility and television transmitting towers, provided that the tower structures and their attendant facilities shall be located centrally on a continuous parcel of not less than one and one half (1½) times the height of the tower measured from the base of said tower to all points on each property line.
 4. Airports, heliports and airplane landing fields.
 - a. Runways shall be a minimum of fifty (50) feet in width and a maximum of three thousand (3,000) feet in length.
 - b. No obstruction shall exist within one hundred (100) feet on each side of the centerline of the landing field.
 - c. Runway ends shall be a minimum of one thousand (1,000) feet from any road easement or right-of-way, or property line.
 - d. Runways shall be set back from the property line a minimum of two hundred (200) feet either side at all points along the runway.
 - e. The fuel supply shall not create a fire or safety hazard.
 - f. No obstruction shall exist at each end of the landing field so that the obstruction would extend above an incline plane beginning at the ends of the runway two hundred (200) feet or the width of the landing field, whichever is greater, and widening uniformly to a width of five hundred (500) feet at the property line with a slope of two twenty to one (20:1) and obtaining a clearance of fifty (50) feet at the boundary of the property.
 - g. The [planning] commission shall consider the effect of the proposed use on the permitted principal uses of surrounding parcels, including but not limited to economic conditions, sound, vibration, odor, gases, glare, and heat, smoke, dust, dirt, fly ash, drifting, blown or radioactive material.
 - h. The establishment or expansion of the proposed airport or airfield shall not in any way conflict or overlap with flight patterns and approach area of any other airport or landing field.
 - i. Multiple directional runways may be required in such number, orientation and manner as shall be necessary to achieve a ninety-five (95) percent wind coverage with cross wind component not

greater than ten (10) knots. Such cross wind component is one that acts at a right angle to the longitudinal axis of the runway.

- j. No new airport for public use and/or commercial use shall be established, nor shall any existing airport be allowed to expand to provide such a use, which is located less than five miles from any other airport for public or commercial use and less than twenty (20) miles from any airport for which any instrument approach procedure is authorized by Federal Aviation Agency [Federal Aviation Administration].
- k. No aircraft will be hangered, tied down, or parked within the one thousand (1,000) foot or two hundred (200) foot setback as herein described.
- l. No part of the runway or taxi strip (that area over which an aircraft may pass to enter or exit the runway) shall be within one thousand (1,000) feet of the boundary of any residential zoning district.
- m. In addition to the information required under this ordinance, Article 29, Site Plan Review, where applicable the following information shall also be included:
 - 1) Boundaries of the proposed flight area.
 - 2) Location of fencing.
 - 3) The location and description of proposed and existing fuel supply, if any.
 - 4) Location of gas, oil wells, or pipelines, above and below ground utilities and communication towers.
 - 5) Location of any hazards to air navigation that may affect the landing area with specific reference to any trees which are required or contemplated to be removed.
 - 6) Location of proposed and existing runways, existing and proposed surface conditions of runways.
 - 7) A designation of landing area and taxi area lighting and method of activating lighting.
 - 8) Identification of access roads, on-site roads, grades for proper drainage and special drainage, existing and proposed structures on site, existing and proposed utilities.
 - 9) The type and daily number of aircraft in the proposed operation:
 - a. Private use: Type and number of aircraft, together with registration numbers and owners of the aircraft which will be based and/or operated at any time out of the landing area.
 - b. Public use: Limitations, if any, to be placed upon the type of aircraft which will utilize the landing area; limitations, if any, placed upon hours of operation of the landing area.
 - 10) Navigation and communication equipment or devices which will be employed and utilized at the proposed landing area.

Section 18.05. Performance standards.

No use, otherwise allowed, shall be permitted within the M-1 light industrial district which does not conform to the following minimum standards of use, occupancy and operation:

1. *Smoke and/or air pollution control.* Emission of gases, smoke, dust, dirt and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or injurious to the general welfare. Such emissions

shall be in strict conformance with all applicable federal, state and county health laws pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any source of emission, any smoke of a density equal to or greater than that density described as number 2 on the Ringelmann Chart as published by the United States Bureau of Mines; provided that the following exception of the provisions of this rule shall be permitted: Smoke the shade or the appearance of which is equal to but not darker than number 3 on the Ringelmann Chart for a period of three (3) minutes in any fifteen (15) minutes when building a new fire or breakdown of equipment occurs so as to make it evident that the emission was not reasonably preventable.

2. *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) that emits harmful ultraviolet rays shall not be visible from any point within fifty (50) feet inside the property line. Such activity shall not create a public nuisance and the waste emitted shall at no time exceed quantities established as safe by the United States Bureau of Standards and/or the Atomic Energy Commission when measured fifty (50) feet inside the property line.
3. *Fire and explosive hazards.* The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the fire marshal is permitted subject to compliance with all other performance standards above mentioned. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned and provided that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls which meet the requirements of the Building Code of Addison Township.
 - b. All such buildings or structures shall be set back at least fifty (50) feet from lot lines. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with the installation standards prescribed by the National Board of Fire Underwriters.
 - c. The storage and handling of inflammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.), as amended.
4. *Sound level limitations.* The emission of measurable noises from the premises shall not exceed seventy (70) decibels as measured at boundary or property lines. In addition, objectionable sounds of an intermittent nature or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to uses located off the lots.
5. *Odors.* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
6. *Protective screening and landscaping.* Those sides of a lot or parcel in an industrial district that abut any other district shall be provided with a six (6) foot fence or wall.

Section 18.06. Area, density, height and yard requirements.

1. Minimum lot area: One (1) acre.
2. Minimum lot width: One fifty (150) feet.
3. Maximum ground floor lot coverage: Thirty-five (35) percent.

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4. Minimum yards (setbacks):
 - Front: Fifty (50) feet.
 - Sides: Each twenty (20) feet. Interior side yards may not be required in industrial parks or other combined development that utilizes a common drive and parking system.
 - Rear: Fifty (50) feet.
 5. Maximum height: Two (2) stories or forty (40) feet.
 6. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements in Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
 7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following recommendation by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 18.07. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses permitted in this district.

Section 18.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any required site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 19. M-2 GENERAL INDUSTRIAL DISTRICT

Section 19.01. Intent.

To permit general industrial uses in districts located at substantial distances from residential or built-up areas. These uses have potential for severe negative impact on any nearby uses, and shall be carefully screened and buffered to prevent negative impact on adjacent land uses. Location shall be along minor thoroughfares.

Section 19.02. Permitted principal uses.

1. All principal permitted uses in the M-1 district.
2. Building contractors' storage yards for materials, equipment and vehicles; building material sales.
3. Carpenter and cabinetmaking shops.
4. Coal, coke or fuel yards.
5. Pharmaceutical products manufacturing.

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6. Produce markets and terminals.
 7. Public utility buildings, including warehouse storage and trailer transfer yards, and electric and gas service buildings and yards.
 8. Soft drink bottling establishments.
 9. Creameries.
 10. Warehousing, transfer terminal storage and loft buildings, including the distribution of the items so handled.
 11. Water supply and sewage disposal plants.
 12. Water, gas and oil tank containers.
 13. Lumberyards.
 14. Automobile accessory manufacturing not including tires.
 15. Bump shops.
 16. Cigar and cigarette manufacturing.
 17. Electrical fixtures, batteries and other electrical apparatus manufacturing.
 18. Furniture and upholstery manufacturing.
 19. Hardware and cutlery manufacturing.
 20. Leather goods and luggage manufacturing.
 21. Machine shops.
 22. Mattress manufacturing.
 23. Metal buffing, plating and polishing.
 24. Metal molding and treating.
 25. Painting and varnishing shops.
 26. Paper box and cardboard products manufacturing.
 27. Power generating plants for heating or electrical power.
 28. Tinsmith and sheet metal shops.
 29. Wearing apparel manufacturing, including shoes, handbags, etc.
 30. Welding shops.
 31. General industrial uses determined by the planning commission to be similar to the above.

Section 19.03. Permitted accessory uses.

1. Any use customarily incidental to the permitted principal use.
2. Enclosed storage for goods processed on the premises.
3. Living quarters for a watchman or caretaker employed on the premises. Living quarters shall not exceed six hundred (600) square feet and shall be contained entirely within the principal building.

Section 19.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. All uses permitted by special approval in the M-1 district.
2. Automobile or other machinery assembly plants, and body plants.
3. Brewing or distillation of malt beverages or liquor.
4. Canning factories.
5. Cement, lime, gypsum or plaster of Paris manufacturing.
6. Incineration of garbage or refuse.
7. Lumber or planing mills.
8. Metal extrusion, metal stamping and pressing plants.
9. Junkyards.
 - a. Minimum lot size shall be two (2) acres.
 - b. The setback from the front property line to the area upon which junk materials are stored shall be not less than seventy-five (75) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence not less than six (6) feet nor more than eight (8) feet in height. Said fence to be kept uniformly painted, in good maximum repair, neat in appearance, and shall not have any signs, words or symbols on it.
 - c. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than one hundred fifty (150) feet to any public building, church, hospital, sanitation, convalescent home, day nursery or school.
 - d. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
 - e. No storage of materials or junk shall be visible off-site.
 - f. No vehicles for sale, rent or lease shall be displayed so as to be visible from off the site.
 - g. A feasible groundwater protection plan shall be provided.
10. Petroleum or other flammable liquids production, refining or outdoor storage.
11. Slaughterhouses, reduction or recovering of products from dead animals or animal offal.
12. Smelting of any ferrous or nonferrous material.

Section 19.05. Performance standards.

No use, otherwise allowed, shall be permitted within the M-2 general industrial district that does not conform to the following minimum standards of use, occupancy and operation:

1. *Smoke and/or air pollution control.* Emission of gases, smoke, dust, dirt and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or injurious to the general welfare. Such emissions shall be in strict conformance with all applicable federal, state and county health laws pertaining to air pollution and smoke abatement.

A person shall not discharge into the atmosphere, from any source of emission, any smoke of a density equal to or greater than that density described as number 2 on the Ringelmann Chart as published by the United States Bureau of Mines provided that the following exception of the provisions of this rule shall be permitted: Smoke the shade or the appearance of which is equal to but not darker than number 3 on the Ringelmann Chart for a period of three (3) minutes in any fifteen (15) minutes when building a new fire or breakdown of equipment occurs so as to make it evident that the emission was not reasonably preventable.

2. *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) that emits harmful ultraviolet rays shall not be visible from any point within fifty (50) feet inside the property line. Such an activity shall not create a public nuisance and the waste emitted shall at no time exceed quantities established as safe by the United States Bureau of Standards and/or the Atomic Energy Commission when measured fifty (50) feet inside the property line.
3. *Fire and explosive hazards.* The storage, utilization or manufacture of materials products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted subject to compliance with all other performance standards above mentioned. The storage, utilization, or manufacture of material goods or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned and provided that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls which meet the requirements of the Building Code of Addison Township.
 - b. All such buildings or structures shall be set back at least fifty (50) feet from lot lines. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with the installation standards prescribed by the National Board of Fire Underwriters.
 - c. The storage and handling of inflammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.), as amended.
4. *Sound level limitations.* The emission of measurable noises from the premises shall not exceed seventy (70) decibels as measured at boundary or property lines. In addition, objectionable sounds of an intermittent nature or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to adjacent uses.
5. *Odors.* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
6. *Protective screening and landscaping.* Those sides of a lot or parcel in an industrial district that abut any other district shall be provided with a six (6) foot fence or wall. When said lot is adjacent to the residentially or commercially zoned property, in addition to the fence or wall, a twenty-five (25) foot landscaped greenbelt will be located outside the fence or wall on the industrial property, planted and maintained by the property user.
7. *Open storage.* All storage of building contracting, or plumbing materials, sand, gravel, stone, lumber, equipment and other supplies, shall be located within an area not closer than two hundred (200) feet from any street right-of-way line. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any

residential or commercial district, by a solid six (6) foot wall or fence sufficient to serve as a permanent retaining wall or fence.

Section 19.06. Area, density, height and yard requirements.

1. Minimum lot area: One (1) acre.
2. Minimum lot width: One hundred fifty (150) feet.
3. Maximum ground floor lot coverage: Thirty-five (35) percent.
4. Minimum yards (setbacks):
 - Front: Sixty (60) feet.
 - Sides: Each thirty (30) feet.
 - Rear: Fifty (50) feet.
5. Maximum height: Three (3) stories or fifty (50) feet.
6. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements in Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board subject following recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 19.07. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses in the district.

Section 19.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any required site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 20. REC RECREATIONAL DISTRICT

Section 20.01. Intent.

The commercial recreational district is established for the purpose of reserving needed and desirable lands for public recreation as well as for public and commercial amusement purposes. Such area would serve large numbers of people and would require access to major highways and adequate off-street parking. The regulations of this district are intended to conserve open space and natural amenities such as lakes, streams, and shorelines, pronounced topography, woodlands, certain wetlands, floodplains and other natural features; to allow and

regulate public and private use of such areas for recreational enjoyment; and to regulate the use, improvement and development of such lands so as to safeguard their natural amenities from undesirable influences.

Section 20.02. Permitted principal uses.

1. Public uses such as: parks, beaches and swimming pools, golf courses, playgrounds and playfields, natural open spaces, and publicly owned conservation land and parks.
2. Private recreation such as: country clubs, beaches and swimming pools, golf courses including par 3, golf driving ranges, riding academies, winter sports facilities including skiing, ice skating and tobogganing, gun clubs, marinas and boat liveries, and similar uses.

Section 20.03. Permitted accessory uses.

1. Uses customarily incidental to the permitted principal uses.
2. Residential dwellings, subject to R-1 regulations, exclusively for the owner, operator, watchman or other staff members of an operation, the intent being to exclude residential use and development other than necessary for and directly connected with conducting the permitted principal use.

Section 20.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. State-licensed summer camps for overnight occupancy between May 30 and September 30 with only incidental and temporary occupancy at other times of the year.
2. Such food stands as the municipality or private enterprise chooses to install in the development subject to approval by the Addison Township Planning Commission.
3. Publicly owned buildings and/or public utilities including but not limited to telephone exchanges, transformer stations and substations, and gas regulator stations when necessary to serve the immediate vicinity. No outside storage is permitted.
4. Campgrounds, travel trailer parks.
 - a. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.
 - b. Each site on a lot designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets.
 - c. Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites. Minimum size of any such structure shall be five hundred (500) square feet.
 - d. Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
 - e. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites. Said building shall provide off-street parking as provided for in Article 26 of this ordinance.

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- f. Each lot shall provide a hard-surfaced, dustfree vehicle parking area for the occupants and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designed only for tent camping).

Guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
 - g. Each site shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
 - h. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts) for the general use of all occupants of the entire lot.
 - i. Each travel trailer site shall have direct access to a dustfree roadway of at least twenty-four (24) feet in width for two (2) way traffic and twelve (12) feet in width for one (1) way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in Paragraph [4].f.
 - j. Any manmade open drainageways must have seeded banks sloped at least three to one (3:1) and designed to properly drain all surface waters.
 - k. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Oakland County health regulations.
 - l. The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
 - m. Fences and greenbelts may be required by the planning commission. The location of common use areas, roadways, streets and buildings shall be subject to approval by the planning commission.
5. Marinas and boat liveries.
- a. The planning commission may require landscaping of immediate effect, including evergreens or similar plant material not less than four (4) feet in height, to mitigate potential negative visual impacts on adjacent properties.
 - b. The commission may require additional on-site parking for each slip or mooring space including additional parking space lengths to accommodate boat trailers and related equipment.
 - c. Repair of dismantled equipment including, but not limited to, boats and motors, and storage of boats, boat parts, racks, lumber, and marine-related equipment must be in a completely enclosed building when not in water.
 - d. Hours of operation may be limited by the planning commission to avoid negative impacts of noise and glare, if the use is located adjacent to residentially zoned property.
 - e. A permit to erect, maintain or operate a marina shall be secured from the Michigan Department of Natural Resources, in conjunction with any approval.

Section 20.05. Area, density, height and yard requirements.

1. Minimum lot size: One (1) acre.

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2. Minimum lot width: One hundred fifty (150) feet.
 3. Minimum yards (setbacks):
 - Front: Forty (40) feet.
 - Sides: Each twenty (20) feet.
 - Rear: Forty (40) feet.
 4. Maximum height: Two (2) stories or thirty-five (35) feet.
 5. Screening: Those sides of a lot or parcel which abut any other zoning district shall be provided with a fence or wall with a minimum height of six (6) feet, and a landscaped greenbelt, in accordance with Section 4.36.
 6. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements of Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
 7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications which require planning commission approval, this setback may be reduced by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 20.06. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses in this district.

Section 20.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any required site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 21. P-I PUBLIC OR INSTITUTIONAL DISTRICT

Section 21.01. Intent.

The public or institutional district is created to provide an environment that is compatible with the exceptional nature of the uses located in this district. The special functions of public services and institutions and the related traffic demands make concentration of such uses desirable.

Section 21.02. Permitted principal uses.

1. State, metropolitan or municipally owned and operated parks and parkways and accessory facilities.
2. Federal, state, county, municipal or township organization buildings and facilities, except facilities under the jurisdiction of a correctional agency, department or bureau.
3. Houses of monasteries, worship, convents, parish homes and similar uses.

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4. Public, parochial and private schools, not operated for profit.
 5. Essential services buildings, telephone exchanges, transformer stations and substations, fire stations, gas regulator stations without storage yards.
 6. Children's homes and orphanages.

Section 21.03. Permitted accessory uses.

Uses customarily incidental to the permitted principal uses.

Section 21.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Living quarters for a watchman or caretaker employed on the premises.
 - a. Such living quarters shall be an incidental element of the operation.
 - b. Living quarters shall not exceed 600 square feet and shall be contained entirely within the principal building.
2. General hospitals, convalescent homes or nursing homes.
 - a. The site shall have at least one property line abutting a minor thoroughfare of at least sixty (60) feet of right-of-way existing or proposed. All ingress and egress to the off-street parking area for visitors, employees, staff, as well as any other users of the facility, shall be directly from the minor thoroughfare.
 - b. The minimum setback of any main or accessory building shall be at least one hundred (100) feet from front, rear and side lot lines for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least fifty (50) feet.
 - c. Ambulance, emergency entrance and delivery areas shall be visually screened from the view of adjacent residential areas by a masonry wall six (6) feet or more in height.
 - d. No power plant or laundry shall be located in an area so as to cause an undue noise or vibration environment to any adjacent residential area.
 - e. All lighting shall be shielded from abutting residential uses or public right-of-way.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 21.05. Area, density, height and yard requirements.

1. Minimum lot area: One (1) acre.
2. Minimum lot width: One hundred fifty (150) feet.
3. Maximum ground floor lot coverage: Thirty (30) percent.
4. Minimum yards:
 - Front: Forty (40) feet.
 - Side, least one (1): Twenty (20) feet.

Side, total two (2): Forty (40) feet.

Rear: Thirty (30) feet.

In no event shall any side yard be less than the height of the building.

5. Maximum height: Two (2) stories or thirty-five (35) feet.
6. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements of Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
7. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following recommendation by the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 21.06. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses in this district.

Section 21.07. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any required site plan review process and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 22. M MINING DISTRICT

Section 22.01. Intent.

This district is intended for areas which are to be used for the extraction of mineral deposits such as sand, gravel and like materials during daylight hours. The regulations imposed in this section are for the protection, safety, health and welfare of the public as well as to provide for the ultimate reclamation of the land so used.

Section 22.02. Permitted principal uses.

1. Mining, excavation or quarrying of sand, gravel or stone, subject to the regulations in Section 22.07 of this ordinance.
2. Plants for the processing, transportation or marketing of the aforesaid minerals together with accessory buildings, equipment and facilities.
3. Stockpiles of sand and/or gravel as the product of an excavation operation.
4. Publicly owned buildings and/or public utilities including but not limited to telephone exchanges, transformer stations and substations, and gas regulator stations with service yards and/or storage yards.

Section 22.03. Permitted accessory uses.

Uses and structures customarily incidental to the permitted use.

Section 22.04. Permitted uses after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission:

1. Living quarters for a watchman or caretaker employed on the premises.
 - a. Such living quarters shall be an incidental element of the operation.
 - b. Living quarters shall not exceed six hundred (600) square feet and shall be contained entirely within the principal building.

2. Sanitary landfills.

No dumping, stockpiling, or trash collection and storage is permitted in Addison Township except as provided by Section 58 of the Addison Township Solid Waste Ordinance.

Section 22.05. Area, density, height and yard requirements.

1. Minimum site area: Fifty (50) acres.
2. Minimum yards:
 - Front: One hundred (100) feet.
 - Side, each: One hundred (100) feet.
 - Rear: One hundred (100) feet.
3. Maximum height: Three (3) stories or forty (40) feet.
4. Other major regulations applicable to this district can be found in Article 4, General Provisions, including the wall requirements of Section 4.25, and Article 26, Off-Street Parking and Loading Regulations.
5. All structures shall be set back twenty-five (25) feet from all natural feature areas as defined in Article 2 of this ordinance. For site plan applications that require township board approval, this setback may be reduced by the township board following recommendation of the planning commission. Individual requests for reduction of the setback may only be granted as a variance from the township zoning board of appeals. Both bodies, in approving a reduction in the setback, shall determine that it is clearly in the public interest. In determining whether the setback reduction is in public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural features. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

Section 22.06. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special uses permitted in this district.

Section 22.07. Mining requirements and regulations.

1. No mining, stockpiling of material or processing shall take place closer than one hundred (100) feet to any property line or street or highway right-of-way line. If the circumstances of the site indicate that a one hundred (100) foot setback requirement would not be adequate to protect abutting property, the planning commission shall require greater distances as it deems necessary for the protection of adjacent property. If deemed necessary to protect adjacent property, the planning commission may also require a greenbelt along such property.
2. All mining operations shall be conducted pursuant to a valid permit, issued under Section 4.37 of this ordinance.
3. All mined-out areas shall be reclaimed. The applicant shall provide a plan for restoration of the property at time of site plan approval. The restoration plan shall describe how the reclamation standards listed in Subsection 22.07.4 of this ordinance will be met at cessation of mining activity.
4. Restoration and reclamation shall satisfy the following standards:
 - a. All excavation shall be made either to water (producing a depth of at least eight (8) feet below the low-water mark for at least eight (8) percent of the water area), or shall be graded or backfilled with noncombustible materials to ensure that:
 - 1) The excavated area shall not collect and hold stagnant pools of water; or
 - 2) The surface of such area which is not permanently submerged shall be graded or backfilled as necessary so as to produce a gently rolling surface that will minimize erosion and which will be in substantial conformity to topography of the adjoining land.
 - b. The banks of all sand and gravel excavation shall be sloped toward the water line at a slope which will not be less than seven (7) feet horizontal to one (1) foot vertical, and said banks shall be restored with vegetation.
 - c. Vegetation shall be restored by the use of soil and overburden and by seeding of grasses or planting of shrubs or trees in all parts of the mining area which are not to be permanently submerged underwater.
 - d. Upon cessation of mining operations, the operator, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all structures, buildings, stockpiles and equipment unless such building or structure can be otherwise lawfully used in the district.
5. The planning commission shall fix a bond or other performance guarantee covering the area to be mined to ensure that restoration and reclamation will be completed. The general rule in determining the reasonableness of length of time for reclamation and rehabilitation shall be as follows: shall be substantially commenced within one year after substantial completion of mining activities and be substantially completed within two (2) years thereafter.
6. All equipment and facilities used in the production, processing, or transportation of minerals shall be constructed, maintained and operated in such a manner as to eliminate, insofar as practical, noise, vibrations, dust or other effects which are injurious or unduly annoying.
7. Temporary stockpiling of topsoil or overburden, erosion and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
8. The planning commission may require any additional information necessary to determine the impacts, extent of operation or ultimate reuse of the property.
9. Hours of operation shall be limited to from dawn to dusk.

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10. The emission of measurable noise from the premises shall not exceed seventy (70) decibels as measured at property lines.

Section 22.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

ARTICLE 23. M-P MOBILE HOME PARK DISTRICT¹⁶

Section 23.01. Intent.

The regulations of this district are intended to provide adequate space and facilities for healthful living conditions for the occupants of such mobile home parks. Mobile home parks should be serviced by municipal services or by systems, approved by the appropriate state, county and township agencies. All mobile home districts should have access to a public thoroughfare for easy accessibility. Locations that would tie into existing sewer mains or laterals would receive primary consideration.

Section 23.02. Permitted principal uses.

1. Mobile home parks.
2. Family day care homes.

Section 23.03. Permitted accessory uses.

1. Private garage not to exceed the greater of eight hundred (800) square feet or fifty (50) percent of the total floor area of a mobile home dwelling unit, up to a maximum of one thousand two hundred (1,200) square feet.
2. Home occupation complying with the definition of home occupation in Article 2 of this ordinance and the following conditions:
 - a. The occupation must be clearly incidental to the use of the dwelling as a residence.
 - b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 - c. There shall be no visible evidence that the residence is being operated as a home occupation, except for the permitted sign.
 - d. No persons other than members of the immediate family residing in the dwelling shall be employed in the home occupation.
 - e. Off-street parking shall be provided on the premises, as required by Article 26 of this ordinance.
 - f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

¹⁶State law reference(s)—Mobile Home Commission Act, MCL 125.2301 et seq.

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3. Any use customarily incidental to the permitted principal use.
 4. No commercial, industrial, or agricultural equipment, including but not limited to earthmovers, semitrailers, bulldozers, backhoes, combines, heavy-duty trucks, in excess of ten thousand (10,000) pounds gross vehicle weight shall be stored outside anywhere on the premises.

Section 23.04. Uses permitted after special approval.

The following uses shall be permitted only after special approval is granted by the planning commission in accordance with the procedures, requirements and standards set forth in this section and in Article 30, and subject to any conditions imposed by the planning commission. Any of the following uses located within a mobile home park shall be subject to the governing setback, distance and other regulations in the general rules of the mobile home commission:

1. Houses of worship, convents, parish homes, and similar uses.
 - a. All ingress to and egress from the site shall be directly to a minor thoroughfare, having an existing or planned right-of-way width of at least sixty (60) feet as indicated on the township master thoroughfare plan.
 - b. No building shall be closer than seventy-five (75) feet from any property line.
 - c. Off-street parking shall be provided on the site in a ratio of one (1) space for each six (6) feet of pew length in the main sanctuary or one (1) space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
2. Public, parochial and private schools, not operated for profit.
 - a. The lot location shall be such that at least one (1) property line abuts a minor thoroughfare. All ingress and egress to the lot shall be directly onto said thoroughfare.
 - b. Any building used in whole or in part for school purposes shall be located not less than seventy-five (75) feet from any adjacent property line.
 - c. Parking areas shall be screened on all sides abutting a residential district.
 - d. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
 - e. Parking shall be provided as required under Article 26 of this ordinance.
3. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and community centers.
 - a. All vehicular access shall be from a minor thoroughfare with sixty (60) feet right-of-way, or detailed traffic studies may be required showing to the satisfaction of the commission that no sufficient adverse impact upon surrounding uses results.
 - b. No outside storage shall be permitted.
 - c. Barbed wire, industrial type fences and site features that adversely impact residential quality are prohibited.
4. Municipal, state or federal uses, public libraries, public museums, provided that no outside service or storage yards shall be permitted.
5. Essential services buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations.
 - a. Such uses shall be permitted only when location in residential areas is required to serve the immediate vicinity.

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- b. No outside service or storage yards shall be permitted.
 - c. All structures shall be at a scale and have an exterior appearance compatible with a residential area.
 - d. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.
6. Nursery schools, child care centers, [and] day nurseries.
- a. No dormitory facilities are permitted.
 - b. The outdoor play area shall be fenced and screened by a heavily planted greenbelt from any abutting residential uses.
 - c. All lighting shall be shielded away from public right-of-way and abutting residences.
 - d. Off-street waiting and drop-off space shall be provided at one (1) space per six (6) children that can be accommodated in the school. Such spaces shall be ten (10) feet wide by twenty-four (24) feet long.
7. Functional equivalent family; additional persons. The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged beyond a maximum of six (6) unrelated persons upon a demonstration by the applicant of all of the following:
- a. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises which is capable of driving, and adequate storage for each person proposed to reside on the premises.
 - b. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
 - c. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor space per person on the premises.
 - d. Approval of a request to increase the number of persons who may reside as a functional equivalent family with additional persons shall require the planning commission to determine the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

(Ord. No. 14-1, § 4, 4-21-2014)

Section 23.05. Requirements of mobile park development.

The following requirements shall apply to mobile home parks:

1. Prior to the development of a mobile home park, site plan approval shall be received. The park plan shall specifically locate the uses intended, the layout and location of other improvements, mobile home sites, traffic circulation, adequate lighting, traffic ingress and egress from the major road system, setback from lot lines, methods of disposing of stormwater and sewage, water supply, time scheduled for development and the specific uses intended.
2. Availability of adequate schools, utilities, fire, and police protection and road access and other public services.

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3. Mobile home parks shall be subject to all the rules and requirements as established and regulated by the state laws of Michigan including, by way of example, Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and the Mobile Home Code and, in addition, shall satisfy the following minimum requirements:
- a. Screening. All mobile home parks shall be screened from adjacent single-family residential land use by either a wall in accordance with the requirements of Section 4.25 or a densely planned landscaped greenbelt or berm in accordance with the requirements of Section 4.36. Such screening is encouraged to be constructed around the entire park where not specifically required. The planning commission may waive such screening, notwithstanding the foregoing requirement, in special situations where the planning commission finds that adequate natural screening exists or no useful purpose will be served by the screening.
 - b. Roads. All streets and driveways in every mobile home park shall be constructed and maintained with an all-weather road surface in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO) that affords ready means of ingress and egress to the park. All streets or driveways shall have a minimum pavement width of thirteen (13) feet for one (1) way streets and twenty-four (24) feet for two (2) way streets. Driveways shall have a minimum paved width of ten (10) feet. The above minimum street and pavement widths do not include any portion thereof used for or allowed to be used by off-street parking. Any bays, areas of streets, or rights-of-way allowing off-street parking or sidewalks shall be in addition to the above-specified widths. All streets and driveways shall be adequately drained.
 - c. Access. The main entrance of the park shall be directly on a public thoroughfare.
 - d. Open space. All mobile home parks having fifty (50) or more mobile home sites shall have at least one (1) easily accessible open space area containing not less than twenty-five thousand (25,000) square feet. The total amount of land dedicated for open space shall not less than two (2) percent of the mobile home park's gross acreage. Such land area shall be generally central and accessible to units intended to be served and shall be well drained, and usable.
 - e. Minimum site size and density. The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This [These] five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. Notwithstanding the foregoing, density shall not exceed 6.5 mobile home units per acres.
 - f. Parking.
 - 1) Shall be provided at the rate of two car spaces for each mobile home site.
 - 2) A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served.
 - 3) No unlicensed vehicle of any type shall be parked within this district at any time except within a covered building.
 - 4) All group off-street parking facilities shall be adequately lighted during hours of darkness.
 - g. Building permit. No mobile home shall be permitted to be placed in a mobile home park until a permit shall have been granted from the township building inspector. All mobile home parks shall

be constructed only after a permit to construct shall have been obtained from the Michigan Department of Commerce, Mobile Home Division.

Section 23.06. Area, density, height and yard requirements.

1. Minimum lot area for total site: Ten (10) acres.
2. Minimum lot width for total site: Three hundred (300) feet.
3. Minimum yards setbacks for total site:
 - Front: Ten (10) feet.
 - Side, least one (1): Ten (10) feet.
 - Side, total two (2): Twenty (20) feet.
 - Rear: Ten (10) feet.

Provided that no permanent building, facility or mobile home in the park shall be closer than fifty (50) feet to any public right-of-way.

A mobile home shall be a minimum of:

- a. Twenty (20) feet from any part of another mobile home;
 - b. Ten (10) feet from any detached structure or on-site parking of an adjacent mobile home site;
 - c. Fifty (50) feet from a permanent building;
 - d. Ten (10) feet from a natural or manmade lake, waterway;
 - e. Seven (7) feet from pedestrian walkways and sidewalks;
 - f. Fifty (50) feet from any public right-of-way.
4. Maximum height: Two and one half (2½) stories or thirty-five (35) feet.
 5. Minimum floor area per dwelling unit: Six hundred (600) square feet.

Section 23.07. Site plan approval required.

In accordance with Article 29, site plan approval shall be required for all principal and special approval uses permitted in this district, except, however, with respect to mobile home parks only, those provisions of Article 29 which impose a stricter standard than set forth in the Mobile Home Code [Public Act No. 96 of 1987 (MCL 125.2301—125.2350)] shall not be applicable.

Section 23.08. Environmental impact study.

An environmental impact study may be required by the planning commission or the township board as part of any site plan review and subject to the provisions of Section 4.45, Environmental impact statement requirements.

- CODE OF ORDINANCES
APPENDIX A - ZONING
ARTICLE 24. SCHEDULE OF REGULATIONS

ARTICLE 24. SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Width (feet)	Minimum Lot Area*	Buildable Area	Maximum Lot Coverage (percent)	Maximum Height of Building		Minimum Yard Requirements in Feet (Unobstructed) Sides**				Minimum Floor Area per Dwelling Unit (square feet)
					In Stories	In Feet	Front ^(o)	Least One	Total of Two	Rear	
A	300	10 acres	2 acres	5	2.5*	35*	60	30	60	50	1,100
R-E	300	5 acres	2 acres	10	2.5	35	60	30	60	50	1,100
S-E	300	3 acres	1.5 acres	10	2.5	35	60	30	60	50	1,100
S-F	200	2 acres	1 acre	10	2.5	35	50	15	30	50	1,100
R-1	150	1 acre	1 acre	15	2.5	35	50	15	30	30	1,100
R-2	125	25,000 sq. ft.	25,000 sq. ft.	25	2.5	35	50	15	30	30	960
R-3	80 ^(b)	12,000 sq.ft. ^(b)	12,000 sq. ft.	25	2.5	35	40	15	30	30	840
MD	100	^(c)	^(p)	25	3.0	35	50 ^{(g)(f)}	30 ^{(g)(c)(f)}	60 ^{(g)(c)(f)}	30 ^{(g)(f)}	^(d)
M-P	100	^(m)	^(p)	—	2.5	35	50 ⁽ⁿ⁾	10 ⁽ⁿ⁾	20 ⁽ⁿ⁾	10 ⁽ⁿ⁾	600
C-1	⁽ⁱ⁾	^(h)	^(p)	30	2.0	35	25 ^(g)	15 ^{(g)(j)}	30 ^{(g)(j)}	25 ^(g)	—
C-2	⁽ⁱ⁾	^(h)	^(p)	30	3.0	40	50 ^(g)	15 ^{(g)(j)}	30 ^{(g)(j)}	35 ^(g)	—
P-O	⁽ⁱ⁾	1 acre ^(k)	1 acre	20	2.0	30	50 ^(g)	20 ^(g)	40 ^(g)	50 ^(g)	—
M-1	150	1 acre	1 acre	35	2.0	40	50 ^(g)	20 ^{(g)(l)}	40 ^{(g)(l)}	50 ^(g)	—
M-2	150	1 acre	1 acre	35	3.0	50	60 ^(g)	30 ^(g)	60 ^(g)	50 ^(g)	—
R [REC]	150	1 acre	1 acre	—	2.0	35	40 ^(g)	20 ^(g)	40 ^(g)	40 ^(g)	—
P-I	150	1 acre	1 acre	30	2.0	35	40 ^(g)	20 ^{(c)(g)}	40 ^{(c)(g)}	30 ^(g)	—
M	—	50 acres	^(p)	—	3.0	40	100	100	200	100	—

* The minimum lot area shall not include any portion within a right-of-way or public road easement.

** A twenty-five (25) foot natural feature setback shall be maintained in all districts in relation to the ordinary high-water mark of any lake, pond, river or channel, and to the edge of any drainageway or wetland. This setback may be reduced with planning commission approval upon a determination that is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit that would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. Docks, piers, decks, boardwalks or seawalls may be located within the natural feature setback.

Section 24.01. Footnotes to schedule of regulations.

- a. Nonresidential farm buildings may be a maximum height of fifty (50) feet.
- b. Minimum lot area and lot width applies only when full urban services are provided (sanitary services, water services, paved road and storm drains). Sanitary sewer and water systems shall be public or privately owned systems approved by the Michigan Department of Natural Resources, the Oakland County Department of Public Health, and the state department of public health. Without these services the minimum lot areas shall be twenty-five (25,000) square feet and the minimum lot width shall be one hundred twenty-five (125) feet.
- c. Minimum lot area required for each multiple-family project shall be twelve thousand (12,000) square feet plus the additional area requirements per unit as listed in the following schedule:

Dwelling Unit Size	Land Area (square feet)
Efficiency or one-bedroom unit	4,000
Two-bedroom unit	4,500
Three-bedroom unit	5,000
Four-bedroom unit	5,500 plus 500 square feet for each bedroom over 4 bedrooms in the dwelling unit

A den, library or extra room shall be counted as a bedroom for purposes of this ordinance. Notwithstanding the foregoing, the overall density shall not exceed six and one half (6.5) dwelling units per acre for any development in the MD district.

- d. In the multiple dwelling zone every residential building erected or converted hereafter shall provide at least the following minimum floor areas:

Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet
Four-bedroom unit	1,200 square feet plus 150 square feet for each bedroom over 4 bedrooms in the dwelling unit

- e. No side yard shall be less than the height of the building.
- f. Between any two multiple-family dwelling structures, the following shall be the minimum allowable yard space:

Front to front	50 feet
Front to rear	50 feet
Rear to rear	60 feet
Rear to side	50 feet
Corner to corner	30 feet

No building shall exceed one hundred eighty (180) feet in length.

- g. A six (6) foot-high obscuring wall or fence, measured from the surface of the ground, or a twenty (20) foot-wide landscaped greenbelt, shall be provided on those sides of the property abutting land zoned for residential use. The greenbelt planting shall be reviewed by the planning commission to see that at least the minimum requirements of Section 4.36 are met. When a major thoroughfare forms the boundary or lies in

between the multiple dwelling district and the residential district, no such wall, fence or greenbelt shall be required.

- h. If the property lacks public water and sanitary sewer, then the minimum lot area and lot width shall be such as is determined by the planning commission to be sufficient.
- i. Lots one acre and larger shall have a minimum lot width of one hundred fifty (150) feet. Lots smaller than one acre shall have a minimum lot width of one hundred (100) feet.
- j. Interior side yards may not be required in neighborhood shopping centers or other combined development which uses a common driveway and off-street parking system.
- k. With public water and sanitary sewer the minimum lot area shall be six thousand (6,000) square feet.
- l. Interior side yards may not be required in industrial parks or other combined development which uses a common driveway and parking system.
- m. Minimum mobile home park site area shall be ten (10) acres.
- n. A mobile home shall be a minimum of:
 - 1. Twenty (20) feet from any part of another mobile home;
 - 2. Ten (10) feet from any detached structure or on-site parking of an adjacent mobile home site;
 - 3. Fifty (50) feet from a permanent building;
 - 4. Ten (10) feet from a natural or manmade lake, waterway;
 - 5. Seven (7) feet from pedestrian walkways and sidewalks;
 - 6. Fifty (50) feet from any public right-of-way.
- o. An additional twenty-seven (27) feet shall be added to any required setback fronting on the following public roadways: Brewer and Frick.

An additional seventeen (17) feet shall be added to any required setback fronting on the following public roadways: Bordman, Dequindre, Leonard and Oakwood.

An additional ten (10) feet shall be added to any required setback fronting on the following public roadways: Army, Barr, Curtis, Haven, Honser Road North, Honser Road South, Indian Lake, Lake George north of Oakwood, McKail, Rowland, Second Lake, Shoup, Texter, Walker and Yule.

ARTICLE 25. PUD PLANNED UNIT DEVELOPMENT¹⁷

Section 25.01. Intent.

The provisions of this article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. It is the intent of this article to authorize the use of planned unit development regulations for the purpose of encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, traffic circulation and recreational opportunities for the people of Addison Township; and bringing about a greater compatibility of design and use between neighboring

¹⁷Cross reference(s)—Planning, ch. 50.

State law reference(s)—Planned unit development, MCL 125.286c et seq.

properties. The provisions of this article are not intended as a device for ignoring the zoning ordinance or the planning upon which it has been based. To that end, provisions of this article are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this article to ensure appropriate, fair and consistent decision making.

Section 25.02. PUD regulations.

1. A planned unit development may be approved in any location in Addison Township, subject to review and approval as provided for in this article.
2. Any single-family or multiple-family residential land use authorized in this ordinance may be included in a planned unit development, as a principal or accessory use, subject to adequate public health, safety and welfare protection mechanisms being designed into development as provided in this article. A special use permit must be secured to permit non-single-family residential or non-multifamily residential uses allowed in the underlying residential or agricultural zoning district.
3. The applicant for a planned unit development must demonstrate as a condition to being entitled to planned unit development approval that:
 - a. Grant of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to underlying zoning, 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.
 - c. The proposed development shall not have a materially adverse impact upon the Addison Township Master Plan, and shall be consistent with the intent and spirit of this article.
 - d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - e. The proposed development shall contain at least as much usable open space as would be required in this ordinance in relation to the most dominant use in the development.
 - f. 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 supervisor.

Section 25.03. Project design standards.

1. Residential uses may be permitted with a maximum density of the units per gross acre authorized in the residential underlying zoning district in which the property is situated. Areas not included in the calculation of gross acre density calculation are any areas of wetland or areas within a twenty-five (25) foot natural feature setback. The density for residential uses in a nonresidential district shall be determined in the discretion of the township board consistent with the Addison Township Master Plan goals, objectives and policies, the standards contained in this ordinance, and the impact such density would have upon natural resources, stormwater drainage, road capacity, traffic, parks and recreation, fire and police service, schools, character of the area, and any planned public and private improvements in the area.

2. In residential underlying zoning districts, nonresidential uses shall be permitted as part of a common planned unit development with a residential component to the extent the applicant demonstrates by expert analysis, and the Addison Township Board finds, in its discretion, that the nonresidential uses shall principally serve the persons residing in the residential units in the project. This restriction shall not apply in nonresidential underlying zoning districts. Nonresidential uses, including, without limitation, parking and vehicular trafficways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles, provided it is recognized that this provision may have limited application to multiuse buildings.

3. Applicable regulations:

a. Subject to the following Subparagraph b of this Paragraph 3, all regulations applicable to lot area, lot width, lot coverage, setback, parking and loading, general provisions, and to other requirements and facilities, shall be as follows:

1) Single-family detached residential uses shall meet the regulations applicable in the underlying zoning district with a minimum lot area in accordance with the following schedule:

Zoning District	Reduction in Minimum Lot Size for the District
A agricultural	35% of 10 acres or 3.5 acres
R-E rural estates	40% of 5 acres or 2.0 acres
S-E suburban estates	50% of 3 acres or 1.5 acres
S-F suburban farms	50% of 2 acres or 1 acre
R-1 residential	50% of 1 acre or 0.5 acre
R-2 residential	50% of 25,000 sq. ft. or 12,500 sq. ft.
R-3 residential	50% of 12,000 sq. ft. or 6,000 sq. ft.

2) Multiple-family residential uses shall meet the regulations applicable in the MD multiple dwelling residential district not to exceed more than twenty-five (25) percent of the total number of dwelling units proposed within the PUD.

3) Mixed uses shall meet the regulations applicable to the most dominant use in the mix, with the determination relative to which use constitutes the "dominant use" being determined in the discretion of the township board.

b. Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in the immediately preceding Subparagraph [3]"a" may be granted in the discretion of the township board as part of the approval of a planned unit development. 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.

4. The development shall be designed so as to promote preservation of natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed if it is in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features, and taking into account the provisions and standards of Act 127 of the Public Acts of 1970, as amended, the Michigan Environmental Protection Act [Public Act No. 451 of 1994 (MCL 324.101 et seq.)].

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5. The township board shall take into account the following considerations, as the same may be relevant to a particular project and ensure compliance with all related applicable regulations: the underlying plan (conventional, parallel plan) meets all zoning requirements regarding density, submitted at the preliminary stage for review, perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; protection of surface [water] and groundwater resources; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

Section 25.04. Procedure for review and approval.

1. The grant of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this ordinance so as to designate the property which is the subject of the application as planned unit development. Further, an approval granted under this article, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.
2. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the township supervisor, representative of the planning commission, and building inspector, together with such consultants as deemed appropriate. The applicant shall present at such conference, or conference, at least a sketch plan of the proposed planned unit development, as well as the following information: a legal description of the property in question; the total number of acres in the subject; a statement of the approximate number of residential units, if any; the approximate number and type of nonresidential units; the approximate number of acres to be occupied by each type of use; the known deviations from the ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and all known natural resources and natural features both existing and to be preserved.
3. Thereafter, required copies of a preliminary plan, including preliminary site plan, conforming with Section 25.05, below, shall be submitted within ninety (90) days of the preapplication conference required in the immediately preceding paragraph. Such submission shall be made to the planning commission at least sixty (60) days in advance of any regular or special meeting.
4. The planning commission shall review the preliminary plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the planning commission shall provide the applicant with written comments, which shall be part of the official minutes of the planning commission.
5. The planning commission shall forward the preliminary plan, together with its written comments, to the township clerk, who shall give notice of the preliminary plan for public hearing. Notice shall be given not more than fifteen (15) days and not less than five (5) days prior to the date of the public hearing, published as provided below in a newspaper that circulates in the township and sent by mail to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to occupants of all structures within three hundred (300) feet. The notice shall contain:
 - a. A description of the nature of the proposed planned unit development under the specified section of this ordinance.
 - b. A legal description or address and/or an approximate sketch of the property.
 - c. A statement of when and where the public hearing will be held to consider the planned unit development.

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- d. A statement that written comments can be sent to the chairperson of the planning commission at the township offices.

Within a reasonable time following the planning commission public hearing, the planning commission shall forward its recommendation to the township board who shall approve, approve with conditions, or deny the preliminary plan. The effect of the approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary plan, subject to submission, review and approval of the final plan as provided below. In reviewing the preliminary plan, the township board shall make a finding and determination with respect to compliance with the PUD regulations, set forth in Section 25.02 of this article, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this article. The township board may, following recommendation of the planning commission, reduce the proposed density (number of dwelling units) as a condition of approval in order to ensure the purposes of this ordinance and the goals, objectives and policies of the township land use plan are met. Inasmuch as the specific details of a project plan are at the very essence of the concept of planned unit development, approval of the preliminary plan shall not constitute a final approval, and preliminary plan approval shall be subject to review and approval of the final plan as provided for in this article.

6. Within twelve (12) months following receipt of preliminary plan approval, the applicant shall submit to the planning commission, fifteen (15) copies of a final plan, including final site plan, conforming with Section 25.05, below. This plan shall constitute an application to amend this ordinance, and shall be noticed for public hearing before the planning commission, and otherwise acted upon by the planning commission, the county, and the township board, as and to the extent provided by law. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant must recommence the review process, provided the township board may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstance has occurred.

Section 25.05. Application.

1. Preliminary plans shall include the following:
 - a. Applicant's name and address.
 - b. The name of the proposed development.
 - c. Common description of property and complete legal description.
 - d. Dimensions of land, width, length, acreage and frontage.
 - e. Existing zoning and zoning of all adjacent properties.
 - f. Statement of intent of proposed use of land and any phasing of the project.
 - g. Name, address, city and phone number of firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.
 - h. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
 - i. Proposed acceleration, deceleration, and passing lanes.
 - j. Location of existing drainage courses, floodplains, lakes, streams and wetlands.
 - k. An aerial photograph of the entire site showing existing property lines.
 - l. All parking areas and number of spaces by size.
 - m. The number and location of areas to be preserved as open or recreation space.

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- n. All known natural resources and natural features both existing and to be preserved.
 - o. Density calculations, number and types of units (if applicable), and floor area per habitable space.
 - p. Fair presentation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
 - q. A site plan shall be prepared and submitted as a part of the application which illustrates how the property can be developed using the present underlying zoning district designation. The underlying plan meets all the zoning requirements regarding density. Density is based on the underlying zoning plan. Specification by written description of each deviation from applicable ordinance regulations that 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.
 - r. A topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to the review.
2. Final site plans shall include the following:
- a. All requirements for site plan review under this ordinance, Article 29.
 - b. A site plan showing the type, location and density of all uses.
 - c. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
 - d. Evidence of market need for the use(s) and economic feasibility of the project.
 - e. A separately delineated specification in writing of all deviations from this ordinance that would otherwise be applicable to the uses and development proposed in the absence of this planned unit development Article. This specification should include ordinance provision from which deviations are sought, and if the applicant elects to be governed by Section 25.03.3a, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare and to assure the goals, objectives and policies of the township land use plan in lieu of the regulations from which deviations are sought shall be specified.
 - f. In the event the property on which the project is to be situated consists of twelve (25) acres or more, a community impact statement shall be submitted as part of the application.
 - g. A detailed landscaping plan including a maintenance plan.
 - h. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

Section 25.06. Performance guarantees.

The township board, after recommendation from the planning commission, may require reasonable performance guarantees, as authorized under Section 4.33, to ensure completion of improvements.

Section 25.07. Conditions.

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity,

protecting the natural environment and conserving natural resources and energy, insuring [ensuring] compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this ordinance, and shall be related to the objective of insuring compliance with the standards of this ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

Section 25.08. Phasing and commencement of construction.

1. *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, phasing shall contemplate that at least thirty-five (35) percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least seventy-five (75) percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of one hundred (100) percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the township board, and, further, such percentages may be significantly varied should the township board determine, in its discretion, that the applicant has presented adequate and effective assurances that the residential components or components of the project shall be completed within the specified period.
2. *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a planned unit development, or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the scheduled established for same in the application submitted for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided an extension for a specified period may be granted by the township board upon good cause shown if such request is made to the township board prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the township board shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions.

Section 25.09. Effect of approval.

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by Addison Township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.

Section 25.10. Fees.

There shall be an advance payment of fees at the time of the presubmission conference held pursuant to Section 25.04.2 and at the time of submission of the plans pursuant to Sections 25.04.3 and 25.04.6, respectively. The amount of such fees shall be established by the Township Board of Addison Township by ordinance or resolution and may include an escrow deposit for purposes of consultant reviews and in an amount established by the township board and to be replenished at the request of the township clerk. Unused escrow funds on deposit following confirmation that any and all conditions of approval have been met shall be refunded to the applicant in a timely manner.

ARTICLE 26. OFF-STREET PARKING AND LOADING REGULATIONS¹⁸

Section 26.01. Off-street parking.

In all districts, automobile off-street parking spaces with adequate access to all spaces shall be provided. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certification of occupancy as hereinafter prescribed.

Section 26.02. Parking, storage or use of major recreational equipment.

For purposes of these regulations, major recreational equipment is defined to include boats, boat trailers, travel trailers, recreational vehicles, pickup campers or coaches, motorized dwellings, tent trailers and the like. No recreational equipment shall be parked or stored on any lot within a residential district except that such recreational equipment may be parked or stored in a carport or enclosed building, behind the front line of the building, or next to the main structure, as long as the equipment does not cause a nuisance to abutting property; provided, however, that such equipment may be parked anywhere on residential premises for not more than forty-eight (48) hours during loading and unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.

Section 26.03. Parking and storage of certain vehicles.

Automotive vehicles, semitrailers, heavy-duty equipment, or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned or commercially zoned property other than in a completely enclosed building. In residential zones, it shall be illegal to garage or park more than one commercial vehicle larger than a regularly manufactured pickup or panel truck of one and one half (1½) tons capacity per lot. The commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel.

Section 26.04. Required off-street parking in general.

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

1. The minimum number of off-street parking spaces shall be determined in accordance with the table in Section 26.07. For uses not specifically mentioned therein, off-street parking requirements shall be

¹⁸Cross reference(s)—Traffic and vehicles, ch. 66.

interpreted by the planning commission from requirements for similar uses. The planning commission's interpretation may be appealed to the zoning board of appeals.

2. Any area once designated as required for off-street parking shall never be changed to any other use unless and until comparable facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for such building or use.
3. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when an application for a building permit or a certificate of occupancy is filed.
4. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the same premises as the use they are intended to serve and shall be located no closer than five (5) feet from any street lot line. In appropriate cases they also shall be subject to the provisions of Section 4.21, Accessory buildings, of this ordinance. Single-family residential off-street parking is exempt from all other regulations of this article governing a parking lot.
5. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Off-street parking may be provided either by individuals or by a parking program carried out through public action, whether by special assessment district or otherwise.
7. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the planning commission may waive requirements based on the peak hour demand.
8. Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited.
9. Where off-street parking is permanent, publicly owned and the operation exists in quantity greater than would be necessary to fulfill the requirements of this ordinance based upon the existing contiguous buildings, then such number of parking spaces may be prorated to the land area within three hundred (300) feet as measured in Paragraph 3 above to the extent that the parking requirements are thereby met. The planning commission shall determine such proration calculation. To the extent of such proration calculation, the board of appeals may grant a variance to the minimum number of off-street parking spaces required to be provided prior to the certificate of occupancy for any new building or new use.
10. Stacking spaces. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided a minimum of three (3) off-street waiting spaces, hereinafter referred to as stacking spaces, for each service window except where otherwise provided in this ordinance.

Section 26.05. Off-street parking lot layout, construction and maintenance.

Wherever off-street parking is required by the provisions of this ordinance or is otherwise constructed to meet the requirements of this ordinance, such lot or facility shall be laid out, constructed and maintained in accordance with the following requirements:

1. No parking lot shall be construed without a proper permit issued by the building inspector. The building of a parking lot shall be subject to the requirements of a zoning compliance permit.
2. Adequate ingress and egress to the parking lot shall be provided for vehicles by means of clearly limited and defined drives.
3. Parking spaces shall be set back from abutting residential districts as follows:
 - a. Where the parking lot abuts on side lot lines, the required setback shall be ten (10) feet from the side lot lines.
 - b. Where the parking lot abuts on a contiguous common frontage in the same block, the required setback shall be equal to the residential required setback, or average of existing setbacks in the common block frontage, whichever is greater.
 - c. Where the parking lot is across the street and opposite, with residential lots fronting on such streets, the required setback shall be equivalent to the opposite residential required setback.
 - d. Where the parking lot abuts the rear lot line, the required setback shall be ten (10) feet from the street lot line.
4. The land between the setback line and the lot line, in a parking lot, is for the purposes of this ordinance called a buffer strip. There shall be installed bumper stops or wheel chocks to prevent any vehicle from projecting over or on to the buffer strip. The ground of the buffer strip shall be landscaped and used only for the purposes of plant materials. The buffer strip shall be kept free of refuse or debris. Landscaping shall be kept in a healthy, growing condition.
5. Where the parking lot boundary adjoins property zoned for residential use, a suitable screening wall shall be provided. Suitable ornamental fencing may be substituted for the screening wall with the approval of the planning commission. Said wall or fence shall not extend into the required front open space of abutting residential lots. The height of the wall or fence shall be at least four feet but no higher than six (6) feet.
6. All lighting for parking areas shall be limited to twenty (20) feet in height and shall be directed away from and shielded from adjacent property and rights-of-way, especially residential areas, and shall be arranged to not adversely affect driver visibility on adjacent roads.
7. The parking lot shall be drained to eliminate surface water in such a way as to preclude drainage onto adjacent property or toward buildings.
8. The surface of the parking lot, including drives and aisles, except for the buffer strips, shall be constructed of dustless and durable all-weather surface material.
9. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts, subject to the area, height, bulk and placement regulations of the district in which such are located.
10. The parking facilities design and layout shall meet the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of	Total Width of Two Tiers of
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				Spaces Plus Maneuvering Lane	Spaces Plus Maneuvering Lane
0 degrees (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53 degrees	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54 to 74 degrees	15 ft.	9 ft.	20 ft.	36 ft. 6 in.	58 ft.
75 to 90 degrees	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

PARKING LAYOUTS

SEE ILLUSTRATION AT END OF SECTION [2.02]

11. Except for parallel parking, all parking spaces shall be clearly stripped with a minimum of four (4) inch-wide double lines twenty-four (24) inches apart, to facilitate movement and to help maintain an orderly and efficient parking arrangement.
12. Parking space standards.
 - a. All parking spaces shall be nine (9) feet in width, center to center, and twenty (20) feet in length.
 - b. Off-street parking reserved for the handicapped shall be provided in accordance with the following table and identified by signs bearing the international symbol for the handicapped as being reserved for physically handicapped persons. A maximum of two (2) spaces may be designed by a single sign when the sign displays arrows specifically delineating each space. Signs shall be installed approximately seven (7) feet above grade. Each reserved parking space shall not be less than twelve (12) feet in width. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

Total Parking in Lot	Required Number of Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	2% of total
501 to 1,000	20 plus 1 for each
Over 1,000	100 over 1,000

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13. Stacking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet in length, shall not extend into any public street right-of-way and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.
 14. Parallel parking spaces shall be twenty-three (23) feet in length.
 15. All parking lots shall have clearly limited and defined access from roadways and said access shall not be less than twenty-four (24) feet in width at the right-of-way line. Interior driveways shall also be clearly defined and not less than twelve (12) feet wide for one (1) way and twenty (20) feet wide for two (2) way traffic.
 16. All parking spaces shall have access from an aisle on the site. Backing directly onto a street shall be prohibited.
 17. The township may require the posting of such traffic control signs as it deems necessary to promote vehicular and pedestrian safety.
 18. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, berm, pedestrian or bike path or buffer strips, upon any building adjacent to the parking lot, or upon any adjacent property. Freeway type guardrails shall be prohibited.
 19. In order to ensure pedestrian safety, sidewalks, of not less than five (5) feet in width, may be required to separate any driveway or parking area from a building.
 20. All interior circulation routes shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the plan for such sufficient width of rights-of-way.
 21. Parking lot landscaping requirements.
 - a. For those uses requiring greater than twenty (20) parking spaces, there shall be a minimum of twenty-five (25) square feet of landscaping for each space in excess of twenty (20) spaces required, and a minimum of two hundred (200) square feet of landscaping must be provided.

This parking lot requirement is exclusive of any yard and other landscaping requirement within a given zone.

Parking lot landscaping shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas. Areas less than these minimum requirements shall not be considered as meeting part of the landscaping requirements.
 - b. For all off-street parking lots, a landscaping plan shall be submitted to the planning commission. The landscape plan shall include an itemized plant materials schedule with botanical and common names of materials, their locations, sizes, and quantities. The arrangement of this landscaping shall be done in such a manner as to contribute significantly to safe circulation, visual orientation, and other positive environmental factors.

Section 26.06. Off-street loading and unloading.

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

minimum of ten (10) feet by forty (40) feet in area, with a fourteen (14) foot-high clearance and shall be provided according to the following table:

Gross Usable Floor Area (square feet)	Loading and Unloading Spaces Required
0—20,000	1 space
20,000—100,000	1 space, plus 1 space for each additional 20,000 square feet
100,000—400,000	5 spaces, plus 1 space for each additional 40,000 square feet
More than 400,000	15 spaces, plus 1 space for each 30,000 square feet in excess

Section 26.07. Off-street parking requirements by use.

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

Use	Spaces	Per Unit of Measurement
RESIDENTIAL AND INSTITUTIONAL		
Residential	2	Per each dwelling unit.
Multiple dwelling	2	Per each dwelling unit.
Mobile home park	2	Per each mobile home site plus 1 for every 3 mobile home sites.
Senior citizen housing	1	Per each employee plus 1 for each unit.
Churches and mortuaries	1	For every 3 seats or 6 feet of pews, or 21 square feet of usable floor area or auditorium, whichever is greater.
Hospitals and convalescent homes	1	For each employee plus 1 for every 2 beds.
Elementary and junior high	1	For each teacher, employee, and schools administrator, or 21 square feet of largest auditorium or other public assembly room, whichever is greater, plus an additional ten percent of parking spaces for visitors.
High schools and colleges	1	For each teacher, employee and administrator; plus 1 space for every ten students, or 21 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater.
RECREATIONAL		
Private golf clubs, swimming pool clubs, tennis clubs and similar uses	1	For each 2 member families or individual members.
Golf courses open to general public	5	For each golf hole, plus 1 additional space for each employee.
Stadium and sports arenas	1	For each 3 seats or 6 feet of benches.
Theaters and auditoriums	1	For each 3 seats, plus 1 for each employee.
Campgrounds	2.5	For each camping site.

BUSINESS AND COMMERCIAL		
Planned commercial or shopping center	1	For each 200 square feet of usable floor area.
Auto wash	1	For each employee plus 2 stacking spaces for each working stall.
Beauty parlor or barbershop	2	For each chair.
Pool or billiards parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	1	For each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
Restaurants:		
a. Dining room, including banquet areas	1	For each 50 square feet of usable floor space.
b. Bar/lounge	1	For each 50 square feet of usable floor space. That portion of a larger dining facility utilized for bar/ lounge shall be computed at this rate.
c. Fast-food restaurant	1	For each 80 square feet of usable floor space or 10 spaces, whichever is greater.
d. Carryout restaurant	1	For each 80 square feet of usable floor space or 10 spaces, whichever is greater.
e. Drive-in restaurant	1	For each 30 square feet of usable floor area plus 10 stacking spaces for each drive-in or drive-through transaction station.
Motor supply, automobile service and repair stations	2	For each lubrication stall rack and 1 for each gas pump.
Laundromats and coin-operated dry cleaners	1	For each 2 machines.
Motels, hotels, or other commercial lodging establishments	1	For each occupancy unit, plus 1 for each employee.
Motor vehicle sales and service establishments	1	For each auto service stall in the service room and 1 space for each 200 square feet of usable floor space in the sales room.
Furniture and/or appliance, household equipment and similar stores	1	For each 800 square feet of usable floor area plus 2 for each employee.
Retail stores, except as otherwise specified	1	For each 150 square feet of usable floor space.
Banks	1	For each employee and 1 for each 200 square feet of usable floor space and 6 stacking spaces for each drive-in transaction station.
Business and professional offices except as otherwise indicated	1	For each 200 square feet of usable floor space.
Professional offices of doctors, dentists, and veterinarians, etc.	2	For each examining room, dental chair, or similar use area plus 1 space for each employee, or
	1	For each 100 square feet of usable floor area, whichever is greater.
INDUSTRIAL		
Industrial uses	1½	For each employee in the largest working shift.
Wholesale establishments	1½	For each employee in the largest working shift or 1 space for every 2,000 square feet of usable floor area, whichever is greater.

OTHER USES	1	For each 150 square feet of usable activity area.
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ARTICLE 27. ADMINISTRATION AND ENFORCEMENT

Section 27.01. Authorization.

The Addison Township Board is authorized and directed to enforce all provisions of this ordinance. It shall also appoint an administrative officer with the title of "building inspector" to perform the duties of enforcement of this ordinance pursuant to Section 27.04. The building inspector shall, for the purpose of this ordinance, have the powers of a police officer and may delegate authority to assistants.

Section 27.02. Establishment of a planning commission.

The Addison Township Board, as of April 18, 1968, under Public Act No. 168 of 1959 (MCL 125.321 et seq.), as amended, did create and establish a planning commission to be known as the Addison Township Planning Commission with the power and authority to make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of Addison Township, Oakland County, Michigan.

Section 27.03. Membership.

Membership in said planning commission shall consist of seven (7) members all of whom shall be qualified electors and property owners in the township. One (1) member of the township board shall be a member of the planning commission. All members of the planning commission shall be appointed by the township supervisor with the approval of the township board. Members may be removed by the township supervisor, after a hearing, with the approval of the board. The term of each member of the planning commission shall be for three (3) years, except that of the members first appointed, one-third ($\frac{1}{3}$) shall serve for one (1) year, one-third ($\frac{1}{3}$) shall serve for two (2) years, and one-third ($\frac{1}{3}$) shall serve for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such terms. All powers, duties, and responsibilities provided under the state laws of Michigan and this ordinance shall be specifically assumed by the Addison Township Planning Commission.

Section 27.04. Building inspector, appointment and duties.

The building inspector shall be appointed by the township board for such term, subject to such conditions and at such pay as the township board shall determine. The provisions of this ordinance shall be administered and enforced by said building inspector. The building inspector shall record all nonconforming uses existing at the effective date of this ordinance. Under no circumstances is the building inspector permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his or her duties as building inspector.

1. *Administration and enforcement.* The building inspector chosen by the township board shall administer and enforce this ordinance. If the building inspector shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent the violation of its provisions.

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2. *Duties and limitations of the building inspector.* The building inspector shall have the authority to grant building permits, zoning compliance permits, and certificates of occupancy, and shall make inspections of buildings or premises necessary to carry out his or her duties and the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plans or issue building permits for any excavation or construction or use until he or she has inspected such plans and site in detail and has found them in compliance with this ordinance. To this end, the building inspector shall require that every application for a building permit for excavation, construction, moving, alteration, change in use or type of occupancy, be accompanied by a written statement and plans or plats drawn to scale showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed work or use is in conformity with this ordinance:
- a. The actual shape, location and dimensions of the lot. If the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 - b. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any other buildings or structures already on the lot.
 - c. The existing and intended use of the lot and all structures upon it.
 - d. Such other information concerning the lot or adjoining lots or other matters as may be essential for determining whether the provisions of this ordinance are being observed. If the proposed excavation, construction, moving, or alteration, or use of land as set forth in this application is in conformity with the provisions of this ordinance, the building inspector shall issue a zoning compliance permit. If an application for such permit is not approved, the building inspector shall state in writing the cause for such disapproval.
 - e. The building inspector may accept a preliminary application without all the information listed above in situations where a basic clarification is desired before proceeding with further technical work.
 - f. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this ordinance. The building inspector is, under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.

Section 27.05. Zoning compliance permits.

It shall be unlawful to begin excavating, constructing (building), moving, altering or repairing any structure, including accessory buildings, until the building inspector has issued a zoning compliance permit for such work, said permit including a certification of his opinion that the plans, specifications and intended use of such structure conforms in all respects to the provisions of this ordinance and the township building code. The term "altered" and the term "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the township building code, Housing Law of Michigan [Public Act No. 167 of 1917 (MCL 125.401 et seq.)], or this ordinance, except for minor repairs or changes not involving any of the aforesaid features. In addition, it shall be unlawful to change the use of land or use or occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the building inspector has issued a zoning compliance permit. In all cases where a building permit is required, application for a zoning compliance permit shall be made coincident with the application for a building permit; in all other cases, application shall be made not less than five (5) business days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the building inspector on forms provided by the township for that purpose. A record of all such applications shall be kept on file by the building inspector. Any zoning compliance permit

issued under the provisions of this ordinance shall be valid for a period of six (6) months following the date of issuance thereof. When the building inspector receives an application for a zoning compliance permit which requires a board of appeals variance or other approval, he or she shall so inform the applicant.

Section 27.06. Fees.

Before any zoning compliance permit shall be issued, an inspection fee shall be paid in an amount fixed by a schedule established by the township board.

Section 27.07. Certificate of occupancy.

No building, structure or use for which a zoning compliance permit has been issued shall be used or occupied until the building inspector has issued a certificate of occupancy indicating that in his opinion all provisions of the ordinance have been complied with. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this ordinance.

Section 27.08. Health and sanitation.

Regulations of the Oakland County Health Department and Michigan Health Department shall be used by the building inspector in his or her examination of matters involving health and sanitation. No outside toilets or privies shall be permitted. No basement or habitable room shall be located adjacent to any lake, stream or water flow area, or within a poorly drained area, unless the floor of the room or basement is above the high-water level.

Section 27.09. Safety.

The building inspector may decree structures improper or unsafe for occupancy and may suspend construction, alteration or occupancy until the conditions are corrected. Violation of the building inspector's decree is punishable as described by this ordinance and the building code.

Section 27.10. Liability for failure to obtain zoning compliance permit.

Before beginning or undertaking any work involving the use of land or the erection, alteration, changing, moving or remodeling of any building or structure, including tents and mobile homes, it shall be the affirmative duty of all architects, contractors, subcontractors, building and other persons having charge of the establishment to see that a proper permit has been granted and that such work does not conflict with and is not in violation of the terms of this ordinance. Any architect, building contractor, subcontractor or other person doing or performing any such work without permit or in violation of or in conflict with the permit issued shall be deemed guilty of violating this ordinance in the same manner and to the same extent as the owner of the premises, or the person or persons for whom such buildings are erected, repaired, altered, moved, changed or remodeled or for whom the use of land is established in violation hereof, and shall be subject to the same penalties prescribed for such violation. The building inspector shall determine whether the proposed improvement requires issuance of a permit based on the work involved.

Section 27.11. Building permits.

No building or structure shall hereafter be erected or altered and no land shall be used until a permit shall be obtained by the owner of said building or land from the building inspector. The terms "altered" and "repaired" shall include the changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code, housing laws of Michigan or this ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Satisfactory evidence of ownership of the entire lot shall accompany all applications for permits under the provisions of this chapter. A careful record of such applications and plats shall be kept in the office of the building inspector.

1. *Plot plan.* The building inspector shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan in triplicate, drawn to scale showing the following:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
 - c. The existing and intended use of the lot and of all such structures on the lot, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - d. The location, dimensions and depth of any proposed fill or excavation; proposed finished grade and drainage from buildings.
 - e. Such information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
2. *Site plan.* Where a site plan is required, the building inspector shall require approval by the township board after recommendation by the planning commission before a building permit is issued.

Section 27.12. Certificate of occupancy.

No land, building or part thereof shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

1. *Certificates not to be issued.* No certificate of occupancy shall be issued for any building, structure or part thereof or for any use of any land, which is not in accordance with all the provisions of this ordinance.
2. *Application for certificate.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by the township and such certificates shall be issued within five (5) business days after receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this ordinance.
3. *Records of certificates.* A record of all certificates of occupancy issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenant's interest in the property involved.
4. *In multiple dwelling districts.* Temporary certificates of occupancy may be issued for individual building units until the total project is completed.
5. *Final inspection.* The holder of every building permit for construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the ordinance enforcer immediately upon completion of the work authorized by such permit for a final inspection. Such final inspection shall be completed within five working days.

Section 27.13. Complaints regarding violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof of the complaint and shall be filed with the

building inspector. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

ARTICLE 28. BOARD OF APPEALS¹⁹

Section 28.01. Establishment.

A board of appeals is hereby established which shall consist of five (5) regular members to be appointed by the township board in accordance with Public Act 110 of 2006 (MCL 125.3101—125.3702) as amended. The members shall be representative of the population distribution and of the various interests present in the township. Members of the board of appeals may be removed from office by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing. Membership on the board of appeals shall be as follows: The first regular member shall be a member of the township planning commission. The other four (4) regular members shall be selected from electors residing in the unincorporated portion of the township and not currently holding an elected or appointed position within the township. One (1) member of the board of appeals may be a member of the township board. Terms shall be for three (3) years, except that the terms of planning commission and township board representatives shall be limited to the time they are members of their respective boards. The township board may appoint two (2) alternate members for the same term as the regular members to the board of appeals. The alternate members may be called upon to serve on the board in the absence of a regular member if the regular member is to be absent for a period of two (2) or more consecutive meetings or will be unable to attend meetings of the board for a period of more than thirty (30) consecutive days. An alternate member may be called upon to serve as a regular member for purpose of reaching a decision in a particular case when the regular member must abstain due to a conflict of interest. The alternate member will serve as a regular member until the disposition of the particular case. The alternate member shall have the same voting rights as a regular member during the time of service.

(Ord. No. 09-01, § 4, 2-17-2009)

Section 28.02. Proceedings.

The board of appeals shall adopt rules necessary to conduct its affairs and in keeping with the provisions of this ordinance. Meeting shall be held at the township hall at the call of the chairperson and at such other times as the board of appeals may determine. The chairperson, or in his or her absence the acting chairperson, may administer the oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Addison Township Clerk.

Section 28.03. Powers and duties.

The powers and duties of the board of appeals are to interpret the provisions of the Addison Township Zoning Ordinance and map boundaries and, in addition, in specific cases where there is practical difficulty in complying strictly with the provisions of this ordinance, may vary such conditions in harmony with the purpose and

¹⁹Cross reference(s)—Boards and commissions, § 2-91 et seq.

State law reference(s)—Board of appeals, MCL 125.288 et seq.

intent of this ordinance so that the public health, safety and general welfare may be maintained and substantial justice done.

(Ord. No. 09-01, § 5, 2-17-2009)

Section 28.04. Fees for appeals.

A fee shall be paid to the Addison Township Treasurer at the time of the first filing of a notice of appeal from a ruling by the building inspector. This fee will become a part of the township general fund to cover the costs of the appeal. Said fees shall be set by the Addison Township Board.

Section 28.05. Hearing [notification].

Applicants appealing to the township board of appeals shall be notified by first class mail of the time and place set for hearing.

Section 28.06. Appellate jurisdiction.

The board of appeals shall hear and decide appeals regarding matters within the province of the board of appeals appellate jurisdiction pursuant to MCL 125.3101—125.3702 and/or where it is alleged there is an error in an order, requirement, decision or determination made by the building inspector, administrative official, board or commission charged with the enforcement of this ordinance or that a literal enforcement of provisions of this ordinance would result in practical difficulty. Rezoning, special use, and planned unit development applications are not heard by the board of appeals.

(Ord. No. 09-01, § 6, 2-17-2009)

Section 28.07. Appeals filing.

Appeals to the board of appeals concerning interpretation of or administration of this ordinance may be taken by any person aggrieved by an office or bureau of the governing body of the township, building inspector or planning commission. Such appeal shall be made within a reasonable time not to exceed sixty (60) days by filing with the building inspector and the board of appeals a notice to appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all papers constituting the record upon which the action appealed from was taken. An appeal form shall be provided by the township.

(Ord. No. 09-01, § 7, 2-17-2009)

Section 28.08. Hearings.

The board of appeals shall fix a reasonable time for a public hearing not to exceed forty-five (45) days from the filing of a complete notice of appeal, and give notice thereof to the parties and decide the same within a reasonable time. At the hearing, any party may appear in person, or by agent, or by attorney. Public hearing notifications shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, including public notice not less than fifteen (15) days before the hearing.

(Ord. No. 09-01, § 8, 2-17-2009)

Section 28.09. Stay of proceedings.

An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the building inspector from whom the appeal is taken certifies to the board of appeals after notice of appeal is filed with him or her that by reason of the facts stated in the certificate, a stay, in his or her opinion, would cause imminent peril of life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals or by the circuit court, on application, on notice to the building inspector from whom the appeal was taken and on due cause shown.

Section 28.10. Zoning variances.

The board of appeals may upon appeal of a specific case authorize such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulty. A variance from terms of this ordinance shall not be granted by the board of appeals unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other land, structures or buildings in the same zoning district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant or his or her predecessor.
 - d. That granting the variance requested will not confer on the applicant any special privileges that are denied by this ordinance to other lands, structures or buildings in the same zoning district.
 - e. No nonconforming use of neighboring land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
2. The board of appeals shall make findings of fact based upon evidence submitted by the applicant for the variance and all other interested parties.
3. The board of appeals shall further make a finding that the reasons set forth in the application justify the granting of a variance or deny granting of a variance and the variance is the minimum that will make possible the reasonable use of the land, building or structure.
4. The board of appeals shall further make a finding that the granting or refusal to grant a variance will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
5. In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance, pursuant to Section 30.06. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable as such.
6. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
7. Effect of decisions of the board of appeals. In exercising the above-mentioned powers, the board of appeals may, so long as such action is conformity with the terms of the ordinance, reverse, modify or

affirm, wholly or partly, the orders, requirements, decisions or determinations appealed from and may make such orders, decisions or determinations as ought to be made, and to that end shall have the powers of the building inspector from whom the appeal is taken under appellate jurisdiction.

8. The board of appeals shall have the power to interpret this ordinance and zoning map boundaries.
9. Appeals from the board of appeals. Any person or person, or any taxpayer, department, board or bureau of the township aggrieved by any decision of the board of appeals may seek review by the circuit court of such decision in the manner provided by the laws of the State of Michigan.

(Ord. No. 09-01, § 9, 2-17-2009)

State law reference(s)—Variances, MCL 125.290.

ARTICLE 29. SITE PLAN REVIEW²⁰

Section 29.01. Purpose.

The intent of site plan review is to provide for consultation and cooperation between the land developer and the township in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development and potential development of adjacent land. The following approvals, required information, procedures and standards are provided to accomplish this end.

Section 29.02. Approval by township board required.

In each zoning district, except for detached one-family residential uses and permitted agricultural uses, none of the following activities may be undertaken until the planning commission has reviewed and the township board has approved a site plan for such use, change of use, change or improvement:

1. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building.
2. Any condominium development, including any site condominium development.
3. A use not previously approved.
4. Addition of land or building.
5. Expansion or paving of off-street parking and/or a change in circulation or access.
6. Any excavation, filling, soil removal, mining or landfill as defined in this ordinance, and other than that normally incidental to single-family residential uses.
7. Any proposal to create, expand or alter a use or structure which involves using, storing, or generating hazardous substances.

Section 29.03. Application for site plan approval.

Application for site plan review shall be made by filing not less than fifteen (15) copies of the detailed site plan with the township clerk's office at least sixty (60) days in advance of the regularly scheduled planning

²⁰State law reference(s)—Site plan, MCL 125.286e.

commission meeting at the time application is made. Fees shall be paid within a fees schedule established by the township board.

The clerk's office shall examine the site plan to determine that it generally contains the necessary information. If it is incomplete, it shall be returned to the applicant. If generally complete, it shall be processed in accordance with this ordinance.

Section 29.04. Required information.

The following required information shall be included on all site plans:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer and designer. Date drawn and revision dates.
3. Address of the property, a legal description and a survey prepared by a registered land surveyor or engineer. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
4. Existing zoning classification and uses of the parcel and adjacent land uses and zoning. If the parcel is a part of a larger parcel, boundaries of total land holding.
5. The nature of the use proposed to occupy the buildings and/or land.
6. The scale of the site plan shall be not less than one (1) inch equals twenty (20) feet if the subject property is less than one (1) acre, one (1) inch equals thirty (30) feet if more than one (1) acre but less than three (3) acres, and one (1) inch equals fifty (50) feet if three (3) acres or more. A north arrow shall be shown.
7. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
8. The location and dimensions of all existing and proposed structures on the subject property and all existing structures on all lots either adjacent or across the road from the subject property.
9. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public and private streets.
10. Traffic and pedestrian circulation patterns, both within the site and on the public or private streets adjacent to the site, and the proposed location and dimensions of sidewalks.
11. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing (if carports, so designate).
12. Existing ground elevations on the site given in an appropriate grid or contours, including existing ground elevations of adjacent land within one hundred (100) feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.
13. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned [lawn] areas.
14. With residential proposals, a site summary indicating the number and location of one (1) bedroom units, two (2) bedroom units, etc., typical floor plans with square feet of floor areas; density computation, recreation facilities, open spaces, street names and lot coverage.
15. With nonresidential proposals, the number of employees per shift and number of shifts, the number of floors and typical floor plans and cross sections.

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16. Proposed water service, provision for fire protection if applicable to include such improvements as dry hydrants, wet wells, or similar sources of water supply for the use of the township fire department in the event of a fire, sanitary facilities and location of all existing utilities, easements, vacations and the general placement of tanks, fields, lines, manholes, pump stations, and lift stations.
 17. Proposed storm drainage plan including outlets (enclosed or open ditches) and proposed methods of stormwater retention on site, if any. Sufficient off-site drainage basin data and estimated runoff in cubic feet per second to permit review of any proposed retention, as well as the impact on local surface [water] and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
 18. Proposed fire protection and access for firefighting, police and other emergency equipment.
 19. Location and typical dimensions of solid waste storage areas and screening construction.
 20. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
 21. Required easements for public right-of-way, utilities, access and shared access.
 22. Notation of any variances which have been secured.
 23. Performance guarantees to be provided, amounts, type and length of time, if applicable.
 24. Soil erosion and sedimentation control measures, if applicable.
 25. Landscaping plan indicating location, types and sizes of material; a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of berms shall be provided.
 26. Location of all existing trees over twelve (12) inches in diameter.
 27. The dimensions and locations of all signs, freestanding signs and lighting structures and shielding.
 28. Location of floodplain and wetlands, if any.
 29. All proposed screen and freestanding architectural walls, including typical cross sections and the height above ground on both sides.
 30. The location of any outdoor storage of materials and the manner in which it shall be screened or covered.
 31. Provision by the applicant of information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or township. Such data requirements may include traffic studies, market analysis, environmental assessments (including impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the township due to failure as a basis for performance guarantees.
 32. Statement of how applicant proposes to comply with applicable state, local and federal laws.
 33. Other data which the township may reasonably deem necessary for adequate review.
 34. The site plan shall indicate size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances which will be used or stored on-site in quantities greater than one hundred (100) kilograms or twenty-five (25) gallons per month.

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35. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
 36. Completion of the "Hazardous Substances Reporting Form for Site Plan Review" provided by the township.
 37. Completion of the state/county environmental permits checklist on the form provided by the township.

Section 29.05. Criteria for approval of site plans.

The following criteria shall be used by the planning commission as a basis upon which site plans will be reviewed.

The township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the normal and orderly development or improvement of the entire parcel and surrounding properties for uses permitted on such property.
2. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Schedule of Regulations, Article 24, unless otherwise provided in this ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with the ecosystem.
4. There shall be reasonable visual and sound privacy. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety of occupants and users.
5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
6. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
7. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system servicing adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a township recognized source of reference.
8. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of any public storm drainage system. Provisions shall be made for the construction of stormwater facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties.

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9. Loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls, fencing or landscaping of effective height. Off-street parking areas shall be landscaped as necessary to provide a buffer for adjacent properties and public or private rights-of-way.
 10. Lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
 11. Adequate services and utilities and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
 12. Any use permitted in any zoning district must also comply with all applicable federal, state, county and township health and pollution laws and regulations with respect to noise, smoke and particulate matter, violation, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, and requirements of the state fire marshal.
 13. Site plan review shall be applied to protect and promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the groundwater strata; to act as a natural drainage system and solve stormwater drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade, to conserve and stabilize property values, to conserve energy, [to] provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with township character.
 14. Site plan review shall be applied to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the township.
 15. A major objective shall be to retain, enhance and protect the quality, value and privacy of the township's single-family land uses.
 16. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent phase and by not precluding subsequent development potential of lands.
 17. All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

Section 29.06. Review of site plans.

The clerk shall forward all site plans to the planning commission for its review. The planning commission shall review the plans and may solicit comments from the building inspector, engineer, attorney, planning consultant, the township fire department, and other agencies, groups or persons.

The planning commission may recommend approval or denial of the site plan to the township board and the planning commission may also recommend such changes or modification in the site plan as are needed to achieve conformity to the standards as herein specified. Upon a finding that all of the standards as herein specified have been met, the planning commission shall recommend approval of any requested site plan, including recommended modifications, to the township board. It shall also, where it deems appropriate and necessary, recommend to the

township board those conditions to be imposed upon the project, its operations, or both, that are needed to assure adherence to the aforementioned standards.

Immediately after report and recommendation by the planning commission, the Addison Township Board shall approve or disapprove the application with any modifications or conditions.

Section 29.07. Site plan approval.

The township board is hereby authorized to review and approve, to approve with conditions or review and deny approval, of all site plans submitted under this ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the board. When the board approves a site plan with conditions, the applicant shall submit a revised site plan with a revision date, indicating said conditions on the site plan, prior to issuance of a building permit.

Section 29.08. Construction under plan.

When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity with the approved site plan. Complete construction plans, including component phases, shall be submitted for review by the building inspector. Upon review and finding by the building inspector that the construction plans meet with the requirements of the site plan and of this township, a building permit shall be issued for said construction.

Site plan approval hereunder shall be valid for one (1) year. If construction is not underway on the site at the expiration of the one (1) year period, approval expires and is of no force and effect.

When it is determined that the site plan and all conditions as approved by the township board have not been complied with, the building inspector shall refer the site plan, with the variations noted, to the township supervisor. If the supervisor deems such variations to be major, no certificate of occupancy shall be issued by the building inspector. If the supervisor deems such variations to be minor, he/she may authorize the building inspector to approve such variations, and the building inspector shall issue a report to the township board and planning commission upon the issuance of the certificate of occupancy.

ARTICLE 30. SPECIAL APPROVAL OF USES²¹

Section 30.01. Planning commission designated.

The planning commission shall hear and permit such special approval of land uses as the planning commission is specifically authorized to pass on by the terms of this ordinance. It shall grant special approval of uses with such conditions and safeguards as are appropriate under this ordinance, or shall deny special approval of uses when not in harmony with the purpose and intent of this ordinance. Approval shall run with the land and shall not be issued for specified periods, unless the use is clearly temporary or time-related in nature. Special approval of uses shall be governed by the following.

Section 30.02. Application.

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

²¹State law reference(s)—Special land uses, MCL 125.286b.

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1. The section of this ordinance under which the special land use is sought.
 2. Fifteen (15) copies of a detailed site plan which shall include all the information required by this ordinance in Article 29.
 3. A description of the proposed use and existing use(s) of the property.
 4. Other information that the township may reasonably deem necessary for adequate review.

Section 30.03. Notice of public hearing.

Upon receipt of a complete application, attachments and records, if any, the planning commission shall schedule a public hearing of the request. Not more than fifteen (15) days and not less than five (5) days prior to the date of the public hearing, the secretary of the planning commission shall publish a notice as provided below in a newspaper that circulates in the township and send such notice by mail to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to occupants of all structures within three hundred (300) feet. The notice shall contain:

1. A description of the nature of the proposed special land use under the specific section of this ordinance.
2. A legal description or address and/or an approximate sketch of the property.
3. A statement of when and where the public hearing will be held to consider the special land use request.
4. A statement that written comments can be sent to the chairperson of the planning commission at the township offices.

Section 30.04. Decision following public hearing.

Following the public hearing, the planning commission shall issue a decision on the application for a special land use. The planning commission may deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include:

1. The standards relied upon.
2. Findings of fact.
3. Conclusions.
4. Approval or denial.
5. Conditions, if any, attached to approval.

Section 30.05. Finding.

The planning commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special approval of use and that the granting of special approval will not adversely affect the public interest, health, safety or welfare.

Section 30.06. Standards.

Before any special approval of use is granted, the planning commission shall make findings of fact based upon competent evidence certifying compliance with the specific rules governing individual special land uses, and, in addition, that the following general standards have been met. Each proposed special land use shall:

1. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land.
2. Be consistent with and promote the intent and purpose of this ordinance.
3. Be compatible with the natural environment and conserve natural resources and energy.
4. Be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
5. Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the township as a whole.
6. Promote the use of land in a socially and economically desirable manner.
7. Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of development.
8. Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
9. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.
10. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

The planning commission shall consult the Addison Township Master Plan to determine if such proposed special land use is compatible with the future planned use of surrounding property and may limit the permit so as not to conflict with future planned land use. The duration of the permit may be limited only if such use is clearly temporary in nature.

Section 30.07. Conditions.

The planning commission may attach conditions to the approval of the special land use, which may include conditions necessary to:

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

Any conditions imposed shall be recorded in the record of the special land use approval. These conditions shall not be changed except upon the mutual consent of the planning commission and the landowner.

Section 30.08. Amendments to special land uses.

When an application is received to expand or change the use, traffic pattern, or similar elements, the application shall be subject to the same procedures followed for an original special approval of land use.

Section 30.09. Performance guarantees.

Performance guarantees may be required by the planning commission to ensure compliance with special approval conditions.

Section 30.10. Revocation.

The township planning commission may, at its discretion, notify the owner and/or operator of any violation of the conditions of approval and/or this ordinance. Upon failure of the owner and/or operator to abate said violation within five (5) days after mailing or delivering said notice, the planning commission may revoke the special land use permit.

ARTICLE 31. AMENDMENTS²²

Section 31.01. Amendments to the zoning ordinance.

Amendments to the zoning text or map may be initiated by the township board on its own motion, or in the manner and pursuant to the procedure hereinafter set forth; may be initiated by any person, firm or corporation filing an application therefore with the township board. The planning commission may, at its discretion, also initiate amendments to this ordinance and recommend the same to the township board for adoption.

Section 31.02. Amendment procedure.

An application for a zoning amendment shall be filed on a form furnished by the township clerk. The township board shall make no amendment to the map or text of this ordinance until the planning commission shall have held a public hearing, with appropriate public notice, concerning such matters in accordance with the procedures contained in the Michigan Zoning Enabling Act (MZEA) Public Act 110 of 2006 (MCL 125.3101—125.3702).

(Ord. No. 09-02, § 3, 11-16-2009)

Section 31.03. Comprehensive review of ordinance.

The planning commission shall, from time to time, at intervals of not more than three (3) years, examine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the township board recommending changes and amendments, if any, which are desirable in the interest of public health, safety and general welfare.

²²State law reference(s)—Amendments and supplements, MCL 125.284.

Section 31.04 Standards for consideration of rezoning of land.

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, among the factors that should be considered by the planning commission and the township board include, but are not limited to the following:

- a. The extent to which the rezoning is consistent with the goals, objectives, policies and recommended future land use pattern of the Addison Township Land Use Master Plan;
- b. Whether all of the uses allowed under the proposed rezoning, with conditions if any, would be compatible with other zoning districts and planned and current uses in the surrounding area;
- c. Whether the ability to provide or maintain any public service or facility would be adversely impacted by a development or use allowed under the requested rezoning, with or without conditions;
- d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;
- e. Whether the rezoning is necessary to avoid the exclusion of a lawful land use;
- f. Whether reasonable permitted and special uses for the parcel subject to the rezoning exist under the current zoning;
- g. To what extent would the requested rezoning be consistent with the current zoning pattern in the vicinity its the extent that such a current pattern is consistent with the Addison Township Land Use Plan (including the recommended Future Land Use Pattern);
- h. The extent to which the rezoning applicant has demonstrated that the site's physical, geological, and environmental features are compatible with the uses permitted in the proposed zoning district; and
- i. Any demonstrated need for additional land in the requested zoning district classification.

(Ord. No. 09-02, § 4, 11-16-2009)

ARTICLE 32. VIOLATIONS AND PENALTIES

Any person found by a court of law to be in violation of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00, plus costs of prosecution, and/or by imprisonment in the Oakland County jail for a period not exceeding ninety (90) days. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day such violation continues shall constitute a separate offense. The township board may, by written resolution, order any public utility doing business in the township to discontinue service to any violator of this ordinance and shall assess against such violator all costs incurred by such utility in carrying out these provisions.

ARTICLE 33. SEVERANCE

If any portion of this ordinance is judged unconstitutional or invalid for any reason, that part shall be severed and such severance shall not affect the remaining portions of this ordinance. Any nonconformity that exists according to Article 5 shall remain nonconforming despite subsequent amendments unless specifically granted a variance by the zoning board of appeals.

ARTICLE 34. CONFLICTING PROVISIONS REPEALED

This ordinance (Zoning 300) is not intended to repeal, abrogate, or annul any applicable law, ordinance, rule, regulation or permit previously adopted or issued pursuant to the laws or ordinances relating to the use of buildings or land, covenants or other agreements between parties, except that this ordinance supersedes the Addison Township Zoning Ordinance 200, enacted June 1988 and Addison Township Zoning Ordinance 100 enacted January 4, 1973, as amended. Provided, however, that where any provisions of this ordinance impose more stringent limitations on such use of land or upon land area or building requirements, this ordinance shall govern. Requirements of this ordinance shall not impair or affect those covenants, easements, agreements or restrictions imposing greater limitations.

ARTICLE 35. EFFECTIVE DATE

The provisions of this ordinance are hereby declared to be immediately valid and necessary for the preservation of individual and public health, peace, safety, convenience and for the enhancing of property and civic values, and this ordinance is established pursuant to the authority granted by Public Act No. 184 of 1943 (MCL 125.271 et seq.).