

Chapter 46 - ZONING⁽¹⁾

Footnotes:

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State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

ARTICLE I. - IN GENERAL

Sec. 46-1. - Title.

This chapter shall be known and may be cited as "The Brandon Township Zoning Ordinance of 2008."

(Ord. No. 122, § 1.01, 7-7-2008)

Sec. 46-2. - Purposes.

This chapter is established for the purposes of:

- (1) Providing for the orderly development of the township;
- (2) Placing no undue burden upon agriculture, developers, industry, commerce or residents;
- (3) Assuring the provision of adequate sites for industry, commerce or residents;
- (4) Providing for the free movement of vehicles upon the proper streets and highways of the township;
- (5) Protecting agriculture, industry, commerce and residences against incongruous and incompatible uses of land;
- (6) Promoting the proper use of land and natural resources for the economic well-being for the township as a whole;
- (7) Assuring the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas;
- (8) Assuring that all uses of land and buildings within the township be so related as to provide for economy in government, protection of the environment and mutual support; and
- (9) Promoting and protecting the public health, safety, comfort, convenience and general welfare of the residents, merchants and workers.

(Ord. of 3-17-2008, § 1.03)

Sec. 46-3. - Severability clause.

- (a) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.
- (b) If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

(Ord. of 3-17-2008, § 1.04)

Sec. 46-4. - Conflict with other laws.

- (a) Where any condition imposed by any provision of this chapter upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- (b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this chapter shall govern.

(Ord. of 3-17-2008, § 1.05)

Sec. 46-5. - Rules of interpretation.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

The term "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied."

(Ord. of 3-17-2008, § 2.01)

Sec. 46-6. - 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:

Accessory use, building or structure means a use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

Animal means a nonhuman zoological species, classified for purposes of this chapter as follows:

- (1) *Class I animal*. Domesticated household pets.
- (2) *Class II animal*. An animal which is normally part of the livestock maintained on a farm including:
 - a. Bovine and like animals, such as cows.
 - b. Equine and like animals, such as horses.
 - c. Swine and like animals, such as pigs and hogs.
 - d. Ovis (ovine) and like animals, such as sheep and goats.
 - e. Llama, Emu, Ostrich and Alpaca and like animals.
 - f. Other animals, similar to those listed in section (2) a—e of this class II category, weighing in excess of 75 pounds, and not otherwise specifically classified herein.
- (3) *Class III animal*. Included in class III are animals weighing less than 75 pounds not otherwise specifically classified herein; rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl.

Automobile carwash means a building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Automobile repair means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rust-proofing and any related activities.

Automobile service station means a building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, automobile repair and similar activities; as well as selling convenience foods and other such items through a convenience store.

Banquet/meeting hall means a building or part of a building used for the purposes of entertaining a large group of people where food and beverage may be provided; and where a caterer's establishment may be included only if it is in conjunction with a banquet/meeting hall. This use shall also include a building or part thereof in which facilities are provided for such purposes as meeting for groups of civic, educational, political, religious or social purposes.

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

Billboard. See *Sign, outdoor advertising.*

Buildable area means the interior portion of the net lot area that remains after the minimum yard requirements have been met pursuant to the application of the appropriate zoning district regulations specified in this chapter.

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

Building height means the vertical distance measured from average grade on the front of the building to the highest point of the roof for all structures.

Campground means a parcel in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents, recreational vehicles or similar facilities. The term "campground" shall not include any use of land involving the operations of programs involving persons sentenced or assigned to said programs for governmental agencies or courts of law having statutory authority to detain persons against their will, a "seasonal mobile home park" licensed under Public Act No. 96 of 1987 (MCL 125.2301 et seq.). For purposes of this chapter, the following additional terms are defined:

- (1) *Modern campground* means a campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.
- (2) *Primitive campground* means a campground where a service building is typically present and where a water outlet and a sewer connection are not available at each site.
- (3) *Temporary campground* means a campground used on a temporary or short-term basis not to exceed a period of four weeks.
- (4) *Temporary living quarters* means as related to camping, means a recreational unit or a building within a modern camp, which is occupied or used for more than four hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three consecutive months.

Child-care facility.

- (1) *Day-care center* means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term "day-care center" includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours

of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center.

- (2) The term "day-care center" does not include any of the following:
 - a. A Sunday school, a vacation Bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period.
 - b. A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.
 - c. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 - d. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- (3) *Group day-care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group day-care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. The owner of the child group day-care home business must also be a resident of the private home.
- (4) *Family day-care home* means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family day-care home" includes a home that gives care to an unrelated child for more than four weeks during a calendar year. Child family day-care homes are subject to applicable state law and licensing. The owner of the child family day-care home business must also be a resident of the private home.

Club means buildings and facilities owned and operated by a corporation or association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

Condominium means and shall include the following elements:

- (1) *Condominium act* refers to Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (2) *Condominium documents* means the master deed, recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) *Condominium unit* means the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed. The condominium unit includes the condominium unit and the contiguous limited common element surrounding the condominium unit, and shall be the counterpart of the term "lot" as used in connection with a project developed under the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (4) *General common element* means the common elements other than the limited common elements reserved in the master deed for use by all of the co-owners.
- (5) *Limited common element* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

- (6) *Master deed* means the condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference with the bylaws for the project and the condominium subdivision plan for the project, and all other information required by section 8 of the condominium act.
- (7) *Site condominium* means a condominium development in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit. Such developments are also described in the master deed.

Congregate housing means a dwelling providing shelter and services for four or more elderly persons within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

Deck means a structure with or without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living area.

Drive-through facility means an establishment that is designed to permit customers to receive products or services while remaining seated in a motor vehicle.

Dwelling area means the dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

Dwelling, multiple-family, means a building or structure designed for or occupied by two or more families, with separate housekeeping, kitchen and bathroom facilities for each and conforming in all other respects to the standards in section 46-216(g).

Dwelling, single-family, means a building containing not more than one dwelling unit.

Dwelling, townhouse, means a row of three or more attached one-family dwellings not more than 2½ stories in height with separate housekeeping, kitchen and bathroom facilities for each, and with outside exposure front and back, for each dwelling unit and conforming in all other respects to the standards in section 46-216(g).

Dwelling unit means one or more rooms connected together with principal kitchen and bathroom facilities designed as a unit for residence by only one family for living and sleeping purposes, constituting a separate, independent housekeeping establishment, and physically separated from any other rooms or dwelling units which might be in the same structure.

Dwelling unit, mobile home, means a mobile home designed for or occupied by one family only.

Essential services means the erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution system, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment.

Family means an individual or group of two or more persons related by blood, marriage or adoption, together with foster and step children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic

relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Farm means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm buildings means any building or structure, other than a dwelling, erected, moved upon, or used on a farm, which is essential and customarily used on farms of that type for pursuit of agricultural activities.

Farm operation means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

Farm product means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other agricultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the state commission of agriculture.

Fence means an enclosure, especially an enclosing barrier erected to prevent straying from within or intrusion. Materials and structures specially designed and manufactured for use as fences or barriers shall only be permitted.

Floodplain means lands which are subject to periodic flooding and have been defined by the Corps of Engineers, Soil Conservation Service of the U.S. Department of Agriculture, or by any other relevant state or federal agency to have alluvial soil deposits, indicating that such flooding has taken place; or as defined by any registered engineer or land surveyor and accepted by the township board as such a floodplain.

Floor area means the sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior of the face of the exterior walls, plus that area, similarly measured, of all other floors, except basements, that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

Floor area, dwelling unit, means the floor area as defined preceding, except that only those parts of a dwelling unit that are permanent, structural parts of the dwelling, meet all requirements of the state construction code, and are designed, constructed, and heated for a yearround human occupancy, may be included in the computation of floor area used to meet minimum floor area requirements.

Floor area ratio means the ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage.

Foster care facilities, adult, means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 (MCL 400.701 et seq.). The types of licensed adult foster care facilities include the following:

- (1) *Foster care small group home, adult*, means a facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room

and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

- (2) *Foster care large group home, adult*, means a facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (3) *Foster care family home, adult*, means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Foster care congregate facility, adult*, means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Garage, private, means an accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

Grade means the degree of rise or descent of a sloping surface.

Grade, finished, means the final elevation of the ground surface after development.

Grade, natural, means the elevation of the ground surface in its natural state, before manmade alterations.

Hazardous substances means hazardous substances include hazardous chemicals as defined by the state department of community health and state department of labor and economic growth; flammable and combustible liquids as defined by the department of state police, fire marshal division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the state department of environmental quality. Petroleum products and waste oil are subject to regulation under this section.

Home occupation means an occupation that is carried on in the home by resident members of the family, being clearly incidental and secondary to the principal residential use.

Horse stable means a structure that is used for the shelter and care of horses.

Hospital, general, means an installation providing health services primarily for in-patient medical or surgical care of the sick or injured, and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral parts of the facilities.

Housing for the elderly means a building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the state.

Intensive livestock operation means an agricultural operation in which type II and type III animals are bred and/or raised within a confined area, either inside or outside, generally at densities greater than permitted by section 46-282. Such operations are further characterized as having an animal feeding building or feedlot which is a facility, other than a pasture, where animals are fed and/or confined.

Junkyard means a place, structure, parcel or use of land where junk, waste, discard, salvage or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any 30 consecutive days.

Kennel, commercial, means a commercial kennel means any, building, structure, enclosure or premises where five or more dogs or cats, six months of age or older, are kept for commercial purposes,

including boarding, breeding, or sale, or the rendering of services for profit. For the purposes hereof, five animals kept and maintained as a hobby kennel, or for any other purpose, shall be deemed and considered a commercial kennel.

Kennel, hobby, means any building, structure, enclosure or other premises where four or less dogs or cats, six months of age or older, are kept, harbored or maintained:

- (1) For showing in recognized dog shows, obedience trials, or field trials.
- (2) For working and hunting.
- (3) For improving the variety or breed with a view to exhibition in shows and trials.
- (4) For household pets.

Landscaping means that the following definitions shall apply in the application of this chapter:

- (1) *Berm* means a landscaped mound of earth which blends with the surrounding terrain.
- (2) *Buffer* means a landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- (3) *Conflicting nonresidential land uses* means any nonresidential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- (4) *Conflicting residential use* means any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
- (5) *Greenbelt* means a landscaped area, established at a depth of the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- (6) *Opacity* means the state of being impervious to sight.
- (7) *Plant material* means a collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Large scale retail establishment means a retail establishment, commonly referred to as a big box store, which exceeds 50,000 square feet in gross floor area.

Livestock means the word livestock means horses, cattle, sheep, and swine.

Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lodging means a series of attached, semidetached or detached rental units containing bedroom, bathroom and closet space. Such units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Lot means a lot is the contiguous land in the same ownership that is not divided by a street right-of-way or a street or drive easement, including any part thereof subject to any easement for any purpose other than a street or drive, and excluding any portion thereof in a street right-of-way or a street or drive easement of at least sufficient size to meet minimum requirements of the zoning district in which it is located. Such lot shall have frontage on a public street, or on a private street approved by the township board, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;

- (4) A parcel of land described by metes and bounds; or
- (5) Any parcel of land which constitutes or is treated as a condominium unit in accordance with the state condominium act, being P.A. 1978, No. 59, as amended, shall be defined and treated as a lot for all purposes of this chapter provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this chapter.

Lot coverage means the percentage of the lot area covered by the ground floor of principal and accessory buildings.

Lot depth means the distance between the midpoints of the straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot frontage means the front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of the term "yards" in this section. For the purpose of determining minimum lot width the frontage of only one street shall be used.

Lot of record means a lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the office of the register of deeds for county prior to the effective date of the ordinance from which this chapter is derived; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

Lot types means:

- (1) *Corner lot* means a lot located at the intersection of two or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) *Interior lot* means a lot other than a corner lot with only one frontage on a street.
- (3) *Through lot* means a lot other than a corner lot with frontage on more than one street, and may be referred to as a double frontage lot.

Lot width means the required distance between the side lot lines, measured in a straight line at the two points where the required front setback intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80 percent of the required lot width.

Lot, zoning, means a tract or parcel of land which is designated by its owner or developer as a tract to be used, developed or built as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Manufactured housing means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a seal that it is built in compliance with applicable national or state construction code standards.

Material change means includes, but is not limited to, any commencement of mining, excavation, grading, or land clearance; deposit of refuse, waste, or fill on land not already used for that purpose or permitted to be used for that purpose by this chapter, or which extends the height of any existing deposit above the level of the land adjoining the site; alteration of a shore, bank, or floodplain of a river, stream, or of any lake or pond, natural or artificial.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designated to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained in the structure. Mobile home does not include a recreation vehicle.

Mobile home pad means that part of a mobile home site specifically designated for the placement of a mobile home.

Mobile home park means a parcel or tract of land under the control of a person on which three 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 therefor, together with any building, structure,

enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile home park, seasonal, means a parcel or tract of land under the control of a person on which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. The term "seasonal mobile home park" does not include a campground licensed pursuant to laws of the state.

Mobile home site means the entire area which is designated for use by a specific mobile home.

Motor home means a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

Natural features means a wetland, as defined and regulated by the state and means a watercourse, including a lake, pond, river, stream or creek.

Nonconforming use, building or structure means a structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

Nursing or convalescent home means a state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under state law even through state law has different size regulations.

Open air business uses means, as used in this chapter, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

- (1) Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
- (2) Outdoor display and sale of garages, swimming pools, and similar uses.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery ranges, shuffleboard, horseshoe courts, miniature golf, golf driving range, amusement park or similar recreational uses.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence of 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 itself, the configuration of the surface of the soil and vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

Parcel means a piece or tract of land.

Park means a public or private area dedicated to recreation use and generally characterized by its natural historic, and landscape features. It is used for both passive and active forms of recreation and may be designed to serve the residents of a neighborhood, community, or region. For purposes of this chapter, the following more specific definitions shall apply:

- (1) *Neighborhood park* means a park which is designed and equipped to primarily serve neighboring residential areas.
- (2) *Community park* means a park which is designed and equipped to serve the township, as well as neighboring residential areas.
- (3) *Regional park* means a park which is designed and equipped to serve areas outside the township, as well as the township.

Parking facility, off-street, means a land surface or area providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of motor vehicles.

Parking space means one unit of parking facility provided for the parking of one vehicle.

Private road means a means of ingress and egress serving two or more parcels which is not dedicated for public use to the county road commission.

Public utility means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary sewer facilities.

Recreational equipment means equipment designed and used primarily for recreational use such as boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Restaurant means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out restaurant, drive-in restaurant, drive-through restaurant, standard restaurant or bar/lounge, or a combination thereof, as defined below:

- (1) *Carry-out restaurant* means a restaurant whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (2) *Drive-in restaurant* means a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- (3) *Drive-through restaurant* means a restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (4) *Standard restaurant* means a restaurant whose method of operation involves either:
 - a. The delivery of prepared food by wait staff to customers seated at tables within a completely enclosed building; or
 - b. The acquisition by customers of prepared food at a cafeteria line and its subsequent consumption by the customers at tables within a completely enclosed building.

Road. See Street.

Roadside stand means a temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

Salvage yard means an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term "salvage yard" includes automobile wrecking yards and any area of more than 200 square feet used for the storage, keeping or abandonment of salvaged materials, but does not include uses established entirely within enclosed buildings.

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

Self-storage facility means a building consisting of individual, small self-contained units that are leased for the storage of personal and household goods.

Setback means the minimum horizontal distance between the building or structure, excluding steps and unroofed porches, and the adjacent property line, lot line, right-of-way, or easement if for ingress and egress.

Shopping center means a grouping of commercial establishments with the following characteristics:

- (1) A parcel of land and buildings under single ownership or control;
- (2) A single building or a carefully coordinated group of buildings located on contiguous parcels having a variety of stores creating attraction of the unit as a whole; and
- (3) A large area of free parking.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs.

- (1) *Abandoned sign* means after a period of two years a sign which no longer directs or exhorts any person, or advertises a bona fide business, lesser, owner, product or activity conducted or product available on the premises where such sign is displayed.
- (2) *Animated sign* means any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (3) *Banner* means any sign of lightweight fabric or similar material that is attached to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- (4) *Beacon* means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source: also, any light with one or more beams that rotate or move.
- (5) *Building marker* means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.
- (6) *Building sign* means any sign attached to any part of a building, as contrasted to a ground sign. Building signs shall include the following types of signs as defined in this section: canopy, projecting, wall, permanent window, and channel letter signs.
- (7) *Business center sign* means a sign which identifies a group of two or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of the individual establishments and which have common parking facilities, or which is platted business subdivision.
- (8) *Canopy sign* means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.
- (9) *Casual sales sign* means a temporary sign used for special sales, not scheduled with any regularity, and includes home garage sales, attic sales, flea market sales and other occasional casual sales whether or not commercially oriented. The sign must be located on the same lot as the special sale.
- (10) *Changeable copy sign* means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than one time per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter.
- (11) *Channel letter sign* means any sign installed as a cabinet or as individual letters, with self-contained illumination. Some channel letters may be mounted on a raceway (wire way) while others may be mounted flat against the building wall. Channel letter signs shall not exceed more than 12 inches from the building wall.

- (12) *Commercial activity signs* means a temporary sign which includes signs advertising the opening of a new business, sales, change in hours of operation, or the conduct of commercial activities during other than regular business hours. Temporary banners are included in this definition.
- (13) *Commercial message* means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (14) *District* means zoning district as established by this chapter.
- (15) *Flag* means any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- (16) *Ground sign* means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- (17) *Height of sign* means the vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- (18) *Identification sign* means a sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these signs only to identify location of said premises and not to advertise. Such situated, or on which the principal product is offered for sale.
- (19) *Incidental sign* means a sign, generally information, that has a purpose secondary to the use of a zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing" and other similar directives. No commercial message shall be considered incidental.
- (20) *Incidental business sign* means signs associated with the drive-thru portion of a business, such as a menu-board sign.
- (21) *Integral sign* means integral signs are names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.
- (22) *Nonconforming sign* means any sign that does not conform to the requirements of this chapter.
- (23) *Off-site sign (off-premises sign)* means a sign other than an on-site sign including billboards.
- (24) *On-site sign (on-premises sign)* means a sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- (25) *Outdoor advertising sign* means a sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- (26) *Pennant* means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (27) *Political sign* means a sign relating to the election of a person to public office or relating to a political party or relating to an issue or matter to be voted upon at an election called by a public body. Political signs are considered temporary signs.
- (28) *Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

- (29) *Projecting sign* means any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall, with the exception of channel letter signs.
- (30) *Real estate sign* means a sign advertising that the property said sign is located upon is for sale, rent or lease. Real estate signs are considered temporary signs.
- (31) *Residential entry sign* means a sign at the entrance of a residential development for the purposes of identifying a subdivision, site condominium, multiple-family development, or mobile home park.
- (32) *Roof sign* means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (33) *Roof sign, integral* means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
- (34) *Suspended sign* means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (35) *Temporary sign* means a sign that is intended to be displayed for a limited period of time.
- (36) *Wall sign* means a sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- (37) *Window sign* means any sign, pictures, symbol, or combination thereof, designed to communicate information about a community activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Political signs, or other noncommercial advertising, shall not be deemed to be window signs for the purpose of this chapter and shall not be subject to the provisions regulating window signs in this chapter.

Special land use means a use which may be permitted after recommendation by the planning commission and approval by the township board. A special land use may be granted in a zoning district only when there is a specific provision for such use in this chapter. A special land use is a special land use as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Story means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it.

Story, one-half, means a story under the gable, hip, or gambrel roof, the wall plates on which on at least two opposite exterior walls are not more than two feet above the floor of such story and the floor area shall not exceed two-thirds of the area of the floor below.

Street means a traffic way which affords the principal means of access to abutting property.

Street line means the right-of-way line of a public street or the easement line of a private street approved by the township board.

Structure means anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground.

Time limits means time limits means calendar days, unless otherwise specified in this chapter.

Transient means occupancy of a dwelling unit or sleeping unit for not more than 30 days.

Travel trailer means a vehicular, portable structure built on a nonmotorized chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Undefined terms means any term not defined herein shall have the meaning of common or standard use.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Vehicle means, unless specifically indicated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicles defined as motor vehicles by the state vehicle code.

Vehicle collision repair facility means a facility which offers and provides for, vehicle frame straightening, repair or replacement of vehicle sheet metal, vehicle painting or repainting, and similar related services.

Vehicle repair facility, major, means a facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including, transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops. Collision shops are included in this definition.

Vehicle repair facility, minor, means a facility which offers or provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs. Collision shops, transmission repair shops, shops used for the internal repair of engine components and drive train repair, and radiator repair, are expressly excluded from this definition.

Vehicle sales and service facility means a building or premises used primarily for the sale, lease or rental of new and/or used automobiles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

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

Wind energy conversion system (WECS) means any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy.

Ambient noise means regularly occurring background noise not produced by the object or device in question.

Commercial wind energy conversion system means any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

dB(A) means A-weighted decibels. This is the standard used to measure environmental noise.

On-site wind energy conversion system means a WECS which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit.

Wireless communications facilities means 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, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined:

- (1) *Attached wireless communications facilities* means wireless communications 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.

- (2) *Wireless communication support structures* means 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.
- (3) *Collocation* means the location by two 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 communications antennas within the community.

Yard, front, means an open, unoccupied space extending the full width of the lot and situated between the street line and the front building line and parallel to the street line.

Yard, minimum, means the minimum distance which any building must be located from a property line, a street right-of-way line, an easement line of an approved private street, or a high water line.

Yard, rear, means an open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear building line and parallel to the rear lot line.

Yard, side, means an open, unoccupied space situated between the side building line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and parallel to the side lot line.

(Ord. of 3-17-2008, § 2.02; Ord. No. 129, § 2.02, 2-1-2010; Ord. No. 156-14, 4-7-2014; Ord. No. 162-15, 5-4-2015; Ord. No. 163-15, 5-4-2015; Ord. No. 164-15, 5-4-2015; Ord. No. 168B-18, § 1, 1-8-2018)

Secs. 46-7—46-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 46-31. - Enforcement officer.

The provisions of this article shall be enforced by the enforcement officer, who shall be appointed by the township board.

(Ord. of 3-17-2008, § 3.01)

Sec. 46-32. - Duties of enforcement officer.

The enforcement officer (also referred to as the director of planning and building or his authorized representative) shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the enforcement officer to approve any plans or issue a building permit for any excavation or construction until such plans have been found to be in conformity with this chapter. To this end, the director of planning and building shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following, in sufficient detail, to ascertain whether the proposed work or use is in conformance with this chapter.

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.

- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) The signature of the fee holder of the premises concerned.
- (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (6) If the proposed excavation, construction, moving, or alteration of use of land as set forth in the application are in conformity with the provisions of this chapter, the director of planning and building shall issue a permit. If any application for such permit is not approved, the director of planning and building shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter and a permit issued contrary to the terms of this chapter shall be void.
- (7) The director of planning and building under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the township.

(Ord. of 3-17-2008, § 3.02)

Sec. 46-33. - Permits.

The following shall apply in the issuance of any permit:

- (1) *Permit required.* It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a building permit from the director of planning and building. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and with the state construction code, and with other applicable codes and ordinances.
 - a. No plumbing, electrical, drainage or other permit shall be issued until the director of planning and building has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
 - b. Alteration or repair of an existing building or structure, shall include any changes in structural member, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of ingress and egress, or any other changes affecting or regulated by the state construction code, or this chapter, except for minor repairs or changes not involving any of the aforesaid provisions.
- (2) *Permits for new use of land.* A permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.
- (3) *Permits for new use of buildings or structures.* A permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- (4) *Single-family construction or additions; potential multiple use; restrictive covenant.* In those instances where the director of planning and building determines that because of the nature of the floor plan and construction of a single-family home or an addition to a single-family home, there is a significant potential for multiple use of a property zoned for single-family use, the director may require that the owners of record of the subject property sign a restrictive covenant on a form as developed by the director. The purpose of such covenant shall be to make clear the zoning limitation with regard to the property. The cost of recording such covenant shall be paid by the applicant.

If it should appear to the director of planning and building that the proposed construction or addition in fact creates a multiple use either by virtue of its size or the division of space within the structure, the director of planning and building shall deny the application.

(Ord. of 3-17-2008, § 3.03)

Sec. 46-34. - Certificates of occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the director of planning and building shall have issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

- (1) *Certificate of occupancy.* The certificate of occupancy, is required for occupancy or use of new construction or of renovations to existing buildings and structures as approved by the state construction code.
- (2) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the director of planning and building, and copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.
- (3) *Certificate for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- (4) *Certificates for parts of buildings.* The director of planning and building shall, upon request, issue a certificate of occupancy for a part of a building or structure prior to the completion of the entire building or structure if the director of planning and building shall determine that the occupancy or use of the completed part shall not materially interfere with or be interfered or endangered by the completion of the remainder of the building or structure and that the remainder of the building or structure can reasonably be completed within one year from the issuance of the certificate of occupancy for the part and if the person to whom the building permit shall have been issued shall certify that the remainder of the building or structure shall be completed within one year. If, after the issuance of such certificate of occupancy for a portion of a building or structure, the director of planning and building shall determine that the conditions for issuance of such permit no longer subsist or that the building or structure cannot or will not be completed within the time specified above, the director of planning and building shall revoke such certificate of occupancy and the person to whom such revoked permit shall have been issued shall, forthwith upon receipt of notice of such revocation, terminate and abandon or cause the termination or abandonment of such occupancy or use.
- (5) *Application for certificates of occupancy.* Any person applying for a building permit shall, at the same time, apply to the director of planning and building in writing for a certificate of occupancy. It shall be the duty of such person to notify the director of planning and building upon completion of the building or structure. The director of planning and building shall, within five business days after actual receipt of such notification, inspect such building or structure, and, if he shall determine that the building or structure, or part thereof, or the proposed use of the premises is in conformity with this and other applicable ordinances and laws, the director of planning and building shall forthwith issue a certificate of occupancy therefor. If the director of planning and building shall determine that a violation exists, he shall not issue a certificate of occupancy and shall forthwith notify the applicant of such refusal and the cause therefor.
- (6) *Certificates for commercial and industrial uses.* In all cases where the certificate of occupancy is for a commercial or industrial use, the inspection, as set in subsection (5) of this section, shall be conducted by the director of planning and building.

(Ord. of 3-17-2008, § 3.04)

Sec. 46-35. - Fees, escrow accounts and bonds.

- (a) Fees shall be assessed and collected in advance of the issuance of permits and the commencement of the work on a project for the purpose of covering the cost of administering the file, inspecting the work and reproducing copies therein as required under the provisions of this chapter. These fees may be set by a resolution of the township board from time to time.
- (b) A deposit of funds shall be placed in escrow with the planning and building department for the inspection of all site improvements and related reports and recommendations by the township engineer, township planning consultant and/or other designee as may be required to assist in the certification process. The amount of escrow deposit shall be set by a resolution of the township board from time to time and any unused portion of an escrow account shall be refunded to the applicant upon issuance of a final certificate of occupancy.
- (c) Bond requirements.
 - (1) *Site improvements.*
 - a. Site preparation activities, including without limitation excavations, tree removal, land balancing, top-soil removal, septic installation are prohibited prior to the issuance of all applicable construction permits, and compliance with the bond requirements of this section.
 - b. If all site improvements are not completed prior to the request for a certificate of occupancy, the director of planning and building may issue a temporary certificate of occupancy provided the applicant has filed a site improvement bond, with the township building department or clerk, ensuring completion of site improvements as identified by the director of planning and building. The site improvement bond shall be a cash bond in the form of a cash deposit, certified check or irrevocable bank/title company letter of credit payable to township, or a surety bond acceptable to township, equal to 125 percent of the estimated costs of the incomplete site improvements as determined by the director of planning and building and/or his designated representative.
 - (2) *Building construction bond.* Prior to the issuance of a building permit, the applicant shall file with the township building department or clerk, a cash bond in the form of a cash deposit, certified check or an irrevocable bank or title company letter of credit made out to township or a surety bond acceptable to township, assuring completion of the construction phase of the project.
 - (3) *Private road improvement bond.* On any project which requires construction modification or improvement of a private road, no building permit shall be issued until the applicant files with the township building department or clerk, a cash bond in the form of a cash deposit, certified check or an irrevocable bank/title company letter of credit payable to township, or a surety bond acceptable to township in an amount equal to 125 percent of the estimated cost of the completion of the private road as determined by the township's construction engineers.
 - (4) *Release of bond.* A building permit bond, site improvement bond or private road bond shall not be released until the requirements of the bond have been met and all improvements and/or corrections to work installed incorrectly are complete in accordance with all of the codes and ordinances of the township, provided; however, monies deposited in the form of a cash deposit or a irrevocable bank/title company letter of credit may be released in proportion to a percentage of the work completed as certified by the director of planning and building and approved by township board. Up to 15 percent of any bond may be held for six months after completion of all work covered to apply on any defects that appear after completion.
 - (5) *Waiver of bond on single lot residential construction.* The director of planning and building may waive or modify bond requirements for construction of a single-family dwelling on any single parcel.

(Ord. of 3-17-2008, § 3.05)

Sec. 46-36. - Municipal civil infraction, nuisance per se; remedies.

- (a) Any person or anyone acting on behalf said person who should violate the provisions of this chapter, or who fails to comply with the regulatory measures or conditions adopted by the board of appeals, planning commission or the township board, shall be responsible for a municipal civil infraction.
- (b) Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court may, in addition to the remedies provided in subsection (a) of this section, order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se.

(Ord. of 3-17-2008, § 3.06)

Sec. 46-37. - Public notification.

All requirements for a public hearing shall comply with the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 3-17-2008, § 14.01)

Secs. 46-38—46-64. - Reserved.

DIVISION 2. - SITE PLAN REVIEW²¹

Footnotes:

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State Law reference— Submission and approval of site plan, MCL 125.3501.

Sec. 46-65. - Intent.

The intent of this division is to require site plan review and to provide for consultation and cooperation between the developer and the township so as to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with this chapter and the master plan of the township will be assured, and the township will develop in an orderly fashion consistent with public health, safety, and welfare.

(Ord. of 3-17-2008, § 7.01)

Sec. 46-66. - Requirements.

- (a) Preliminary site plans shall be required for all special land uses as set forth in division 3 of this article. An applicant may also elect to submit a preliminary site plan as an optional step to obtain feedback on a proposed development. A preliminary site plan shall meet all of the criteria and standards set forth in section 46-67.

- (b) Final site plan review and approval as set forth in section 46-68 is required for all proposed uses and structures (including parking lots) within the township, except for one-family detached dwellings and agricultural uses. Site plan review and approval shall also be required for all site condominium projects, as set forth in section 46-248.
- (c) Final site plan review and approval as set forth in section 46-68 is required for existing principal or accessory structures or uses (including parking lots) where an alteration, addition, expansion, change or conversion:
 - (1) Constitutes an increase to the existing structure or use of 1,000 or more square feet or ten percent, whichever is less; or
 - (2) Would require a variance from the provisions of this chapter, regardless of its size.

(Ord. of 3-17-2008, § 7.02)

Sec. 46-67. - Preliminary site plan.

- (a) A preliminary site plan is a generalized site plan required to be submitted for review of special land uses by the township planning commission. An applicant may also elect to submit a preliminary site plan as an optional step in the overall site plan review process to obtain feedback on a proposed development. The purpose of such preliminary review is to confirm compliance with township standards, policies and relationship to the master plan, as well as to suggest changes necessary, if any, for the final site plan approval.
- (b) Applicants shall file a preliminary site plan in conjunction with a special land use application, as set forth in section 46-108.
- (c) Information required for review. Every preliminary site plan submitted to the planning commission shall include the following information:
 - (1) The description, location, size and shape of the property involved.
 - (2) The shape, size and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features including topography and soils.
 - (3) The location of all existing and proposed water and sewage treatment systems serving the property.
 - (4) Any other information deemed necessary to properly illustrate the development concept to the planning commission.
- (d) The planning commission shall review the preliminary site plan to determine if a conditional land use may be approved, and/or if the overall development concept of an optional preliminary site plan is acceptable.
- (e) Approval of the special land use and preliminary site plan by the planning commission shall constitute approval of the special use but shall vest no rights in the applicant regarding approval of the final site plan inasmuch as the specific details of a site plan prepared in accordance with section 46-68 serve as the basis for determining that all township standards have been met.

(Ord. of 3-17-2008, § 7.03)

Sec. 46-68. - Final site plan.

- (a) All final site plans shall be submitted to the director of building and planning at least 21 days prior to the next scheduled meeting of the planning commission and must contain the following:

- (1) A completed application signed by the owner; if the owner is a corporation, the application must be signed by a corporate office; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual or individuals, each individual owner must sign the application.
 - (2) Sufficient copies, as determined by the director of building and planning, of the site plan meeting all informational requirements set forth in section 46-70. Incomplete plans will not be accepted.
 - (3) All items as required by section 46-70 shown on the site plan.
 - (4) Required fees.
 - (5) Upon receipt of a complete application and site plan, the director of building and planning shall place review of the site plan on the next planning commission agenda.
 - (6) The township may refer the site plan to the township planner and engineer for review as well as other applicable outside agencies.
- (b) Planning commission review. The planning commission will consider the application and take one of the following actions:
- (1) *Approval.* Upon finding that the application and final site plan meet the criteria of site plan review in section 46-69, the planning commission shall recommend approval.
 - (2) *Approval with minor revisions.* Upon finding that the application and final site plan meet the criteria of site plan review in section 46-69, except for minor revisions which can be made and confirmed without further technical review, the planning commission may recommend approval, conditioned upon said revisions being made and reviewed by appropriate township staff and/or consultants.
 - (3) *Tabling.* Upon finding that the application and final site plan do not, but could, meet the criteria of site plan review in section 46-69 upon the making of revisions, confirmation of which requires further technical review, the planning commission may table its recommendation until the revised plan is resubmitted to the planning commission.
 - (4) *Denial.* Upon finding that the application and final site plan do not meet one or more of the criteria of site plan review in section 46-69 and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the planning commission shall recommend denial.

(Ord. of 3-17-2008, § 7.04)

Sec. 46-69. - Criteria of final site plan review.

The site plan shall be reviewed and approved upon a finding that the following conditions are met:

- (1) The proposed use will not be injurious to the surrounding neighborhood.
- (2) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
- (3) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- (4) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township.
- (5) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, stormwater facilities, parking lots, driveways, water mains,

sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the township engineers and as set forth in any township design and construction standards, which may be established.

- (6) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- (7) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
- (8) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
- (9) The proposed development will not cause soil erosion or sedimentation.
- (10) Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
- (11) Wastewater treatment systems, including on-site septic systems, will be located and designed to minimize any potential degradation of surface water or groundwater quality.
- (12) Site which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.
- (13) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- (14) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- (15) The proposed use is in compliance with all township ordinances and any other applicable laws.

(Ord. of 3-17-2008, § 7.05)

Sec. 46-70. - Information required on final site plan.

Final site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a scale of one inch equals 50 feet for property less than three acres or one inch equals 100 feet for property three or more acres. A final site plan submitted for review and approval shall contain all of the following data prior to its submission to the planning commission for review:

- (1) *General Information.*
 - a. Proprietors', applicants, and owners' names, addresses, and telephone numbers.
 - b. Date (month, day, year), including revisions.
 - c. Title block.
 - d. Scale.
 - e. North point.

- f. Location map drawn at a scale of one inch equals 2,000 feet with north point indicated.
- g. Architect, engineer, surveyor, landscape architect, or planner's seal.
- h. Existing lot lines, building lines, structures, parking areas, etc., within the site, and within 100 feet of the site.
- i. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site.
- j. Centerline and existing and proposed right-of-way lines of any street.
- k. Zoning classification of petitioner's parcel and all abutting parcels.
- l. Gross acreage figure.
- m. Proximity to major thoroughfares and section corners.

(2) *Physical features.*

- a. Acceleration, deceleration and passing lanes and approaches.
- b. Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
- c. Location of existing and proposed service facilities above and below ground, including:
 - 1. Well sites.
 - 2. Septic systems and other wastewater treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly identified.
 - 3. Chemical and fuel storage tanks and containers.
 - 4. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - 5. Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable.
 - 6. Sanitary sewers and pumping stations, where applicable.
 - 7. Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainageways, and other facilities, including calculations for sizes.
 - 8. Location and dimension of all easements.
- d. Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views.
- e. Dimensioned parking spaces and calculations, drives and method of surfacing.
- f. Exterior lighting locations and illumination patterns.
- g. Location and description of all existing and proposed landscaping, berms, fencing and walls.
- h. Trash receptacle and transformer pad location and method of screening.
- i. Dedicated road or service drive locations.
- j. Entrance details including sign locations and size.
- k. Designation of fire lanes.
- l. Any other pertinent physical features.

(3) *Natural features.*

- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Jackson County, Michigan," 1981.
 - b. Existing topography with a maximum contour interval of two feet, both on the site and beyond the site for a distance of 100 feet in all directions. Grading plan, showing finished contours so as to clearly indicate required cutting, filling and grading.
 - c. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
 - d. Location of existing wetlands.
 - e. Location of natural resource features, including woodlands and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance).
 - f. An impact assessment pursuant to section 46-392.
- (4) *Additional requirements for residential developments.*
- a. Density calculations by type of unit by bedroom counts.
 - b. Designation of units by type and number of units in each building.
 - c. Carport locations and details where proposed.
 - d. Specific amount and location of recreation spaces.
 - e. Type of recreation facilities to be provided in recreation space.
 - f. Details of community building and fencing of swimming pool if proposed.
- (5) *Additional requirements for commercial and industrial developments.*
- a. Loading/unloading areas.
 - b. Total and usable floor area.
 - c. Number of employees in peak usage.

(Ord. of 3-17-2008, § 7.06)

Sec. 46-71. - Notice of action or recommendation.

The planning commission shall note on a final site plan any action or recommendation regarding that plan and provide at least one copy of that plan together with any required written findings, conditions or reasons to the clerk. A copy of the planning commission minutes shall be sufficient to satisfy the requirement.

(Ord. of 3-17-2008, § 7.07)

Sec. 46-72. - Building permits and conformity to final site plan.

After filing of the approved application and final site plan, satisfaction of any conditions of said approval and compliance with this chapter and other township ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the site plan as approved, together with any conditions imposed.

(Ord. of 3-17-2008, § 7.08)

Sec. 46-73. - Expiration of approval.

Final site plan approval is valid for a period of one year from the date of planning commission action within which time all necessary building or construction permits shall be secured and construction recommenced. The planning commission may grant an extension of site plan approval for up to one year. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the final site plan as approved.

(Ord. of 3-17-2008, § 7.09)

Secs. 46-74—46-104. - Reserved.

DIVISION 3. - SPECIAL LAND USES³¹

Footnotes:

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State Law reference— Special land uses, MCL 125.3502 et seq.

Sec. 46-105. - Need for careful regulation.

The formulation and enactment of this chapter is based upon the division of the township into districts in which certain specified uses are permitted by right. In addition to permitted uses, there are certain other special uses which may be necessary or desirable to allow in certain locations but, due to their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated.

(Ord. of 3-17-2008, § 8.01)

Sec. 46-106. - Authority to grant permits.

The township planning commission shall have the authority to grant special use permits, subject to such conditions of design and operation, safeguards and time limitation as it may determine for all conditional uses specified in the various provisions of this chapter.

(Ord. of 3-17-2008, § 8.02)

Sec. 46-107. - Application and fees for special use permit.

Application for a special use permit shall be made to the township office, along with the required information and the required fee. After receipt for filing, the director of building and planning shall transmit a copy of the application form and the required information as set forth in section 46-108 to the township planning commission.

(Ord. of 3-17-2008, § 8.03)

Sec. 46-108. - Information required on application for special use permit.

Following is the information required for:

- (1) The applicant's name, address, and telephone number.

- (2) The names and addresses of all owners of record and other parties of interest.
- (3) The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
- (4) Recorded legal description, address, and tax parcel number of the property.
- (5) A scaled and accurate survey drawing, correlated with the recorded legal description, and showing all existing buildings, drives, and other improvements.
- (6) A detailed written description of the proposed use, addressing the standards set forth in section 46-112.
- (7) A preliminary site plan, meeting the requirements as set forth in section 46-67 herein.

(Ord. of 3-17-2008, § 8.04)

Sec. 46-109. - Planning commission public hearing.

The planning commission shall hold a public hearing on an application for a conditional use permit within 65 days of the filing date. A public hearing shall be held in accordance with section 46-38.

(Ord. of 3-17-2008, § 8.05)

Sec. 46-110. - Planning commission action.

The planning commission shall review the application for a special use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission may require additional information it deems necessary to make a decision. The planning commission shall approve, approve with conditions or deny the application for a special use permit. The planning commission's decision, the basis for the decision, and all conditions imposed, shall be included in the minutes of the meeting and shall be made a part of the record of the meeting at which action is taken.

(Ord. of 3-17-2008, § 8.06)

Sec. 46-111. - Required standards and findings.

- (a) The planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall incorporate a statement of findings and conclusions showing that such a use on the proposed site, lot or parcel meets the following standards:
 - (1) Will be harmonious, and in accordance, with the objectives and regulations of this chapter.
 - (2) Will be compatible with the natural environmental and existing land uses in the vicinity.
 - (3) That the proposed use will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - (4) That the proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare.
 - (5) That the proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
 - (6) Will be compatible with the township's adopted Master Plan.

- (b) If the facts do not establish that the findings and standards set forth in this chapter will apply to the proposed use, the planning commission shall not grant a conditional use permit and shall incorporate a statement of findings and conclusions relative to the special land use.
- (c) No application for a conditional use permit which has been denied as a whole or in part by the township board shall be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions as determined by the director of planning and building.

(Ord. of 3-17-2008, § 8.07)

Sec. 46-112. - Conditions of approval.

In granting a conditional use permit, the planning commission may impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the public health, safety and welfare of township. Failure to comply with any such conditions shall be considered a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.

(Ord. of 3-17-2008, § 8.08)

Secs. 46-113—46-137. - Reserved.

DIVISION 4. - ZONING BOARD OF APPEALS^[4]

Footnotes:

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State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 46-138. - Creation of board of appeals.

There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in Article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

(Ord. of 3-17-2008, § 16.01)

Sec. 46-139. - Meetings.

- (a) All meetings of the zoning board of appeals shall be held at the call of the chairman, and at such times as its rules of procedure may specify. All meetings of the zoning board of appeals shall be open to the public. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of township clerk and shall be a public record.
- (b) The zoning board of appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. of 3-17-2008, § 16.02)

Sec. 46-140. - Appeals to the zoning board of appeals.

- (a) A claim for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
 - (1) A person aggrieved; or
 - (2) An officer, department, board, or bureau of the state or local unit of government.
- (b) The appeals board shall have the authority to hear appeals concerning:
 - (1) All questions that arise in the administration of this chapter, including interpretation of the zoning map.
 - (2) All administrative orders, requirements, decision or determinations made by an administrative official charged with enforcement of this chapter can be appealed.
 - (3) All decisions of the zoning administrator.
 - (4) The zoning board of appeals shall have no authority to grant use variances or to appeal decisions made by the planning commission or township board.
- (c) Upon receipt of a demand for appeal, the administrator will review the demand for appeal to ensure it is complete and the fee is paid.
 - (1) If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material requested.
 - (2) If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
- (d) The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- (e) The notices shall be given not less than 15 days before the date of the hearing on a proposed zoning amendment pursuant to section 46-38.
- (f) The appeals board shall hold a hearing on the demand for appeal.
 - (1) *Representation at hearing.* Upon the hearing, any party or parties may appear in person or by agent or by attorney.
 - (2) *Standards for variance decision by the appeals board.* The appeals board shall base its decisions on variances from the strict requirements of this chapter so that the spirit of this chapter is derived is observed, public safety secured, and substantial justice done based on the following standards:
 - a. *For dimensional variances.* A dimensional variance may be granted by the zoning board of appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - 1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - 2. That the need for the requested variance is not the result of the property owner or previous property owners (self created) based upon current regulations.
 - 3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner

from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

4. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - b. *For use variances.* Under no circumstances shall the appeals board grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.
- (g) If the demand for appeal is for a variance, the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a variance and rule on an interpretation of the chapter. The decision shall be in writing and reflect the reasons for the decision. At a minimum, the record of the decision shall include:
 - (1) Formal determination of the facts.
 - (2) The conclusion derived from the facts (reason for the decision).
 - (3) The decision. Any persons having an interest affected by such decision shall have a right to appeal circuit court within 30 days after the zoning board of appeals approves the minutes of its decision, as provided by law.

(Ord. of 3-17-2008, § 16.03)

Secs. 46-141—46-163. - Reserved.

DIVISION 5. - AMENDMENTS⁶¹

Footnotes:

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State Law reference— Zoning adoption, MCL 125.3401 et seq.

Sec. 46-164. - Initiating amendments.

The township board, may from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this chapter. Amendments may be initiated by the township board, the township planning commission, by petition of one or more property owners of the township, or by one or more persons acting on behalf of a property owner of the township. All proposed amendments shall be referred to the township planning commission for review, public hearing, and recommendation before action may be taken thereon by the township board.

(Ord. of 3-17-2008, § 17.01)

Sec. 46-165. - Fees.

The township board shall establish, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

(Ord. of 3-17-2008, § 17.02)

Sec. 46-166. - Amendment procedure.

- (a) The procedure for amending this chapter shall be in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (b) Application for amendment shall be made by submitting the application, along with required information and the required fee, to the township clerk's office. After receipt of filing, the clerk shall establish a date for a public hearing on the application in accordance with section 46-37.

(Ord. of 3-17-2008, § 17.03; Ord. No. 157-14, 4-7-2014)

Sec. 46-167. - Information required.

- (a) If an application proposes an amendment to the official zoning map, the petitioner shall submit the following information:
 - (1) A legal description of the property, including a street address and tax code number.
 - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - (3) The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.
 - (4) The petitioner's interest in the property. If the petitioner is not the owner of record, the name and address of the owner of record, and other interested parties signed consent to the petition. The consent of mortgagees, liens, and similar such parties shall not be required.
 - (5) Signature of petition and owner certifying the accuracy of the information.
 - (6) Identification of the zoning district requested and the existing zoning classification of property.
 - (7) A vicinity map showing the location of the property, and adjacent land uses and zoning districts.
- (b) If a petition involves a change in the text of this chapter, the petitioner shall submit the following information:
 - (1) A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in this chapter necessary to accommodate the proposed amendment.
 - (2) Name and address of the petitioner.
 - (3) Reasons for the proposed amendment.

(Ord. of 3-17-2008, § 17.04)

Sec. 46-168. - Review.

- (a) In reviewing any petition for a zoning amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition, to the township board within a period of 60 days from the date of the public hearing. The time limit may be extended by mutual written agreement between the planning commission and the applicant.
- (b) The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (1) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - (2) The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.
 - (3) The capability of the township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
 - (4) Effect of approval of the petition on the condition and/or value of property in the township or in adjacent jurisdictions.
 - (5) Effect of approval of the petition on adopted development policies of the township and other government units.
- (c) All findings shall be made a part of the public records of the meetings of the planning commission and the township board.

(Ord. of 3-17-2008, § 17.05)

Sec. 46-169. - Conditional rezoning of land.

As an alternative to a rezoning amendment as described in section 46-164, the township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.). It is recognized that, in certain instances, it would be an advantage to both the township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedures as a traditional rezoning amendment pursuant to section 46-166.
- (2) In addition to the procedures as noted in section 46-166, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - a. A conditional rezoning request must be voluntarily offered by an owner of land within the township. All offers must be made in writing and must provide the specific conditions to be considered by the township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - b. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - c. Conditional rezoning shall not alter any of the various zoning requirements for the use in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of article XI of this chapter.
 - d. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of article II, division 3 of this chapter.
 - e. All conditions offered by a landowner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by extraction.
 - f. In addition to the informational requirements provided for in section 46-167, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this chapter, that may show the location, size, height or other

measures for and/or of building, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered or inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the township. A conditional rezoning site plan shall not replace the requirement under this chapter for site plan review and approval, or subdivision or site condominium approval, as the case may be.

- (3) Time limits and reversions of land to previous district.
 - a. If the proposed conditions of rezonings are acceptable to the township, the township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in section 46-166.
 - b. Unless a reversion of the zoning takes place as described in the action above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
 - c. Upon approval of conditional rezoning, a copy of the written agreement between the property owner and the township shall be filed with the county register of deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the township and the owner.
 - d. The township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
 - e. The time limits specified and approved by the township may be extended upon the application of the landowner and approval of the township.
- (4) Review procedures. The factors found in section 46-169 of this chapter must be considered in any conditional rezoning request.

(Ord. of 3-17-2008, § 17.06)

Sec. 46-170. - Conformance to court decree.

Any amendment to this chapter for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the township board and the amendment published without referring same to any other board agency.

(Ord. of 3-17-2008, § 17.07)

Sec. 46-171. - Publication.

Following township board approval of a petition to amend this chapter, notice of the amendment shall be published within 15 days after adoption in a newspaper of general circulation within the township. The notice of adoption shall include the following information:

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

(Ord. of 3-17-2008, § 17.08)

Secs. 46-172—46-199. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

Sec. 46-200. - Establishment of districts.

The township is hereby divided into zones or districts as shown on the official zoning map and shall include the following:

RE	Rural Estate
R-1A and R-1B	Single-Family Residential
RM	Multiple-Family Residential
RMH	Mobile Home Park
C-1	Local Business
C-2	General Business
C-3	Planned Shopping Center
C-4	Mixed Business
REC	Recreation
TIO	Industrial Office Research
GI	Industrial
PUD	Planned Unit Development

(Ord. of 3-17-2008, § 4.01)

Sec. 46-201. - Map.

The boundaries of these districts are shown upon the map attached hereto and made a part of this chapter, which said map is designated as the official zoning map of the township. The zoning map shall be maintained and kept on file with the township clerk, and all notations, references, and other information shown thereon are incorporated herein by reference and have the same force and effect as if

the said zoning map and all such notations, references and other information shown thereon were fully set forth or described herein.

(Ord. of 3-17-2008, § 4.02)

Sec. 46-202. - Interpretation of district boundaries.

- (a) Except where referenced on the official zoning map to a street or other designated line by the dimensions shown on said map, the district boundary lines follow lot lines or the centerlines of the street, alleys, railroads, or such lines extended and the corporate limits of the township as they existed at the time of the adoption of this chapter.
- (b) Where a district boundary line, as established at this section or as shown on said map, divides a lot which was in a single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this chapter, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 25 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
- (c) Questions concerning the exact location of district boundary lines shall be determined by the zoning board of appeals according to rules and regulations which may be adopted by it.

(Ord. of 3-17-2008, § 4.03)

Sec. 46-203. - Intent, permitted uses and special uses within zoning districts.

The following sections set forth the intent, permitted uses and conditional uses within each zoning district.

(Ord. of 3-17-2008, § 4.04)

Sec. 46-204. - Rural estate district (RE).

- (a) *Intent.* The following reasons are given in evidence to support the purposes for which the RE rural estate district zoning district is intended to accomplish:
 - (1) Land containing agricultural value should be preserved because it is a vital resource.
 - (2) Land with agricultural value justifies a design technique which attempts to support a town-country spatial relationship creating intrinsic suburban-rural values.
 - (3) Rural estate zoning permits the timing of land allotments to suburban purposes in keeping with a theory of maximizing and supporting public utilities so as to achieve the greatest amount of service for each dollar of capital expenditure.
 - (4) Indiscriminate suburbanizing of agricultural lands adversely affects the remaining owners of land pursuing agricultural endeavors, by creating suburban land values.
- (b) *Permitted uses.*
 - (1) Farming, farm operation, for the development of farm products.
 - (2) Single-family detached dwellings, both farm and nonfarm related.
 - (3) A state licensed residential facility as required by Section 206(1) of Public Act No. 110 of 2006 (MCL 125.3206(1)), as amended, which means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL

400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six or fewer individuals under 24-hour supervision or care.

- (4) Publicly owned and operated museums, libraries, parks, parkways, recreational facilities and conservation sites.
 - (5) Public, parochial and other private elementary, intermediate and/or high schools subject to section 46-281.
 - (6) Any residential use wherein animals are kept for the use of the owner of the premises and the immediate family subject to section 46-282.
 - (7) Stables subject to the Michigan Right to Farm Act (RTFA), Public Act No. 93 of 1981 (MCL 286.471 et seq.).
- (c) *Special uses.*
- (1) Cluster single-family subdivisions pursuant to requirements of section 46-280.
 - (2) Group child care homes, as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and subject to section 46-286.
 - (3) Churches and other facilities normally incidental thereto subject to section 46-294.
 - (4) Cemeteries subject to section 46-284.
 - (5) Kennels subject to section 46-283.
 - (6) Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
 - (7) Public or private parks, country clubs, golf courses and driving ranges.
 - (8) Roadside stands for the marketing of agricultural products grown on the premises.
 - (9) Home occupations.
 - (10) Parking of commercial trailers, trucks and/or equipment with a rated capacity exceeding 10,000 pound gross vehicle weight (GVW) as regulated in section 46-285.
 - (11) Extractive operations subject to section 46-302.
- (d) *Accessory structures and uses.*
- (1) Signs as permitted in article X of this chapter.
 - (2) Swimming pools, private, within rear or side yards.
 - (3) Other accessory land and/or structure uses customarily incidental to principal permitted uses.
 - (4) Child day care facilities maintained in single-family homes, as regulated in section 46-285.
 - (5) Child day care and nursery school facilities maintained in church and other houses of worship.
 - (6) Kennels subject to section 46-285.
- (e) *Restrictions on accessory structures and uses.* No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure or establishment of the principal use to which it is accessory.

(Ord. of 3-17-2008, § 4.04; Ord. No. 175-19, §§ 2, 3, 7-15-2019)

Sec. 46-205. - Single-family residential (R-1A) and (R-1B).

- (a) *Intent.* The following reasons are given in evidence to support the purposes for which the R-1A and R-1B single-family residential zoning district is intended to accomplish:

- (1) To encourage the construction of, and the continued use of the land for single-family dwellings.
 - (2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
 - (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
 - (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
 - (5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the districts were developed solely for single-family dwellings.
- (b) *Permitted uses.*
- (1) Single-family detached dwellings.
 - (2) A state licensed residential facility as required by Section 206(1) of Public Act No. 110 of 2006 (MCL 125.3206(1)), as amended, which means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six or fewer individuals under 24-hour supervision or care.
 - (3) Parks and playgrounds, private, for the use of residents in subdivisions and other residential developments.
 - (4) Publicly owned and operated parks, play fields and other recreation facilities.
- (c) *Special uses.*
- (1) Cluster single-family subdivisions pursuant to requirements of section 46-280.
 - (2) Group child care homes, as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and subject to section 46-286.
 - (3) Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education provided they are not operated for profit and that the parcel to be developed has a minimum site size of ten acres, and further subject to section 46-281.
 - (4) Cemeteries as subject to section 46-284.
 - (5) Child day care and nursery school facilities (not including dormitories) as subject to section 46-286.
 - (6) Churches and other facilities customarily incidental to principal permitted uses as subject to section 46-294.
 - (7) Colleges, universities, and other such institutions of high learning, public and private, offering courses in general, technical, or religious education as subject to section 46-295.
 - (8) Golf club/golf courses, which may or may not be operated for profit.
 - (9) Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
- (d) *Accessory structures and uses.*
- (1) Signs as subject to article X.
 - (2) Swimming pools, private, within rear or side yards.
 - (3) Child day care facilities maintained in single-family homes as regulated in section 46-286.

- (4) Child day care and nursery school facilities maintained in church and other houses of worship.
 - (5) Home occupations subject to section 46-249.
 - (6) Stadiums and sports arenas accessory to schools and colleges and universities.
 - (7) Other accessory land and/or structure uses customarily incidental to principal uses permitted as special land uses.
- (e) *Restrictions on accessory structures and uses.* No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure or establishment of the principal use to which it is accessory.

(Ord. of 3-17-2008, § 4.04(B); Ord. No. 176-19, §§ 2, 3, 7-15-2019)

Sec. 46-206. - Multiple-family residential district (RM).

- (a) *Intent.* The RM multiple-family residential district is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and garden apartments. These would be located near major thoroughfares for good accessibility and between single-family residential areas and other nonresidential uses. Various sizes of residential accommodations for ownership or rental, would thereby be provided to meet the needs of the different age and family groups within the community.
- (b) *Permitted uses.*
- (1) All permitted principal uses in the R-1A and R-1B districts subject to the terms and conditions provided therein.
 - (2) Two-family dwellings subject to the conditions provided therein.
 - (3) Multiple-family dwelling unit provided that the site directly adjoin a county primary road.
- (c) *Special uses.*
- (1) Convalescent and/or nursing homes, and state licensed adult foster care homes approved for 13 or more residents.
 - (2) Elderly housing.
 - (3) Boardinghouses, roominghouses and tourist homes.
 - (4) Fraternity and sorority houses.
 - (5) Hospitals.
 - (6) Day care facilities and group day care homes, as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and subject to section 46-286.
- (d) *Accessory structures and uses.*
- (1) Signs as subject to article X of this chapter.
 - (2) Swimming pools, private, within rear or side yards and as regulated in section 46-247.
 - (3) Community and/or club houses.
 - (4) Child day care and nursery school facilities maintained in dwelling units or single-family homes and regulated in section 46-286.
 - (5) Home occupation as subject to section 46-249.
 - (6) Other accessory land and/or structure uses customarily incidental to principal uses permitted as special land uses.

- (e) *Restrictions on accessory structures and uses.* No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure or establishment of the principal use to which it is accessory.

(Ord. of 3-17-2008, § 4.04(C); Ord. No. 170B-18, §§ 2, 3, 12-3-2018)

Sec. 46-207. - Mobile home park district (RMH).

- (a) *Intent.* The RMH mobile home park district is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this section establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreation facilities, churches, schools and necessary public utility buildings.
- (b) *Permitted uses.*
- (1) Mobile homes.
 - (2) Adult foster care family homes, foster family homes, foster family group homes and family child care homes, as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
 - (3) Mobile home parks as subject to section 46-287.
 - (4) Mobile home subdivisions as subject to section 46-288.
- (c) *Special uses.*
- (1) Group child care homes, as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206), and subject to section 46-286.
 - (2) Public, parochial, or other private elementary, intermediate, and/or high schools offering courses in general education subject to section 46-281.
 - (3) Public utility buildings.
 - (4) Churches and other facilities normally incidental thereto subject to section 46-294.
 - (5) Sales office for the sale of mobile homes where such mobile homes are located in the park and have been regularly occupied therein subject to section 46-287.
- (d) *Accessory structures and uses.*
- (1) Mobile home park office facilities which are designed and used exclusively for the business operation of the mobile home park in which they are located.
 - (2) Mobile home park community centers, recreation facilities and open spaces which are designed for and used exclusively by the residents of the mobile home park in which they are located.
 - (3) Mobile home park swimming pools which are designed for and used exclusively by the residents of the mobile home park in which they are located.
 - (4) Mobile home park laundry, storage and other utility facilities which are designed for and used exclusively by the residents of the mobile home park in which they are located.
 - (5) Mobile home park maintenance and service facilities which are designed and used exclusively for activities attendant to providing maintenance and other services for the mobile home park in which they are located.
 - (6) Signs as subject to article X of this chapter.
 - (7) Other accessory land and/or structure uses customarily incidental to principal uses permitted by right.

- (e) *Restrictions on accessory structures and uses.* No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure or establishment of the principal use to which it is accessory.

(Ord. of 3-17-2008, § 4.04(D))

Sec. 46-208. - Local business district (C-1).

- (a) *Intent.* The C-1 local business district is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging multitenant "strip commercial" development along heavily traveled roads.
- (b) *Permitted uses.*
- (1) Office buildings and uses when goods or wares are not commercially created, exchanged or sold.
 - (2) Medical or dental clinics.
 - (3) Financial establishments such as banks, credit unions, savings and loan associations.
 - (4) Township buildings and uses.
 - (5) Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
 - (6) Business and private schools operated within a completely enclosed building.
 - (7) Photographic studios.
 - (8) Funeral homes.
 - (9) Retail establishment for the sale of alcoholic beverages, baked goods, bicycles, books, confection drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
 - (10) Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
 - (11) Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
 - (12) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are permitted.
 - (13) Private service clubs, fraternal organizations and lodge halls.
- (c) *Special uses.*
- (1) Automobile service station subject to the requirements of section 46-291.
 - (2) Arcades.
 - (3) Churches, when bordering residential districts, subject to section 46-294.
 - (4) Open air businesses, subject to section 46-299.
 - (5) Day care facilities and group day care homes subject to section 46-286.

(Ord. of 3-17-2008, § 4.04(E))

Sec. 46-209. - General business district (C-2).

- (a) *Intent.* The C-2 general business district is intended to permit a wider range of business and entertainment activities than permitted in the local business district. The permitted uses would not only serve nearby residential area, but also customers farther away for types of business and services usually found in community shopping centers. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such a district with adjacent residential areas. Such district reflects existing shopping concentrations, other commercial uses along major highways, and desired future centers, which are needed to serve adequately the future population of the township.
- (b) *Permitted uses.*
- (1) All permitted principal uses in the C-1 district.
 - (2) Automobile service stations subject to the requirements of section 46-291.
 - (3) Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building. Except those regulated under section 46-299.
 - (4) Business service establishments performing services on the premises such as office machine and typewriter repair; printing.
 - (5) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), excluding outside storage yards and similar establishments that require a retail adjunct.
 - (6) Drive-in theaters subject to the requirements of section 46-297.
 - (7) Hotels and motels.
 - (8) Photographic film developing and processing.
 - (9) Physical culture establishment, including gymnasiums, reducing salons, masseurs and steam baths.
 - (10) Television and radio studio and towers subject to the requirements of section 46-298.
 - (11) Other uses similar to the above, subject to the following restrictions:
 - a. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business or servicing shall be conducted within a completely enclosed building.
 - (12) Establishments containing indoor facilities similar to and including tennis courts, handball courts, swimming pools, health clubs, ice skating and roller skating rinks and archery ranges.
- (c) *Special uses.*
- (1) Automobile carwash establishments.
 - (2) Open air business uses in conformance with section 46-299.
 - (3) Eating and drinking establishments of a drive-in or open front store character in conformance with section 46-296.
 - (4) Day care facilities and group day care homes subject to 46-286.
 - (5) Minor vehicle repair facility.

(Ord. of 3-17-2008, § 4.04(F))

Sec. 46-210. - Planned shopping center district (C-3).

- (a) *Intent.* The C-3 planned shopping center district is intended to provide for a combination of commercial and office uses, together with on-site parking, loading and servicing in a single planned facility. The purpose of this district is to provide large, uniformly planned areas where people may work, shop, and conduct business in an atmosphere which has been created so as to minimize parking and traffic difficulties and dangers, and maximize ease and safety of pedestrian circulation.
- (b) *Permitted uses.*
 - (1) Planned shopping centers including retail business or service establishments as subject to section 46-301.
 - (2) Hotels, motels, indoor theaters, if designed as part of the planned shopping center.

(Ord. of 3-17-2008, § 4.04(G))

Sec. 46-211. - Mixed business district (C-4).

- (a) *Intent.* The C-4 mixed business district is created in recognition of the fact that there are certain uses which are a blend of business and industrial uses with some aspects of warehouse use. The purpose of this district is to provide zones wherein there can be located businesses which contribute to such a blend. The zones will, because of the nature of the district, be small in comparison to other business or industrial districts, and combine some aspects of both uses. The zones will require some of the services required in both business and industrial districts, and in creating such zones, the planning commission shall consider the availability of such services, the existing businesses and structures in the proposed zone, the impact on the surrounding uses, as well as all other considerations normal to the creation of zoning districts.
- (b) *Permitted uses.*
 - (1) All permitted principal uses in the C-1, local business district.
 - (2) All permitted principal uses in the C-2, general business district.
 - (3) Minor vehicle repair facility.
- (c) *Special uses.*
 - (1) All principal uses after special approval in C-1, local business district.
 - (2) All permitted principal uses after special approval in the C-2, general business district.
 - (3) Warehousing and general storage.
 - (4) Light manufacturing, processing or assembling.
 - (5) Storage and restoration of antique automobile (antique auto shall be defined as 25 years old or older).
 - (6) Storage and restoration of boats.
 - (7) Adult commercial enterprise uses as subject to section 46-300.
 - (8) Major vehicle repair facility.

(Ord. of 3-17-2008, § 4.04(H))

Sec. 46-212. - Recreation district (REC).

- (a) *Intent.* The REC recreation district is intended for those areas oriented towards outdoor recreation uses and at the same time interested in the preservation of the natural features of the land. The uses

permitted in this district are very often seasonal in nature and serve large numbers of people. As a result, good accessibility is necessary as is adequate spaces on the site for off-street parking facilities.

(b) *Permitted uses.*

- (1) Public and private parks, playgrounds, picnic areas and beaches.
- (2) Publicly owned and operated museums, libraries, recreation centers.
- (3) Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education subject to section 46-281.
- (4) A single-family detached dwelling.
- (5) Any residential use wherein horses or other bovine animals are kept for the use of the owner and the immediate family subject to section 46-282.
- (6) Stables, public, in accordance with the Michigan Right to Farm Act (RTFA).

(c) *Special uses.*

- (1) Amphitheatres shall be limited to the open air presentation of musical, theatrical, educational and similar events. The sale of food and beverages may be permitted as an accessory use.
- (2) Amusement parks and fairgrounds shall be limited to facilities for the commercial operation of midway attractions and motorized rides; and the selling of products consistent with carnival operations and in accordance with health department regulations to midway and ride patrons.
- (3) Campgrounds and recreational vehicle parks shall be limited to transient recreational purpose.
- (4) Golf clubs/courses, which may or may not be operated for profit.
- (5) Gun clubs and shooting ranges shall be limited to facilities and activities directly related to recreational outdoor shooting at target with legal sporting fire arms and archery equipment in a controlled environment.
- (6) Hunt clubs and polo clubs shall be limited to the raising and boarding of horses and dogs.
- (7) Zoological and botanical gardens shall be limited to facilities for the housing and display of animals and/or plants plus necessary maintenance and related facilities.

(Ord. of 3-17-2008, § 4.04(I))

Sec. 46-213. - TIO industrial office research district.

(a) *Intent.* The TIO industrial office research district is intended to permit new technology office, research and electronic type uses to act as a transition between the residential/commercial/office districts and the general industrial districts. These uses are generally characterized by their need for some service area, light electronic component assembly area and/or research space to service, assemble, test and package small electronic, scientific and business equipment components and products for distribution to outside customers by means of a sales division as well as for the traditional office space for administrative, clerical, design and sales personnel. The outdoor storage of goods or materials shall be prohibited. All uses permitted within the TIO district are subject to the township's industrial performance standards.

(b) *Permitted uses.*

- (1) Computer, business or scientific equipment sales and service facilities.
- (2) Research or testing facilities for small mechanical, electrical, electronic and industrial components. Chemical, biological and biochemical uses shall be prohibited.
- (3) Office buildings for any of the following type uses: executive, administrative, accounting, data processing, writing, clerical, graphic, drafting or sales.

- (4) Banks, credit unions, savings and loan associations.
- (5) Accessory buildings and uses customarily incidental to the above-permitted principal uses except separate warehousing and storage facilities.

(Ord. of 3-17-2008, § 4.04(J))

Sec. 46-214. - GI industrial district.

- (a) *Intent.* The intent of the GI industrial district is to permit small and medium scale industrial uses to locate in desirable areas of the township, based upon the township land use plan, which uses are primarily of a wholesaling, manufacturing, assembling and fabricating character. Large-scale or specialized industrial operations may also be located in this district subject to special approval. Reasonable regulations apply to uses in this district so as to permit the location of industries which will not cause adverse effects on residential areas in the township. Certain commercial uses which are desirable to service employees and visitors of the industrial district are also permitted in this district. Outdoor storage may be permitted as noted below. The storage of flammable liquids, liquefied petroleum gasses, and explosives of any kind is prohibited.
- (b) *Permitted uses.*
 - (1) Wholesale and warehousing. The sale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district; truck terminals.
 - (2) Industrial establishments.
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products, candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys novelties, electrical instruments and appliances, radio and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.
 - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, wax, wire, wood and yarns.
 - c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools, manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton, and cardboard products.
 - d. Laboratories for research or testing.
 - e. Automobile vehicle collision repair facility, undercoating and painting.
 - f. The assembly and/or manufacture of automobile parts and accessories, cigar and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
 - g. Processing, refining, or storage of food and foodstuffs.
 - h. Breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork, cabinet shops, painting and sheet metal shops, undercoating and rust-proofing shops and welding shops
 - (3) Public utility electrical, gas and telephone uses.
 - (4) Retail and service establishments.

- a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
 - b. Truck tractor and trailer sales, rental and repair.
 - c. Dog kennels.
 - d. Automobile service stations in accordance with section 46-291.
- (5) Accessory buildings and uses customarily incidental to the above permitted uses in subsection (b) of this section, including living quarters of a watchman or caretaker.
- (c) *Special uses.*
- (1) Open storage yards of construction contractors' equipment and supplies, building material, sand, gravel and lumber.
 - a. Such uses shall have front, side or rear yard of 200 feet wide when adjacent to any residential district. Such spaces shall be maintained as a greenbelt in accordance with section 46-386.
 - b. If it is deemed essential by the planning commission to prevent loose materials from blowing onto adjacent properties, a fence, tarpaulin or obscuring wall of no less than six feet shall be required around the stored material.
 - c. No required yard spaces shall be used for the storage of equipment or material.
 - (2) Junkyards.
 - a. Junkyards must be entirely enclosed by an eight-foot obscuring wall.
 - b. No junk, parts or trash shall be piled higher than the enclosure fence.
 - c. An unobstructed hard-surfaced roadway of at least 20 feet wide shall be provided through the entire length of the property to allow access by fire equipment. Other roadways may be required by the fire chief if there is need for fire equipment to have access to other parts of the junkyard.
 - d. A junkyard shall be located at least 200 feet from any residential district. This space shall be maintained as a greenbelt in accordance with section 46-386.
 - (3) Petroleum bulk stations and terminals.
 - a. The lot size shall be a minimum of ten acres.
 - b. Such uses shall be located at least 500 feet from any residential district.
 - c. A minimum front yard setback of 200 feet, a minimum rear yard setback of 100 feet and a minimum side yard setback of 100 feet shall be provided. This space shall be maintained as a greenbelt in accordance with section 46-386.
 - (4) Automobile parts stamping plants, assembly plants, tire vulcanizing and recapping facilities, rough saw lumbering facilities and planing mills.
 - a. Such uses shall have a minimum front, side and rear yard of 200 feet or a greater setback to ensure the proper application of the industrial performance standards. Such space shall be maintained as a greenbelt in accordance with section 46-386.
 - b. All open storage areas shall be completely enclosed with a six- or eight-foot obscuring fence or wall and no material shall be piled higher than the enclosure device.

(Ord. of 3-17-2008, § 4.04(K))

Sec. 46-215. - Schedule of regulations.

The schedule of regulations is as follows:

Zoning District	Minimum Lot Size ^b		Maximum Building Height		Minimum Yard Setback (feet)				Max. Lot Coverage	Minimum Floor Area Per Dwelling Unit ^{e,m}
	Area ^k	Lot width (feet)	Stories	Feet	Front ^a	Least Side ^c	Total Side ^c	Rear	Percent	Square Feet
RE Rural Estate	2½ acres	165	2½	35	50 ^f	25 ^f	50 ^f	25 ^f	30	1,200
R-1A Single-Family Residential	1 acre	150	2½	35	40	20	40	25	30	1,200
R-1B Single-Family Residential										
-with Sewer and Water	15,000 s.f.	100	2½	35	35	10	30	25	30	1,200
-w/o Sewer and Water	20,000 s.f.	100	2½	35	35	10	30	25	30	1,200
RM Multiple-Family Residential										
-Multiple-Family Complex	40,000 s.f.	200	2½	35	35	25	50	35	30	---
-Multiple-Family Unit	g	---	2½	35	35	25	50	35	30	g
RMH Mobile Home Park										
-Park	80,000 s.f.	200	1	15	50	25	50	50	30	---
-Lot	7,200 s.f.	60	1	15	20	10	20	25	30	600
C-1 Local Business	25,000 s.f.	100	2	35	40 ⁱ	15 ⁱ	30 ⁱ	25	N/A	---
C-2 General Business	25,000 s.f.	100	2	35	40 ⁱ	25 ⁱ	50 ⁱ	25	N/A	---

C-3 Planned Shopping Center	10 acres	400 ^k	2	35	100 ⁱ	100	200	50	N/A	---
C-4 Mixed Business	40,000 s.f.	200	3	35	40 ⁱ	25 ⁱ	50 ⁱ	50	N/A	---
PUD, Planned Unit Development ⁱ	---	---	---	---	---	---	---	---	---	---
REC Recreation										
-Residential	---	---	1½	35	50	20	40	50	---	---
-Nonresidential	---	---	---	35	100	100	200	100	0	---
TIO Industrial Office Research	50,000 s.f.	200	2	35	50 ⁱ	40	80	40	N/A	---
GI Industrial	60,000 s.f.	200	2	35	50 ⁱ	40	80	40	N/A	---

(Ord. of 3-17-2008, § 4.07; Ord. No. 158-14, 4-7-2014)

Sec. 46-216. - Footnotes to the schedule of regulations.

(a) Parking, loading and unloading restrictions.

(1) In all residential districts, the minimum front yard shall not be used for off-street parking, and shall remain as open space, unoccupied and unobstructed from the ground up except for landscaping plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as a front yard for setback purposes.

(2) In all nonresidential districts, the front yard shall not be used for off-street loading or unloading purposes.

(b) Though the schedule of regulations outlines the requirements for minimum lot sizes and other dimensions, no parcel shall be so deep that it exceeds four times the lot width.

(c) In all residential districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width must meet required side yard setback for the district in which the lot is located.

(d) The area, height, bulk and placement requirements of a PUD district are subject to the review and determination of the planning commission per section 46-325 of the zoning ordinance.

(e) Required minimum floor area for each dwelling unit shall not include area of basements, breezeways, porches or attached garages.

- (f) All farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, and in no case shall the main farm building be less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn and other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this chapter.
- (g) Minimum land area required for each dwelling unit in the RM district shall be:
- (1) Net lot area in square feet with sewer and water.

Type of Unit	Area in Square Feet		
	Apartment	Row, Townhouse, Terrace, Garden	Single-Family Detached ^{1,2}
Efficiency or 1-bedroom	5,500	6,700	N/A
2-bedroom	6,700	7,900	2 to 4 bedroom homes
3-bedroom	7,900	9,700	2 to 4 bedroom homes
4-bedroom ³	9,700	10,000	12,000

¹ Deduct 20% of the net parcel area for the complex to represent new rights-of-ways before determining the density of the complex.

² The minimum net lot area of any lot in a RM Multiple-Family, detached residential development shall be 6,600 square feet.

³ For every unit with 5 or more bedrooms or rooms that can reasonably be converted to a bedroom add 2,000 square feet to the net lot area of the 4-bedroom unit.

- (2) Net lot area in square feet without sewer and water. The land area shall be as permitted by the county health department but shall not be more dense than what the following net lot area requirements will permit.

Type of Unit	Area in Square Feet		
	Apartment	Row, Townhouse, Terrace, Garden	Single-Family Detached ^{1,2}

Efficiency or 1-bedroom	12,000	N/A	N/A
2-bedroom	20,000	28,000	2 to 4 bedroom homes
3-bedroom	28,000	35,000	2 to 4 bedroom homes
4-bedroom ³	35,000	42,000	42,000

¹ Deduct 10% of the net lot area for the complex to represent new rights-of-way before determining the density of the complex.

² The minimum net lot area of any lot in a RM Multiple-Family District being designed for a Cluster Single-Family, detached residential development shall be 10,000 square feet.

³ For every unit with 5 or more bedrooms or rooms that can reasonably be converted to a bedroom, add 2,000 square feet to the net lot area of the bedroom unit.

- (h) Side yard requirements may be waived in instances where firewalls are provided between units and when there is adequate access to the rear of the units for fire protection. Where a commercial district borders on a side street and a residential district exists in the same block, there shall be provided a setback of 25 feet for all buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided a setback of 25 feet for all buildings, parking and loading areas.
- (i) Loading space shall be provided in the side or rear yard, as specified in section 46-363. This regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property line.
- (j) Cluster subdivisions (see section 46-280) approved in RE, R-1A and R-1B district shall permit lot sizes and width of lesser areas and dimensions as provided for under section 46-215 and as regulated by section 46-281.
- (k) If the site has frontage on one road, the minimum frontage shall be 400 feet. If the site has frontage on two roads, both frontages may be counted to satisfy this minimum total frontage. In no case may a site have less than 400 feet depth.
- (l) The maximum coverage of a lot by all buildings shall be subject to providing adequate setbacks, parking, landscaping and other site improvements as required by this chapter.
- (m) Nonresidential uses may be increased in height over the maximum permitted provided for every foot of height over the maximum, the minimum setback is increased by two feet.

(Ord. of 3-17-2008, § 4.08; Ord. No. 159-14, 4-7-2014)

Secs. 46-217—46-240. - Reserved.

ARTICLE IV. - GENERAL REGULATIONS

Sec. 46-241. - Applicability.

Except as specifically provided, the general of regulations of this article shall apply.

(Ord. of 3-17-2008, § 5.01)

Sec. 46-242. - Accessory buildings and structures.

Accessory buildings or structures shall be permitted in all districts and are subject to the following regulations:

- (1) Accessory buildings and structures in residential districts.
 - a. Accessory buildings or structures shall not be permitted in any residential district by themselves on vacant land. Accessory buildings or structures and the principal building or structure may be constructed and occupied simultaneously.
 - b. All accessory buildings and structures which are structurally attached to a main or principal building or structure, and all accessory buildings in RE rural estate district, whether attached or detached from a main or principal building, shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings or structures, except for square footage requirements as regulated in this section.
 - c. Detached accessory buildings or structures shall not be erected in any residential front yard, except as follows:
 1. For farms and farming operations, as outlined in subsection (3) of this section.
 2. Where lots are abutting navigable lakes and canals.
 - d. An accessory building or structure or any combination of all accessory buildings or structures on any single lot in township must meet the frequency and area limits as follows:
 1. There shall be no more than one detached accessory building on any single lot in the R-1A or R-1B zoning district and there shall be no more than two detached accessory buildings on any single lot in the RE zoning district.
 2. There shall be no more than two accessory structures on any single lot in the R-1A, R-1B, and RE. Additional accessory buildings may be constructed on a parcel in the RE district if such construction is consistent with qualified farming operations conducted in township.
 3. The total area of any combination of attached and detached accessory building in R-1A and R-1B zoning districts shall not exceed 1,000 square feet.
 4. Detached accessory buildings in the R-1A and R-1B zoning districts shall cover no more than ten percent of the total area of the rear, even if the area in subsection (1)(d)3 of this section has to be less than 1,000 square feet.
 5. The total area of all attached accessory buildings in the RE district shall not exceed the total square footage of the living area of the principle building or a maximum of 1,200 square feet. The total area of all detached accessory buildings in the RE district shall not exceed the total square footage of the living area of the principle building less the existing attached accessory building or 1,200 square feet, whichever is greater. The square footage of finished or unfinished basements shall not be considered when determining accessory building area. The area of detached accessory buildings may be increased by 400 square feet for each acre over 2.5 acres where additional acreage is part of a single lot or parcel.

6. Restriction. Additional acreage used to increase the size of accessory structures in an RE district cannot be split off from the acres upon which the principal building is located.
 - e. When an accessory building or structure is located on a corner lot, said building or structure shall meet the standards found in section 46-216 (c).
 - f. In the RE district, except as provided under section 46-209, no detached accessory building shall be located closer than 25 feet to any main or principal building, nor shall any detached accessory building or structure be located closer than 25 feet to any side or rear lot line. In the R-1A and R-1B district no detached accessory building or structure shall be located closer than ten feet to any main or principal building or structure nor shall it be located closer than five feet to any side or rear lot lines.
 - g. In the RE district, accessory building or structures shall not exceed 35 feet in height, where such buildings are a part of farmland in the township as defined in section 46-6 of this chapter, and 25 feet for all other nonfarmland uses in the RE district. In all other districts, accessory buildings or structures shall not exceed 18 feet in height.
 - h. Radio and/or television antennas, church steeples, or other accessory features may exceed the maximum height in the district in which the accessory feature is located provided that the distance between the accessory feature and the property lines is equal to the height of such antenna or feature.
- (2) Accessory buildings and structures in nonresidential districts.
- a. All accessory buildings, structure or apparatus which are structurally attached to main or principal buildings shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings, except for the square footage requirements.
 - b. Detached accessory structure shall not be erected in any front yard or in any side or rear minimum yard setback area.
 - c. Radio and/or television antennas, chimneys, church steeples, or other accessory features may exceed the maximum height in the district in which the accessory feature is located provided that the distance between the accessory feature and the property lines is equal to the height of such feature.
 - d. Satellite antennas and/or other accessory apparatus shall be so mounted on the ground, on the wall or on the roof to maximize the screening of such apparatus without impeding signal reception or prescribed use.
 - e. Wireless communication facilities may be an accessory use in a nonresidential district provided they meet all of the requirements of section 46-301. Wireless communication facilities located in nonresidential districts shall be located only on parcels of five acres or greater.
- (3) Accessory structures in RE districts involving farms and farming operations in township. In those cases where the director of building and planning for the township determines that the principal use of the applicant's premises is farming, and not residential, the director may authorize the erection of farm-related buildings on the premises even though such buildings do not conform to the other subsections of this section.
- a. In reaching such a determination, the director shall consider the occupation of the persons occupying the premises, the source of income for the family occupying the premises, the amount of income produced by the farming occupation, relevant state statutes and rules, and all the like information.
 - b. This subsection is not intended to permit deviation from the standards of this section in the case of parttime farms or farmers, gentlemen farmers or the like situations. This section is intended to promote and protect farms and farmers, and not to encourage deviation or variations based on the allegation of farming where the allegation is not supported by sufficient fact.

- c. When a farm ceases to operate as a financial use as defined in section 46-6 and the owner requests the land to be split, the nonfarm regulations of this chapter shall be applied to the principal and accessory buildings and structures to determine the total acreage required around the original principal and accessory buildings and structures before the remainder of the land, which is vacant, is divided into parcels to be equal to or greater than what is required pursuant to the zoning district in which the vacant land is located.
- (4) Wireless communication facilities in RE districts as accessory structures.
- a. Wireless communication facility may be an accessory use in RE districts.
 - b. The wireless communication facility shall meet the requirements of section 46-298 related to a permitted use after special approval.
 - c. Any new and unrelated structures being constructed on a site with a wireless communication facility shall be set away a distance equal to the height of the wireless communication facility structure.
 - d. Wireless communication facilities located in the RE district as an accessory use shall be located only on parcels of 40 acres or greater. This regulation shall not prohibit the division of the 40-acre parcel after the wireless communication facility is established as long as all other provisions of this chapter are met.

(Ord. of 3-17-2008, § 5.02; Ord. No. 137-11, 8-1-2011; Ord. No. 138-12, 2-6-2012; Ord. No. 154-14, 4-7-2014; Ord. No. 155-14, 4-7-2014; Ord. No. 166-17, 3-6-2017; Ord. No. 167-17, 3-6-2017)

Sec. 46-243. - Fence regulations.

- (a) *General requirements.* It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within township, except in accordance with these regulations. A permit to construct a fence shall not be required.
- (b) *Location of fences.*
 - (1) All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly install a fence on the common property line.
 - (2) No fence shall be located within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the public utility responsible.
 - (3) Where stockade or other similar style fencing is proposed, the finished side of the fence must face outward toward neighboring properties. In the case where a fence abuts a public right-of-way, or private roadway, the finished side must face the public right-of-way, or private roadway.
 - (4) Continuity in the style of fencing shall be maintained along each separate property line. This provision does not require a uniform fence style along each separate property line, but rather prohibits abrupt changes in fence style along a property line.
- (c) *Height regulations.*
 - (1) Fences located on residential lots shall comply with the following regulations:
 - a. Only ornamental type fences shall be located in a required front setback or in a required side setback adjoining a public or private street and shall not exceed four feet in height. Ornamental fencing includes wrought iron, wood picket fencing and other similar styles.
 - b. Fences located in any required side setback not adjoining a street or in any required rear setback shall not exceed six feet in height.

- (2) Fences on any commercial or office lot shall not exceed six feet in height. Fences in a front setback or a street setback shall not be permitted in a commercial or office commercial district except where required by the township planning commission.
 - (3) Fences on any industrial lot shall not exceed 12 feet in height.
 - (4) Fences enclosing land used for agricultural purposes or the keeping of class II animals, shall be exempt from the regulations of this subsection.
 - (5) Fence height shall be the vertical distance from finished grade to the top of the highest point of the fence structure. When located on or adjacent to a property line, the finished grade shall match the grade on either side of the property line. The mounding of soil shall not be permitted for the purpose of a higher fence height.
- (d) *Safety of fences.*
- (1) No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below the height of ten feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
 - (2) Fences shall not contain any electric charge or current, except fences that enclose land used for agricultural purposes, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.
 - (3) Fences may be constructed of woven wire, metal, wood, plastic, or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or 42 inches. Posts or anchoring devices for all other fences shall be placed at a depth of not less than 30 inches.
- (e) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the grade of the ground being retained.
- (f) *Public utility fences.* Fences that enclose public utility installations shall not be located in any required setback where the lot is located in a residential zoning district. Such fences may be located in any required setback where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this chapter.
- (g) *Maintenance.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the director of building and planning or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
- (h) *Exemptions.* Fences enclosing land used for agricultural purposes shall be exempt from the regulations and requirements of this section.

(Ord. of 3-17-2008, § 5.03)

Sec. 46-244. - One lot, one principal building in single-family residential districts.

In single-family residential districts, only one principal building shall be placed on a lot of record.

(Ord. of 3-17-2008, § 5.04)

Sec. 46-245. - Required street frontage.

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

- (1) A public street which has been accepted for maintenance by the road commission for county;
- (2) A permanent and unobstructed private easement of record at the county register of deeds where said easement is constructed in accordance with the township ordinance regulating the construction of private roads;
- (3) An access easement of record where said easement had in fact been constructed and in use as a private road prior to May 6, 1974;
- (4) Frontage on a cul-de-sac in which case said road frontage may be less than the minimum required by the zoning regulations for the zoning district in the parcel is located, so long as the cul-de-sac is constructed in accordance with county or township standards, and so long as the lot width on said lots front building setback line is at least the minimum as set forth in the zoning regulations; or
- (5) In the case of a single building site, a driveway which serves that single site only, and which accesses a public street or permanent private easement as described in subsection (1) or (2) of this section. Such easement shall be at least 20 feet wide and shall become a recorded easement for ingress and egress, or be owned in fee simple by the parcel served. Such easement or fee simple parcel shall also be for the exclusive use of the parcel served.

(Ord. of 3-17-2008, § 5.05)

Sec. 46-246. - Parking prohibited in residential districts.

- (a) Automotive vehicles, trailers of any kind, or recreational vehicles that are self-propelled or towed and designed for highway travel, which are not capable of such travel in its existing condition, or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished unit or any unit designed for highway travel not bearing a current license plate or license certificate shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.
- (b) Commercial highway trailers and trucks and equipment with a rated capacity exceeding 10,000 G.V.W. shall not be parked or stored in any R-1B or R-1A zone.
- (c) Automotive vehicles, trailers or recreational vehicles may only be sold from property where the vehicle for sale is owned by the resident or owner of a property or in an approved new or used car lot. Vehicle(s) for sale in the road right-of-way or in a commercial parking lot is strictly prohibited. Vehicle(s) allowed for sale by this section shall be limited to one vehicle at a time and no more than four vehicles per year.

(Ord. of 3-17-2008, § 5.06; Ord. No. 140-12, 2-6-2012; Ord. No. 142-12, 2-6-2012)

Sec. 46-247. - Construction and operation of swimming pools.

The construction and operation of swimming pools shall be subject to the regulations of the state construction code.

(Ord. of 3-17-2008, § 5.07)

Sec. 46-248. - Condominium project regulations.

All condominium projects within the township shall comply with the provisions of this chapter with those exceptions as hereinafter set forth. It is recognized that residential condominiums differ from other

residential subdivisions in numerous respects, particularly as to development standards in ownership with individual units and jointly held common areas. The purpose of this section is to address the special attributes of condominium projects and to adopt development standards which will protect both the community and the purchasers of condominiums. With that purpose in mind, the planning commission is granted broad power to apply the chapter standards to condominium developments in a manner reasonably consistent with the intent of this chapter in recognition of the fact that specific strict compliance to the letter of the ordinance may not always be obtained.

- (1) Section 46-244 notwithstanding, site condominium projects are permitted in the township subject to the following:
 - a. The developer of the site condominium projects shall submit to the planning and building department for the township 12 copies of an application for a preliminary approval of the site condominium project. Such applications shall be accompanied by preliminary plans for the project. The preliminary plans shall show the name, location, and position of the project, and the plan shall also show the layout of the project in sufficient detail on the topographic map to enable the township planning commission members to determine whether or not the project meets the requirements for size and shape of units, setbacks, street, roads, highways, and such other requirements as are normally attendant to single-family developments. The preliminary plan shall be drawn to a scale of not more than 200 feet to one inch. The plan shall also identify the developer and the surveyor or engineer.
 - b. The planning and building department, and such consultants as the planning and building department may determine are necessary, shall review the preliminary plan and comment thereon to the developer. Such review and comment shall be completed within 45 days of the submission of the plan. Following such review and comment, the preliminary plan shall be submitted to the planning commission for hearing. Such hearing shall be held at a regular planning commission meeting, but such hearing need not be a public hearing within the meaning of the state enabling act. The planning commission may, by majority vote, determine to have a public hearing on the plan.
 - c. The planning commission shall determine whether or not the plan meets with the setback requirements, unit size requirements, lot or dedicated limited open or common space requirements consistent with the township lot size standards, and such other requirements as are applicable to single-family developments. Following such determination, the planning commission shall advise the developer of its findings and recommendations.
 - d. If the planning commission determines that the plan, or its alternates, conform to this chapter and all other applicable ordinances in all respects, the plan shall be approved. Following approval, the developer shall have one year within which to complete the final plans for the development. All such final plans shall be in the same form and prepared in the same manner as plans for subdivisions, consistent with the township subdivision control ordinance.
 - e. Following submission of the final plans to the township, the planning commission shall likewise determine that all ordinance criteria for the township have been met, and if all such criteria have been met, the final plans shall be approved. Such approval shall confer upon the developer one year within which to make substantial progress toward construction of the condominium project.
 - f. Following final site plan approval, the developer shall forthwith submit engineering plans to the township for review by the planning and building department, and such other consultants as the planning and building department may determine are necessary for the approval of such plans. All engineering shall conform with the standards as set forth in the township subdivision control ordinance. The following special provisions shall apply to single-family site condominium projects within the township: Each building site shall front on and have direct access to a public or private street, which public or private street shall be constructed in compliance with the standards for public roads as promulgated by the county road commission or, in the case of private street, the standards of the county road commission as applicable to a large lot subdivision with asphalt or concrete surface.

- (2) Multiple-family condominium projects shall be constructed in accordance with the same standards as well as all other multiple housing projects as provided in this chapter and in the state construction code. In addition, the following special provisions shall apply:
 - a. Each single unit in a condominium project shall have locks using combinations which are interchange-free from locks used in all other separate dwellings within the project. This specification is intended to prohibit master keys.
 - b. A minimum of 90 cubic feet of storage space shall be provided outside the dwelling unit for each unit, and such storage space shall have a minimum area of 24 square feet of enclosed, lockable storage space.
 - c. Each utility that is consumed within the individual units shall be separately metered in such a way that the unit owner can be separately billed for its use. All utility meters shall be placed underground or screened architecturally or with landscaping or placed within the buildings.
 - d. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible within or close to the unit.
- (3) Condominiums for all offices shall comply in all respects with all applicable township ordinances, including this chapter, with regard to office buildings.
- (4) Condominiums for retail establishments or purposes other than residential or office shall comply with all township ordinances applicable to the proposed use and type of building.
- (5) As an aspect of site plan approval, the developer of any condominium project of any nature whatsoever shall provide 12 copies of the proposed master deed and restrictions to the planning department for distribution to the planning commission members and to such other consultant or experts as the planning department may deem necessary to call upon.
- (6) It shall be unlawful to develop any condominium project, or record any documents of any nature whatsoever establishing a condominium project, in the township without approval of the township and the manner as provided in this chapter.

(Ord. of 3-17-2008, § 5.08)

Sec. 46-249. - Home occupation.

The following regulations for permitting certain home occupations after special approval are enacted for the purpose of preserving the residential character of the community, to render the area quiet and peaceful for the surrounding residents, to provide for the safety of the adjacent residents and the well-being of all of the residents on the street where such a use may be permitted. The general health, safety and welfare of the neighborhood outweighs any benefit derived from the establishment and/or continuance of any home occupation after special approval.

- (1) *Procedures for obtaining special use approval for a home occupation.* Any resident seeking special use approval to conduct a home occupation within a residentially zoned district must file an application with the township planning commission that contains, at a minimum, the following information:
 - a. A description of the property involved, the uses of all properties adjacent to the applicant's property, the distance from the area of the proposed home occupation and any adjacent residential dwelling, the type of activity proposed to be conducted, where the activity is to be conducted on the property and the persons to be involved in the activity.
 - b. The application for a home occupation special use should describe in detail how the use will meet the standards as set forth in this section.
 - c. The application, when completed, shall be submitted to the director of planning and building for township for review as to completeness and accuracy before submission to the planning commission.

- d. Uses that can be considered as a home occupation shall be submitted to the planning commission and reviewed according to the standards of subsection (2) of this section.
- (2) *Standards for approval.* In any building used as a dwelling, small, unobtrusive and unobstructive businesses may be conducted provided that:
- a. The primary use of the structure is a dwelling unit or approved accessory building.
 - b. The proposed use shall be conducted entirely within the dwelling unit or approved accessory building.
 - c. No person other than resident members of the family occupying the dwelling unit shall be engaged in or employed in the home occupation.
 - d. No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business.
 - e. The home occupation shall be restricted to 15 percent of the dwelling, and shall be clearly secondary to the use of the house for dwelling purposes.
 - f. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises.
 - g. The home occupation shall not cause any noise, odor, gas, smoke, dust, dirt, glare, heat, fire hazard or vibration to occur outside of the building in which such activities occur.
 - h. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
 - i. There are no outside operations, storage, or display of materials or products.
 - j. No process is used which is hazardous to public health, safety, or welfare.
 - k. Visitors, customers or deliveries shall not exceed that normal and reasonably occurring for a residence and not more than two deliveries of products or materials per week.
 - l. The home shall not be the gathering point for other employees, nor shall any employee leave vehicles at the home and be transported to other locations.
 - m. One business vehicle may be permitted at the dwelling. Business vehicles larger than a pickup truck or domestic van shall meet the requirements of sections 46-246 and 46-285, if eligible.
 - n. No additional on-site parking associated with the business other than the space available for parking by the resident of the property is permitted.
 - o. No on-street parking associated with the business is permitted.
 - p. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building which may contain only the name and/or occupation of the resident.
- (3) *Conditions of approval.* Any permitted home occupation use after special approval shall be permitted to continue provided it meets the following conditions:
- a. The home occupation shall continue to meet the standards as set forth in this section.
 - b. The planning commission may stipulate additional specific standards that a particular home occupation must comply with relative to the special circumstances on or adjacent to the subject property.
 - c. The home occupation may be subject to an annual review by the planning commission or more frequently upon presentation of information not previously considered by the planning commission.
 - d. The home occupation may be subject to a time limit such as:

1. One year;
 2. Five years;
 3. As long as the current owner of the residence is the person conducting the home occupation; or
 4. Other time limits as may be stipulated by the planning commission.
- e. The planning commission may also stipulate other general conditions that an applicant for a home occupation special approval must abide by in order to maintain their home occupation that the planning commission deems in their best judgment is necessary for the health, safety, and welfare of the township.

(Ord. of 3-17-2008, § 5.09; Ord. No. 139-11, 12-19-2011)

Sec. 46-250. - Scope of provisions.

- (a) No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.
- (b) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
- (c) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall be erected more than 15 feet above the maximum height of the district in which it is located; nor shall such exempt structure have a total area greater than ten percent of the roof area of the building; nor shall such exempt structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
- (d) Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three feet. An open, unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet.
- (e) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A slope grade shall be established and maintained from the center of the front or rear lot line to the finished grade line at the front or rear of the building, both grades sloping to the front lot or both. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the township engineer or building inspector.
- (f) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.
- (g) No permit shall be granted for the moving of buildings or structures from without or within the limits of the township to be placed on property within said limits until the applicant provides the building inspector with certification that all applicable building codes have been met and have found that it is

structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with all other codes regulating the health, safety and general welfare of the township.

- (h) Land balancing of any kind on vacant land shall not be permitted without permission of the building official or designee.
- (i) The construction, maintenance or existence 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 chapter, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, reservoirs, or other major bodies of water created or existing by authority of the state.
- (j) Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building inspector, or required to comply with his lawful order.
- (k) The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.
- (l) From and after the effective date the ordinance from which this chapter is derived, it shall be unlawful for any person to use land for filling with material of any kind without approval of the township board.
- (m) Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the state or any ordinance of the township, are subject to the requirements of this and other applicable chapters.

(Ord. of 3-17-2008, § 5.10)

Secs. 46-251—46-278. - Reserved.

ARTICLE V. - SUPPLEMENTAL REGULATIONS

Sec. 46-279. - Purpose.

It is the purpose of this article to provide regulations for specific uses, which may be regulated as either a permitted or conditional land use.

(Ord. of 3-17-2008, § 6.01)

Sec. 46-280. - Cluster housing option.

- (a) *Intent.* The intent of the cluster housing option is to permit the development of single-family and two-family residential patterns which, through design innovation, will:
 - (1) Allow greater flexibility;
 - (2) Encourage a more creative approach to the development of single-family residential areas;
 - (3) Encourage a more efficient aesthetic, and desirable use of the land;
 - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets;
 - (5) Encourage the provision of open space so that benefits may accrue directly to the residents of the development;

- (6) Provide for optimum setbacks from major thoroughfares;
 - (7) Provide for the sound physical development and handling of site situations where a conventional subdivision approach would be unnecessarily restrictive.
- (b) *Applicability.* The cluster housing option may be applied for in the RE, R-1A, and R-1B single-family residential districts and in the RM multiple-family residential districts. In the RM district, cluster housing developments shall comply with restrictions applied in the R-1B district. The following additional standards shall determine whether the cluster housing option is treated as a permitted or special land use:
- (1) *As a permitted use.* The cluster housing option shall be a permitted use where a minimum of 50 percent of the net site area is permanently preserved in an undeveloped state, subject to all applicable standards set forth herein. Application for cluster housing as a permitted use shall be the option of the applicant.
 - (2) *As a special land use.* The cluster housing option shall be a special land use in all other circumstances where it is not a permitted use, subject to all applicable standards set forth herein.
- (c) *Criteria.* In the review of any proposed development under this section, the township shall make a finding that the intent of the cluster housing option, as set forth in subsection (a) of this section and one or more of the following standards are met:
- (1) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; or other natural assets which should be preserved.
 - (2) The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the township shall determine that the following conditions exist:
 - a. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of 15 percent between these elevations. These elevation changes and slopes shall appear as the predominant feature of the site rather than the exception or infrequent feature of the site.
 - b. Mass grading of the site would be necessary in order to achieve the maximum road grade permitted by the county road commission and the use of cluster housing development will allow for a greater preservation of a desirable natural setting.
 - (3) The parcel contains substantial portions of floodplain and wetlands, as verified by a floodplain and wetlands map, issued by the appropriate federal, state, county or township agency, or prepared by a qualified wetlands consultant.
 - (4) Due to the size and shape of the parcel, utilization of the cluster lot option would result in the more creative and efficient use of the property and would not create a negative impact upon surrounding properties.
- (d) *Procedures for review and approval.* A two-part process will be followed in the review and approval of applications for the cluster housing option, as described below:
- (1) *Concept plan review.* The application for a cluster housing option shall require the review of concept plans and relevant supportive material by the planning commission. The following procedures shall be followed:
 - a. The applicant shall file a request for a concept review by the planning commission by filing with the township building official, an application, the applicable fee, and the following information, in the number of copies as required by the township:
 1. *Project narrative and site analysis.* A summary explanation and graphic illustration of the development concept and the manner in which the criteria in subsection (c) of this section are met.

2. *Density concept plan.* A plan which illustrates achievable development of the property without application of the cluster housing option and with all applicable ordinances and laws observed. The density concept plan shall not rely upon community septic and sewer systems, as defined by this chapter, to justify achievable density.
 3. *Cluster concept plan.* A plan which illustrates development of the property with application of the cluster option.
- b. Both the density and cluster concept plans shall contain the following information:
1. Evidence of ownership. Location and description of site; dimensions and areas.
 2. General topography, soils information, woodlands, wetlands, floodplains and surface water.
 3. Scale, north arrow, date of plan.
 4. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives and streets on the site and within 100 feet of the site.
 5. Lot and street layout.
 6. Location, size, and uses of open space.
 7. General description of proposed water, sewage disposal, and storm drainage systems.
- c. Upon receipt of an application for concept review, the director of planning and building shall transmit the application and related material to the planning commission, township planner, and township engineer. Concept review shall be scheduled at the first available planning commission meeting.
- d. The planning commission shall review concept plans and relevant supportive material and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The official minutes shall reflect the recommendations of the planning commission.
- e. Specific details of the site plan prepared in accordance with article II, division 2 of this chapter shall serve as the basis for determining that all township standards have been met.
- (2) *Final review.* Within six months following the township's review of the concept plan, the applicant shall submit a final plan in accordance with the procedures set forth in section 46-68 and conforming with this section. If a final plan is not submitted by the applicant for approval within six months following receipt of township comments, the concept review becomes null and void.
- (e) *Site design requirements.* All cluster developments submitted under this option shall conform to the following site design requirements:
- (1) *Type of dwelling unit permitted.* Development is restricted to single- and two-family dwelling units.
 - (2) *Density.* Whether a permitted use or special land use, the number of dwelling units permitted under the cluster housing option shall not exceed the number of dwelling units if the site were developed with a conventional layout and all applicable ordinances and laws observed, as demonstrated by the density concept site plan submittal in accordance with subsection (d)(2) of this section.
 - (3) *Open space.* Cluster housing treated as a permitted land use shall have a minimum of 50 percent of the net site area devoted to open space, provided such open space is left in an undeveloped state, as defined by this chapter. Cluster housing treated as a special land use shall have significant areas devoted to open space for the use and enjoyment of residents of the development and the preservation of natural features. Designated open space shall remain either in an undeveloped state and/or used for specifically designated recreational purposes. In all cases, designated open space shall be subject to the following standards:
 - a. Designated open space shall include area within any greenbelts pursuant to section 46-386.

- b. Designated open space shall not include: rights-of-way or easements designated for road purposes; areas within lots; or, land which is under water (lakes, streams, watercourses, and other similar bodies of water).
 - c. Designated open space shall be designed to avoid fragmentation of the natural resources and to include significant native plant communities and habitats located on the site.
- (4) *Setbacks.* Minimum setback requirements shall be established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The following minimum setback requirements for each dwelling unit shall be applied:

Minimum Setbacks and Lot Width per Dwelling Unit (in Feet) in Subdivisions and Site Condominiums				
Setbacks/Districts	RE	R-1A	R-1B	RM
Front & Rear				
Front	50	50	35	35
Rear	35	35	25	25
Total Front & Rear	100	100	75	75
Side				
Least	20	20	10	10
Total of Same Lot	50	50	25	25
Ordinary High Water Mark	50	50	50	50

Minimum Setbacks and Distances between Dwelling Units (in Feet) in Regular Condominiums				
Setbacks/Districts	RE	R-1A	R-1B	RM
Minimum Setbacks*				
Internal/Drives/Streets	50	50	35	35

Ordinary High Water Mark	50	50	50	50
Distance Between Bldg.				
Side/Side	40	40	20	20
Side/Front, Side/Rear	55	55	35	35
Front/Front, Front/Rear, Rear/Rear	70	70	50	50
*Where the cluster development contains drives or streets without a recorded easement, setbacks shall be measured from a point 30 feet from the center of the drive or street.				

- (5) *Required road frontage.* All lots shall have frontage on a public road which has been accepted for maintenance by the county road commission, or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the township. The extent of road frontage shall be determined by the township, in its discretion, taking into consideration: the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property, the size and shape of the development site; public safety, aesthetics; and, impact upon the surrounding developments.
- (6) *Greenbelt adjacent and parallel to county roads.* It is the intent of the township that cluster lot developments shall not appear to the more intense than conventional developments as viewed from off site. In addition to any required minimum setback specified in section 46-386, a greenbelt having the minimum width of 100 feet shall be required along any adjacent county road. The greenbelt shall be measured from the future right-of-way line in accordance with the county right-of-way plan. The township at its discretion, may permit variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site as well as the county future rights-of-way plan.
- (7) *Transition from adjacent parcels.* In order to provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the township, at its discretion, shall require designation of open space along the common boundaries; screening in accordance with the requirements of section 46-386; and/or an area or row of lots of commensurate size as neighboring residential lots.
- (f) *Grant of approval.* Upon the grant of special land use approval under this section, the township shall set forth all conditions imposed as part of the approval.
- (g) *Preservation and maintenance.* The effectiveness of any approval of a cluster lot development under this section shall be conditioned upon recording of appropriate conservation easements, restrictive covenants or other instruments for the purpose of providing for long-term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Such easement and/or other instrumentation shall be in a form and contain the content approved by the township attorney.

(Ord. of 3-17-2008, § 6.02)

Sec. 46-281. - Public, parochial and other private elementary, intermediate and/or high schools.

- (a) *Intent.* It is the intent of this section to establish standards for public, parochial and other private elementary, intermediate and/or high schools which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) The schools are offering courses in general education.
 - (2) The schools are not for profit.
 - (3) The site is not less than ten acres in size.
 - (4) Access shall be from a major thoroughfare.

(Ord. of 3-17-2008, § 6.03)

Sec. 46-282. - Regulation of animals.

- (a) *Intent.* It is the intent of this section to establish standards for any residential use wherein animals are kept for the use of the owner of the premises and immediate family which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Class I animals may be maintained in any zoning classification district, subject to specific restrictions herein.
 - (2) Class II animals may be maintained subject to the following conditions:
 - a. The minimum lot area required to maintain class II animals is 2½ acres. One class II animal shall be permitted for the first 2½ acres. Thereafter, one additional class II animal shall be permitted for each full acre in excess of 2½ acres.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter.
 - c. Structures housing class II animals shall be located no nearer than 200 feet to any dwelling which exists on an adjacent lot and no nearer than 100 feet to any adjacent lot line. Fenced areas shall be located no nearer than 50 feet from any dwelling which exists on an adjacent lot.
 - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice, or other vermin.
 - (3) Class III Animals may be maintained subject to the following conditions:
 - a. The minimum lot area required to maintain class III animals shall be 2½ acres. Twenty-five class III animals shall be permitted for the first 2½ acres, thereafter, five additional class III animals shall be permitted for each full one acre in excess of 2½ acres. A maximum of one rooster shall be permitted for each lot or parcel. Lots or parcels under one ownership shall be considered one lot or parcel.
 - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter. Fenced areas shall be located no nearer than 50 feet from any dwelling which exists on an adjacent lot.

- c. Structures housing class III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot and no nearer than 50 feet to any adjacent lot line.
 - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice or other vermin.
- (4) On any premises upon which animals are situated or maintained in the township, garbage, refuse, offal, and the like shall not be brought upon the premises and fed to animals.
- (5) A nuisance shall not be created by the maintenance of animals in the township.
- a. A nuisance may be determined upon the inspection by the director of planning and building, or other township official duly designated and authorized by the township board, concerning a premises on which animals are kept.
 - b. If a nuisance is found, a ten-day written notice may be given by said official to the person maintaining animals on said premises, stating in said notice that it appears that a nuisance does in fact exist on said premises, and specifically describing said nuisance.
 - c. If the condition persists, the building inspector may refer the matter to the zoning board of appeals. Due notice shall be given to the person maintaining the animals and due notice being given to individuals residing within 300 feet of the said premises, and other interested parties known to the township, the board of appeals shall conduct a hearing and make a determination as to whether the conditions on the premises in question constitute a nuisance.
 - d. The person maintaining the animals on said premises, or their legal representatives, shall be permitted to present evidence and arguments to the contrary.
 - e. Upon a determination by the board of appeals that a nuisance exists, the board of appeals shall, in writing, apprise the person maintaining the animals on the said premises as to how the nuisance shall be abated, and provide a reasonable time therefor.
 - f. The board of appeals shall order the animals upon the premises removed only in the event that the maintenance of said animals creates an imminent danger to the public health, safety and welfare, and provided that such a removal order shall be limited to a minimum number of animals and minimum time period necessary to abate said danger.
- (6) Farms and farm operations as defined by this chapter are excepted from this section.
- (7) The care and maintenance of all animals on all property are subject to the regulations in the animal control ordinance.

(Ord. of 3-17-2008, § 6.04; Ord. No. 153-14, 4-7-2014; Ord. No. 165-15, 5-4-2015)

Sec. 46-283. - Hobby and commercial kennels.

- (a) *Intent.* It is the intent of this section to establish standards for hobby and commercial kennels and other facilities normally incidental thereto which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Hobby kennels shall be permitted as an accessory use in any zoning district where single-family dwellings are permitted uses.
 - (2) Commercial kennels shall be a conditional use in the RE District subject to the following conditions:

- a. A minimum lot size of 15 acres shall be maintained.
- b. Any building or fenced area where animals are kept shall be located a minimum of 200 feet from any property line.
- c. The kennel shall be established and maintained in accordance with all applicable state, county and township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
- d. A site plan shall be submitted in accordance to article II, division 2 of this chapter.

(Ord. of 3-17-2008, § 6.05)

Sec. 46-284. - Cemeteries.

- (a) *Intent.* It is the intent of this section to establish standards for cemeteries and other facilities normally incidental thereto which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) The principal access shall be directly to a county primary road.
 - (2) The site shall be a minimum of 20 acres.
 - (3) Mausoleum structures, maintenance buildings and similar facilities shall be set back at least 80 feet from any property line.

(Ord. of 3-17-2008, § 6.06)

Sec. 46-285. - Parking and storing of commercial trailers, trucks and equipment.

- (a) *Intent.* It is the intent of this section to establish standards for parking and storage of commercial trailers, trucks and/or equipment with a rated capacity exceeding 10,000 gross vehicle weight (GVW) which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Minimum acreage required shall be ten acres.
 - (2) Not more than three licensed vehicles, or vehicles and mobile equipment in combination shall be parked or stored on the property.
 - (3) All vehicles and equipment shall be parked or stored in a completely enclosed building.
 - (4) The restrictions in this section do not apply to vehicles and equipment that are used on a bona fide farm and in farming operations as defined by section 46-6.

(Ord. of 3-17-2008, § 6.07)

Sec. 46-286. - Child day care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for day care facilities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) A state licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day care homes shall be prohibited in all other districts.

- (2) The township may, by issuance of a conditional use permit, authorize the establishment of group day care homes and day care centers as specified in district regulations and subject to the standards herein.
- (c) *Standards for group day care homes.* Group day care homes shall be considered as a special land use subject to the requirements and standards of article II, division 3 of this chapter and the following additional standards:
 - (1) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - (2) The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - (3) Fencing shall be provided that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet. The area to be fenced shall be determined by the planning commission.
 - (4) The hours of operation do not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - (5) One off-street parking space per employee not a member of the group day care home family shall be provided.
 - (6) Appropriate licenses with the state shall be maintained.
- (d) *Standards for day care centers.* Day care centers shall be considered as a conditional land use subject to the requirements and standards of article II, division 3 of this chapter and the following standards:
 - (1) Frontage on either a principal or minor arterial road shall be required.
 - (2) A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (3) Off-street parking shall be provided at a rate of one space per employee plus one space for every five children enrolled at the facility.
 - (4) There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the planning commission if public play area is available 500 feet from the subject parcel.
 - (5) Appropriate licenses with the state shall be maintained.

(Ord. of 3-17-2008, § 6.08)

Sec. 46-287. - Mobile home parks.

- (a) *Intent.* It is the intent of this section to establish standards for mobile home parks which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) *Greenbelt.* The park shall have a greenbelt ten feet in width on all sides, and be five feet in height, composed of evergreens such as spruce, pine or ferns. The greenbelt shall be measured from the nearest edge of the road right-of-way to the line of the closest mobile home site. An additional 90 feet of open space shall surround the mobile home park on all sides.
 - (2) *Recreation.* A minimum of 800 square feet of land per mobile home site shall be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, lands under water or having excessive grades and shall be graded and developed as

to have adequate drainage and usability by residents of the park. Such space shall be enclosed with shrubs or hedges placed no further than one foot apart nor more than four feet in height.

- (3) *Spacing.* No mobile home shall be located nearer than 30 feet to any other mobile home or building within the mobile home park.
- (4) *Access.* Mobile home park shall have direct access to a paved county primary road directly abutting thereon. Acceleration and deceleration lanes shall be provided subject to the approval of the county road commission.
- (5) *Travel lanes.* All streets and driveways in every mobile home park shall be constructed and maintained with a bituminous concrete road surface or better, which affords ready means of entrance and exit to the street. All such streets and driveways shall have a minimum pavement width of 30 feet for two-way streets and driveways and 20 feet of pavement for one-way streets and driveways. All roads shall have curbs, with a minimum of six inches and gutters, with a minimum of 18 inches. There shall be no on-street parking permitted within the mobile home park.
- (6) *Sidewalks.* Pedestrian walkways shall include 48-inch wide concrete walks from the entrance of each mobile home to all service facilities provided therein.
- (7) *Pads.* Each mobile home site shall be provided with a reinforced concrete pad reinforced with six inches by six inches, 11 gauge wire mesh not less than six inches in depth, with suitable anchorage imbedded in the concrete for tie down. Minimum pad dimensions for single mobile homes shall be 12 feet by 60 feet; for double wide mobile homes 24 feet by 50 feet.
- (8) *Patio.* An outdoor patio area of not less than 180 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the site and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
- (9) *Minimum mobile home size.* No mobile home shall be less than 50 feet in length and 12 feet in width.
- (10) *Skirting, canopies and awnings.*
 - a. Each mobile home must be skirted within 90 days after establishment in a mobile home park.
 - b. Such skirting shall be of 26 gauge metal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies, bugs and other pests.
 - c. Canopies and awnings may be attached to any mobile home but they shall not exceed 12 feet in width, or length or the height of the mobile home.
 - d. A permit shall not be required for construction or erection of canopies or awnings which are open on three sides. However, a permit shall be required from the building department before construction or erection of any screened, glassed-in or otherwise enclosed awning or canopy.
- (11) *Utilities and other services.* All mobile home parks shall comply with the following requirements for utilities:
 - a. *Sewage disposal.* Septic tanks and drain fields shall not be permitted. Sewage wastes shall be so treated and disposed of, that there shall be no detectable pollution effects on the surface of the groundwater of township. Plans and specifications for water and sewage facilities shall have the approval of township, the county health department and the state department of health prior to construction. A certificate of approval from each of these agencies must be on file with the township clerk after final inspection of the completed facilities.
 - b. *Sanitary sewer and water.* All sanitary sewer and water facilities, including connections provided to individual sites, shall meet the requirements of the county health department and the state health department.

- c. *Plumbing.* The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
 - d. *Storm drainage.* Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park. Storm drainage facilities shall comply with the standards set forth by the county road commission and is subject to the review of the township engineer.
 - e. *Electricity and telephone.* All electric, telephone and other lines from supply poles shall be underground. Each manufactured home lot shall be provided with underground electrical service. When separate meters are installed each meter shall be located on a uniform post on the lot line of each space. Wiring shall comply with the recommended standards of the local utility company and the state construction code.
 - f. *Heating and cooking fuel.* All fuel oil and LP gas tanks shall be located on each mobile home site in a uniform manner. All tanks shall be of an approved type to comply with building code standards, equipped with vent pipes and fused valves as required. All such tanks shall be elevated on noncombustible standards, placed on a concrete base and painted a uniform color.
 - g. *Garbage repository.* Each mobile home lot shall be provided with at least one, ten-gallon metal garbage can with a tightfitting cover. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside the mobile home park as frequently as may be necessary to ensure that garbage cans do not overflow. Exterior property areas shall be maintained free of organic and inorganic material that might become a health hazard, accident or fire hazard. Facilities for cleaning refuse receptacles shall be provided in a central location approved by the county health department.
 - h. *Street lighting.* All streets and walkways in the mobile home park shall be lighted at night with incandescent light of not less than one footcandle, such lighting to be in the form of post-top luminaries or an equivalent lighting method, spaced not less than 100 feet apart, and so placed that the lighting emitted will not be directed onto adjacent residentially zoned or developed areas or create a driving hazard on streets or roads abutting the mobile home park property.
 - i. *Fire hydrants.* Fire hydrants of a size and pressure to be used by the township fire department shall be placed within said mobile home park so that no mobile home shall be more than 500 feet from a fire hydrant. Fire extinguishing equipment shall be provided as required by state law and shall be in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the state fire code. The number of mobile homes connected to a single main emanating from the feeder main line shall not exceed 35 feet.
- (12) *Storage areas.* There shall be no storage underneath any mobile home and each mobile home site shall be maintained in a clean and presentable condition at all times. Each mobile home shall be provided with either one metal storage cabinet or a storage cabinet of wood construction meeting the requirements of the state construction code and inspected by the building inspector. These shall be uniform as to size and location throughout the mobile home park site. All cabinets shall be kept clean and shall be maintained in good condition and kept painted and shall be a minimum of eight feet by ten feet, 80 square feet in size.
- (13) *Occupancy.* No mobile home site within the mobile home park shall be occupied for dwelling purposes until the construction of all sewer, water and electrical, the pairing of sheets and parking areas and street lighting have been completed and approved by the township building inspector.

- (14) *Approval by building inspector.* No mobile home site within the mobile home park shall be occupied for dwelling purposes until the construction of all sewer, water and electricity; the paving of streets and parking area; and street lighting has been completed and approved by the township building inspector.
- (15) *Sales.* Mobile homes shall not be moved into the park for the purpose of sale, and except for regularly occupied mobile homes from which the occupants have moved, vacant mobile homes shall not be stored in the park for the purpose of display or sale.
 - a. For the purpose of this section, the term "regularly occupied" means occupied by an owner of such mobile home for a period of no less than three months.
 - b. Such sales office shall be in the mobile home park office or club house, and shall not be in an independent or freestanding building or mobile home.
 - c. The planning commission shall make such other provisions or requirements, including time limitations, as it deems necessary for the maintenance of the standards of this chapter and community. However, in no event shall the commission waive any of the standards of this chapter.

(Ord. of 3-17-2008, § 6.09)

Sec. 46-288. - Manufactured/modular homes outside of mobile home parks.

- (a) *Intent.* It is the intent of this section to establish standards for mobile homes outside of mobile home parks which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Not more than one residential unit shall be permitted per zoning lot.
 - (2) The lot on which a mobile home/manufactured home is located shall meet all minimum lot size, setbacks, yard area, parking and all other pertinent requirements of this chapter. The mobile home shall meet the minimum square foot requirements of the zoning district in which is located.
 - (3) It shall comply with all pertinent building and fire codes for single-family dwelling units including but shall not be limited to the state construction code as may be amended from time to time.
 - (4) It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the state construction code.
 - (5) It shall not have any exposed wheels, towing mechanism or undercarriage.
 - (6) It shall be connected to a public sewer and water supply, if available, or to private facilities approved by the county health department.
 - (7) It shall be aesthetically comparable in design and appearance to conventionally constructed homes found within 2,000 feet of the proposed mobile/manufactured home. It shall be the responsibility of the director of planning and building to determine whether this standard is met. The director of planning and building shall make a determination that this standard has been met if all of the following conditions exist:
 - a. The proposed mobile/manufactured home will have a combination of roof overhang and pitch of conventionally constructed homes typically found within 2,000 feet of the proposed mobile/manufactured home.
 - b. The proposed mobile/manufactured home will have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the mobile/manufactured home structure, and which are comparable to steps and/or porches of

conventionally constructed homes typically found within 2,000 feet of the proposed mobile/manufactured home.

- c. The proposed mobile/manufactured home will be covered with a siding material which is in color, texture, malleability, direction of joist and method of fastening to the structure comparable to siding of conventionally constructed homes typically found within 2,000 feet of the proposed mobile/manufactured home.
- d. The proposed mobile/manufactured home will have the glass on its windows recessed at least 1½ inches behind the exterior surface of its siding.
- e. The proposed mobile/manufactured home will have front and rear or front and side exterior doors or such a combination of doors as is found in a majority of the conventionally constructed homes within 2,000 feet of the proposed mobile/manufactured home.
- f. The proposed mobile/manufactured home will have a one-car garage or a two-car garage if such a garage is found in a majority of the homes within 2,000 feet of the proposed mobile/manufactured home. Said garage shall be attached to the principal structure if a majority of the garages within 2,000 feet are attached to the principal structure.
- g. The director of planning and building may approve a mobile/manufactured home as aesthetically comparable in design and appearance to conventionally constructed homes found within 3,000 feet of the proposed mobile home even if all of the above conditions do not exist, provided the director finds that the mobile home and/or its site have other design features which make it aesthetically comparable to conventionally constructed homes within 2,000 feet.

(Ord. of 3-17-2008, § 6.10)

Sec. 46-289. - Motor vehicle amusement facilities.

- (a) *Intent.* It is the intent of this section to establish standards for motor vehicle amusement facilities uses which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Motor vehicle amusement facilities shall include tracks and other areas for the concentrated racing and recreational use of go-carts, motorcycles, automobiles, trucks, ATVs and other motorized vehicles.
 - (2) Access and egress requirements. Access and egress shall be provided only from a major arterial or county primary road.
 - (3) Minimum site size: 150 acres.
 - (4) Minimum setbacks of buildings, parking and activity areas from land zoned or used for residential purposes:
 - a. Minimum setback of parking areas shall be 50 feet.
 - b. Minimum setback of all viewing stands and vehicle activities shall be 1,000 feet.
 - c. Minimum setback of other buildings and other activity areas shall be 500 feet.
 - (5) Sight barriers. Sight barriers shall be provided in accordance with section 46-386.
 - (6) Noise. Areas where noise-generating activities are located shall be set back and/or screened with walls, berms, depressions or natural topographic features which ensure that the noise generated by site activity will not exceed the noise impact typically generated by the lowest volume county primary road in the township. It will be the responsibility of applicants to prepare appropriate studies to demonstrate that proposed facilities and activities will comply. It will also

be the responsibility of the applicant to pay the township's costs for an independent evaluation of the applicant's studies.

- (7) Design and operational intent.
 - a. A design and operations plan shall be prepared by the applicant and subject to approval by the township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential deleterious impacts of the proposed use. The provisions of the approved plan shall be an ongoing responsibility of the owner of the property. The plan shall also meet the highest standards of the sport for ensuring the safety of users and neighbors. Violation of the provisions shall be grounds for revoking the special use approval following a hearing.
 - b. No design and operations plan shall be approved unless and until one or more independent experts have studied the plan and have testified that it meets the standards specified herein. Experts may be retained by the township to fulfill the requirement for the expert testimony required herein.

(Ord. of 3-17-2008, § 6.11)

Sec. 46-290. - Automobile parts stamping plants.

- (a) *Intent.* It is the intent of this section to establish standards for automobile parts stamping plants which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Automobile parts stamping plants, assembly plants, rough saw lumbering facilities and planing mills.
 - (2) Such uses shall have a minimum front, side and rear yard of 200 feet or greater setback to ensure the proper application of the "Industrial Performance Standards." Such space shall be maintained as a greenbelt in accordance with section 46-386.
 - (3) All open storage areas shall be completely enclosed with a six-foot obscuring fence or wall and no materials shall be piled higher than the enclosure device.

(Ord. of 3-17-2008, § 6.12)

Sec. 46-291. - Automobile service stations.

- (a) *Intent.* It is the intent of this section to establish standards for automobile service stations which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion, which results from the unrestricted and unregulated construction and operation of automobile service stations, and to regulate and control the adverse effects which these and other problems incidental to the automobile service may exercise upon adjacent and surrounding areas, the following additional regulations and requirements of this section apply. No station existing on the effective date of the ordinance from which this chapter is derived shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date.
 - (2) An automobile service station shall be located on a lot having frontage along a paved public street and having a minimum area of not less than 14,000 square feet.

- (3) An automobile service station building housing an office and/or facilities for servicing, and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot lines adjoining a residentially zoned district.
- (4) All driveways providing ingress to or egress from an automobile service or gasoline station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet from any intersecting street right-of-way or adjacent residential property. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
- (5) The entire lot, excluding the area occupied by a building shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (6) All service equipment shall be enclosed entirely within a building. All gasoline pumps and other associated facilities shall meet the required setback of the district in which the facilities are located. In addition to setbacks, all facilities shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, right-of-way or required setback.
- (7) Outdoor storage, parking of wrecked or partially dismantled vehicles shall be limited to no more than five days.

(Ord. of 3-17-2008, § 6.13)

Sec. 46-292. - Boat launching, commercial.

- (a) *Intent.* It is the intent of this section to establish standards for commercial boat launching which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood. In addition to these provisions, all boat launching facilities are subject to the rules of the MDEQ regarding marina facilities.
- (b) *Application of regulations.*
 - (1) Both commercial boat launching and/or docking facilities, public and private, shall be limited to facilities for or directly related to the launching and docking of recreational power boats, sailboats, row boats, canoes and similar small water craft as regulated by adjacent lake front landowner's association or the township. The dispensing and sale of fuel, oil and parts may be permitted as an accessory use. Retail convenience sales may also be permitted as an accessory use on a limited basis.
 - (2) Access and egress shall be provided only from a major arterial or county primary road.
 - (3) Minimum site size shall be three acres per boat launching site for the first six boat slips, plus three acres for each additional set of ten boat slips or part thereof.
 - (4) Minimum setbacks of buildings, parking and activity areas from land zoned or used for residential purposes:
 - a. Minimum setback of parking areas shall be 50 feet.
 - b. Minimum setback of boat launching and docking areas shall be 100 feet.
 - c. Minimum setback of other buildings and other activity areas shall be 100 feet.
 - (5) Sight barriers shall be provided in accordance with section 46-386.
 - (6) Design and operational intent. A design and operations plan shall be prepared by the applicant and subject to approval by the township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential negative impacts of the operation of

adjacent properties. Violation of the provisions shall be grounds for revoking the special use approval following a hearing. No design and operations plan shall be approved unless and until one or more independent experts have studied the plan and have testified that it meets the standards specified herein. Experts may be retained by the township to fulfill the requirement for the expert testimony required herein.

(Ord. of 3-17-2008, § 6.14)

Sec. 46-293. - Campgrounds and recreational vehicle parks.

- (a) *Intent.* It is the intent of this section to establish standards for campgrounds and recreational vehicle parks which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.* Campgrounds and recreational vehicle parks shall be limited to transient recreational purposes. Retail, service, and utility uses shall be limited to the accessory provision of goods and services for overnight visitors. Such uses shall not be visible from campground or recreational vehicle park boundaries.
 - (1) Access and egress requirements: Access and egress shall be provided only from a major arterial or county primary road.
 - (2) Minimum site size: 20 acres.
 - (3) Minimum setbacks of buildings, campsites and activity areas from land zoned or used for residential purposes: 75 feet.
 - (4) Maximum density:
 - a. Not more than 12 campsites shall be permitted per acre of total park size.
 - b. Each campsite shall be at least 3,000 square feet.
 - c. Recreational vehicles or tents shall not be parked any closer than 15 feet to each other.
 - d. Public stations, housed in all-weather structures, containing adequate water outlets, toilets, waste containers and shower facilities, shall be provided uniformly throughout the development at a ratio of not less than one such station per each 20 sites.
 - (5) Road, pad and parking area surfacing requirements: Roads, recreational vehicle pads and parking areas shall be surfaced with gravel or paving material adequate to remain in good condition throughout at least one operating season without maintenance.
 - (6) Design and operational intent:
 - a. A design and operations plan shall be prepared by the applicant and subject to approval by the township. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential deleterious impacts of the proposed use. The provisions of the approved plan shall be an ongoing responsibility of the owner of the property. Violation of the provisions shall be grounds for revoking the special use approval following a hearing.
 - b. No design and operations plan shall be approved unless and until one or more independent experts have studied the plan and have testified that it meets the standards specified herein. Experts may be retained by the township to fulfill the requirement for the expert testimony required herein.

(Ord. of 3-17-2008, § 6.15)

Sec. 46-294. - Churches and other facilities for religious activities.

- (a) *Intent.* It is the intent of this section to establish standards for churches and other facilities for religious activities which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Lot size shall be a minimum of three acres.
 - (2) The site shall be so located as to have at least one property line abutting a road designated as a county primary road. All ingress and egress to the site shall be directly onto said county primary road.
 - (3) There shall be no off-street parking in the required front yard and wherever the off-street parking area is adjacent to the residentially-zoned land. Screening shall be further subject to the provisions of section 46-386.
 - (4) All religious activities shall take place in a fully enclosed building except as may be approved consistent with an approved site plan pursuant to article II, division 2 of this chapter.
 - (5) Operations of activities or other accessory uses shall be consistent with programs, hours of operation and other requirements that have been submitted by the applicant and shall be subject to planning commission review and approval.

(Ord. of 3-17-2008, § 6.16)

Sec. 46-295. - Colleges, universities and similar institutions of higher learning.

- (a) *Intent.* It is the intent of this section to establish standards for colleges, universities and similar institutions of higher learning which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.* Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education are subject to the following conditions:
 - (1) Uses developed under the provisions of this section shall be located on sites of at least 20 acres.
 - (2) All ingress and egress from said site shall be directed on to a county primary road or major thoroughfare.
 - (3) No building used for instruction, offices or residences shall be closer than 100 feet to any residential property line. Other buildings and outdoor athletic areas shall be no closer than 200 feet to any residential property line. No parking area shall be closer than 80 feet to any property line.
 - (4) Development plan shall show future construction and projected maximum enrollment.
 - (5) The provisions of this section are not intended to permit the establishment of trade schools for the purposes of training operators of motor vehicles or heavy equipment.

(Ord. of 3-17-2008, § 6.17)

Sec. 46-296. - Drive-in restaurants.

- (a) *Intent.* It is the intent of this section to establish standards for drive-in restaurants which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.* Eating and drinking establishments of a drive-in or open front store character are subject to the following regulations:
 - (1) Points of ingress and egress will not be less than 100 feet from the intersection of any two streets.

- (2) The site will be adjacent to a county primary road and all points of ingress and egress will be directly onto said road.
- (3) Lighting will be directed away from adjacent residential areas.

(Ord. of 3-17-2008, § 6.18)

Sec. 46-297. - Drive-in theaters.

- (a) *Intent.* It is the intent of this section to establish standards for drive-in theaters which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
 - (2) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - (3) The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be installed as to be confined within and directed onto the premises of the outdoor theater site.
 - (4) Audio for the outdoor theater shall not be beyond the property lines of the facility.
 - (5) Area of property shall be a minimum of 40 acres.

(Ord. of 3-17-2008, § 6.19)

Sec. 46-298. - Communication television, radio, wireless telephone and public utility.

- (a) *Intent.* It is the intent and purpose of the township to carry out the legislative directive of the Federal Communication Commission's authorization of wireless communication facilities needed to operate wireless communication systems throughout the country. It is the further intent and purpose of the township, however, to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community as a whole. In fashioning and administering the provisions of this section, the township has endeavored to balance these potentially competing interests within the zoning authority granted to the township.
- (b) *Application of regulations.*
 - (1) Facilitate adequate and efficient provision of sites for wireless communication facilities.
 - (2) Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - (3) 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.
 - (4) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - (5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impacts upon existing population, transportation systems, and other public services and facility needs.

- (6) Promote the public health, safety and welfare.
 - (7) Provide adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 - (8) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - (9) 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 stealth technology structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary.
 - (10) The township board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness, quality of life, and destroy the character and integrity of the community.
 - (11) This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having unreasonably low architectural and other aesthetic appeal, 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.
- (c) *Authorization as permitted use.* Subject to the standards and conditions set forth in subsection (e) of this section, the wireless communication facilities shall be permitted uses in the following circumstances, and in the following overlay zones:
- (1) *Circumstances creating permitted use treatment.* In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use and be located on an existing lot or parcel which meets the minimum zoning requirements of the district in which it is proposed, with the exception of a public utility tower collocation as noted below:
 - a. An existing structure which will serve as a support structure for an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the director of planning and building, proposed to be either materially altered or materially changed in appearance; or an existing structure which will serve as a support structure for an attached wireless communication facility within a residential zoning district if the cabinet or building servicing the wireless communication facility is either not visible from any residence or can be screened in accordance with the standards set forth in sections 46-386 and 46-387 and where the existing structure is not, in the discretion of the director of planning and building, proposed to be either materially altered or materially changed in appearance.
 - b. A proposed collocation upon an attached wireless communication facility which had been pre-approved for such collocation as part of an earlier approval by the township.
 - c. An existing structure which will serve as the support structure for an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the director of planning and building, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - d. A public utility tower if the accessory buildings or cabinets serving the wireless communication facility are either not visible from any residence or can be screened in accordance with the standards set forth in sections 46-386 and 46-387 where the existing structure is not, in the discretion of the director of planning and building, proposed to be either materially altered or materially changed in appearance. It is recognized that public utility towers may or may not be located on individual parcels or lots and may be located within an easement area for the utility tower.

- (2) *Permitted use overlay zones.* A proposal to establish a new wireless communication facility shall be deemed a permitted use if proposed in a permitted use overlay zone, as shown on the township wireless communication facility overlay map which is incorporated herein by reference.
- (d) *Authorization as a special land use.* Subject to the standards and conditions set forth in subsections (e) and (f) of this section, wireless communication facilities shall be permitted as a special land use in the following circumstances and in the following special use overlay zones:
- (1) If it is demonstrated by an applicant that there is no reasonable means of establishing a wireless communication facility as a permitted use under subsection (b)(3) of this section, and a new wireless communication facility is required in order to operate a wireless communication service, then a wireless communication facility may be authorized as a special land use within a special land use overlay zone, as shown on the township wireless communication facility overlay map which is incorporated herein by reference, with the approval of the planning commission following a public hearing, considering the standards and condition set forth in article II, division 3 of this chapter.
 - (2) If it is demonstrated by an applicant that there is no reasonable means of establishing a wireless communication facility within a permitted use or special land use overlay zone identified in this section, then a wireless communication facility may be permitted elsewhere in the township as a special land use, with the approval of the planning commission, following a public hearing, subject to the criteria and standards of subsections (e) and (f) of this section, and also subject to the following:
 - a. At the time of the submittal, the applicant shall demonstrate that a location within a permitted use or special land use overlay zone cannot meet the need required for operation of a system.
 - b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township.
 - c. In single-family residential neighborhoods, site locations outside of an overlay zone identified in subsection (c)(1) of this section, shall be considered first on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 1. Municipally-owned site.
 2. Other governmentally-owned site.
 3. Religious or other institutional site.
 4. Public park and other large permanent open space areas, when unrelated structures are located outside an area equal to the height of any wireless communication facility structure.
 5. Public or private school site.
 6. Other locations if none of the above is available.
- (e) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall comply and 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 reasonable conditions imposed by the planning commission in its discretion consistent with this section.
- (1) Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communications facilities.
 - (2) Facilities shall be located and designed to be reasonably 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, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
- (4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall be permitted in daylight hours only and blinking (not strobe), red light at night.
- (5) New wireless communication facilities located in nonresidential zoning districts must be located on a minimum five-acre parcel. New wireless communication facilities located in residential zoning districts must be located on a minimum 40-acre parcel. Wireless communication facilities may be permitted as accessory uses in either nonresidential or residential zoning districts.
- (6) The following additional standards shall be met:
 - a. 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 height of a new or modified support structure and antenna exceed the standard contained in subsection (f)(3) of this section. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - b. The setback of a new or materially modified support structure from any lot line shall be at least the height of the highest point of any structure on the premises.
 - c. 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 the disturbance to the natural landscape; and the type of equipment which will need to access the site.
 - d. The design and appearance of the support structure and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetic appearance; and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - e. The support system shall be constructed in accordance with the state construction code and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. 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 Communication Commission, and Michigan Aeronautics Commission shall be noted.
 - f. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for 90 days. If, during a 90-day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.
 - g. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility at the site, both in terms of number and size of such attachments and shall be designed and constructed to maximize aesthetic quality.

- (f) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which may be approved as special land uses, shall be reviewed, and if approved, constructed and maintained in accordance with the standards and conditions in and in accordance with the following standards:
- (1) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - a. Areas of population concentration.
 - b. Concentration of communication, industrial, and/or other business centers.
 - c. Areas where signal interference has occurred due to masses of trees, or other obstructions.
 - d. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - e. Other specifically identified reason creating facility need.
 - (2) The antennas shall be covered in such a manner that they will be hidden from view by the pole or other aesthetically pleasing element.
 - (3) The pole shall not exceed 190 feet in height or, if a tree-like structure, it shall not exceed the tallest tree in the area around the wireless communication facility by more than 25 percent, whichever is shorter.
 - (4) The proposal shall be reviewed in conformity with the collocation requirements of subsection (h) of this section and removal requirements of subsection (i) of this section.
- (g) *Application requirements.*
- (1) A site plan prepared in accordance with section 46-67 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.
 - (2) 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.
 - (3) The application shall include a signed certification by a state 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.
 - (4) The application shall include a description of security to be posted with the township 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 below. In this regard, the security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the attorney for the township and recordable at the office of the register of deeds, establishing security for the promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal. Further, the recordable instrument will include a right of entry for removal and an administrative fee to the township.
 - (5) 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 term 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 township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential communication information which, if released would

compromise said information and would ultimately be detrimental to the applicant, may be submitted with a request for confidentiality in connection with appropriate provisions of the Michigan Freedom of Information Act. This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing to the township.

- (6) 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.
 - (7) The application fee in the amount specified by township board resolution.
 - (8) The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the general regulations.
- (h) *Collocation requirements.*
- (1) *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 subsection (a) of this section. 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, it is the policy of the township that all users should collocate 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 subsection (a) 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 an 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 the policy of the township.
 - (2) *Feasibility of collocation.* Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. 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.
 - d. 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 intent and purpose of this chapter and the several standards contained above.
 - (3) *Requirements for collocation.*
 - a. 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.
 - b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

- c. The policy of the township 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.
 - d. 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 wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation of this chapter and contradiction of the policy, intent and purpose of this section, and consequently such party shall be prohibited from receiving approval for a new wireless communication facility within the township for a period of five years. 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, means a demonstration that enforcement of the five-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.
- (4) *Incentive.* Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection (h)(3)a of this section shall be expedited by the township.
- (i) *Removal requirements.*
- (1) 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:
 - a. When the facility has not been used for 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.
 - b. Six months after new technology is available at reasonable costs as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure or with a support structure which is lower and/or more compatible with the area.
 - (2) The situations in which removal of a facility is required, as set forth in subsection (i)(1) of this section, may be applied and limited to portions of a facility.
 - (3) Upon the occurrence of one or more of the events requiring removal, specified in subsection (i)(1) of this section, 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 the complete demolition, removal, and restoration of the premises to compliant condition as reasonably determined by the director of planning and building.
 - (4) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 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, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
 - (5) The person who had used the facility shall immediately notify the township clerk in writing if and as soon as use of a facility ceases.
- (j) *Effect and approval.*
- (1) Subject to the following subsection (j)(2) of this section, final approval shall be effective for a period of six months.

- (2) If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six-month period of effectiveness, the approval for the facility that has not been commenced shall be void following notice from the township of the commencement of the other facility, unless the applicant granted approval for the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the new facility.

(Ord. of 3-17-2008, § 6.20)

Sec. 46-299. - Open air business uses.

- (a) *Intent.* It is the intent of this section to establish standards for open air business uses, which will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- (b) *Application of regulations.*
 - (1) The minimum area of the site shall be 10,000 square feet.
 - (2) The minimum street frontage shall be 100 feet.
 - (3) There shall be provision for the interception of wind-blown trash and other debris by appropriate fence along interior lot lines.
 - (4) Off-street parking areas and aisles shall be paved in accordance with the requirements of section 46-361, unless an acceptable substitute is approved by the board of zoning appeals.
 - (5) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cause direct illumination of adjacent properties.

(Ord. of 3-17-2008, § 6.21)

Sec. 46-300. - Adult entertainment.

- (a) Adult entertainment uses which can be permitted under certain conditions when all of the requirements for these uses have been met. It has been demonstrated that the establishment of adult businesses in C-4 districts which are immediately adjacent to and which serve residential neighborhoods, has deleterious effects on both businesses and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid clustering of certain businesses, which when located in close proximity to each other, tend to create a negative atmosphere. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood. The planning commission and the township board should be guided by the expressed will of those businesses and residences, which are immediately adjacent to the proposed locations of, and therefore, most affected by the existence of any adult oriented businesses.
- (b) For the purpose of this section, the following shall control:
 - (1) *Definitions.*
 - a. *Adult entertainment use* means any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter of actions depicting, describing or presenting specified sexual activities or specified anatomical areas. Adult entertainment uses shall include but not be limited to the following:
 1. Adult motion picture theater.

2. Adult mini-motion picture theater.
 3. Adult motion picture arcade.
 4. Adult bookstore.
 5. Adult cabaret, nightclub, topless lounge, etc.
 6. Adult motel.
 7. Adult massage parlor.
 8. Adult model studio.
 9. Adult retail store.
- b. *Adults only* means businesses that prohibit or exclude entry to those persons who are under 18 years of age.
- c. *Significant portion* means any one or more portions of the display having continuous duration in excess of five minutes; and/or the aggregate of portions of the display having a duration equal to ten percent or more of the display: and/or the aggregate portion of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.
- d. *Display* means as used in the above definition, the word display means any single motion or still picture, presentation, dance, or exhibition, live act, or collection of visual materials such as books, films, slides, paraphernalia, periodicals, pictures, videocassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
- e. *Specified sexual activities* means, as used in the above definition, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- f. *Specified anatomical areas* means, as used in the above definition, less than completely and opaquely covered human genitals, pubic region, buttock, human genitals, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) *Dispersal regulations.* No adult entertainment use/adults only businesses shall be located within 1,000 feet of any other adult entertainment use/adults only businesses nor within 600 feet of, but not limited to, any of the following uses:
- a. All class "C" establishments licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers.
 - d. Teenage discos or dancehalls.
 - e. Ice or roller skating rinks.
 - f. Pawnshops.
 - g. Indoor or drive-in movie theatres.
 - h. Any established business catering to children under the age of 18, and generally attracting patrons in such age group.
 - i. Any public park.
 - j. Any church or church related property.
 - k. Any public or private school having a curriculum including kindergarten or any one or more of the grades, one through 12.

- l. Any property zoned or used for residential purposes.
 - m. Any other regulated uses as defined herein. Such distance shall be measured along the centerline of the street or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above-listed uses nearest to the contemplated location of the structure containing the adult entertainment use/adults only business use and from the contemplated location of the structure containing the adult entertainment use/adults only business use nearest to a use listed.
- (3) *Display content.* No adult entertainment use/adults only business use shall be conducted in any manner that permits the observance or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not regulated as an adult entertainment use/adults only business use. This provision shall apply to any display, decoration, sign, show window, or other opening.
- (4) *Variance requirements.* In addition to all other requirements for the obtaining of a variance from the provisions herein, as set forth in other portions of this chapter, the zoning board of appeals may waive the limiting regulations of this section only if all of the following findings are made:
- a. That the proposed use will not be contrary to the public interest or injurious to the nearby properties, and that the spirit and intent of this chapter will be observed.
 - b. Vehicular ingress and egress shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet in width and shall have one property line abutting said thoroughfare.
 - c. The use shall not be in a planned shopping center.
 - d. The proposed use will not affect adjacent areas by enhancing or promoting blight, cause a negative effect upon any other adult entertainment use/adult only businesses nor within 600 feet of, but not limited to, any of the following uses:
 - 1. All class "C" establishments licensed by the Michigan Liquor Control Commission.
 - 2. Pool or billiard halls.
 - 3. Coin-operated amusement centers.
 - 4. Teenage discos or dancehalls.
 - 5. Ice or roller skating rinks.
 - 6. Pawnshops.
 - 7. Indoor or drive-in movie theatres.
 - 8. Any established business catering to children under the age of 18, and generally attracting patrons in such age group.
 - 9. Any public park.
 - 10. Any church related property.
 - 11. Any public or private school having a curriculum including kindergarten or any one or more of the grades, one through 12.
 - 12. Any property zoned or used for residential purposes.
 - 13. Any other regulated uses as defined herein. Such distance shall be measured along the centerline of the street or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above-listed uses nearest to the contemplated location of the structure containing the adult entertainment use/adults only business use and from the contemplated location of the structure containing the adult entertainment use/adults only business use nearest to a use listed.

(Ord. of 3-17-2008, § 6.22)

Sec. 46-301. - Planned shopping center.

- (a) *Market analysis.* All developers of proposed planned shopping centers shall submit a market analysis suitable for the size center proposed, showing the need for a planned shopping center in the location requested and the inadequacy of existing shopping facilities to meet demands. For these purposes, the market analysis shall contain the following determinations:
 - (1) Determination of the trade area of the proposed planned shopping center.
 - (2) Determination of trade area population, present and future.
 - (3) Determination of effective buying power in the trade area.
 - (4) Determination of net potential customer buying power for stores in the proposed planned shopping center.
- (b) *Minimum size.* A planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and has the following:
 - (1) A site of at least ten acres.
 - (2) At least five stores.
 - (3) A gross floor area of at least 40,000 square feet.
- (c) *Conceptual development plan.* Together with, and in addition to, other submissions required for site plan review in accordance with section 46-67, a general conceptual development plan drawn to scale shall be submitted which shows the coordinated design of, and relationship of the proposed use to the entire district.
- (d) *Greenbelt.* A greenbelt as required in section 46-386 of dimensions and plant materials as determined by the planning commission shall be provided around the entire perimeter of the site except openings for access onto the public street system. A wall or barrier of suitable material as determined by the planning commission not less than six feet high shall be constructed along those property lines which abut a residential district in accordance with section 46-386.
- (e) *Landscape plan.* A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting requirements.
- (f) *Circulation plan.* An internal system of roads and walks shall separate pedestrian and vehicular traffic, and, as required by the township, necessary marginal roads shall be provided. In approving the site plan, the planning commission may recommend that marginal access drives be provided. Points of ingress and egress, shall be placed no closer than 500 feet apart. In the case of a lot with narrow frontage which will require a single outlet, the planning commission may recommend that funds be placed in escrow with the county road commission in order to provide, when necessary, for a marginal service drive equal in length to the frontage of the property involved. Should a portion of the C-3 district be initially developed then an overall area-wide road system must be first agreed upon by the township and the developer so that the initial development will fit in suitable with later stages of development.
- (g) *Off-street parking and loading.* Off-street parking and loading must comply with the requirements of article VII of this chapter.
- (h) *Outside storage.* The outside storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.
- (i) *Warehousing, indoor storage.* Warehousing or indoor storage of goods or materials in quantity greater than normally incident to the above-permitted uses, shall be prohibited.
- (j) *Financial responsibility.* A statement of financial responsibility, including the posting of bonds or cash to assure the installation of the improvements required by the township as a condition to the development shall be provided in an amount as determined by the township board.

(Ord. of 3-17-2008, § 6.23)

Sec. 46-302. - Extractive operations.

- (a) *Intent.* It is the intent of this section to establish standards for extractive operations which will ensure compatibility with adjacent land uses and maintain the character of the area in which the facility is located.
- (b) *Application of regulations.*
- (1) A separate application shall be required for each excavation site as contained within a zoning lot as defined in section 46-6. The application shall be made in writing to the township planning and building department and shall contain names and addresses of the applicants and of all parties of interest in said premises setting forth their legal interest in said premises, as well as the information required in subsection (b)(2) through (b)(6) of this section.
 - (2) Vertical aerial photograph enlarged to a scale of one inch equals 200 feet from original photography flown at negative scale no smaller than one inch equals 1,000 feet, and certified as flown not earlier than two months prior to date of application. The vertical aerial photograph shall cover:
 - a. All land included in the permit application.
 - b. All contiguous land which is or has been used by the owner or leaseholder applicant for sand and gravel extraction, processing, storage or other permitted use. Contiguous means within one mile of site.
 - c. All lands within one-half mile of proposed planned mining areas.
 - d. All public or private roads which provide access to property.
 - e. Boundary of the entire planned mining area by courses and distances.
 - (3) Maps. Maps, in the number prescribed by the township, drawn to the scale of 200 feet equals one inch or larger and with two-foot contour intervals. Maps shall include, as a minimum, the following information:
 - a. Property boundaries and boundaries of areas to be mined.
 - b. Site topography and natural features including location of watercourses within the planned mining area.
 - c. Access road location.
 - d. Proposed traffic patterns.
 - e. Location of fencing.
 - f. Location of weighing facilities, if applicable.
 - g. Location of existing and proposed utilities.
 - h. Indication of use of adjoining land within one mile of the site boundaries, including zoning classifications.
 - i. Borrow and soil storage areas.
 - j. Location of public and private water supplies, wells, springs, streams, swamps or other bodies of water within one-quarter mile of the proposed excavation site property lines.
 - k. Location of gas and oil wells within one-quarter mile of the property lines.
 - l. Location of fuel transmission pipeline rights-of-way within one-quarter mile of property lines.
 - m. Location of mining operations within one-quarter mile of property lines.

- n. All railroad rights-of-way within one-quarter mile of property lines.
 - o. Any additional information required by the township planning commission.
- (4) Plan of operations. A plan of operations prepared by licensed engineers and geologists which shall be written and submitted which is specific as to areas to be mined, schedule of mining, site preparations, source and types of materials to be mined. The plan shall include details relative to:
- a. Elevation and grade of final restoration.
 - b. Average thickness of overburden in the area of proposed operations.
 - c. Management of groundwater.
 - d. Management of surface water.
 - e. Erosion control.
 - f. Revegetation procedures to be used.
 - g. Quality of material to be excavated.
 - h. Depth of water table throughout the planned mining area for which permit is sought.
 - i. Details of similar operations carried on by the applicant.
 - j. The type and daily number of vehicles to be used in the proposed operations.
 - k. Identification of access roads, on-site roads, grades for proper drainage and any special draining devices, if necessary, fencing, and structures on site, existing or proposed, existing and proposed utilities, and any explanation of any on-site testing or other reliable survey data, including soil surveys, water tables and subsurface characteristics.
 - l. Presentation of an environmental impact statement and a statement concerning trees and/or other vegetation, which statement shall address the township woodlands and wetlands regulations.
 - m. A soils, geologic and groundwater report of the characteristics of the proposed site, prepared by a competent hydrogeologist, shall be based on a geological investigation showing a sufficient number of borings and wells drilled to a depth necessary to determine the soil, geology and seasonal groundwater flow conditions. These may be supplemented by excavations where appropriate.
 - n. Such other information and material as the board shall require.
- (5) A transparent overlay at the same scale as the vertical aerial photograph and delineating:
- a. Area of active excavation.
 - b. Area requested for excavation.
 - c. Area of active settling ponds and washing plant facilities.
 - d. Area requested for settling ponds and washing facilities.
 - e. Area of existing treatment facilities and sand and gravel storage.
 - f. Area requested for treatment facilities and sand and gravel storage.
 - g. Area of production facilities for resource-related industry.
 - h. Area requested for production facilities for resource-related industry.
- (6) Restoration plan. The applicant shall submit a restoration plan providing for an orderly continuing restoration of all land permitted to be excavated for its resources. The plan for restoration shall be submitted in three parts: a general plan as an overlay for the vertical aerial photograph, a restoration contour plat, and a description of restoration methods, and materials proposed for

renewal of topsoil and replanting. A general plan for restoration shall be presented on a transparent overlay at the same scale as the vertical aerial showing the following:

- a. General area of land as completely restored.
 - b. General area of restoration stages.
 - c. General area currently used for topsoil and overburden storage.
 - d. General area proposed for topsoil and overburden storage.
 - e. The acreage for each item shown on the overlay shall be indicated on plan.
 - f. Restoration contour plat shall be prepared on the same base as the identification plat required above, to indicate the general grades and slopes to which excavated areas are to be backfilled.
 - g. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan, subject to approval of appropriate county and state agencies.
 - h. The objectives of the plan shall be:
 1. To prevent soil erosion which may menace life or limb, endanger property or affect the safety, usability or stability of any public property.
 2. To prepare the mined land, by grading fertilizing and planting on approximately an annual basis, for its ultimate reuse at the expiration of the time limits set forth in the permit.
- (7) Special land use review. All standards contained in article II, division 3 of this chapter shall be followed including all public hearing requirements.
- (8) The following requirements shall be mandatory:
- a. *Surety bond.* The applicant shall post a surety bond or some other equitable security satisfactory to the township naming the township as the beneficiary thereof in an amount determined by the township to be reasonably necessary to ensure compliance hereunder. The bonds shall guarantee compliance with this chapter, the permit requirements and conditions, and that the operation will be carried out according to the approved plans and specifications. Upon the lack of timely compliance with the requirements for which the bond guaranteed, the township may use the bond proceeds to the extent necessary. By filing an application, every applicant shall be deemed to have granted a license to the township and its agents and contractors to go onto a property under permit to use the bond proceeds for the purposes allowed by the bond, for which there has been noncompliance. In fixing the amount of such bond, the township shall take into account:
 1. The size and scope of the proposed operation.
 2. Current prevailing cost of rehabilitating the premises upon default of the operator.
 3. Other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.
 - b. *Minimum bond.* In no case will the sum of the surety bond be less than as currently established or as hereafter adopted by resolution of the township board from time to time. The applicant shall provide proof that the township will be notified in the event of any lapse in the effectiveness of the bond.
 - c. *Maximum size of active operation.* No more than 30 acres, excluding land used for processing, weighing, and administration may be under excavation at any one time; subject, however, the following limitations:
 1. No more than ten acres for mining.

2. No more than ten acres for stripping or future mining preparation.
 3. No more than ten acres for rehabilitation.
- (9) Debris on public roads. The owner and/or permit holder of any site where there is soil removal, shall take whatever steps are necessary to avoid any motor vehicle carrying or tracking onto any public right-of-way from the site, any mud, dirt, clay, refuse, etc.
- a. *Obligation to clean.* If mud, dirt, clay, refuse, etc., is carried or tracked onto a public right-of-way, and it does or might constitute a nuisance or hazard to public safety, the owner and/or permit holder shall clean the said right-of-way when and as often as is necessary, presuming weather conditions permit. In any case, an owner and/or permit holder shall not leave any such debris on a public right-of-way after the end of any working day.
 - b. *Notice from township.* If notified during a working day by the township of a condition which requires cleaning, the matter shall be taken care of within one hour, weather permitting.
 - c. *Violations.* If a nuisance or hazardous condition is left after a working day, or not cleaned up within one hour after receiving a request from the township, and weather does not prevent the clean-up, the township may issue a citation for the violation of this subsection, due to the allowance of said condition to remain on the highway, and/or clean the right-of-way and charge the owner and/or permit holder with the cost thereof, which may be collected in any court having general jurisdiction. Repeat violations of three or more may result in a revocation of the permit by the township board.
- (10) Drainage. Natural drainage shall not be blocked, or diverted, or altered in such a manner as to cause the natural water to flow back up onto adjacent property, or to flow in a different course or rate of flow upon leaving the property upon which the blocking, diversion, or alteration occurs, unless an application is made and a permit is issued by the building department pursuant to plans which provide for a drainage flow which will not be detrimental to surrounding properties.
- a. *Retention areas.* No area designated for, and/or used as a drainage retention area shall be altered, filled in, abandoned or used for other purposes, unless it is done pursuant to a permit issued under this subsection.
 - b. *Permit.* A permit shall be required under this subsection notwithstanding a permit is not otherwise required by this chapter. Permit requirements and procedure shall be adopted by the township board, from time to time, by resolution.
- (11) Drifting and blowing material. The drifting or air-borne transmission beyond the property line of dust, particles or debris from any open stockpile, working areas or unplanted areas, shall be unlawful and may be summarily caused to be abated.
- (12) Electromagnetic radiation. Applicable rules and regulations of the Federal Communication Commission in regard to propagation of electromagnetic radiation are hereby made part of this Code and shall be on file in the office of the building department.
- (13) Floodplain, watercourse and wetlands. There shall be no excavation or soil removal in any floodplain, watercourse and/or wetlands, unless permitted by the appropriate state agency and by the township pursuant to chapter 14, article V.
- (14) Light. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one footcandle power of light cross a lot line five feet above the ground in a residential district.
- (15) Sound. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured

75 dBA	Residential	Common property line
85 dBA	Commercial	Common property line
90 dBA	Industrial and other	Common property line

The sound levels shall be measured using a weighted decibel measurements (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

- (16) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured at any property line of its source.
- (17) Roads on landfill and soil excavation sites shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by inclement weather. Nonpaved roads between the site and the nearest paved roads, paved roads off of site within one-quarter mile of the site entrance which are used by vehicles and/or equipment traveling to or from the site, and all roads on site shall not be used unless they are treated by sufficient water and/or chemical substance, whichever would be appropriate for the surface, and frequent enough so that they are dust free whenever used by vehicles and/or equipment.
- (18) Soil erosion. If a soil erosion permit is required by Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.), no operation shall take place until a permit has been obtained. There shall be compliance at all times with the requirement of the soil erosion permit.
- (19) Hours of operation. Maximum hours of operation shall be 7:00 a.m. to 6:00 p.m., unless otherwise specified by the township planning commission. No operation shall be permitted on Sundays and legal holidays. In emergency situations, this time period may be modified by the township building department provided such emergency order shall not be effective for more than 72 hours.
- (20) Soil excavation operational regulations.
 - a. *Limits of perimeter.* No cut or excavation shall be closer than 100 feet from the nearest street, highway, or alley right-of-way, nor from the nearest perimeter property line; provided, however, that the planning commission may prescribe more strict requirements in order to give sub-lateral support to surrounding property where swell or geographic conditions warrant it.
 - b. *Surface water drainage.* The premises shall at all times be graded to prevent interference with surface water drainage.
 - c. *Standing water.* No soil, sand, clay, gravel or other similar materials shall be removed in such a manner as to cause water to stand or accumulate, or to result in a place of danger or a menace to the public health or safety.
 - d. *Slopes.* The slopes of the banks of the excavation shall in no event exceed a minimum ratio of three feet horizontal to one foot vertical, and where ponded water results from the operation, the slope must be maintained and extended into the water to a depth of five feet. Suitable vegetation shall be planted on all finished slopes to deter erosion.
 - e. *Fence.* Where there is an excavation in excess of five feet, the permit holder shall erect a fence, of at least six feet in height, of wire mesh, or such other suitable materials as shall be

approved by the planning commission to afford protection to persons and property. Any gates required shall be kept locked when operations are not carried on.

- f. *Signs.* Where removal or grading operations result in a body of water forming, the owner or operator of said quarry shall erect "KEEP OUT—DANGER" signs on the required fence around the excavation not more than 200 feet apart, or as otherwise required by the township planning commission.
- g. *Processing.* Processing of materials mined from any property shall be permitted only in an industrial zoned district. Processing means altering the material.

(21) Restoration.

- a. *Requirement established.* All areas within any excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with the plan approved by the planning commission. Restoration shall be to a condition which blends with the general surrounding terrain so as to appear reasonable and natural.
- b. *Topsoil.*
 - 1. *Stockpiling.* Whenever topsoil exists, suitable for growing turf or for other land use, at the time the operations begin, a sufficient quantity of the existing 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 inches of topsoil.
 - 2. *Replacement.* The replacement of the topsoil shall be in a manner suitable for growing turf and it shall be seeded.
- c. *Inspections.* The building department shall conduct inspections hereunder, and shall notify the owner and/or operator by regular mail of any portions of the site that it deems abandoned and/or ready for restoration.
- d. *Completion dates.* Upon receipt of such notification, the owner and/or operator shall have said areas restored within 30 days, or within said 30 days supply the planning commission with a written reply indicating the dates of anticipated restoration. The planning commission may accept or reject said dates. If said dates are accepted, they shall be binding on both parties. If rejected, the planning commission shall set new dates which shall be final.
- e. *Release of surety bond.*
 - 1. *Completion.* Upon completion of the restoration, or upon completion of a part thereof, the person posting the bond may make application to the township building department for refund or reduction of the bond or its pro rata share. Upon examination by the building department and upon its notice in keeping with the plan, requirement, or agreement as set forth by the planning commission and that said restoration is in keeping with the general surrounding terrain so as to appear reasonably natural, the township shall refund or reduce the bond pro rata.
 - 2. *Additional remedies.* Should the cost of said restoration exceed the amount of the bond, the permittee shall pay the township the amount of such excess. The amount due may be assessed against the property if not timely paid and collected with general property taxes.
- f. *Revocation.*
 - 1. *Notice of violation.* The building department may, in its discretion, notify the owner and/or operator of any violation or complaint of violation of the permit and/or this chapter.
 - 2. *Failure to abate violation.* Upon failure, of the owner and/or operator to abate said violation within five days after mailing or delivery of said notice, said operation site may be summarily closed, and the permit therefor suspended or revoked, and resort had to the bond for restoration.

3. *Hearing request.* Any owner and/or operator aggrieved of any notice sent pursuant to this subsection, may request a hearing before the planning commission, if the request is in writing and delivered to the township. The request should set forth why the operation site should not be summarily closed, the permit suspended or revoked, and resort had to the bond.
 4. *Action pending hearing.* In any case, if the planning commission determines the operation of the excavation would be detrimental to the health and/or safety of persons and/or property, the board may summarily suspend or revoke the permit, but shall grant a hearing upon request as provided herein.
 5. *Hearing.* If a request for a hearing is received, the planning commission shall hold a hearing at the next scheduled planning commission meeting and may after the hearing continue the suspension or revocation of the permit, or take such other action as appears appropriate under the circumstances.
- g. *Fees and/or costs.* An applicant for a permit shall deposit such fees and/or costs in an amount as follows:
1. *Permit fee.* The permit fee for land balancing, land filling and earth extraction operations shall be as currently established or as hereafter adopted by resolution of the township board from time to time. Said permit fee shall be paid before issuance of the permit. The cost of inspections by the township director of planning and building, regardless of the number of inspections required throughout the year, shall be covered by the fee.
 2. *Engineering costs.* In addition to the permit fee, there shall be placed in an escrow account, to cover any engineering costs incurred during the permit year, an amount as currently established or as hereafter adopted by resolution of the township board from time to time. As funds are incurred, the permit holder shall be notified and additional deposits will be required to maintain a minimum escrow account as currently required or as hereafter adopted by resolution of the township board from time to time at all times.
- (22) No permit hereunder shall be required for those operations permitted by section 46-249.
- (23) Area, height, bulk and placement requirements, unless otherwise specified, are as provided in section 46-215, schedule of regulations.

(Ord. of 3-17-2008, § 6.24)

Sec. 46-303. - Wind energy conversion systems.

- (a) *Intent.* It is the intent of the township to permit the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS.
- (b) *Approval required.* It shall be unlawful to construct, erect, install, alter, or locate any WECS within the township except in compliance with the section. A building permit is required for any WECS pursuant to section 46-33 and this section.
- (c) *Permitted accessory use.* On-site WECSs less than 70 feet in height shall be considered a lawful accessory use in the RE and R-1A zoning districts pursuant to this section.
- (d) *Conditional use, on-site—RE and R-1A districts.* On-site WECSs of 70 feet or more in height shall be considered a conditional use in the RE and R-1A zoning districts and shall be subject to the provisions of this section and article II, division 3 of this chapter.
- (e) *Same—Other districts.* On-site WECS towers of any height shall be considered a conditional use in the following zoning districts and shall be subject to the provisions of article II, division 3 of this chapter: R-1B, RM, C-1, C-2, C-3, C-4, REC, TIO, GI, EI.

- (f) *Conditional use, commercial.* Commercial WECS shall be considered a conditional use in the following districts and shall be subject to the provisions of this section and Article 8, Special Land Use: RE, REC, EI.
- (g) *Application—Accessory use.* The application for an on-site WECS when permitted as an accessory use shall include the following:
 - (1) *Applicant information.* Name, address and contact information.
 - (2) *Project description.* A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.
 - (3) *Plot plan and documentation.* The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include:
 - a. The project area boundaries.
 - b. The location, height and dimensions of all existing and proposed structures and fencing.
 - c. Distance of proposed structure from all property lines and permanent structures.
 - d. The location, grades and dimensions of all temporary and permanent on-site access roads.
 - e. Existing topography.
 - f. Water bodies, waterways, wetlands, and drainage ditches (county drains).
 - g. All new infrastructure above ground related to the project.
 - h. The location of all overhead utility wires.
 - (4) *Additional documentation.*
 - a. *Insurance.* Proof of the applicant's liability insurance covering the WECS.
 - b. *Sound pressure level.* Documentation of the manufacturer's designed sound pressure levels (decibels) for unit to be installed.
 - c. *Grant of authority.* The applicant shall provide evidence of ownership of the land which the WECS is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.
- (h) *Same—On-site WECS conditional use.* The application for an on-site WECS when permitted as a conditional use shall meet all of the requirements for a conditional use permit application, except that a complete site plan shall not be required unless the proposed WECS involves changes to the site outside the footprint of the WECS, or the planning commission finds that the scale or character of the project or other factors, including the nature of the surrounding area warrant a complete site plan. If a complete site plan is not required by the planning commission, the applicant shall submit the information described in subsection (i)(3) of this section or such other information as the planning commission may determine.
- (i) *Same—Commercial WECS conditional use.* The application for a commercial WECS shall meet all of the requirements for a conditional use permit application and shall include a complete site plan in accordance with article II, division 2 of this chapter.
- (j) *Standards and requirements.* All on-site WECSs and commercial WECSs shall meet the standards and findings of section 46-11 and the following additional standards and requirements:
 - (1) *Property setbacks.*
 - a. The distance between a WECS and the nearest property line shall be at least 1.5 times the height of the WECS.

- (4) *Guy wires.* If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Every commercial WECS must be of a freestanding monopole design and guy wires shall not be used.
 - (5) *Grade clearance.* The minimum vertical blade tip clearance from grade shall be 25 feet for any WECS employing a horizontal axis rotor.
 - (6) *Interference.* Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
 - (7) *Color.* Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the township or as otherwise required by law.
 - (8) *Climb prevention.* Every WECS must be protected by anti-climbing devices such as:
 - a. Fences with locking portals at least eight feet high;
 - b. Anti-climbing devices 12 feet from base of pole including anti-climb panels, anti-climb brackets, and other similar devices.
- (m) *Removal of abandoned on-site WECS.* In the event an on-site WECS is abandoned or unused for a period of 180 days, or if a WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the township board. In addition, by accepting a permit for the on-site WECS, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after 30 days' notice from the township, the township may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of 15 percent which, if not paid within 30 days, shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.
- (n) *Additional requirements for commercial WECS.* The following standards and requirements shall apply to every commercial WECS:
- (1) *Warnings.* A visible warning sign of high voltage shall be placed at the base of every commercial WECS. The sign must have at least six inch letters with three-quarter-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
 - (2) *Signage.* In addition to warning signs and signs required by law, every commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.
 - (3) *Liability insurance.* The owner or operator of a commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the township pertaining to installation and operation of the commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The township and land owner shall be named as additional insureds. Certificates of insurance shall be provided to the township annually.
 - (4) *Security.* The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection (n)(9) of this section. The security shall be the form of cash, letter of credit, or an escrow agreement, in an amount approved by the township engineer and in a form approved by the township attorney providing for timely removal of the commercial WECS as required under this section, and payment of any costs and attorney fees incurred by the township in connection with such removal.
 - (5) *Visual appearance; lighting; powerlines.* The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. For commercial WECSs exceeding minimum FAA height requirements for lighting, minimum FAA

lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

- (6) *Wildlife impact.* The applicant shall submit an avian study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the commercial WECS on migratory birds or bats and threatened or endangered species.
- (7) *Annual inspection; maintenance.* The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the township.
- (8) *Sound pressure level.* As part of the application and prior to installation of any commercial WECS, the applicant shall provide modeling and analysis that will confirm that the commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the operation of the project.
- (9) *Removal.* A commercial WECS shall be removed by the owner of the WECS or land when the commercial WECS has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WECS owner or applicant shall notify the township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - a. At the end of the non-use period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.
 - b. If the required demolition, removal and restoration of the WECS has not been lawfully completed within 60 days after the end of the non-use period, then after 15 days' prior written notice to the land owner and the WECS owner, the township may remove or secure the removal of the WECS and related equipment and the township's costs, expenses, attorneys fees and consultants fees, plus a 15 percent administrative charge may be drawn and collected from the security described in subsection (n)(4) of this section, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.

(Ord. No. 129, § 6.25, 2-1-2010)

Sec. 46-304. - Architectural design requirements.

The purpose of this section is to provide a consistent and equitable set of exterior architectural design standards, the intent of which is to create, enhance and promote the qualitative visual environment of Brandon Township. Also, the intent is to encourage developers and their architects to explore the

design implication of their project to the context of the site, surrounding area and the township, and to provide the planning commission with a sense and appreciation for the design process. This section is not intended to regulate the quality, workmanship and requirements for materials relative to strength, durability and endurance, maintenance, performance, load capacity, or fire resistance characteristics.

Building design and location shall contribute to the uniqueness of the commercial zoned areas within the township with predominant material, elements, features, color range and activity areas tailored specifically to the site and its content. In the case of projects which contain more than one building, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the M-15 corridor and other commercial zoned properties. In projects containing more than one building, a distinct visual link shall be established among various buildings by using architectural site design elements such as courtyards, plaza(s), landscaping and walkways to unify the project. A standardized prototype design shall be modified if necessary to meet the provisions of subsection (1) of this section. Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and social interaction, connecting neighborhoods with open space, recreational and community facilities while offering commercial, office and mixed use areas.

- (1) *Design theme.* Within each project, buildings shall be designed with an overall architectural theme consistent with or complementary to the Federal, Georgian, Italianate, or Greek Revival or other early American periods. Pre-existing buildings on adjoining tracts shall not be a factor in the design of new buildings unless they are consistent with the architectural objectives defined herein. Transition shall be developed between projects with different uses and intensities on adjacent parcels to provide an effective visual and functional shift. Transition may be created through appropriate building setback, height and landscape buffers.
- (2) *Open space and community design feature.*
 - a. *Residential uses (not in single family residential districts).* An active and passive recreation/open space shall demonstrate that at least ten percent of the gross land area is maintained for recreation/open space amenities which accurately reflect the intended demographics of the development notwithstanding other ordinance requirements for cluster housing options, planned unit development or other residential development standards.
 - b. *All non-residential uses.* Each non-residential establishment shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the examples but not limited to any of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, water feature, clock tower, flag poles and shall include other such deliberately shaped area and/or focal feature or amenity that, in the sole discretion of the planning commission, is determined to adequately enhance such community and public spaces.
- (3) *Building proportion.* A building within a development should generally avoid long, monotonous, uninterrupted walls or roof planes. The design and placement of building facades, doors, windows, and architectural design details shall be used to accomplish this task.
- (4) *Building facades.*
 - a. Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style. Buildings with continuous facades that are 90 feet or greater in width shall be designed with offsets (projecting or recessed) along at least 20 percent of the length of the facade. Windows, awnings, and arcades must total at least 60 percent of a facade length abutting a public street.
 - b. Facades constructed of more than one material shall only change materials along a horizontal line or along vertical line of an architectural element (not a diagonal line) unless it is an integral part of the design feature. The material that appears to be heavier shall always be placed beneath the lighter material. All facades of building shall be of the same material and similarly detailed. One dominant material shall be selected, with a preference towards stone or brickwork. Wood or wood appearing materials (vinyl siding, hardy board) are

allowed however it shall be of a type that is installed as individual pieces and not of large panels. Buildings that are located at the termination of a view or vista shall be considered a more significant structure and will be required to have special architectural treatment. Block or metal sheet panel walls are strictly prohibited.

- c. Design elements of the elevations shall be organized such that openings line up horizontally and vertically with other openings. Openings in a facade shall be arranged in a balanced, relatively uniform fashion. Openings of varying sizes are often centered vertically along the center line of the openings above or below.

(5) *Roofs.*

- a. Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Shed roofs are permitted only when the ridge is attached to an exterior wall of a building, and shall conform to pitch between 14:12 and 4:12. Flat roofs are permitted when consistent with the historic style or architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building. All roofing materials shall be compatible with the style, materials, color, details and proportion of the building. In no case shall rooftop mechanical equipment be visible from adjoining streets or residential zones or uses.
- b. Modulating of the roof and/or roof line will be required in order to eliminate box-shaped buildings. Parapets must be fully integrated into the architectural design of the building and provide seamless design transitions, including exterior materials between the main building mass, mechanical penthouses and other roof structures. Should they be used, partial parapets shall have a return that extends inward to at least the first structural bay, or 25 feet, whichever is greater.
- c. Dormers shall be designed with correct details, proportion and type consistent with the overall building composition and roofed with symmetrical gables, hip or barrel roofs. Belvederes, cupolas, and pergolas are permitted if appropriate to the type, well proportioned, and fully detailed.
- d. In instances where roof vents, roof mounted mechanical equipment, pipes, and other projections and equipment on the roof can be viewed from above, they shall be grouped together and painted to match the roof color to reduce their appearance, and screened from view. In instances where roof areas or mechanical equipment can be viewed from below, all roof vents, roof mounted mechanical equipment, pipes, and other projections and equipment on the roof shall be painted to match the roof color or screened from view. There shall be variations in roof lines to add visual interest.

- (6) *Entrances.* Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun or winter weather. The location, orientation, proportion and style of the doors must faithfully reflect the chosen style of the building.

- (7) *Windows.* All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number window of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure

- (8) *Awnings.* Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal or aluminum awnings are prohibited unless they are matching and compatible to the roofing material.

- (9) *Storefronts.* Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane window displays, however, they shall not exceed 75 percent of the total ground level (first floor) facade area. Buildings with

multiple storefronts shall be of unified design through the use of common materials, architectural details, signage and lighting consistent with the overall building style.

- (10) *Drive-thru windows.* Drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building.
- (11) *Pedestrian pathways and sidewalks.* Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall design concept. Pedestrian pathway connections to parking areas, buildings and other amenities between on-site and perimeter pedestrian systems and paths shall be planned and installed when feasible. Pedestrian pathways shall also be provided to accommodate neighboring properties and connect to other pathway systems. The pathways are to be a minimum of eight feet in width and constructed of approved hard surface materials.
- (12) *Signage.* All signs permitted within the township shall be subject to the provisions of article X of this chapter (Signs) unless a stricter provision is provided below. All signs within a specific development shall be subject to the following requirements and standards:
 - a. All signs shall be designed so as to be integral and compatible with the architecture and landscape component of the development.
 - b. A comprehensive sign plan shall be submitted with each development project.
- (13) *Lighting.* All lighting shall conform to the requirements of section 46-421, in order to maintain vehicle and pedestrian safety, site security and accentuate architectural details.
- (14) *Landscape, greenbelts, buffers and screening elements.* All landscape features of the site shall conform to the requirements detailed in Article VIII (Natural Resource Protections and Enhancement).
- (15) *Utilities and communication devices.* All exterior on-site utilities, including but not limited to drainage systems, sewers, gas lines, water lines, electrical, telephone and communications wires and equipment, shall be installed and maintained underground wherever possible. On site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving and landscape during construction and maintenance.

(Ord. No. 144-12, 3-5-2012; Ord. No. 169-18, §§ 2, 3, 10-1-2018)

Secs. 46-305—46-322. - Reserved.

ARTICLE VI. - PLANNED UNIT DEVELOPMENT^[6]

Footnotes:

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State Law reference— Planned unit development, MCL 125.3503.

Sec. 46-323. - Statement of purpose.

- (a) The PUD, planned unit development district, is intended for those areas of the township where a multifunctional development or a creative reuse of an old, large existing facility is necessary in order to protect the surrounding area, protect the environment and/or protect the health, safety and welfare of the community as a whole. The regulations outlined in this article allow for the establishment of

PUDs in all zoning districts or in all land use plan designations as a viable land use development alternative for the purpose of the following:

- (1) Preserving a natural resource.
 - (2) Encouraging innovation in land use development planning.
 - (3) Creating a unique combination of land uses that would be a benefit to the township as well as to the applicant.
 - (4) Encouraging the development of lands that are compatible with its character and adaptability.
 - (5) Providing for quality housing, new local employment, special shopping opportunities, safe traffic patterns and better recreational facilities for the residents of the township.
- (b) The provisions of this section, therefore, provide the regulatory authority and outline the standards for the submission, review and approval of a PUD.

(Ord. of 3-17-2008, § 9.01)

Sec. 46-324. - Application of regulations.

The following regulations are applicable to all PUDs and they will become the basis for reviewing PUDs in all steps of the review and approval process.

- (1) Applications for planned unit developments may be submitted for review in all zoning districts.
- (2) Any land use or a combination of land uses authorized in this chapter may be included in a planned unit development provided adequate site improvements are incorporated into the plan to protect the occupants in one land use from the effects of adjacent land uses within the PUD or in land uses adjacent to the PUD so that public health, safety and general welfare are protected.
- (3) The PUD shall be under single ownership or under the control of a single entity until the project is completed in conformity with this chapter. If any landownership interests change, notice shall be given to the township within ten days of such change.
- (4) The PUD must demonstrate that one or more of the following conditions will occur:
 - a. That a local, state or national resource and/or natural feature of a substantial quantity and/or a significant quality will be protected or preserved;
 - b. That some clearly defined, unique benefit or innovative planning pattern will accrue to the users of the PUD and/or to the township as a whole that would not be otherwise feasible or not likely to be achieved without the use of the PUD designation;
 - c. That a higher quality of living, working and/or leisure activity will be acknowledged within the township; or
 - d. That an existing nonconforming use of the land in the zoning district in which it is situated at the time of an application for a PUD, will be transformed into a more conforming or less offensive situation in some significant way.
- (5) The proposed type and density of the use incorporated in the PUD shall not cause an undue burden upon public services, facilities and utilities than what would otherwise occur under separate land use situations that would have been permitted by other sections of this chapter.
- (6) The proposed PUD shall not place an undue burden on the natural environment within the development or on the surrounding parcels.
- (7) The proposed PUD shall not result in excessive noise or traffic in the surrounding area nor shall it result in a reduction in pedestrian safety within or around the development.
- (8) The proposed PUD shall not result in an unreasonable and quantifiable negative economic impact upon surrounding properties and, in fact, the applicant should demonstrate how properties

and property values are protected or are possibly increased in value and how the quality of the life in the surrounding properties are protected or enhanced.

(Ord. of 3-17-2008, § 9.02)

Sec. 46-325. - Designs standards for a PUD.

The following regulations are applicable to all PUDs based upon the types of uses to be incorporated into a PUD and the intensity of the development of a PUD:

- (1) Residential use and density.
 - a. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this article. If the parcel is not zoned for residential use immediately prior to classification under this article, the township shall make a determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.
 - b. Project density shall be demonstrated by a preliminary site plan with a conventional layout and with all applicable ordinances and laws observed, including proof of water supply and sewage disposal as set forth in this section.
 - c. An applicant shall demonstrate that all dwelling units proposed within a planned unit development are capable of meeting applicable county and/or state agency approvals for on-site water supply and sewage disposal where such on-site systems are proposed. Inasmuch as the capability of the parcel for on-site water supply and sewage disposal is material to the determination of potential development density, the township shall require percolation tests, soil borings and other information to determine suitability of soils for on-site sewage disposal. These tests must be conducted under the supervision of a registered engineer, certified sanitarian, or other competent licensed professional in accordance with uniform procedures established by the state department of environmental quality and this chapter. A preliminary site plan with a conventional layout is required in order to demonstrate project density. The planning commission may recommend to the township board to waive the requirement for percolation tests, soil borings, and other information on each individual lot of the preliminary site plan with a conventional layout, when it can be demonstrated by the applicant that one or more of the following conditions exist:
 1. Conducting the necessary testing would result in unreasonable damage to significant natural resources and features that are intended to be preserved.
 2. Previous studies acceptable to the planning commission have been conducted on the site which verify the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.
 3. Other evidence and data exists which, in the opinion of a registered engineer, certified sanitarian, or other competent licensed professional and such evidence is acceptable to the planning commission, verifies the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.
 - d. Additional density for residential uses may be allowed by the discretion of the township board upon the recommendation of the planning commission and based upon a demonstration by the applicant of consistency with the master plan and of planning and design excellence resulting in a material benefit to the township, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations. In the determination whether a project warrants additional density, the township board may also consider the following factors including, without limitation: innovative design; pedestrian or vehicular safety; longterm aesthetic beauty; protection and preservation of natural resources and features; preservation of open space

which avoids fragmentation of the resources base and contributes to an area wide open space network; and improvements to the township's infrastructure.

- (2) Mixed use projects. For planned unit development projects which contain a residential component, the township shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.
- (3) In the case of any ambiguities as to applicable regulations that may apply to a proposed PUD, the planning commission shall recommend to the township board, and the township board, in its discretion, shall resolve such ambiguities.
- (4) There shall be a landscaped greenbelt and berm around the PUD as shall be recommended by the planning commission and may be approved by the township board to mitigate any negative effects of the development on surrounding properties. Such a greenbelt shall be an integral part of a PUD that includes nonresidential uses and it may be up to 100 feet wide once the planning commission and the township board have taken into consideration the use of the proposed development and of the adjacent uses. The width of the greenbelt, however, does not have to be uniform at all points around the perimeter of the PUD but in no case shall it be less than 50 feet.
- (5) Public roads, internal roads and drives, site drainage and other engineering components of a development plan shall meet or exceed the standards set forth in the township ordinances and regulations that are applicable in connection with each of the proposed uses to be incorporated into the PUD.
- (6) Where feasible, all public utilities shall be installed underground.
- (7) Where feasible, without significantly reducing the kind and density of uses in a PUD, pedestrian circulation paths shall be separated from vehicular drives or roads by a minimum landscape separation of five feet.
- (8) Signage, exterior lighting, parking, the design of the buildings and other features of the project shall be consistent with the character of the community, surrounding development or developments, and natural features of the area.

(Ord. of 3-17-2008, § 9.03)

Sec. 46-326. - Procedures for review and approval of a PUD.

- (a) All applications for a PUD must go through a three-step process for review and approval. The third step shall constitute an application to rezone the property to a PUD district only if the applicant has received an approval or a conditional approval of a PUD in steps one and two of this review and approval process. The steps for review and approval are as follows:
 - (1) *Step one; preliminary review and concept approval.*
 - a. Prior to the submission of an application for a PUD, the applicant shall meet with the director of planning and building and with any consultants the director deems appropriate. The applicant shall present at such preapplication conference, at least a sketch plan of the proposed PUD which shall include the following information: total number of acres in the project; the number of residential units, if any; the number and type of nonresidential units; the number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and all natural resources and natural features to be preserved.
 - b. After a preliminary meeting or meetings the director of planning and building shall inform the applicant of regulations that will most likely apply to the development and a list of initial concerns that should be addressed by the applicant in their formal preliminary PUD submittal to the planning commission.

- c. Ten copies of the preliminary information and such other information the applicant wishes to submit shall be filed with the planning and building department within 90 days of the preapplication conference. Preliminary plans shall include the information outlined in article II, division 2 of this chapter.
- d. The preliminary information and application for a PUD shall be presented to the planning commission within a reasonable amount of time for review, but no more than 60 days after submission to the planning and building department.
- e. The planning commission shall review the preliminary plan information and shall be entitled to make reasonable inquiries of the applicant about issues relevant to the preliminary plan.
- f. The planning commission shall also proceed to set the subject over to a second meeting wherein the planning commission may receive answers to the questions posted by the commission, to receive preliminary reports from the township's consultants and to receive comments from the surrounding property owners.
- g. Based upon the information presented by the applicant, based upon information presented by the administrative staff and consultants, and based on the public's comments and concerns, the planning commission shall make a motion to give tentative approval to the concept of the PUD, to give tentative approval to the concept subject to certain conditions, or to deny the concept of a PUD based upon certain mitigating circumstances. If the motion is to deny the PUD completely, the application process shall be terminated and the applicant shall be entitled to a refund of the unused portion of their fee and escrow deposit.

(2) *Step two; planning commission approval or denial of the PUD.*

- a. Upon a favorable motion for concept approval by the planning commission to consider the proposed development of a PUD in more detail, the applicant may proceed to prepare the final documentation for the PUD. The applicant may prepare a more in-depth site development engineering and architectural plan with models, graphics and written narratives conforming to section 46-327. These materials shall be submitted to the planning and building department within 90 days of the planning commissions tentative approval of the PUD concept.
- b. The planning commission shall review the updated plans. They shall be entitled to make reasonable inquiries of and receive answers from the applicant on issues relevant to the PUD. Following their review, the planning commission shall provide the applicant with written comments, which shall be a part of the official minutes of the planning commission meeting. An integral part of these comments shall be a motion to approve or deny in whole or in part the PUD and/or the materials presented in the PUD package. If the motion is to deny the PUD in part, the applicant shall be advised to revise their plan consistent with the planning commission's recommendations. If the motion is to deny the PUD completely, the application process shall be terminated and the applicant shall be entitled to a refund of the unused portion of their fee and escrow deposit.

(3) *Step three: final approval of a PUD.*

- a. Within six months following receipt of the planning commission's comments and final approval of the PUD, the applicant shall submit to the director of planning and building, ten copies of a final PUD conforming with section 46-327 and all of the requirements cited during previous meetings with the planning commission. If the final plan has not been submitted within the six-month period, the final plan approval shall lapse and the applicant must start the review process again. The township board may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.
- b. This plan shall constitute an application to amend the zoning map and shall be set 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 for by state law and article II, division 5 of this chapter.

- c. With and in addition to the regular report submitted by the planning commission in connection with a rezoning application, the planning commission shall submit detailed recommendations to the township board relative to the PUD project, including recommendations with respect to matters on which the township board must exercise discretion and approval.
- d. The final step in the rezoning process is the publication of the action to rezone the property to a PUD district by the township board. The publication of the ordinance to rezone the property will be conditioned upon the action of the applicant to apply for a building permit within six months of the date of the second reading of the ordinance to rezone. If the applicant fails to obtain a building permit or show reasonable cause for one six-month extension of the time period, the action to rezone shall be declared null and void and any subsequent application for a PUD shall be reviewed as if it has been submitted for the first time. The justification for the expiration of a PUD district classification, after such a long time is three-fold:
 - 1. The circumstances surrounding the approval of the PUD may have changed;
 - 2. The conditions, use and character of the surrounding properties may have changed; and
 - 3. This chapter and/or the township's master land use plan of the township may have changed.

In all of these circumstances, there may be good reason to modify or deny several developmental aspects of the PUD as they may impact on the surrounding properties.

(Ord. of 3-17-2008, § 9.04)

Sec. 46-327. - Application and submission requirements.

Plans being submitted for review and approval shall be made a part of an application for a PUD on a form approved by the planning commission and obtainable through the department of planning and building. The basic information that needs to be submitted includes:

- (1) Plans being submitted for step one under procedures for review and approval of a PUD may be preliminary in nature, sufficient to describe the proposed development of the PUD and complete enough to represent all aspects of the requirements outlined in article II, division 2 of this chapter.
- (2) Plans being submitted for step two or step three under procedures for review and approval of a PUD shall include:
 - a. All of the requirements of article II, division 2 of this chapter in full detail.
 - b. A plan showing the type, location and density of all uses.
 - c. The plan should include open spaces, natural preserves, recreational areas and other like areas as well as an indication of the proposed use of such areas.
 - d. A separate document shall describe any deviations from this chapter which would otherwise be applicable to the uses. This document should include ordinance provisions from which deviations are sought, and the reasons and methods to be utilized for the protection of the public health, safety and welfare in lieu of the original regulations.
 - e. If the property on which the project is located is less than five acres, it shall be at the discretion of the planning commission to require an impact statement per section 46-392. If the property on which the project is to be situated consists of five acres or more, an impact statement per section 46-392 shall be submitted along with definite statements on how the PUD meets all of the issues presented in the design standards for a PUD which is a part of this chapter.
 - f. A detailed landscape plan.

- g. A construction schedule for the PUD, including phasing if applicable of all general improvements such as exterior lighting, signage, and the elements designed to reduce noise and establish visual screening features.
- h. A preliminary drawing of the exterior of the building and preliminary floor plans.
- i. The application shall be signed by all parties having an interest in the property.
- j. A draft development agreement. The development agreement shall outline the responsibilities for the construction of the various elements of the project as well as outlining any conditions that will run with the subject development. The draft development agreement shall be reviewed by the township attorney.

(Ord. of 3-17-2008, § 9.05)

Sec. 46-328. - Performance guarantees and conditions.

- (a) *Guarantees.* The township board, after reviewing the recommendation from the planning commission, may require a performance bond. The amount of such bond shall be set as a percent of the total value of the project and shall be established by resolution of the township board. Said bond may be either a cash bond, a performance bond, or a letter of credit and the value of such bonds need not exceed ten percent of the value of the project in cash or 75 percent of the value of the project in a performance bond.
- (b) *Conditions.* Reasonable conditions may also be required for the approval of a PUD to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed PUD will be capable of accommodating the anticipated increases. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. of 3-17-2008, § 9.06)

Secs. 46-329—46-359. - Reserved.

ARTICLE VII. - OFF-STREET PARKING AND LOADING

Sec. 46-360. - Off-street parking requirements.

Developed and reserved off-street parking facilities for the parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of the ordinance from which this chapter is derived, shall be provided as herein prescribed in all zoning districts. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.

- (1) *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half require one parking space.
- (2) *Location of parking space for one- and two-family dwellings.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- (3) *Location of parking spaces for other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 300 feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

- (4) *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
 - a. *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit means the gross floor area, excluding such floor area within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses.
 - b. *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
 - c. *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- (5) *Similar uses and requirements.* In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- (6) *Existing off-street parking at effective date of the ordinance from which this chapter is derived.* Off-street parking existing at the effective date of the ordinance from which this chapter is derived which serves an existing building or use shall not be reduced in size less than that required under the terms of this chapter.
- (7) *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this section.
- (8) *General use conditions.* Except when land is used as storage space in connection with the business of a repair or service garage, a 24-hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide the storage or parking on such open land of wrecked or junked cars, or for creating a junkyard or a nuisance in such area.
- (9) *Joint use.* Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings, and industrial establishments, lying within 300 feet of a church or measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than 50 percent of the off-street parking requirements of a church.
- (10) *Required greenbelt, setbacks, and screening.*
 - a. Off-street parking facilities, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 46-386. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street parking and the abutting side and rear lot lines.
 - b. Off-street parking shall be landscaped and screened in accordance with section 46-386.
- (11) *Table of off-street parking requirements.*
 - a. The amount of required off-street parking space for new uses or building, additions thereto, and additions to existing buildings, additions thereto, as specified above shall be determined in accordance with the following table.

- b. Flexibility in application. The township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in this section may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space. The planning commission may permit deviations from the requirements of this section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The planning commission may attach conditions to the approval of a deviation from the requirement of this section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the planning commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.
- c. Schedule of off-street parking regulations.

	Required No. of Parking Spaces Use Per Each Unit of Measure as Follows:
RESIDENTIAL USES	
Single- or two-family dwelling	2 per each dwelling unit
Multiple-family dwelling	2 per each dwelling unit
	1 per each ten dwelling units
Senior citizen housing	1 per each dwelling unit
PLACES OF ASSEMBLY/INSTITUTIONAL USES	
Churches	1 per each three seats based on maximum seating capacity in the main place of assembly therein
Private clubs and lodges	1 per five individual members allowed within the maximum occupancy load as established by fire and/or building codes
Hospitals	1 per each two beds
Convalescent homes, homes for the aged, nursing homes, children homes	1 per three beds

High schools, trade schools,	8 per each classroom colleges, and universities
Elementary and middle schools	5 per each classroom
Child care center, day nursery schools	1 per each ten children plus
	1 per each employee
Stadiums, sports arenas, auditoriums, banquet halls and meeting facilities	1 per each four seats, based on maximum seating capacity
Libraries and museums	1 per each 500 sq. ft. of floor area
GENERAL COMMERCIAL USES	
Retail stores, except as otherwise specified herein	1 per 200 sq. ft. of floor area
Supermarkets, drugstores, and other self-serve retail establishments	1 per 250 sq. ft. of floor area
Planned shopping center	1 per 200 sq. ft. of floor area
Furniture, appliances, hardware and household equipment sales	1 per each 600 sq. ft. of floor area
Lodging	1 per each guest bedroom, plus amount required for accessory uses, such as a restaurant or cocktail lounge
Fast food restaurant	1 per each 75 sq. ft. of floor area
Sit-down restaurant	1 per each three seats, based on maximum seating capacity
Taverns and cocktail lounges (other than fast food restaurants)	1 per each three persons allowed within maximum occupancy load as established by fire and/or building codes
Garden stores and building material sales	1 per each 800 sq. ft. of floor area

Open air business, not otherwise provided for herein	1 per each 800 sq. ft. of lot area used for said business
Movie theaters	1 per each three seats based on the maximum seating capacity
Wholesale stores, machinery sales	1 per each 1,000 sq. ft. of floor area
AUTOMOTIVE USES	
Auto sales	1 per each 200 sq. ft. of showroom floor area plus
	3 per each service stall
Automobile repair facilities	3 per each service stall
	1 per each service vehicle
Gasoline stations without convenience store	1 per pump unit, plus
	3 per each service stall
Gasoline stations with convenience store	1 per pump unit, plus
	3 per each service stall, plus
	1 per each 200 sq. ft. of floor area devoted to retail sales and customer retail sales and customer service
Carwashes (self-serve)	2 per each wash stall, plus
	1 per each vacuum station
Carwashes (automatic)	1 per 200 sq. ft. of floor area of customer waiting and service area, plus
	1 per vacuum station
Collision or bump shop, and other	2 per each stall or service area

OFFICE AND SERVICE USES	
Medical and dental office	1 per each 200 sq. ft. of floor area
Business and professional offices	1 per each 300 sq. ft. of floor area
Banks	1 per each 250 sq. ft. of floor area
Barbershops and beauty shops	3 per each chair
RECREATIONAL USES	
Bowling alleys	3 per bowling lane, plus amount required for accessory uses such as a restaurant or cocktail lounge
Private tennis, swim or golf clubs or other similar uses	1 per each two memberships, plus amount required for accessory uses such as a restaurant or cocktail lounge
Golf course, open to the general public	5 per each hole, plus amount required for accessory uses such as a restaurant or cocktail lounge
INDUSTRIAL USES	
Industrial, manufacturing or research establishments	1 per each 500 sq. ft. of floor area
Warehouse and storage buildings	1 per each 1,500 sq. ft. of floor area
Contractor's office	1 per 300 sq. ft. of floor area

(Ord. of 3-17-2008, § 10.01)

Sec. 46-361. - Off-street parking space layout, standards, construction and maintenance.

Whenever the off-street parking requirements of section 46-360 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) The construction of any parking lot shall be in accordance with the requirements and provisions of this chapter and such construction shall be completed and approved by the director of planning and building or his designee before actual use of property as a parking lot commences. Plans for

the development of any parking lot must be submitted to the director of planning and building, drawn at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The building inspector shall transmit the development plans to the township engineer for review. The plans are to be prepared by a licensed civil engineer with the state.

- (2) All such lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area.
- (3) No surface water from such parking area shall be permitted to drain onto adjoining property, except through public drain.
- (4) The planning commission shall have the discretion of waiving certain hard surface paving requirements provided the following conditions are met:
 - a. The proposed driveways, loading, turn-around, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 - b. Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
- (5) All illumination for or on such parking lots shall be directed away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than 16 feet above the parking lot surface.
- (6) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- (7) Bumper block or curbing shall be provided.
- (8) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

A	B		C	D
Parking Pattern	Maneuvering Lane Width		Parking Space Width (feet)	Parking Space Length (feet)
	One-way (feet)	Two-way (feet)		
0;deg; (parallel parking) (Fig. 6)	12	20	9.0	24
30;deg; to 53;deg; (Fig. 7)	16	22	9.0	18
54;deg; to 74;deg; (Fig. 8)	16	22	9.0	18
75;deg; to 90;deg; (Fig. 9)	20	22	9.0	18

(Ord. of 3-17-2008, § 10.02)

Sec. 46-362. - Off-street waiting area for drive-thru facilities.

All businesses which provide drive-thru facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements.

- (1) Each stacking lane shall be a minimum of 12 feet in width. Each stacking space shall be computed on the basis of 20 feet in length.
- (2) Clear identification and delineation between the drive-thru facility and parking lot shall be provided. Drive-thru facilities shall be designed in a manner which promotes pedestrian and vehicular safety, and do not interfere with access to parking and maneuvering lanes.
- (3) For all drive-thru facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.
- (4) The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces per Service Lane
Banks	4
Photo service	4
Dry-cleaning	4
Fast-food restaurants	8
Carwashes (self-service)	
Entry	3
Exit	1
Carwashes (Automatic)	
Entry	6
Exit	3

(Ord. of 3-17-2008, § 10.03)

Sec. 46-363. - Off-street loading requirements.

- (a) On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking area.
- (b) Such loading and unloading space, unless adequately provided for within a building, shall be an area ten feet by 50 feet, with 14-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area In Square Feet	Loading and Unloading Spaces Required In Terms of Square Feet of Gross Floor Area
0—2,000	None
2,000—20,000	One space
20,000—100,000	One space plus one space for each 20,000 square feet
100,000—500,000	Five spaces plus one space for each 40,000 square feet in excess of 500,000 square feet

(Ord. of 3-17-2008, § 10.04)

Secs. 46-364—46-384. - Reserved.

ARTICLE VIII. - NATURAL RESOURCE PROTECTION AND ENHANCEMENT [\[1\]](#)

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 46-385. - Purpose.

The purpose of this article is to ensure that property is used in a manner which is consistent with the goals and objectives of the master plan and designed in a manner that protects natural resources and features. The regulations of this article are intended to achieve the mutually compatible objectives of reasonable use of land and protection of the township natural resources and features.

(Ord. of 3-17-2008, § 11.01)

Sec. 46-386. - Landscaping, greenbelt, buffers and screening.

- (a) The intent of these landscape standards to promote the public's health, safety, and general welfare by: counteracting noise, improving air quality and counteracting visual blight; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between noncompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.
- (b) To the greatest extent possible, applicants are encouraged to satisfy ordinance requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of landscape materials native to the county is encouraged.
 - (1) *Application.* These requirements shall apply to all uses for which site plan review is required under article II, division 2 of this chapter. No site plan shall be approved unless it shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this section.
 - (2) *Landscape plan required.* A separate detailed landscape plan shall be submitted as part of the site plan review process. On sites of greater than one acre, landscape plans shall be prepared and sealed by a registered landscape architect, licensed in the state. The landscape plan shall include, but not necessarily be limited to, the following items:
 - a. Location, spacing, size, root type and descriptions for each plant and type proposed for use within the required landscape area.
 - b. Minimum scale: one inch equals 40 feet for property less than five acres, or one inch equals 100 feet for property five acres or more. A different scale may be used provided it is sufficient to properly illustrate the landscape plan concept and that Ordinance requirements are met.
 - c. On parcels of more than one acre, existing and proposed contours onsite and 50 feet beyond the site at intervals not to exceed two feet.
 - d. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - e. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials.
 - f. Identification of existing wetlands, forested areas, trees and vegetative cover to be preserved.
 - g. Identification of grass and other ground cover and method of planting.
 - h. Identification of mulch in planting beds.
 - i. Typical straight cross section including slope, height and width of berms.
 - (3) *Buffering between land uses.*
 - a. Upon any improvement for which a site plan is required, a landscape buffer shall be required to create a visual screen at least six feet in height along all adjoining boundaries whenever a nonresidential use or a residential use of higher density abuts residentially zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Incorporating the minimum size of plant material as set forth in section 46-387 at the time of installation, the opacity standard shall be met based upon reasonably anticipated growth over a period of three years. The applicant shall agree in writing to install additional

plantings after the expiration of three years, in the event that the landscaping has not screened the view of areas as required.

- b. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the materials just named. In addition, a minimum of one tree and six shrubs meeting the minimum size requirements set forth in section 46-387 shall be planted adjacent to and for each 30 lineal feet of wall or fence.

(4) *Parking lot landscaping.*

- a. *Interior areas.* Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following: divide and break up the expanse of pavement; define parking areas; and designate vehicular circulation. The following specific standards shall apply:

- 1. Separate landscaped islands shall be required within parking lots of 16 spaces or greater. No more than a row of 24 spaces are permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the planning commission may approve alternative landscaping along the perimeter of the parking lots.
- 2. There shall be one canopy tree meeting the minimum size requirements set forth in section 46-387 for every eight parking spaces, landscaped islands within a designated parking area shall be a minimum of 150 square feet in area and nine feet in width.
- 3. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

- b. *Perimeter areas.* In order to reduce the visual impact, minimize conflicts between neighboring uses and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards:

- 1. Parking lots which are adjacent to residentially zoned or used property, which serve a nonresidential use or a residential use of higher density, shall be screened from that residential use in accordance with the standards set forth in this section.
- 2. Parking lots which are visible from a public road shall be screened from view with a landscaped berm varied in height from between two to three feet along the perimeter of those sides which are visible. The berm shall be planted with a minimum of one deciduous or evergreen tree and six deciduous or evergreen shrubs, meeting the minimum size requirements set forth in section 46-387 for every 30 lineal feet, or major portion thereof. The planning commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
- 3. Minimum of three-foot-wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

- (5) *Front greenbelt landscaping.* A landscaped greenbelt equivalent in depth to the required front yard setback shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped with a minimum of one deciduous tree or one evergreen tree, plus six deciduous and/or evergreen shrubs meeting the minimum size requirements set forth in section 46-387 for each 30 lineal feet, or major portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs

and/or other living plant material. Accessways from public rights-of-way through required landscape strips shall be permitted, but such accessways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.

- (6) *Subdivision and site condominium landscaping.* Landscaping for subdivisions and site condominiums, which shall include, but not be limited to, residential, office commercial, and industrial development, shall be provided in accordance with the following requirements:
 - a. *Street trees.* The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one tree for every 40 lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in section 46-387 and shall be an appropriate species for a street environment. The planning commission may determine that existing trees which are preserved within the road right-of-way or easement may meet all or part of the street tree requirement.
 - b. *Screening from public roads.* Where a subdivision or site condominium abuts a public right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in section 46-387 shall be met.
 - c. *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (7) *General site landscaping.* In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entryways, and/or retention and detention areas. In particular, the integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.
- (8) *Refuse containers.* Refuse containers shall be required for all uses other than single-family uses subject to the following standards:
 - a. Outside trash disposal containers shall be screened on all sides with an opaque masonry wall, and gate at least as high as the container, but not less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
 - b. Containers shall be consolidated to minimize the number of collection sites.
 - c. Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible.
 - d. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 - e. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of size 30 gallon cans or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more. The minimum size of an enclosure shall be eight feet in depth and 12 feet in width to accommodate a single container and eight feet in depth and 20 feet in width to accommodate two containers.
 - f. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.

- g. Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders, and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

(9) *Miscellaneous landscape requirements.* The following minimum standards shall apply:

- a. *Quality.* Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to county, shall conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- b. *Composition.* A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended to discourage insect and disease infestation; however, a limited mixture of hardy species is recommended in order to unify the design and visually blend with neighboring plants. Where plantings are adjacent to a road right-of-way, selection of plant materials that are tolerant of road salt spray and air pollutants are recommended.
- c. *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient and shall be planted to prevent erosion. Berm slopes shall be protected with grass, shrubs or other form of natural ground cover. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment.
- d. *Existing trees.* If existing plant material is labeled "To Remain" on site plans by the applicant or required by the township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed prior to construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the township. In the event that healthy trees which are used to meet the minimum requirements of this chapter, or those labeled "to remain," are cut down, destroyed, damaged, or excavated at the dripline, as determined by the township, the property owner shall replace them with trees which meet ordinance requirements.
- e. *Installation, maintenance, and completion.* All landscaping required by this chapter shall be planted prior to obtaining a certificate of occupancy. In the alternative, a surety bond, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping, to be released only after landscaping is completed. All landscape elements shall be installed, and earth moving or grading performed according to accepted good planting and grading procedures. The owner of property required to be landscaped by this chapter shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first.
- f. *Prohibited trees.* Installation of the following trees to satisfy landscape ordinance requirements shall be strictly prohibited:

All willow species	Salix sp.
Silver Maple (pure species only)	Acer Sacharinum
Boxelder	Acer negundo
Russian Olive	Elaeagnus angustifolia

Buckthorn	Rhamnus cathartica
Siberian Elm	Ulmus pumila
Black Locust	Robinia psuedoacacia
Prickly Ash	Zanthoxylum americanum
Tree of Heaven	Ailanthus altissima
Mulberry	Morus sp
Norway Maple	Acer platanoides

In addition to the trees noted above, other plants, shrubs and trees as may be determined by the township board by resolution from time to time to be inconsistent with the purpose of this chapter may also be prohibited.

- (10) *Minimum size and spacing requirements.* Where landscaping is required, the schedule in section 46-387 sets forth minimum size and spacing requirements; for representative landscape materials.

(Ord. of 3-17-2008, § 11.02(intro., (A)—(J)))

Sec. 46-387. - Size and spacing requirements.

The following trees are representative:	Minimum Size Allowable			
	Height		Caliper	
TREES	6'	3'—4'	1.75"	2.5"
Evergreen Trees				
Fir	✓			
Spruce	✓			
Pine	✓			

Hemlock	✓			
Douglas Fir	✓			
Narrow Evergreen Trees				
Red Cedar	✓			
Arborvitae	✓			
Juniper (selected varieties)	✓			
Large Deciduous Canopy Trees				
Oak				✓
Maple				✓
Beech				✓
Linden				✓
Ginko (male only)				✓
Honeylocust (seedless, thornless)				✓
Birch				✓
Sycamore				✓
Small Deciduous Ornamental Trees				
Flowering Dogwood			✓	
Flowering Cherry, Pear			✓	
Hawthorn			✓	

Redbud			✓	
Magnolia			✓	
Flowering Crabapple			✓	
Serviceberry			✓	
Hornbeam			✓	

The following shrubs are representative:	Minimum Size Allowable			
	Height/Spread			
SHRUBS	6'	3'—4'	24"—36"	18"—24"
Evergreen Shrubs				
Pyramidal Yew		✓		
Hicks Yew				✓
Brown and Wards Yew			✓	
Alberta Spruce		✓		
Chinensis Juniper Varieties			✓	
Sabina Juniper				✓
Mugho Pine				✓
Horizontal Juniper Varieties				✓
Boxwood				✓

Euonymous varieties				✓
Deciduous Shrubs				
Honeysuckle			✓	
Lilac			✓	
Sumac			✓	
Pyracantha				✓
Weigela			✓	
Flowering Quince			✓	
Dogwood			✓	
Viburnum varieties			✓	
Spirea				✓
Fragrant Sumac				✓
Potentilla				✓

Exceptions to requirements.

- (1) *Buildings abutting property lines.* Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- (2) *Location adjustments.* Where property line screening is required, the location may be adjusted at the discretion of the planning commission so that the screening may be constructed at or within the setback line, provided the areas between the screening and the property lines are landscaped, or, in rural areas, retain their natural vegetative state.
- (3) *Existing screening.* Any fence, screen, wall or hedge which does not conform to the provisions of this section and legally exists at the effective date of this chapter may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this chapter.
- (4) *Planning commission modification.* Any of the requirements of this section may be waived or modified through site plan approval, provided the planning commission first makes a finding:

- a. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
- b. That the public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

(Ord. of 3-17-2008, § 11.02(K))

Sec. 46-388. - Lake privileges.

- (a) In all instances where any person is being extended the right to cross, use, share in the ownership of, or otherwise benefit from a parcel of land which is contiguous to a body of water whether said parcel is a common lot within a subdivision, a lot owned by a subdivision association, a recreational park bordering on said body of water, such parcel shall have at least 20 lineal feet of water frontage and 150 feet in depth for each single-family residence however, in no event shall any such parcel so created have less than 300 feet of water frontage. Further, and in no event, shall the launching of boats from any such parcel of land be permitted nor shall boats be allowed to dock on any such parcel.
- (b) This section shall be constructed to apply to all uses of land abutting bodies of water other than those uses wherein the user the sole occupant of a structure on said parcel abutting said land, and/or those uses specifically permitted within districts other than residential within this chapter, for example, boat liveries or marinas, where permitted by the MDEQ.

(Ord. of 3-17-2008, § 11.03)

Sec. 46-389. - Wetlands protection.

- (a) No structure, septic tank, septic tank field, drain field, earth berm, earth structure, earth obstruction, or similar object or facility will be placed within 25 feet of any wetland as defined by Part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.).
- (b) In addition, no earth movement, excavation, land balancing or earth disruption of any kind shall take place within 25 feet of any wetlands as defined by such Act as described in subsection (a) of this section.
 - (1) This prohibition shall not apply to boat docks, swimming docks, boathouses, boat lifts, or similar objects or facilities used to gain normal boating and swimming access to lakes, rivers or streams such structures shall be regulated by the MDEQ.
 - (2) This section shall not be construed so as to prevent normal lawn care, landscaping and maintenance within the prohibited setback area.

(Ord. of 3-17-2008, § 11.04)

Sec. 46-390. - Drainage.

No person shall erect any dike, structure, building, earth berm, dam or other blockage which restricts or otherwise impairs the flow of water in any drainage ditch or along any normal surface course, nor shall any person remove any dam, dike, or preexisting structure, which structure precedes the passage of this chapter, so as to cause flooding, substantial diminution in lake level, or like effects, without a permit therefore from the department of building and planning.

- (1) In the event an obstruction as defined above should be constructed or maintained which obstruction in the opinion of the director of planning and building causes or will cause flooding or damage, the director of planning and building shall order such obstruction removed by the owner

of the land so as to provide free water flow therein, and should such owner deny or refuse removal, the director of planning and building may forthwith cause such obstruction to be removed.

- (2) In the event any person should remove an existing dam or structure thereby allowing flooding or the diminution of lake levels or like effects, the director of planning and building shall order the dam or structure restored and should the owner deny or refuse such restoration, the director of planning and building may cause the dam or structure to be restored.
- (3) This section shall not apply to the construction of platted subdivisions, site condominiums, commercial construction, or other like construction where there have been site plan approvals, plat approvals or like approval rendered by the township, which approvals include plans for grading and contouring the soil.
- (4) An application for permit pursuant to this section shall be on a form prepared by the department of planning and building, and shall include the name of the owner in fee of the real estate, names of any persons holding any other interest in the real property, names of the persons in possession of the real property, and identification of the site and the planned construction, alteration or repair as well as the reason therefore, construction plans, and where required by the director of planning and building, a site plan, as well as a topographical map. The fee shall be in an amount as determined from time to time by the township board.
- (5) Redirection or modification of existing natural or manmade drainage courses or drainage patterns that result in increased rates of flow and/or volume of water run-off onto neighboring properties or public and private roads, without the expressed written consent of the neighboring property owner and township is prohibited.

(Ord. of 3-17-2008, § 11.05)

Sec. 46-391. - Woodlands preservation.

- (a) This section is enacted in recognition of the fact that flora and fauna are necessary to the ecological system within which we all live, and that, as a result, the protection of flora and fauna, and their maintenance or replacement are necessary to the health, safety and welfare of the citizens of township, and further that such flora and fauna are natural resources, the protection of which is likewise necessary to the health, safety and welfare of the citizens of township, this section is enacted.
- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Develop or development means any timbering operation, tree removal or the removal of flora from any undeveloped parcel, other than as permitted by the exceptions contained in this section.

Topographical change on any undeveloped parcel, earth moving on any undeveloped parcel, or like activity of any kind with regard to any undeveloped parcel, shall also be considered to be development.

Flora means the trees and plant life characteristic to the township.

Survey or woodlands survey means a review of the extent and nature of the flora on a parcel in the township, with recommendations concerning the maintenance, removal or replacement of such flora, as performed by a landscape architect registered by the state.

Tree means a woody perennial plant having a single elongated main stem generally with few or no branches on its lower part and over six feet tall, measured from the ground immediately adjacent the trunk or main stem.

Undeveloped means any parcel of land which is substantially unimproved. With respect to land which, on the effective date of the ordinance from which this section is derived, is partially improved by virtue of a building or buildings or other improvements located on a portion of the land, the portion of the land which does not contain the building or buildings or other improvements shall be considered undeveloped. Farmland, whether or not it is being currently farmed, shall be considered undeveloped.

Woodlands means any tree or stand of trees of any nature whatsoever and the flora naturally attendant to such tree or stand of trees.

- (c) No person of any nature whatsoever shall develop any parcel in township without first providing a survey of the woodlands located on such parcel pursuant to this section.
- (d) When any person of any nature whatsoever makes application for subdivision plat approval, site condominium approval, multiple housing approval (whether for apartments or condominiums), commercial development, or any other development, such application shall include an application to the township, for a woodlands survey. Such application shall contain an aerial photograph, a topographical map, a boundary survey, and one inch equals 200 feet scale, together with such other information as may be required by the director of planning and building, and the applicant shall escrow an amount estimated by such director to be the fee that will be charged by the township landscape architect for the compilation of such survey, as well as for the balance of the work on the project.
- (e) Upon receiving the application, the director shall forthwith forward such application to the township's designated landscape architect, together with such support material as the director has received, and together with a request directed to such landscape architect to conduct such survey. The director shall be excused from making such request of the landscape architect until all materials requested by the director has been provided by the developer. The landscape architect shall complete such survey which shall contain the landscape architect's recommendations, within 30 days of such request.
- (f) In developments involving four or less single-family homesites, or involving less than 11 acres, whichever is the smaller, or in developments in which there are less than 20 trees within the boundaries of the development, the developer may, at the developer's option, prepare a survey of the woodlands at developer's expense and submit the same to the director of planning and building. Such survey shall be in a form satisfactory to the director. Upon receipt, the director of planning and building may, at the director's option, review the survey and view the parcel in question and make a determination concerning whether or not a more comprehensive survey should be required. The director may, in the director's discretion, accept the developer's survey in such instances, and permit the development to proceed. The director shall, however, have the absolute discretion to determine that additional survey information is needed, and the director may, in that instance, require that participation of the township landscape architect in the same manner as required in subsections (d) and (e) of this section.
- (g) In conducting the survey of the woodlands, the landscape architect shall determine whether or not there are any unique trees, unique stands of trees, specimen trees or unique woodland characteristics. The landscape architect shall determine how the project can best proceed in accordance with the development plans of the developer, while at the same time preserving to the maximum possible extent the existing woodlands, and other flora. The landscape architect shall then recommend a program of development to the township, which program shall be designed so as to permit the developer to develop the project in accordance with the developer's plans, so long as such plan is reasonable, and so long as a reasonable preservation of the flora can be obtained. In making such recommendation, the landscape architect may recommend the new plantings or the creation of additional sites of enhanced or improved flora be used to replace flora that will be removed through the course of the development. In the case of mitigation, the landscape architect shall recommend the type, location and manner of planting and maintenance of the replacement.
 - (1) It is not intended that the survey required by this section be a tree count. Rather, it is intended that the survey be of a more general nature, intended to maintain, and where possible improve the ecological balance.
 - (2) It is not intended that emphasis be placed on the preservation of mature trees. Rather, it is recognized that the evolutionary characteristics of the environment require that mature trees eventually be replaced by new growth. Accordingly, in the landscape architect's recommendations, mature trees shall be treated on balance with the rest of the eco-system and the landscape architect may recommend the harvesting of such trees and their replacement.
 - (3) In those instances where it is determined by the landscape architect that the application is for tree harvesting, and that the harvesting is in keeping with good forestry management practice, the harvesting shall be permitted with or without mitigation as recommended by the landscape

architect and determined by the planning commission. Later applications for the development of such parcel may be denied contingent upon tree replacement.

- (4) In providing for mitigation, the landscape architect may recommend the replacement of mature trees with new plantings or young trees. He also may recommend more or less than a one for one mitigation ratio, depending on the particular facts. He may also recommend off-site mitigation with the approval of the developer. Any such recommendation must be explained and justified in the report.
- (5) In conducting the survey, the landscape architect shall apply the following general standards; such standards shall be general in nature and the application of the standards shall not require counting or measuring trees:
 - a. Desirable species: Hard Maple, Red Maple, Soft Maple, Elm, Oak species, Hickory, Sycamore, Walnut, Butternut, Beech, Birch, Basswood, Chestnut, Tulip, Pine, Hemlock, Cedar, Balsam, Spruce.
 - b. Undesirable species: Boxelder, Poplar, Catalpa, Willow, Domestic Fruit Trees, Ailanthus, Black Locust, Wild Cherry.
 - c. Desirable species in good condition save if possible, or require mitigation.
 - d. Undesirable species or desirable species in only fair condition require partial mitigation.
 - e. Desirable or undesirable species that are in poor condition or dead remove under any condition.
- (h) When the survey has been completed, the landscape architect shall forward it to the director, and the director shall in turn forward the survey to the developer, and to the planning commission. The planning commission shall, at its next meeting, review the landscape architect's recommendations, and determine whether or not to accept or reject such recommendations. The developer may, in the developer's sole discretion, be present at such meeting. A public hearing shall not be necessary but may be called by the planning commission upon majority vote. If it is determined to hold a public hearing, it shall be held at the next available planning commission meeting. The planning commission may either adopt the survey or return the survey to the landscape architect for additional input, modification or comment. In the event of such referral, the landscape architect shall return the survey to the commission with such additions within 15 days of the date of referral.
- (i) Once the planning commission has adopted a survey, the survey shall become a requirement of the development subject to the right of the developer to object. If a developer determines to object to the survey the developer shall have 30 days, which 30 days may be extended at the request of the developer only, within which to submit the basis for objection to the planning commission. The planning commission shall not consider opinions or objections that are not supported by substantial material and competent evidence as supplied by landscape architects, engineers, or like professionals within the field of environmental development, maintenance and control.
- (j) Should the planning commission determine to adopt recommendations as made by the developer, the planning commission shall then forward such recommendations to the township landscape architect for adoption and inclusion in the survey as developed by the township landscape architect. The township landscape architect shall then rewrite the survey including the changes as adopted as a result of the developer's objections, and including such additional comments or recommendations as the landscape architect may have, and return the survey to the planning commission. The township landscape architect shall complete such additions, modifications, and the like, within 30 days of the submission to him of the changes by the planning commission. The amended survey when received by the planning commission shall then be the woodlands survey which shall be applicable to the parcel. The cost of such amendments shall be paid by the developer.
- (k) Prior to the development of the parcel, the planning commission shall determine what, if any, escrow or letter of credit shall be deposited with the township to assure compliance with the forestry plan. Development shall not begin until any such requirement has been complied with.
- (l) The following are exempt from the application of this section:

- (1) Single-family residences, or lots which are intended to house one single residence only, except when part of a larger development.
- (2) Commercial nurseries or tree farms when such commercial nurseries or tree farms have been properly licensed by the state.
- (3) Responses to flooding, fire or like emergency.
- (4) The normal tree trimming, removal, and the like, when performed by governmental agencies and public utilities.
- (5) The removal of dead or damaged trees or normal cleaning and pruning activity within a wooded area when such activity does not include the removal of healthy trees other than year old saplings or the like.
- (6) Tree management programs, and like programs, including park development, on lands owned by the state, or one of its agencies.
- (7) Farming, when such farming is the normal pursuit of agricultural endeavors as typically carried on in township.
- (8) Classified wetlands that are to be left undisturbed.

(Ord. of 3-17-2008, § 11.06)

State Law reference— Municipal forests, MCL 324.52701 et seq.

Sec. 46-392. - Impact assessment.

Impact assessments shall be required as provided as follows:

- (1) Purpose and scope. For the purpose of promoting and protecting the public health, safety, convenience and general welfare of the inhabitants and land resources of the township, provision is made herein prior to submission of a rezoning petition, plat application, or site plan review request for any office, commercial, industrial, multiple-family residential use; an applicant shall file with the township for his review and acceptance, an assessment of the economic, public service, public facility and ecological impact.
- (2) Procedures for making application. All submissions of the impact assessments for any lands or uses shall be submitted in accordance with this section
- (3) Impact assessments submitted to planning commission. All impact assessments shall be submitted through the township director of the planning and building department or designee to the planning commission.
- (4) Data required in impact assessment. All assessments shall be accompanied by the required information and data as noted as follows:
 - a. Full legal and environmental description of the proposed site prior to development.
 - b. Impact of the development on the environment including impact on human life or other ecosystems such as wildlife, fish, aquatic life and air, water, or land resources.
 - c. Possible adverse environmental effects of the development, which cannot be avoided, such as air or water pollution, damage to life systems, urban congestion, threats to health or other adverse effects on human life.
 - d. Evaluation of alternatives to the proposed action of the development that might avoid some or all of the environmental effects indicated in subsection (4)b. and c of this section. This shall include a full explanation of the reasons why the developer decided to pursue the action in its contemplated form rather than an alternative course of action.

- e. Possible modifications to the project which would eliminate or minimize the adverse environmental effects, including a discussion of the additional costs involved in the modifications.
- (5) The impact assessment shall include a full description of the development carried to completion including:
- a. A number of people to be housed (or employed) and the amount of acreage involved in the development.
 - b. The level of public services and public facilities required including estimated costs for the availability of sanitary sewers and treatment facilities, water services, storm sewers, and new agricultural drains, public sewers, recreational facilities, public access, solid waste disposal, schools, police and fire protection and other public facilities and services.
 - c. The amount of pedestrian or vehicular traffic likely to be generated.
 - d. The likelihood that additional or subsidiary development will be generated.
- (6) The impact assessment shall include a sketch plan, drawn to scale, depicting the project carried to completion showing existing and proposed features of a site and its surroundings. The sketch plan shall include at least the following:
- a. General topographic conditions at two-foot contours.
 - b. Soil conditions.
 - c. Water level and drainage information.
 - d. Existing and proposed manmade features (park, lake, pond, etc.).
 - e. Natural features to be retained and/or modified.
 - f. Phases of the development.
 - g. General site conditions.
- (7) The impact assessment shall include supporting documentation that the proposed development is consistent with local, township and county master plans and zoning.
- (8) The impact assessment shall include supporting documentation of the proposed developments probable impact on the economy of the region.
- (9) The completed impact assessment, as presented, shall be signed by the fee holder and developer of the affected property.
- (10) Review by the planning commission. The planning commission shall review the impact assessment as presented in the terms of the established standard set in this section. The planning commission shall have 45 days from the date of filing to review and make its recommendation on the impact assessment. The planning commission may recommend changes to the developer to minimize adverse impact.
- (11) Date of filing. The date of filing shall, for all purposes, be considered to be 30 days prior to the regular planning commission meeting date of any month.
- (12) Additional data. Additional data and information may be required to be submitted with the impact assessment upon the recommendation of the planning commission or enforcement office for the protection of the general safety and welfare and for ensuring that the intent and objectives of this section will be observed.
- (13) Acceptance. Upon finding that the impact acceptance satisfactorily fulfills all requirements set forth in this section, the township director of planning and building shall issue a statement of acceptance and copy of minutes, to the fee holder and developer of the affected property.
- (14) Rejection. Upon finding that the impact assessment fails to fulfill all requirements as set forth in this section the planning commission shall issue a statement of rejection, detailing the reasons

for such rejection and a copy of minutes to the applicant and property owner of the affected property.

- (15) Basis of determination. The applicant shall establish, to the satisfaction of the planning commission, that the general standards specified and the specific standards outlined in each applicable section and subsection of this chapter shall be satisfied in the completion of the impact assessment.
- (16) Qualifications. All impact assessments must be sealed by a registered professional engineer (PE) or registered landscape architect (RLA) licensed in the state.

(Ord. of 3-17-2008, § 11.07)

Sec. 46-393. - Removal of soil deposits not including operations.

- (a) Removal or excavation of topsoil, sand, soil, peat, minerals, or any disturbance of the natural terrain, topography, and/or soil conditions, including the construction of scenic ponds, unless excepted by this section, shall require site plan approval. All requests for incidental removal of soil deposits unless excepted by this section shall be reviewed and approved by the township planning commission. Within 30 days from the date of the completion of the submission pursuant to subsections (b) and (c) of this section, the director of the planning and building department shall submit a report to the planning commission detailing requested project. At a regular meeting, the planning commission, after reviewing the report, may in its sole discretion direct the planning and building director to approve the project request, or require further review as prescribed in subsection (d) of this section.
- (b) Applicants requiring the approval of a project hereunder shall submit a site plan pursuant to article II, division 2 of this chapter. Where applicable, such application may include an application for special use approval pursuant to article II, division 3 of this chapter. Such application and approval may be incident to the approval of a principal project, which project involves removal, excavation, or disturbance of soil as controlled hereby.
- (c) In addition to the normal site plan requirements, the application shall include the following:
 - (1) Overall project size.
 - (2) Projected number of yards of material to be removed.
 - (3) Type and description of material to be removed.
 - (4) Method of removal, including a description of the equipment and vehicles that will be used.
 - (5) Projected commencement and completion time.
 - (6) Hours of operations.
 - (7) Finished plan including all final grades, ground cover and drainage control plans.
 - (8) The planning commission, in its discretion, may require an impact assessment in accordance with article II, division 2 of this chapter.
- (d) The planning commission shall require a special land use pursuant to article II, division 2 of this chapter.
 - (1) Removal of soil deposits from property shall be allowed when such soil removal is required to facilitate the completion of an approved project, the purpose of which is not soil removal, when such removal is incident to such approved project, and of insignificant impact as determined by the planning and building department and/or the planning commission.
 - (2) Should the planning and building department and/or the planning commission determine that the soil removal is of significant impact, in granting or denying the permit, the planning and building department and the planning commission shall apply those standards as set forth in this chapter.
- (e) The following types of projects shall be excepted from the requirements of this section:

- (1) The removal, excavation, or disturbance of soil where such activities are required to facilitate the completion of a site plan approved by the planning commission, and where such removal, excavation, or disturbance is within the normal purview of the project as approved.
- (2) Removal, excavation, or disturbance of the soil when such is a normal result of a permitted use within the zoning district in which the property is located, and the person removing, excavation, or otherwise disturbing the soil is lawfully engaging in that permitted use.
- (3) Landscaping is a permitted use of the property where such landscaping would not otherwise require a permit.
- (4) Removal and excavation of soil from properties to permit the construction of swimming pools, scenic ponds, and land balancing activities where such activities disturb one-half acre or less and within required setbacks pursuant to the zoning district in which the property is located. Contiguous or near contiguous sites which, when combined, exceed one-half acre in size shall be regulated hereby where such activity occurs within a three-year period. The director shall have discretion in determining whether or not a project requires a permit.

(Ord. of 3-17-2008, § 11.08)

Secs. 46-394—46-414. - Reserved.

ARTICLE IX. - ENVIRONMENTAL PERFORMANCE^[8]

Footnotes:

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State Law reference— Natural resources and environmental protection act, MCL 324.101 et seq.

Sec. 46-415. - Purpose.

Environmental performance regulations are established in order to preserve the short- and long-term environmental health, safety, and quality of the township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

(Ord. of 3-17-2008, § 12.01)

Sec. 46-416. - Airborne emissions.

- (a) *Smoke and air contaminants.* It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the state.

- (b) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
- (c) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(Ord. of 3-17-2008, § 12.02)

Sec. 46-417. - Noise.

- (a) The following standards shall apply to all uses in all zoning districts with the exception of single-family and multiple-family dwellings located within residential districts. Noise which is objectionable as determined by the township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

Octave Band in Cycles per Second	Along Residential District Boundaries— Maximum Permitted Sound Level in Decibels	Along All Nonresidential District Boundaries—Maximum Permitted Sound Level in Decibels
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	53
1,200 to 2,400	40	47
above 2,400	34	41

- (b) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses.
- (c) Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

(Ord. of 3-17-2008, § 12.03)

Sec. 46-418. - Vibration.

- (a) No use shall generate any ground-transmitted vibration in excess of the limits set forth in subsection (d) of this section. Vibration shall be measured at the nearest adjacent lot line.
- (b) The instrument used to measure vibrations shall be a three-compartment measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (c) The vibration maximums set forth in subsection (d) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration in inches

The maximum velocity shall be the vector sum of the three components recorded.

- (d) Table of Maximum Ground-Transmitted Vibration.

Particle Velocity, Inches Per Second	
Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02

- (e) The values stated in subsection (d) of this section may be multiplied by two for impact vibrations (i.e., noncyclic vibration pulsations not exceeding one second in duration and having a pause of at least two seconds between pulses).
- (f) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. of 3-17-2008, § 12.04)

Sec. 46-419. - Use, storage and handling of hazardous substances.

- (a) It shall be unlawful for any person to pollute, impair or destroy the air, water, soils or other natural resources within the township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (b) Any person operating a business or conducting an activity which uses stores or generates hazardous substances shall obtain the appropriate permits or approval from the state, and/or other designated enforcing agencies.
- (c) Any person operating a business or conducting an activity which uses stores or generates hazardous substances or petroleum products shall complete a hazardous chemicals survey and a pollution incidence protection plan (PIPP) in conjunction with the following:

- (1) Upon submission of a site plan.
 - (2) Upon any change of use or occupancy of a structure or premises.
 - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (d) All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds shall comply with the following standards:
- (1) Aboveground storage and use areas for hazardous substances.
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designated and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.
 - (2) Underground storage tanks.
 - a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the state police fire marshal division.
 - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the state police fire marshal and township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the state police fire marshal division, the Michigan Department of Environmental Quality, and the township.
 - (3) Loading and unloading areas. Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.
- (e) All site plans for businesses or facilities which use, store or generate hazardous substances shall be reviewed by the township fire department, township engineer and any other appropriate experts determined necessary by the planning commission prior to approval by the planning commission.

(Ord. of 3-17-2008, § 12.05)

Sec. 46-420. - Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall:

- (1) Create any electrical disturbance that adversely affects any operation or equipment other than those of the creator of such disturbance.

- (2) Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. of 3-17-2008, § 12.06)

Sec. 46-421. - Glare and exterior lighting.

- (a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (b) The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- (c) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting. Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- (d) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
- (e) On-site lighting (i.e., parking, building lights, etc.) shall conform to the following regulations:
 - (1) It is the goal of the township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of township.
 - (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
 - (3) Only nonglare, color-corrected lighting shall be permitted. For all nonresidential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole-mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
 - (4) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed one-tenth footcandles along property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed three-tenths footcandles along property lines. Where lighting is required, maximum light levels shall not exceed 25 footcandles directly beneath a light fixture. Lighting levels shall not exceed three footcandles as measured directly between two fixtures. The planning commission may allow for an increased level of lighting above maximum permissible levels when it determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes. For the purposes of this chapter, all lighting measurements shall be taken at ground level.
 - (5) For parking lots of less than 100 parking spaces, lighting fixtures shall not exceed a height of 16 feet measured from the ground level to the centerline of the light source. For parking lots of more

than 100 spaces, lighting fixtures shall not exceed a height of 18 feet measured from the ground level to the centerline of the light source.

- (6) Signs shall be illuminated only in accordance with the regulations set forth in this chapter. In addition, signs within residential districts shall not be illuminated.
- (7) Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
- (8) Subdivision or site condominium street lighting is not permitted. The township planning commission may allow for street lighting when the applicant has demonstrated a need for such lighting.

(Ord. of 3-17-2008, § 12.07)

Sec. 46-422. - Fire hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(Ord. of 3-17-2008, § 12.08)

Sec. 46-423. - Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, junkyards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

(Ord. of 3-17-2008, § 12.09)

Secs. 46-424—46-444. - Reserved.

ARTICLE X. - SIGNS⁹

Footnotes:

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State Law reference— Highway advertising act, MCL 252.301 et seq.

Sec. 46-445. - Purpose and intent.

- (a) It is the intent of this article to ensure the effective use of signs as a means of communication in the township; to maintain and enhance the esthetic environment; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This article is intended to allow a variety of types of signs in commercial and industrial zones, a limited variety of signs in other zones, and other incidental signs.

- (b) In the application of this chapter, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
- (1) Do not add to or create visual clutter.
 - (2) Do not create a nuisance to persons using the public right-of-way.
 - (3) Do not constitute a nuisance to occupancy of nearby property by their brightness, size, height, or movement.
 - (4) Are not detrimental to land or property values.
- (c) A sign may be established or maintained in the township only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.

(Ord. of 3-17-2008, § 13.01)

Sec. 46-446. - Sign regulations.

(a) *General prohibitions.*

- (1) No billboards or off-premises signs may be erected within the township except those meeting the requirements specified in section 46-450. Other signs must advertise a business or service on the premises on which the sign is located.
- (2) In no case shall any sign be illuminated by any open spark or flame. Reflectors, lights and other forms of illumination shall be permitted but no signs or any part thereof shall move nor shall the illumination thereof be anything other than a steady, continuously burning bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of one-tenth footcandles when measured from the nearest or adjacent residential zoned or used property line, or adjacent nonresidential zoned property line.
- (3) No sign shall be illuminated by other than electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the National Electrical Code.
- (4) No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.
- (5) Unless otherwise specifically provided in this chapter, no sign shall be erected or placed in the public right-of-way nor be allowed to project further than 18 inches into the public right-of-way, provided the lower edge thereof is ten feet or more above the ground level; provided further that a sign shall not extend over any part of the public right-of-way used for vehicular traffic. The owner of any sign which has been removed from the right-of-way in violation of this provision shall pay to the township a violation fee approved by the township board before recovering said sign. If any sign is not claimed within 30 days, it shall be destroyed.
- (6) No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or which makes use of the words, "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking or device be placed, erected or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.
- (7) No sign shall be permitted to corrode, rust, peel, breakup or otherwise reach a state of disrepair that creates an unsightly or dangerous condition, and any such sign must be removed within ten days after notice thereof.

(b) *Specifically prohibited signs.*

- (1) Beacons.
- (2) Pennants.
- (3) Portable signs.
- (4) Inflatable signs and tethered balloons.
- (5) Animated signs, including signs containing flashing, intermittent or moving lights or with moving or revolving parts. This provision is not intended to exclude those signs which gave the time or temperature, provided no other animated messages are displayed.
- (5) Signs affixed to trees, rocks, shrubs or natural features, except signs denoting a site of historic significance may be allowed.
- (6) Permanent signs (other than those erected by a public agency) which are located within or overhang the public right-of-way or on public property unless specified elsewhere in these regulations.
- (7) Any strobe, flashing, or oscillating lights either from the interior or exterior of a building.
- (8) Moving signs. Except as otherwise provided in this section, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non stationary or fixed condition except for the rotation of barber poles, and except currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner.
- (9) Abandoned signs. Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located are prohibited.
- (10) Signs which emit audible sound, odor or visible matter.
- (11) Exterior string lights used to advertise commercial premises.
- (12) Any sign erected on a tree or utility pole except signs of any election subdivision of this state.
- (13) Awning signs with rear illumination.
- (14) Portable signs held by persons engaged, interalia, for the purpose of carrying such signs on a public way or waiving such signs to attract attention from any roadway.

(Ord. of 3-17-2008, § 13.02)

Sec. 46-447. - General conditions.

- (a) *Location.* All signs must direct attention to a business or profession conducted on the premises or to a commodity, service, or entertainment primarily sold, offered, manufactured, processed, or fabricated thereon unless specified elsewhere in these regulations.
- (b) *Illumination.*
 - (1) The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or with the enjoyment or use of adjacent properties, nor directly shine onto adjacent or abutting properties.
 - (2) No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing, printing or moving graphics, except that static message movement showing the date, the time and the temperature or where the color, brightness, intensity, static message or any part of the sign changes no less than every five minutes may be permitted.

- (3) No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign as to expose the face of the bulb, light or lamp to any public street or adjacent property.
 - (4) The illumination provisions above shall not apply to sign lighting systems owned or controlled by any public agency for the purpose of directing traffic.
 - (5) Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.
 - (6) Awning signs shall not be "back lit."
- (c) *Exempt from permits.*
- (1) Incidental signs which are intended to direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not exceed two square feet in area per side and four feet in height, shall contain no advertising and may be illuminated.
 - (2) Signs erected for traffic safety purposes by public road agencies.
 - (3) Federal, state, county, or local required signs on private property.
 - (4) Real estate signs subject to the provisions of this chapter.
 - (5) Changing of advertising copy or message on a theater marquee or similar approved signs which are specifically designed for the use of replaceable copy.
 - (6) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
 - (7) Integral signs, not to exceed a maximum area of six square feet.
 - (8) Authorized signs of the state or an election subdivision of the state.
 - (9) Flags bearing the official design of a nation, state, municipality, educational, institution, church, fraternal organization, or branch of military. Flags bearing the official seal or emblem of a company or corporation including related graphics. Zone lots shall be limited to four of the above flags. When the site plan review is required, the location of flag poles shall be indicated on the site plan and shall meet the minimum 15-foot setback required for all signs to adjacent property lines. Flags shall be limited to 40 square feet each.
 - (10) Permanent signs on vending machines or ice containers indicating only the contents of such devices and no commercial message provided that such devices must be located within ten feet of the building.
 - (11) Business signs containing information on credit cards, business affiliations, hours of operation, open/closed, etc. The combined area of all such signs shall not exceed four square feet and shall be included in the maximum window coverage calculation.
 - (12) Election signs subject to the provisions of this chapter.

(Ord. of 3-17-2008, § 13.03; Ord. No. 145-12, 5-7-2012)

Sec. 46-448. - Ground signs.

- (a) *General requirements.*
- (1) Within all nonresidential zoning districts, only one ground sign shall be permitted per zoning lot. If a second street frontage on the same zoning lot exceeds 200 feet or a parcel of land abuts three or more streets, two such ground signs may be permitted on separate street fronts. Sign size, number of signs, and location shall be finalized during site plan review. Maximum size area is provided in "Table A" found in subsection (b) of this section.

- (2) Within all residential zoning districts, only one ground sign shall be permitted at the primary entrance for the purpose of identifying a subdivision, site condominium, multiple family development, or mobile home park.
 - (3) Within all residential zoning districts, only one ground sign shall be permitted per zoning lot for the purpose of identifying a nonresidential special land use. One additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Size and location shall be determined during site plan review. Maximum area is provided in "Table A" in subsection (b) of this section.
 - (4) One freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed 100 square feet in area. Such signs may be up to eight feet in height. If the lot fronts on three or more collector or arterial streets one additional sign may be permitted.
 - (5) Within all PUD districts, the number and size and location of ground signs shall be determined by the intended use of the premises, subject to the review and approval of the township during PUD plan review.
 - (6) All ground signs shall be set back a minimum of 15 feet from all road rights-of-way and shall be located no closer than 15 feet from the edge of the principal entrance driveway and all property lines.
 - (7) The support structure for a ground sign shall not exceed 25 percent of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process.
 - (8) Up to two incidental business signs (menu boards) shall be permitted for businesses with a drive-through component. Such signs shall not exceed 15 square feet in the area per sign, per face or six feet in height and shall be located only on internal drives to serve the drive-thru portion of the development.
- (b) *Maximum height and area.* Maximum height and area requirements for ground signs shall be applied within each zoning district according to the following schedule. The maximum height and area for ground signs within business centers are pursuant to subsection (4) of this section:

Table A — Ground Signs

District	Max. Height (feet)	Maximum Area (square feet)	
		Per Side	Total
RE	6	20	40
R-1A	6	20	40
R-1B	6	20	40
RM	6	20	40
RMH	6	20	40

C-1	8	50	100
C-2	8	50	100
C-3	8	50	100
C-4	8	50	100
I	8	32	64
TIO	8	32	64
REC	6	20	40

(Ord. of 3-17-2008, § 13.04; Ord. No. 143-12, 2-6-2012)

Sec. 46-449. - Building signs.

(a) *General requirements.*

- (1) Within all nonresidential zoning districts, a combination of building signs may be established not to exceed the maximum sign area per "Table B" for each zoning lot (for a single business). Signs for multiple-tenant shopping centers or multitenant buildings shall not exceed one square foot of sign area per one lineal foot of building frontage per tenant. In addition, multiple-tenant buildings shall be permitted external one wall directory sign, intended to identify all of the building occupants. The total area of this directory sign shall not exceed 12 square feet, with each tenant limited to one square foot. This sign shall be nonilluminated and shall be mounted on the entrance door or on the wall next to the entrance.
- (2) Within all PUD districts, the number and size of wall signs shall be determined by the intended use of the premises, subject to the review and approval of the township, during PUD plan review.
- (3) One projecting sign may be permitted for each first-floor business within the township. The projecting sign may be a maximum of 32 square feet in area (each side) and shall be included in the total amount of signs permitted for the subject building. Changeable copy shall not be permitted as a part of projecting signs. Projecting signs must provide a clear distance of eight feet from the sidewalk or private drive or parking lot to the bottom edge of the sign. Projecting signs may extend over abutting sidewalk, but shall not extend over public or private roadways, or parking areas unless approved by the township as a part of the sign permit. The leading edge of a projecting sign shall not extend more than nine feet from the face of the building that it is attached to. The maximum height of a projecting sign shall be 15 feet from the street to highest part of the sign.
- (4) Placement limitations. No wall sign shall cover wholly or partially any wall opening. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached unless it complies with all of the requirements for roof signs, projecting signs, or ground signs as the case may be.

(b) *Maximum area.* Maximum area requirements for building signs shall be applied within each zoning district according to the following schedule:

District	Area (Square Feet) per One Foot of Building Frontage	Maximum Area in Square Feet
RE	N/A	3
R-1A	N/A	3
R-1B	N/A	3
RM	N/A	3
RMH	1	32
C-1	1	32
C-2	1	32
C-3	1	32
C-4	1	32
I	1	32
TIO	1	32
REC	N/A	N/A

(Ord. of 3-17-2008, § 13.05)

Sec. 46-450. - Outdoor advertising sign (off-site or billboard sign).

- (a) Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in the C-4 district, and shall be considered the principal use of such lots. Such signs shall not be placed on a lot with any other building thereon, and no structure shall be placed on a lot on which such sign is located.
- (1) One billboard sign shall be permitted per lot.
 - (2) No such sign shall have a total area in excess of 300 square feet per sign face.

- (3) It shall have a minimum clearance of ten feet and a maximum clearance height of 22 feet, from average grade as calculated within a 60-foot radius from the base of the sign.
 - (4) It shall not be closer than 1,000 feet to any other billboard signs on the same side of the right-of-way.
 - (5) The setback of the billboard sign shall be 50 feet from the edge of the right-of-way.
 - (6) Any billboard shall be situated on the property so as to:
 - a. Maximize motor vehicle sight distance, clear view, and traffic safety in general, in relation to other vehicles, pedestrians, and to other signage which is, or is anticipated to be, nearby; and
 - b. Minimize the destruction of trees, the visibility of the billboard and illuminations thereof by and from residences, and any dangerous distraction and thus, hazard, of and to motorists, as determined in the discretion of the planning commission.
- (b) A billboard sign may be illuminated, if it is located as least 500 feet from any residential zoning district or residential use. The illumination shall be directed away from all residential uses. No internal illumination shall be permitted for billboards.

(Ord. of 3-17-2008, § 13.06)

Sec. 46-451. - Computations/measurements.

The following principles shall control the computation of sign area and sign height:

- (1) *Computation of area.* The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the zoning ordinance regulations and is clearly incidental to the display itself. Where a sign has two or more faces, the area of the all faces shall be included in determining the total area of the sign.
- (2) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction of (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure when allowed on the zoning lot, whichever is lower.

(Ord. of 3-17-2008, § 13.07)

Sec. 46-452. - Temporary signs.

Temporary signs shall be permitted in accordance with the regulations herein:

- (1) *Permit required.* Unless specified elsewhere in this chapter, a permit shall be required to display any temporary sign described by these regulations. Such permit shall be issued by the township building official or designee and shall clearly specify the name, address and telephone number of

the applicant as well as the title and dates of the event advertised and authorized location for placement of the sign. The permit number shall be clearly displayed on the sign. The permit fee, if any, is to be established by resolution of the township board.

- (2) *Construction signs.* Construction signs shall only be erected on the construction site. Construction signs shall advertise only the project under construction and information related thereto, such as its developer, contractor, engineers, brokers, and architects. Signs advertising buildings or projects under construction shall not exceed 32 square feet. Such signs shall have a maximum height of eight feet and shall be set back at least 15 feet from any public right-of-way unless attached to a building, construction fence, or barricade. All such signs shall be removed promptly upon completion of construction. No more than one construction sign shall be permitted per thoroughfare frontage. Signs six square feet in area or less and a maximum of four feet in height which list persons or firms connected with construction, maintenance, or service work being performed at the time, shall be permitted without permit. Such signs must be located on the property under consideration and must be removed upon completion of work on site.
- (3) *Election signs.*
 - a. Such signs shall not be erected more than 30 days prior to the election.
 - b. Such signs shall not be erected within 100 feet from an entrance to a public polling place, nor shall they be erected within a 25-foot clear zone on corner lots. No election sign shall be erected in a manner as to impede clear vision by motorists on a highway.
 - c. Election signs shall not exceed 32 square feet in total area and eight feet in height.
 - d. Election signs shall not be attached or erected on public utility poles or installations.
 - e. All election signs shall be removed no later than seven days after an election.
 - f. The building inspector or the director of planning and building is authorized to remove any election signs placed in the public right-of-way and dispose of such signs with the costs assessed to the organization identified on the sign.
 - g. Violations of this section will be subject to the penalty provisions of article 3 of this chapter.
- (4) *Real estate.*
 - a. Single- and multiple-family residential real estate signs: A sign with an area not in excess of six square feet advertising the sale, rent and/or lease of a single- or multiple-family structure or vacant property, placed adjacent to such a structure and upon the premises is permitted without permit. Such a sign may indicate only that the property is for sale, rent, and/or lease and the address or telephone number where the inquiry can be made. It shall have a maximum height of three feet from grade and shall be set back a minimum of ten feet from any public right-of-way unless attached to the building.
 - b. Nonresidential real estate signs: One sign, with a total area not in excess of 32 square feet, shall be permitted on each parcel for the purposes of advertising the sale, rent and/or lease of nonresidential real estate. Such signs shall have a maximum height of eight feet and shall be set back a minimum of 15 feet from any public right-of-way unless attached to a permanent building.
 - c. Residential subdivision or condominium developments: The allowable area for one on-premises sign pertaining to the sale, rent and/or lease of real estate within a residential subdivision or condominium complex being developed shall be limited to an area of 32 square feet. Such signs shall have a maximum height of eight feet and shall be set back a minimum of 15 feet from any public right-of-way. Not more than one real estate sign per thoroughfare frontage shall be placed on any premises. Real estate signs larger than six square feet shall not be placed on any premises with an occupied structure. Temporary portable real estate directional sign, not exceeding three square feet in area and four in number, saying "Open House" and/or showing a directional arrow and placed back of property lines outside the public right-of-way shall be permitted on approach routes to an

open house, only for the day of the open house. The top of such signs shall not exceed three feet in height, nor may such signs be displayed for more than one day in any seven day period. No such signs shall be placed on private property without the consent of the owner. A permit is not required for this type of sign.

- d. Removal: Real estate signs shall be removed within ten days of the sale, lease or rental of the premises, land parcels or residential subdivision/complex.

(5) *Temporary commercial signs.*

- a. Temporary promotional or special sale signs for windows when erected in conjunction with a commercial establishment, provided they do not, individually or combined with other window signs, exceed 30 percent of the total area of the display window or 16 square feet, whichever is less. Temporary promotional signs are permitted on ground floor windows only.
- b. Casual sales (garage sale, etc.) signs not to exceed six square feet. A permit is not required for this type of sign.
- c. Commercial activity signs not to exceed 16 square feet.
- d. Signs intended to be utilized until a permanent sign may be obtained and erected can be approved by the director of building and planning for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zones.

(6) *Temporary civic/public signs.* Temporary civic, cultural, and public service window posters shall be exempt when posted inside commercial establishments, provided they do not, individually or combined, occupy more than 30 percent of the total area of said window or five square feet, whichever is less. Temporary window signs are permitted on ground floor windows only. These types of signs shall not be posted outside on windows, doors, light posts, street furniture, etc.

(7) *Placement and duration of temporary signs.* Unless specified elsewhere in this chapter, the placement and duration of temporary signs shall be regulated as follows:

- a. No temporary sign shall be placed on public property or public rights-of-way unless it is advertising an event to be held on public property unless specified elsewhere in these regulations.
- b. No temporary sign shall be placed on public property other than the location of the event unless permission is granted by the property owner.
- c. Temporary signs on private property must meet the minimum 15-foot sign setback requirements of this chapter.
- d. Duration of display. Unless specified elsewhere in this chapter, temporary signs may not be displayed more than four consecutive days in any 90-day period.

(Ord. of 3-17-2008, § 13.08)

Sec. 46-453. - Signs in the public right-of-way.

No signs shall be allowed in the public right-of-way, except for the following:

- (1) Signs erected by or on behalf of a governmental or other public agency to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- (2) Projecting signs pursuant to the provisions of these regulations.
- (3) The director of planning and building has the authority to remove signs within the public road right-of-way (R.O.W.).

(Ord. of 3-17-2008, § 13.09)

Sec. 46-454. - Nonconforming existing signs.

- (a) *Intent.* It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this article, become nonconforming, and to administer this article to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property rights, thereof:
 - (1) No person shall be required to remove a sign which was erected in compliance with previous regulations of this article if said sign becomes nonconforming due to a change occurring in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
 - (2) If the owner of a sign or the premises on which a sign is located changes, the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such signs must be removed or made to conform to this article.
- (b) *Lawful existing signs.* Any sign lawfully existing at the time of adoption of the ordinance from which this article is derived, which does not fully comply with all the provisions shall be considered a nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety, and welfare of the community except as hereafter provided.
- (c) *Continuance.*
 - (1) Any lawful nonconforming sign shall be permitted to continue to exist, so long as the nonconforming sign:
 - a. Is not physically expanded or changed to another nonconforming sign.
 - b. Is not relocated or structurally altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign. The term "altered" shall not include normal maintenance or maintenance to protect public safety. The term "normal maintenance" shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, or repair and replacement of electrical wiring and devices.
 - c. Is not reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
 - d. Is not repaired or re-erected after being damaged, if the repair or re-erection of the sign would cost more than 50 percent of the replacement cost of an identical new sign.
 - (2) In the case of a legal nonconforming sign without a defined background (such as individual letters or symbols mounted directly on a building, or lettering on an awning), changes may be made to the letters or symbols, so long as the overall area of the sign is not increased. In such situations, a new sign permit application shall be filed with the zoning administrator.
 - (3) The words or symbols on a nonconforming sign may be changed if a new sign permit application is filed with the zoning administrator. In such cases, the message may be changed without affecting the legal nonconforming status, as long as neither the sign structure nor frame is changed.

(Ord. of 3-17-2008, § 13.10)

Sec. 46-455. - Permits and applications; plans; specifications; revocations; appeal.

- (a) It shall be unlawful for any person to erect, repair, alter, or relocate on the same or another premises or maintain within the township any sign as defined in this chapter, without first complying with this section:
- (b) Except where exempted below, permits are required for all signs hereunder. Applications, therefore, shall be made upon blanks provided by the director of planning and building, and shall contain all required information.

- (c) It shall be the duty of the building inspector, upon the filing of an application for permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising.
- (d) Appeal. Any person filing an application for permit who feels that he has been aggrieved by the decisions of the building inspector may have his application reviewed by the township board of appeals.
- (e) Permit revocable at any time. All rights and privileges acquired under the provisions of this chapter or any amendment thereto, and may be revoked by the township by letter to the permit holder upon the violation of any of the conditions herein, whereupon the planning and building department may remove the sign with costs of removal charged to the permit holder. If the work authorized under an erection permit has not been completed within six months after date of issuance, the permit shall become null and void.
- (f) Exemption from permit requirement. Signs for which a permit is not required are as follows:
 - (1) Professional nameplates not exceeding two square feet in area.
 - (2) The changing of advertising material or copy on a properly licensed sign and the maintenance or repair thereof shall not require the issuance of a permit.
 - (3) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 - (4) Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising by the building inspector.
- (g) Conflict with state statute. To the extent that a provision of this chapter conflicts with statutes enacted by the state, but only in those instances where enforcement hereof would be prohibited by state statute, such provision shall be null and void; such nullity and invalidity shall apply only as it concerns sections thereafter of this chapter which are specifically not enforceable in accordance with state law, and should said section be subsequently rendered valid by amendment to state act, said sections shall become fully enforceable and be considered a part hereof in all respects.

(Ord. of 3-17-2008, § 13.11)

Sec. 46-456. - Construction and maintenance requirements.

All signs must be constructed to meet the current state construction code.

(Ord. of 3-17-2008, § 13.12)

Sec. 46-457. - Removal of signs.

- (a) *Removal.* The township building official or designee shall order the removal of any sign erected or maintained in violation of this chapter except for valid nonconforming signs. Notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance with the ordinance within 14 days of the notice for nontemporary signs. Illegal temporary signs shall be removed within 24-hours. Failure to remove the sign or to comply with this notice shall be considered a zoning violation. The township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the township shall be assessed to the owner of the property on which such sign is located in the manner of taxes and such charge shall be a lien on the property.
- (b) *Renewal requirements.* A sign shall be removed by the owner of lessee or the premises upon which the sign is located within 30 days after the business which it advertises is no longer conducted on the

premises. If the owner or lessee fails to remove the sign, the township shall remove it in accordance with the provisions stated in subsection (a) of this section. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this chapter.

(Ord. of 3-17-2008, § 13.13)

Sec. 46-458. - Violations.

- (a) Any of the following shall be a violation of this chapter:
- (1) To install, create, erect, or maintain any sign in a way inconsistent with the terms of this chapter or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;
 - (2) To install, create, erect, or maintain any sign requiring a permit without such a permit.
- (b) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation.
- (c) Unless specified elsewhere in this chapter, any signs placed within a road right-of-way (R.O.W.) and on utility poles will be considered a violation of this chapter and may be removed by the township at the expense of the owner.

(Ord. of 3-17-2008, § 13.14)

Sec. 46-459. - Enforcement.

This article shall be administered and enforced by the director of planning and building.

(Ord. of 3-17-2008, § 13.15)

Secs. 46-460—46-486. - Reserved.

ARTICLE XI. - NONCONFORMING STRUCTURES AND LOTS OF RECORD^{[10](#)}

Footnotes:

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State Law reference— Nonconforming uses or structures, MCL 125.3208.

Sec. 46-487. - Existing nonconformities.

Within the districts established by this chapter, there exists:

- (1) Lots;
- (2) Structures;
- (3) Uses of land and structures; and
- (4) Characteristics of use which were lawful prior to adoption of this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage

their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter, the nature of which would be prohibited in the district involved.

(Ord. of 3-17-2008, § 15.01)

Sec. 46-488. - Nonconforming structures.

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

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 100 percent of the state equalized valuation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (3) Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. of 3-17-2008, § 15.02)

Sec. 46-489. - Nonconforming uses of land.

Where, at the time of passage of the ordinance from which this chapter is derived, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful provided:

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

(Ord. of 3-17-2008, § 15.03)

Sec. 46-490. - Nonconforming uses and structures.

If lawful use involving individual structures or of structure and premises in combination exists at the effective date of adoption of the ordinance from which this chapter is derived, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) An existing structure devoted to a use not permitted by this chapter in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were validly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structures and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damage to an extent of more than 100 percent of the state equalized valuation at time of destruction.

(Ord. of 3-17-2008, § 15.04)

Sec. 46-491. - Nonconforming lots of record.

- (a) In the RE, Rural Estate District in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption of the ordinance from which this chapter is derived. Permission to use a single nonconforming lot as herein provided shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district. Side yard dimensions may be reduced provided that in no event shall a side yard be less than 20 feet.
- (b) This subsection applies to R-1A and R-1B, Single-Family Districts only and is intended to provide relief for the owners of nonconforming lots of record where said lot or lots in combination do not meet the minimum standards of this chapter. It is intended that this subsection be used to permit construction of a dwelling on all nonconforming lots of record; it is recognized that some such lots are simply too small to permit the construction of an adequate dwelling, the storage of family automobiles (in recognition of the fact that on street parking is not desirable), the maintenance of sufficient open space to permit fire protection, reasonable light and air, as well as room and view to permit and encourage property maintenance.
 - (1) No permit shall issue hereunder except with approval of the board of appeals after public hearing. The application to the board of appeals shall simply state, "Nonconforming Lot of Record," and the board of appeals may grant such variances as are necessary to permit construction on such lot, subject to the following standards:
 - a. Permits shall not be issued hereunder unless the construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place.
 - b. The board of appeals shall at all times consider and reconcile the interests of adjoining and nearby property owners.

- c. Subject to the above, where the owner of a nonconforming lot of record cannot reasonably acquire sufficient land to enable him to conform to the requirements of this chapter relating to lot area, lot width, or both, such lot of record may be used by such owner as a building site, provided that, as required by the board of appeals, the other requirements of this section are met, which requirements for the purpose of this section shall be deemed to include reasonable provisions for automobile parking.
- (2) For the purpose of maintaining building sites in compliance or near compliance with this chapter, in those instances where the same owner has adjoining nonconforming lots of record, the following regulations shall apply: Where two or more abutting lots of record are held under one ownership, and where one or both of these lots are nonconforming, they shall each be considered as a single lot of record and are subject to the provisions of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter.
 - (3) Notwithstanding the provisions as contained in subsection (b) of this section, the building department may issue a building permit in those instances where an isolated nonconforming lot or combination of lots of record meets 80 percent of the minimum frontage or area requirements of this chapter upon a determination that said 80 percent is in conformance with the general standards of the neighborhood. This subsection is intended to provide relief for those owners of isolated parcels that have more than 90 percent but less than 100 percent of the frontage or area required in section 46-215, schedule of regulations, and it is not intended to provide for the division or creation of parcels. In no event may this subsection be applied so as to accomplish a division or creation of any lot or combination of lots of record to reduce said frontage or area requirements to anything less than those standards set forth in section 46-215, schedule of regulations.
 - (4) In no event shall the side yards be less than seven feet to permit fire equipment reasonable access and further to prevent the spreading of fire.

(Ord. of 3-17-2008, § 15.05)

Sec. 46-492. - Repairs and maintenance.

- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the director of planning and building to be unsafe or unlawful by reason of physical condition, it may be enlarged or structurally altered to make it comply with the health and safety laws or ordinances; provided further that the cost of such work does not exceed 50 percent of the state equalized valuation of such building or structure at the time such work is done.

(Ord. of 3-17-2008, § 15.06)

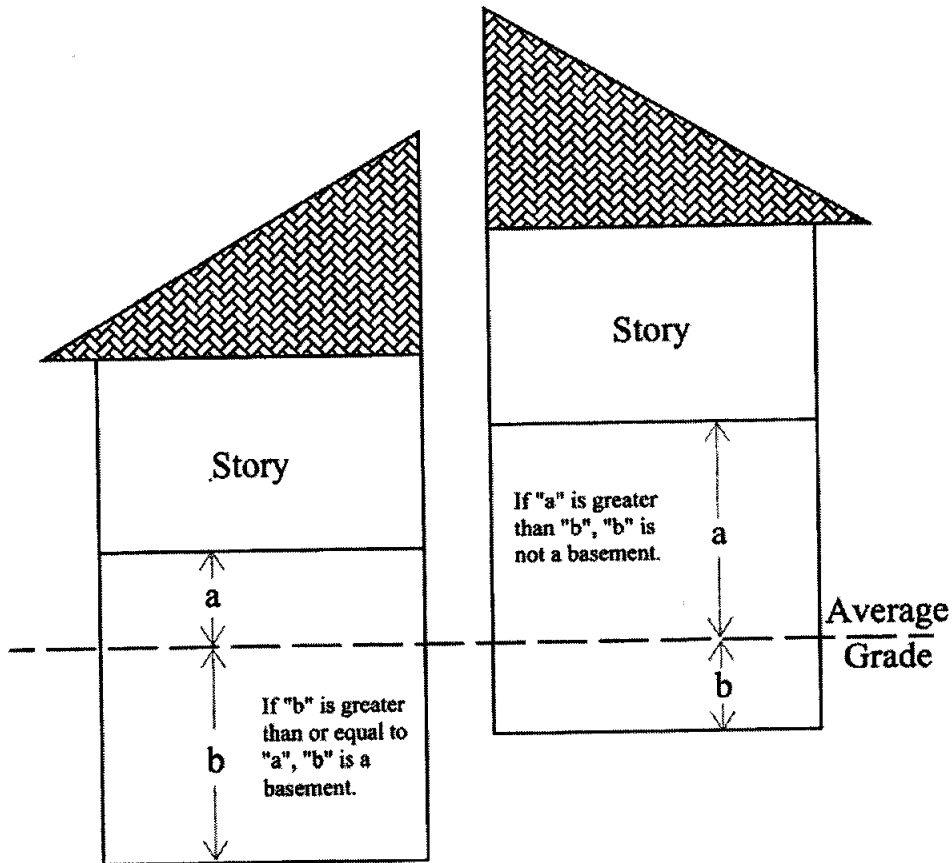
APPENDIX A. - FIGURES^[11]

Footnotes:

Editor's note— Printed herein is an appendix to The Brandon Township Zoning Ordinance of 2008, Ordinance No. 141-11, as adopted by the township board on August 1, 2011. Amendments to the 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 ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Sec. 1. - Basement definition.

**Figure 1
Basement Definition**

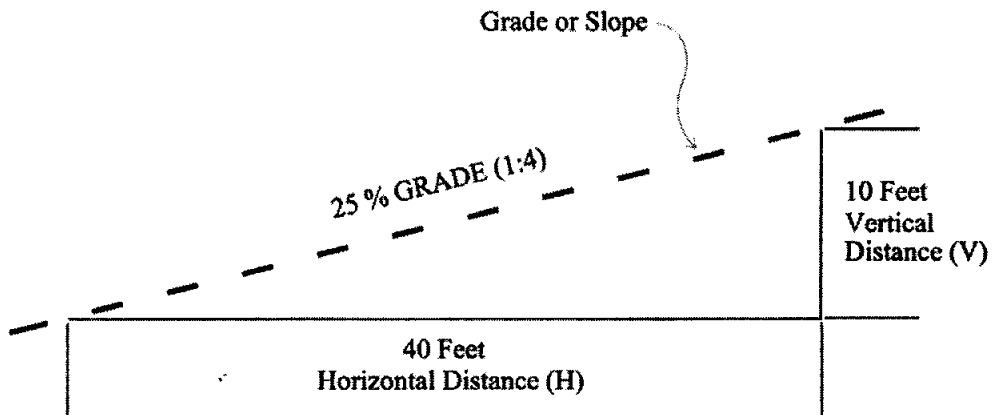


Sec. 2. - Reserved.

Editor's note— Ord. No. 160-14, adopted April 7, 2014, repealed § 2, entitled "Measuring building height" and derived from Ord. No. 141-11, 8-1-2011.

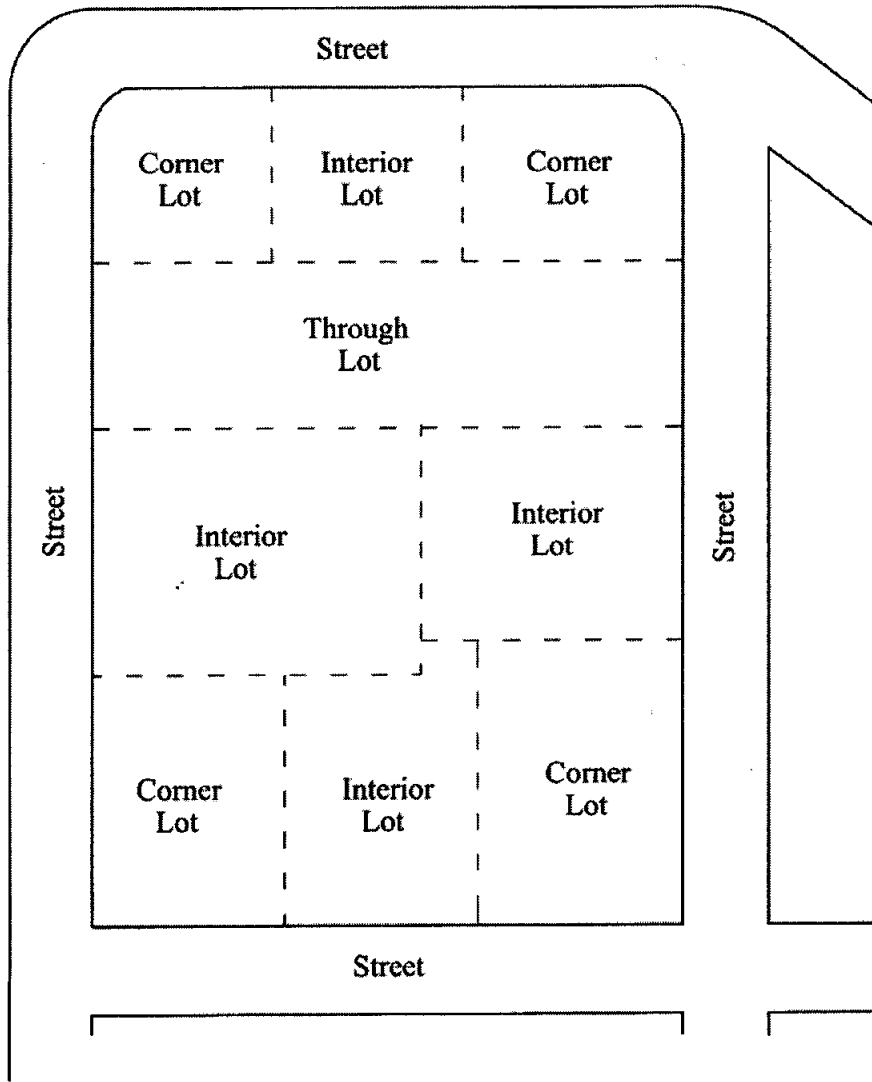
Sec. 3. - Grade.

Figure 3
Grade



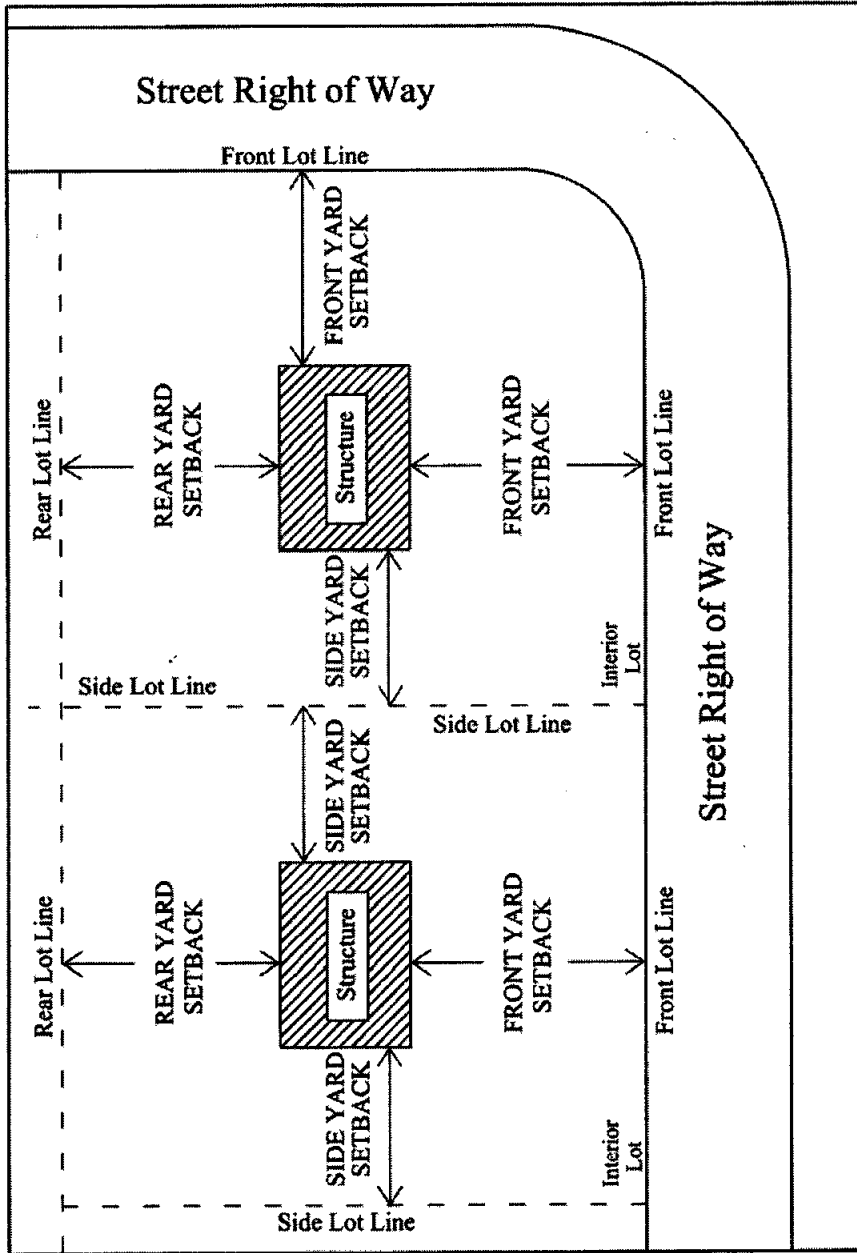
Sec. 4. - Lot types.

Figure 4
Lot Types



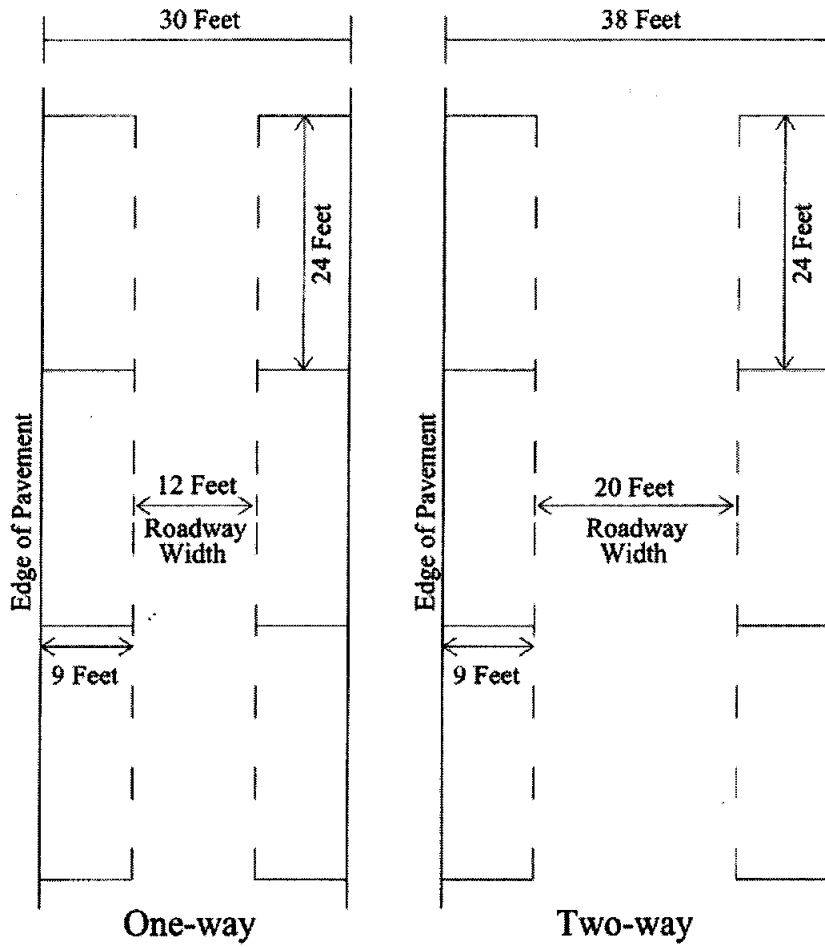
Sec. 5. - Yards and setbacks.

Figure 5
Yards and Setbacks



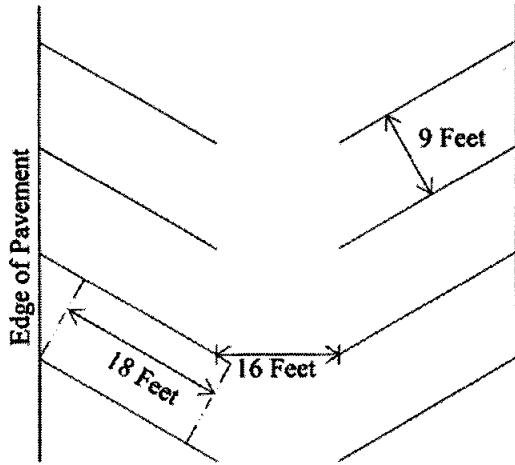
Sec. 6. - Parallel parking.

Figure 6
Parallel Parking

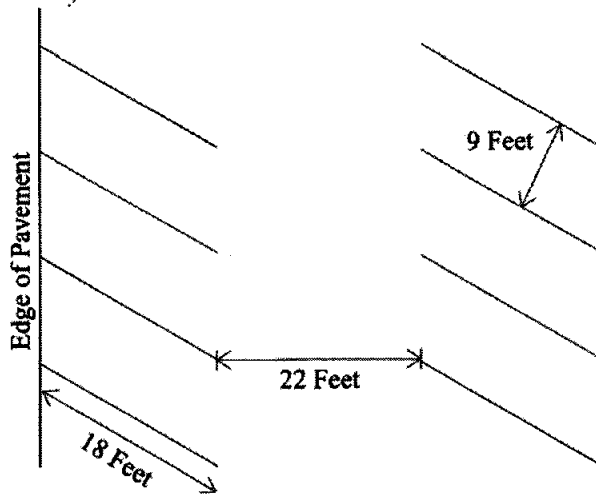


Sec. 7. - Parking, 30 degrees to 53 degrees.

Figure 7
Parking (30° - 53°)



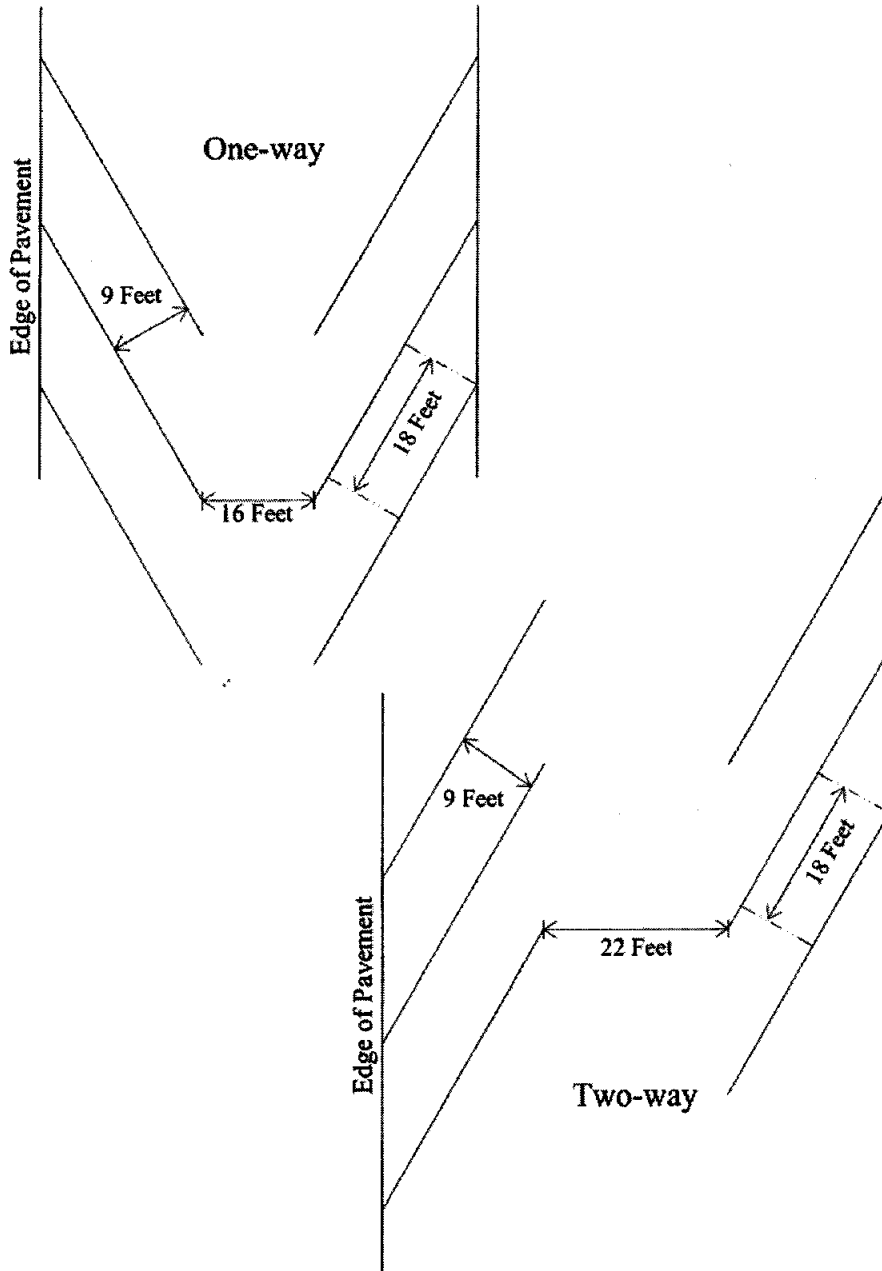
One-way



Two-way

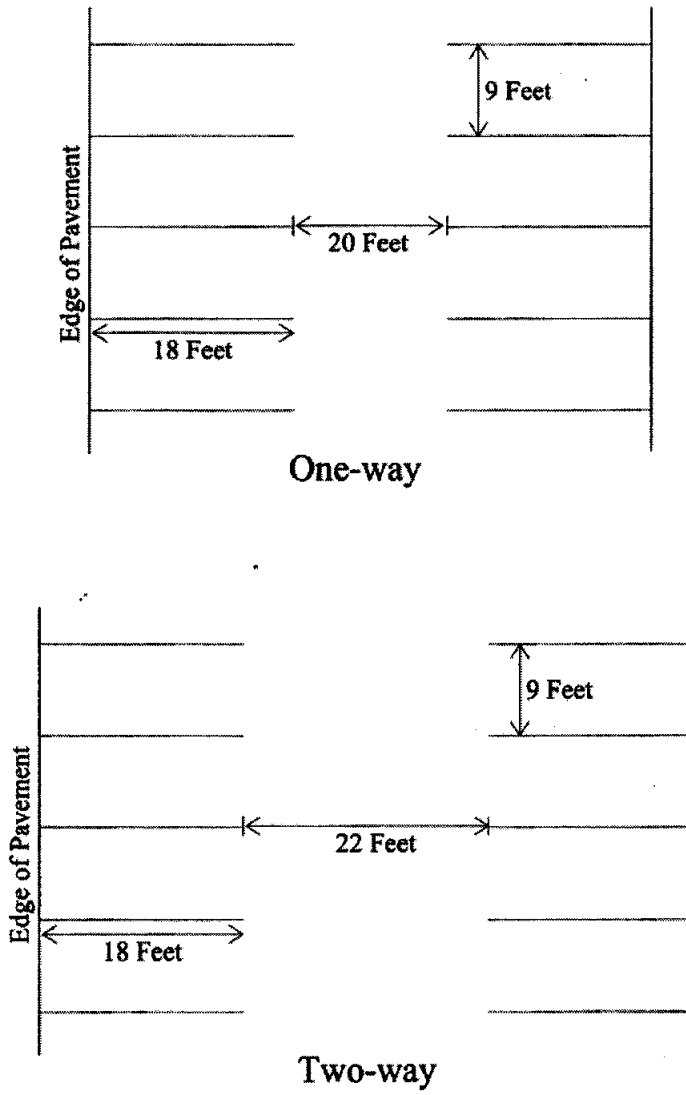
Sec. 8. - Parking, 54 degrees to 74 degrees.

Figure 8
Parking (54° - 74°)



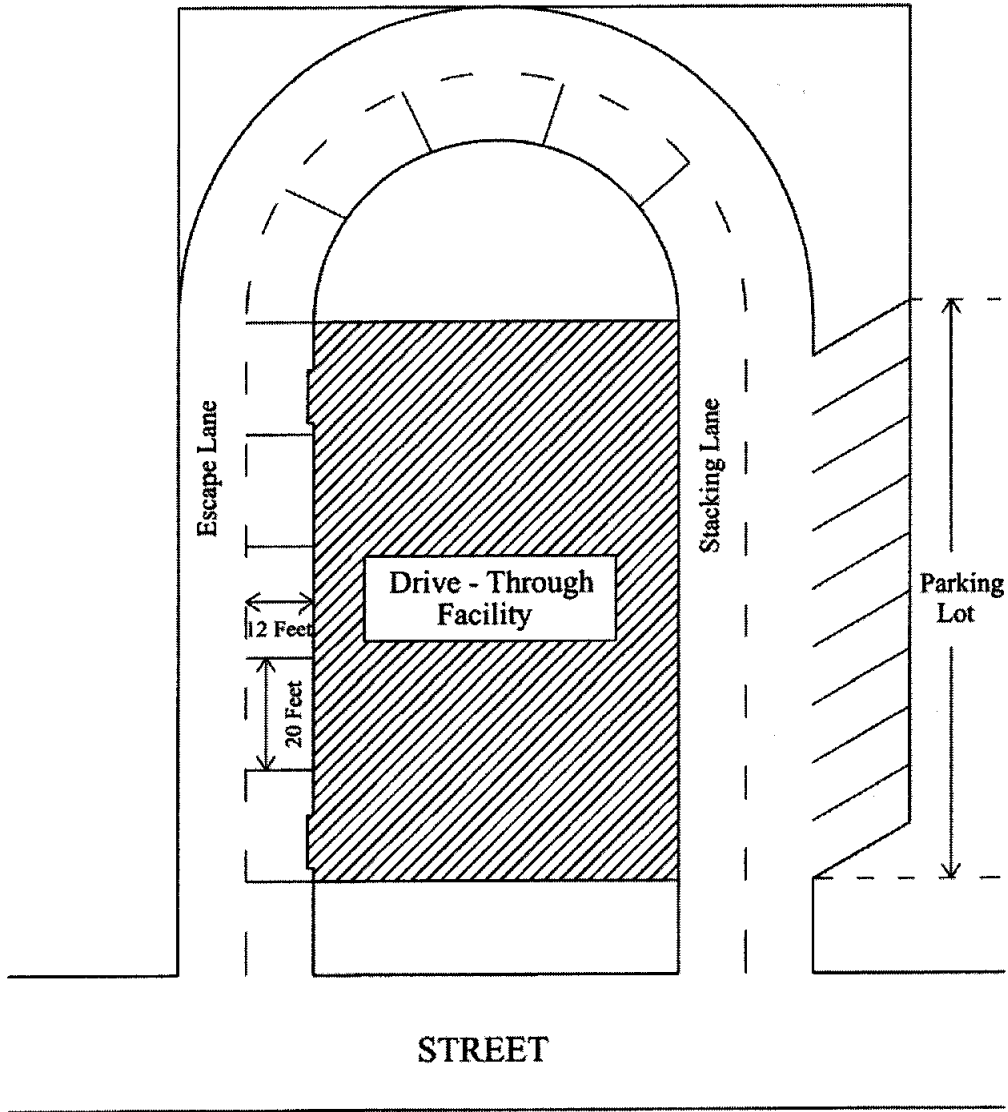
Sec. 9. - Parking, 75 degrees to 90 degrees.

Figure 9
Parking (75° - 90°)



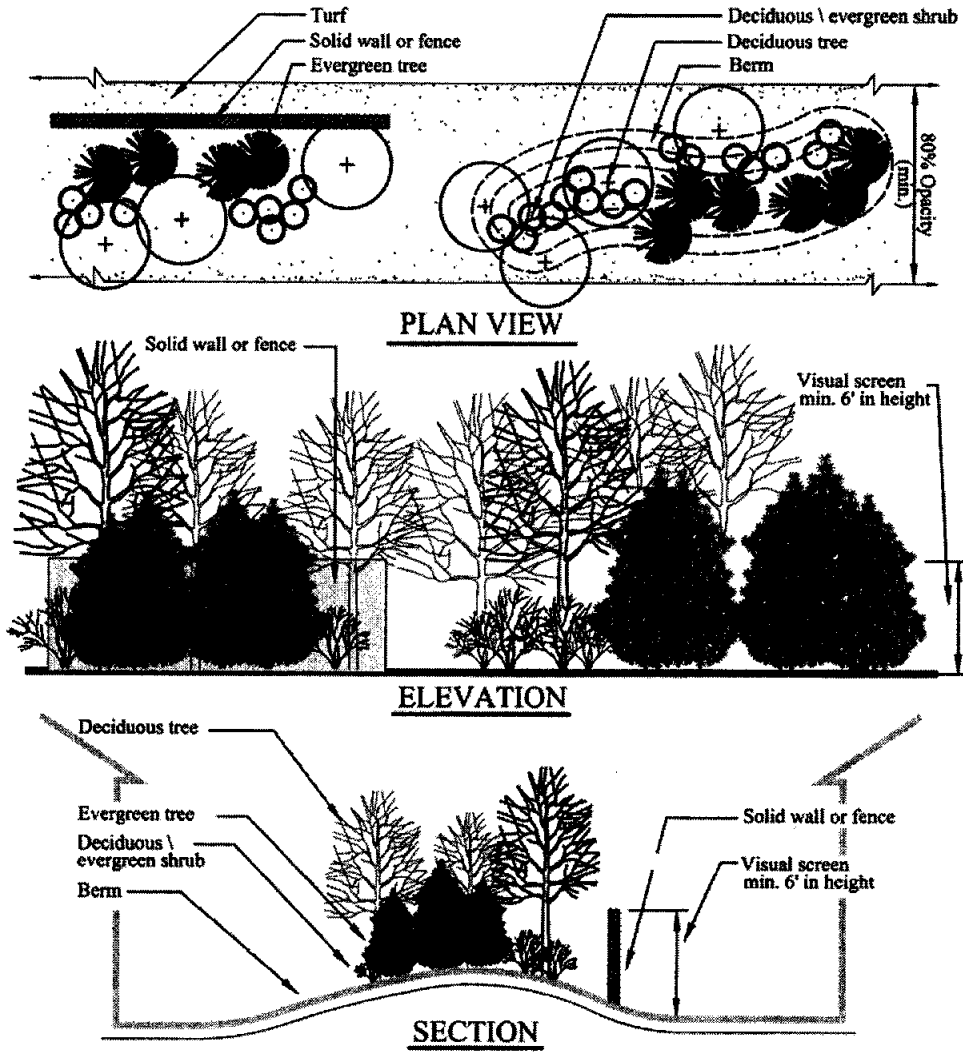
Sec. 10. - Off-street stacking spaces and lanes for drive-through facilities.

Figure 10
Off-Street Stacking Spaces and Lanes for Drive-Through Facilities



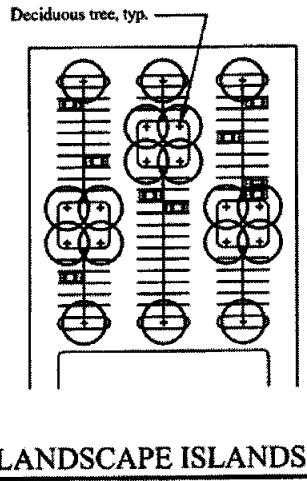
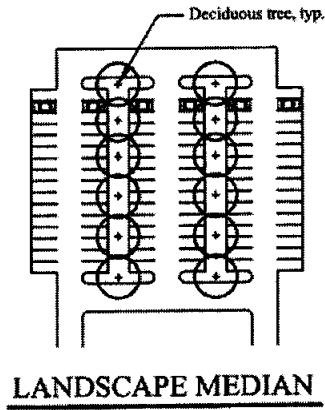
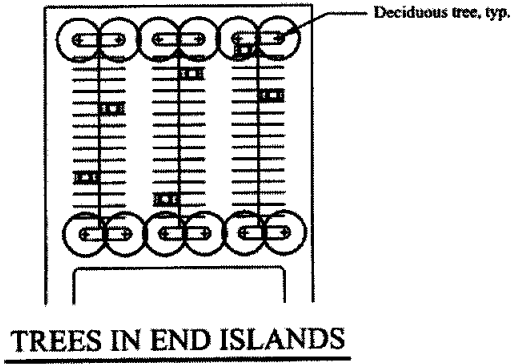
Sec. 11. - Screening between conflicting land uses.

Figure 11
Screening Between Conflicting Land Uses



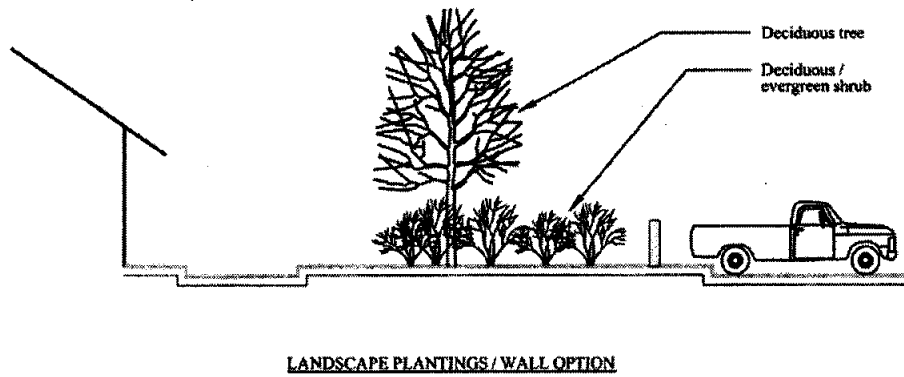
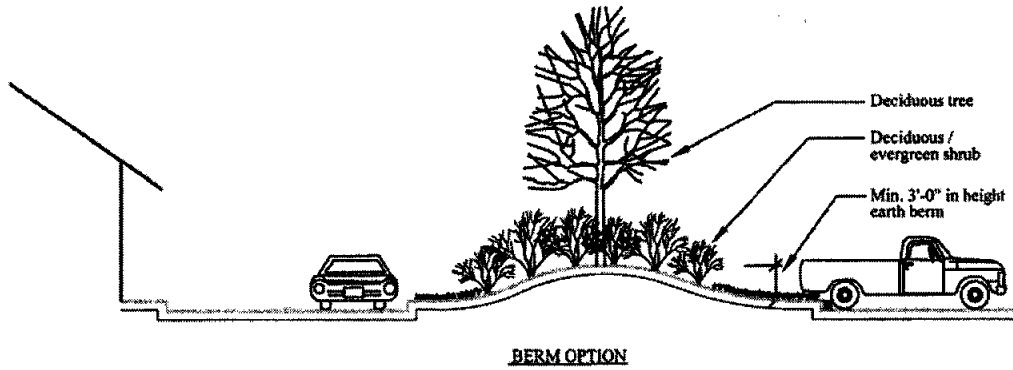
Sec. 12. - Parking lot landscaping—Interior parking areas.

Figure 12
Parking Lot Landscaping – Interior Parking Areas



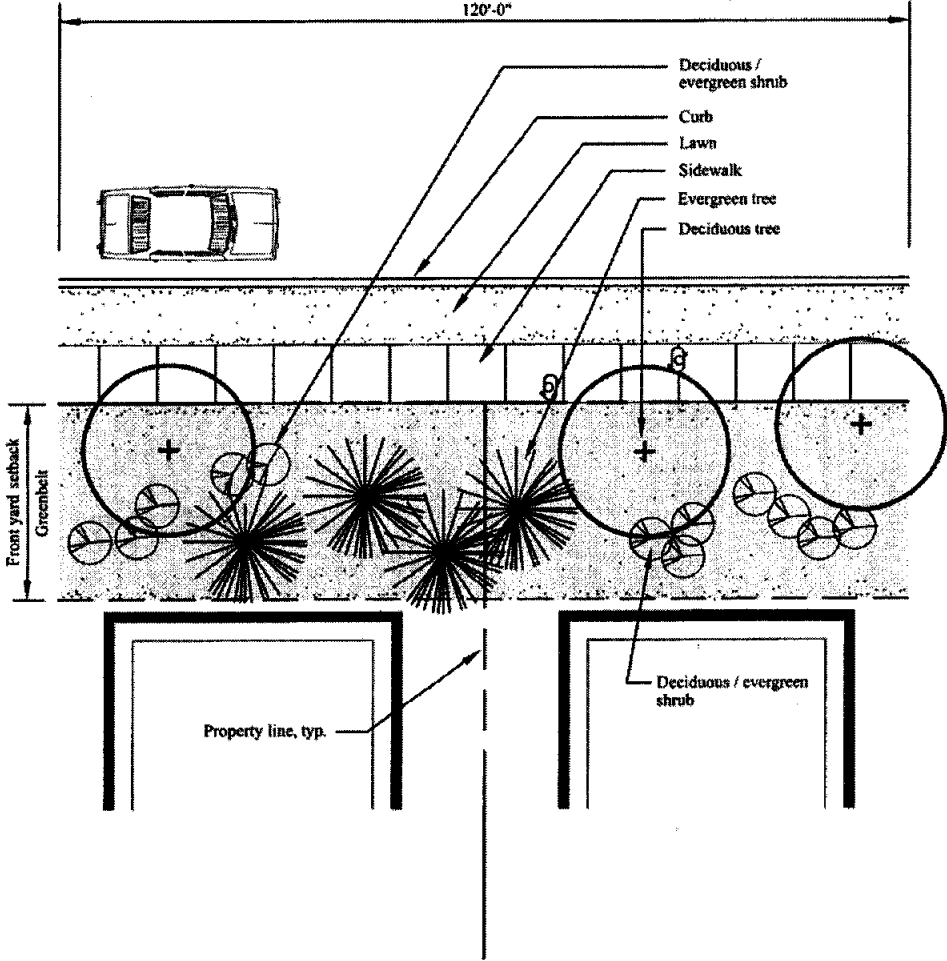
Sec. 13. - Parking lot landscaping—Perimeter parking lot.

Figure 13
Parking Lot Landscaping – Perimeter Parking Lot



Sec. 14. - Greenbelt buffer.

**Figure 14
Greenbelt Buffer**



Sec. 15. - Trash container screening.

Figure 15
Trash Container Screening

