

Chapter 32 ZONING¹

ARTICLE I. IN GENERAL

Sec. 32-1. Purpose.

- (a) The purpose of this chapter is to provide for the regulation of land development and the establishment of districts in the portions of the township outside the limits of cities and villages which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy and other uses of land; to ensure that the use of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public services and facility requirements; and to promote the public health, safety, and general welfare of the residents of the township by imposing certain regulations and restrictions.
- (b) In order to more efficiently protect and promote the general welfare and to accomplish the aims and purposes of the township master plan, the township is divided into districts of such number, boundaries, shape and area, and of such common unity of purpose, adaptability of use, that are deemed most suitable to provide the best civic use, protect the common rights and interest of all, and to promote improved wholesome, harmonious, aesthetic development of the township; and by further regulations and restrictions to limit the location, height, bulk, number of stores, size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, industrial or other purposes; to regulate the size of front, rear and side yard, courts, or other open spaces; to promote a zoning board of appeals, defining and limiting the power and duties of the zoning board of appeals and providing the means for enforcing this chapter.

(Ord. No. 50, § 1.2, 11-17-1992)

Sec. 32-2. Scope and construction of regulations.

- (a) *Liberal construction.* This chapter shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying the provisions of this chapter, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (b) *Conformance with chapter.* No building or structure, or part thereof, shall 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 as permitted by and in conformity with the provisions of this chapter.

¹Cross reference(s)—Any ordinance pertaining to rezoning saved from repeal, § 1-11Cross reference(s)—(a)(15); buildings and building regulations, ch. 8Cross reference(s)—; environment, ch. 10Cross reference(s)—; land divisions, subdivisions and development design standards, ch. 14Cross reference(s)—; telecommunications, ch. 26Cross reference(s)—; waterways, ch. 30Cross reference(s)—.

State law reference(s)—Township zoning act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

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- (c) *Highest standard to govern.* 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. This section is not intended to supersede the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
 - (d) *Affect on orders to provide safe and healthy conditions.* Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

(Ord. No. 50, § 1.3, 11-17-1992)

Sec. 32-3. Rules applying to text.

The following rules shall apply to the text and language of this chapter:

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption, the text shall control.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (5) The term "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- (6) Any word or term not defined in this chapter shall be used with a meaning of common or standard utilization.

(Ord. No. 50, § 1.4, 11-17-1992)

Sec. 32-4. Validity and severability clause.

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

(Ord. No. 50, § 1.5, 11-17-1992)

Sec. 32-5. Application of definitions.

For the purpose of this chapter, certain words and terms are defined in section 32-6. Such definitions are subject to the rules set forth in section 32-3 regarding rules applying to the text of this chapter.

(Ord. No. 50, § 2.1, 11-17-1992)

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

Sec. 32-6. 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 building means a supplementary detached building or structure incidental and subordinate to the principal building or buildings on the same lot or parcel of land as the main building or buildings or part of the main building occupied by or devoted exclusively to any accessory use; but such use shall not include any building used for dwelling, residential, or lodging purposes, or sleeping quarters for human beings.

Accessory use means a use normally and naturally incidental to, subordinate to, and devoted exclusively to, the main use of the land or buildings.

Act means Initiated Law of 2008, MCL 333.26421 et seq. and Michigan Administrative Rules are 333.101 et seq., as may be amended or superseded from time to time in the future.

Adult means:

- (1) A person 18 years of age or older.
- (2) A person who is placed in an adult foster care family home or an adult foster care small group home pursuant to section 5(6) of Public Act No. 116 of 1973 (MCL 722.115(6)).

Adult foster care congregate facility means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1) of Public Act No. 218 of 1979 (MCL 400.726a(1)), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. The term "adult foster care facility" does not include any of the following:

- (1) A nursing home licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (2) A home for the aged licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (3) A hospital licensed under article 17 of the public health code, Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (4) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, Public Act No. 258 of 1974 (MCL 330.1001 et seq.).
- (5) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, Public Act No. 280 of 1939 (MCL 400.55).
- (6) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two, if the total number of residents is ten or fewer.
 - b. Three, if the total number of residents is not less than 11 and not more than 14.
 - c. Four, if the total number of residents is not less than 15 and not more than 20.
 - d. Five, if the total number of residents is 21 or more.

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- (7) A foster family home licensed or approved under Public Act No. 116 of 1973 (MCL 722.111 et seq.), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Public Act No. 116 of 1973 (MCL 722.115).
 - (8) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
 - (9) A facility created by Public Act No. 152 of 1885 (MCL 36.1 et seq.).
 - (10) Any other facilities exempted from the definition of adult foster care facility by Public Act No. 218 of 1979 (MCL 400.701 et seq.).

Adult foster care family home 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.

Adult foster care large group home 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, 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Adult foster care small group home 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.

Agriculture means the use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income, including any agriculture uses established in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981.

Agricultural products includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agricultural tourism means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Agriculturally-related products means items sold to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

Agriculturally-related uses means those activities that predominantly use agricultural products, buildings or equipment, such as u-picks, dairy farms, pumpkin farms, Christmas tree farms, farm markets, petting farms, animal displays, pony rides, pumpkin rolling, barn dances, sleigh/hay rides and related uses as determined by the planning commission. All agriculturally-related uses shall be subject to federal and state laws regulating such uses.

Altered means any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. The term "altered" also includes the words "reconstructed" and "alteration."

Architectural features means architectural features of a building and shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assembly means the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social, or recreation functions, which include, but are not limited to, movie theaters, concert halls, banquet halls, places of worship and community halls.

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, and vehicle rustproofing.

Automobile service station means any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body fender work, or automobile repairs are conducted.

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

Basement means that portion of a building which is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of "story."

Bed and breakfast establishment means a private residence in which the property owner resides that offers sleeping accommodations to guests in rooms for rent in the private residence and serves meals at no extra cost to its guests.

Bedroom means a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.

Block means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Building means a temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building area means the buildable area of a lot is the space remaining after the minimum setback and open space requirements of this chapter have been complied with.

Building code means the currently adopted code or codes regulating building construction in the township.

Building frontage means the portion of a building that principally faces a public right-of-way.

Building height means the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. See the illustration in section 32-502 regarding building height requirements. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

Building setback line means the line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this chapter.

Building, main or principal, means a building in which is conducted the principal use of the lot on which it is situated.

Building official means the administrative official designated by the township board to enforce the building code and/or portions of this chapter.

Building permits means a building permit is the written authority issued by the building official permitting the construction, removal, moving, alteration, or use of a building, fence, or sign in conformity with the provisions of this chapter.

Campground means any one or more of the following, but specifically excluding a hospital, any use of land involving the operation of programs involving persons sentenced or assigned to such programs by 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. 419 of 1970 (MCL 125.2301 et seq.), and/or a hotel or motel:

Type I: Any area of land or water of a design or character suitable for seasonable nature, recreational, or other similar temporary living purpose; or

Type II: An area 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 five or more recreational units, located within a Type I area; or

Type III: Any building, or group of buildings, including dormitories and cabins, located within a Type I area, providing temporary living quarters for recreation, education, or vacation purposes, on a commercial basis or for charitable purposes.

For purposes of this chapter, the following additional terms are defined:

- (1) *Recreational unit* means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabrics stretched and sustained by poles and used for camping outdoors. Recreational unit includes the following:
 - a. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
 - b. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
 - c. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
 - d. A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two basic types:
 1. A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 2. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.

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- e. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.
- (2) *Temporary campground* means a campground used on a temporary or short-term basis not to exceed a period of four weeks.
 - (3) *Temporary living quarters* means, as related to camping, a recreational unit or a building within a Type III 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 by a single person for in excess of three consecutive months.

Caregiver means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a registry identification card under the Act.

Christmas tree farm is one that grows coniferous trees such as Scotch, White and Austrian Pine; Douglas, Fraser, Canaan, Concolor and Balsam Fir; Blue, Norway and White Spruce for the purpose of landscape or Christmas holiday decoration, either pre-cut or for the consumer to cut.

Cider mill consists of a facility where apples are processed into cider. Although the cider is the main focus of the business, there are related activities that keep the customer entertained. Pasteurization may or may not be part of the process. Apples may be from the farm or bought from area farmers.

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

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

Contaminated means reference to a pollutant or contaminant, and shall include but not be limited to any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term pollutant or contaminant shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

Convalescent home or nursing home means a state licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such establishment and having a gross floor area of less than 5,000 square feet.

Corn maze means a maze cut out of corn or crop for entertainment purposes.

Dairy farm means a working farm where dairy animals and products are produced.

Day care facilities. The following definitions shall apply in the construction and application of this chapter:

- (1) *Family day care home* means a private residence in which one but not more than six minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks in a calendar year.

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- (2) *Group day care home* means a private residence in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks in a calendar year.
- (3) *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. Child care center or day care center includes a facility that 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. 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 attending for not more than three hours per day for an indefinite period or for not more 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 more than three hours while persons responsible for the children are attending religious services.
 - c. A facility or program for school-age children that is operated at a school by a public school or by a person or entity with whom a public school contracts for services, in accordance with section 1285a(2) of the revised school code, Public Act No. 451 of 1976 (MCL 380.1285a) if that facility or program has been granted an exemption under subsection (2) of this definition.

Development means the construction of a new building on a zoning lot, the relocation of an existing building on another zoning lot, or the utilization of open land for a new use.

Dispensary shall mean a facility or premises where marijuana is grown, cultivated, stored, distributed, or offered for sale to patients or caregivers pursuant to the Act.

Distribute means the physical transfer of any amount of marijuana, in any form, by one person to any other person or persons, whether or not any consideration is paid or received.

District means a portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

Drive-in or drive-through establishment means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicle to service (e.g. restaurants, cleaners, banks, theaters) patrons while in such vehicle.

Dwelling means a dwelling is any building or portion, which is designed for occupancy wholly as the home or residence of one family, either permanently or transiently. A travel trailer, motor home, automobile chassis, tent or other portable building shall not be considered a dwelling.

Dwelling, multiple, means a dwelling, as defined in this section, except which is designed as a residence for three or more families living independently of each other.

Dwelling, single-family, means a detached building designed for and occupied exclusively by one family.

Dwelling, two-family, means a detached building designed for and occupied exclusively by two families living independently of each other. Also known as a duplex dwelling.

Efficiency unit means an efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

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

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments or planning commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or planning commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.

Event barn means one or more existing agricultural buildings originally constructed for bona fide agricultural purposes, or a new building whose character emulates the architectural features of a historic agricultural building such as a historic Michigan barn surveyed in Michigan State University's "Michigan barn and farmstead survey," and that is used by individuals or groups for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for event barn activities, kitchen facilities for the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public. Event barns shall not include overnight accommodations.

Excavating means the removal of sand, stone, gravel, or fill dirt to below the average grade of the surrounding land and/or the finished grade, whichever shall be highest, excepting common household gardening.

Facility or premises means a freestanding commercial, office, or industrial building having a separate or independent postal address, one single-family residence having a separate or independent postal address, or one apartment unit or condominium unit having a separate or independent postal address.

Family means:

- (1) An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character, who are cooking and living as a single nonprofit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm means all of the contiguous neighboring or associated land operated as a single unit on which agriculture is the primary use, and is carried on directly by the owner-operator, manager, or tenant-farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of not less than ten acres in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, sod farms, nurseries, orchards, chicken hatcheries, livestock and poultry farms, apiaries; but establishments keeping furbearing animals, game, or operating fish hatcheries, piggeries, stockyards, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide farm operation on the same continuous tract of land.

Farm market is a place or an area on a farm where transactions between a farm operator and customers take place, and is considered part of a farm operation. A physical structure is not required. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, provided the sales are in accordance with local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when permitted by applicable local, state, and federal regulations.

Farmers' market means a farm market located on lands that are not adjacent to, but are affiliated with, a farm operation.

Floor area means the area measured to the exterior face of exterior walls and to the centerline of interior partitions.

Floor, ground, means that portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Hazardous substances means any material that poses a threat to public health and/or the environment. Typical hazardous substances are materials that are toxic, corrosive, ignitable, explosive or chemically reactive. This definition includes and incorporates by reference any definition adopted by the State of Michigan, and also the use of hazardous materials referenced in the Resource Conservation and Recovery Act of 1976, as amended, and in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. CERCLA hazardous substances, pollutants, and contaminants are defined in CERCLA sections 101(14) and 101(33), except where otherwise specifically noted in the Hazard Ranking System(HRS), all of which are all expressly incorporated herein by reference.

Home occupation means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital means an institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Intensive livestock operation means an agricultural operation in which Class II and Class III animals are bred and/or raised within a confined area, either inside or outside, generally at densities greater than permitted by section 32-145. 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.

Kennel means any building, structure, enclosure, or premises where five or more dogs or cats, six months of age or older are kept.

Kennel, commercial, means any building, structure, enclosure or premises where four 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 of this definition, animals kept and maintained by a hobby kennel, shall not 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.

Laboratory means a place devoted to experimental, routine study or basic study, such as testing and analytical operations in which manufacturing of produce or products, except prototypes, is not performed.

Lake means and includes navigable tributaries of a lake and shall be defined as a body of water which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term "lake" shall not include a lake or pond which has a surface area of less than five acres.

Lake access means use of a lake for any purpose.

Lake frontage means property with frontage on a lake or a river, stream or canal that leads to a lake.

Landscaping. The following definitions shall apply in the construction and 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 use* 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.

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

Lot means a place or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this chapter. A lot need not be a lot of existing record or otherwise specifically so designated on any public record.

Lot area, net, means the total horizontal area within the lot lines of a lot.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. See illustration in section 32-505 regarding corner, interior and double frontage.

Lot depth means the mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, double frontage, means a lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, interior, means an interior lot is a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means any line dividing one lot from another or from right-of-way, and thus constitutes the property lines bounding a lot.

Lot line, front, means in the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating such lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see "double frontage lot," and "waterfront lot"). In the case of a corner lot having frontage on more than one street, the corner lot shall be considered as having a front yard for each street front.

Lot line, rear, means ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the planning commission shall designate the rear lot line. (See "Double Frontage Lot" and "Waterfront Lot")

Lot line, side, means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot line, street or alley, means a lot line separating the lot from the right-of-way of a street or an alley, respectively.

Lot of record means a lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the office of the register of deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the state, and such description so recorded or on file with the county.

Lot, waterfront, means a lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

Lot, width, means the required horizontal distance between the side lot lines measured at the two points where the required front yard setback line intersects the side lot lines.

Lot, zoning, means a single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this chapter in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one or more lots of record.

Marijuana means the substance or materials defined in section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106, as may be amended or superseded from time to time in the future.

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

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continuous nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Motel means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Non-agriculturally related products means those items not connected to farming or a farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks.

Non-agriculturally related uses means activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not conform to the provisions of this chapter in the zoning district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Occupied means arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least two vehicles.

Open storage means all outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles, and other supplies.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level.

Outdoor sales means the retail sales of goods which are principally displayed outside, such as automobiles, building material, and nursery and garden products.

Patient means a person as defined under MCL 333.26423(h) of the Act.

Petting farm means an area that allows for the petting and feeding of farm animals.

Place of worship means a building wherein persons assemble regularly for religious worship, and is maintained and operated by an organized religious body, as well as those structures within a religious complex that, while ancillary to the central location of worship, support regular assembly for worship. Places of worship include, but are not limited to, temples, synagogues, mosques and churches.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Potable water means water that is satisfactory for drinking, culinary and domestic purposes.

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

Pumpkin farm means a farm designed around the growth, and harvest of pumpkins or any other similar crop.

Recharge pond/lagoon means a natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling water and/or treated water to the groundwater and at a rate greater than that occurring naturally. (For certain discharges a Michigan Department of Natural Resources (MDNR) permit is required.)

Recreational vehicle means a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by a motor vehicle.

- (1) *Travel trailer* means a structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- (2) *Camper trailer (pop up)* means a collapsible structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- (3) *Motor home* means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (4) *Pickup camper* means a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- (5) *Watercraft* means any unit that is used for water travel.
- (6) *Off-street vehicle* means a motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and two, three and four-wheeled all-terrain vehicles.

Registry identification card means the document defined under MCL 333.26423(i) of the Act.

Regulated substances means substances to be regulated which are chemicals and mixtures of chemicals that are health hazards. Regulated substances include:

- (1) Those list of substances as defined and listed by the Michigan Department of Environmental Quality (MDEQ), and as regulated under title III of the superfund amendments and reauthorization act of 1986 (SARA), and as currently reported on MIOSHA and/or MDEQ material safety data sheets or as listed in Parts 201 or 115 Regulations enforced by MDEQ or other state or federal agencies.
- (2) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Retaining wall means a wall designed and constructed to hold back a mass of earth.

Right-of-way means a legal right of passage over real property typically associated with roads and railroads.

Sanitary sewer means an artificial conduit to convey water and waste matter to a central treatment facility.

Seasonal means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready.

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

Septic system means a system constructed below grade consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

Setback means the minimum required horizontal distance between the building or structure and the front side and rear lot lines.

Sign means a name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs

attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (1) *Billboard sign* means an off-premises sign as defined by Public Act No. 106 of 1972, as amended.
- (2) *Canopy sign* means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.
- (3) *Changeable copy sign* means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.
- (4) *Freestanding sign* means a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- (5) *Institutional bulletin board* means a sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, service or civic institution, governmental unit, or similar nonprofit institution and the announcement of its institutional services, activities or meetings.
- (6) *Menu board* means a sign which is designed and utilized for the purpose of disclosing upon it the availability and cost of products sold on the premises on which situated. Products indicated on the menu board are to be delivered directly to the stall or place where the menu board is installed or shall be delivered at some point in the lane of travel in which the menu board sign is part of.
- (7) *Mural sign* means a single sign that is painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign.
- (8) *Projecting sign* means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.
- (9) *Portable temporary sign* means a single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building.
- (10) *Real estate sign* means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
- (11) *Roof sign* means any sign wholly erected to, constructed/or maintained on the roof structure of any building.
- (12) *Sign surface* means that part of the sign upon, against, or through which the message is displayed or illustrated.
- (13) *Temporary signs:*
 - a. *Temporary construction signs:* Signs used for development and construction projects in any zoning district provided that the signs are used in accordance with the provisions of this chapter.
 - b. *Temporary business sign:* Freestanding signs, movable signs, portable sign, banner, pennant, streamer, balloon or gas-filled figures which are used for on-premises business promotional purposes. The signs shall meet the size, area and placement provisions of this chapter.
 - c. *Temporary event sign:* An on-premises sign that announces a campaign, drive, activity or event of a civic, philanthropic, educational, religious organization or nonprofit for noncommercial purposes and shall be subject to the following:

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1. Limited to freestanding signs, portable signs, and items such as banners, pennants, streamers, balloons and other gas-filled figures. Banners, pennants, streamers, balloons and gas-filled items shall be securely anchored and consistent with public safety standards. Each item used shall constitute a separate sign usage and the number of signs shall be in accordance with the provisions of this chapter.
 2. Temporary event signs may be illuminated in accordance with the chapter.
- (14) *Total surface area of the sign* means the sum total of all exterior surfaces of the sign, computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two outermost letters, figures, numbers or symbols.
- (15) *Wall sign* means any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building (see definition for *mural sign*); provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- (16) *Window sign* means a sign installed inside a window and intended to be viewed from the outside.

Site condominium means a condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- (1) *Condominium act* means 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 lot* means the condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "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) *Condominium unit* means the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) *General common elements* means the common elements other than the limited common elements.
- (6) *Limited common elements* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (7) *Master deed* means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference 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 (MCL 559.108).

Solid waste processing facility means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The solid waste processing facility shall not include incinerators, waste to energy plants, junkyards or salvage operations.

Solid waste transfer facility means a tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

Special event means an outdoor occurrence or noteworthy happening of seasonal or corporate importance, that is organized and sponsored by a community group, corporation, or institution on private property. The township requires special event applications whenever an accessory, temporary, and customary activity includes any of the criteria listed in section 32-168(c).

Special uses means permitted use subject to the special approval of the planning commission as set forth in section 32-33.

Stable, commercial, means a stable with a capacity of five or more horses, llamas, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation.

Stable, hobby, means a stable with a capacity of four or fewer horses, mules or donkeys which are kept for the sole enjoyment of the owners of the property.

Storm sewer means an artificial conduit to convey stormwater.

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

Story, basement. A basement shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured.

Story, mezzanine, means a mezzanine floor may be used in this definition of a full story when it covers more than 50 percent of the area of the story underneath such mezzanine, or, if the vertical distance from the floor next below it to the floor next above is 24 feet or more.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of such full story, provided the area contains at least 200 square feet with a clean height of at least seven feet six inches.

Street means a public or private thoroughfare which affords traffic circulation and principal means of access to abutting property.

Structure means anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Temporary building and use means a building or use permitted by the building official to exist during periods of construction of the main building or use or for special events, such period not to exceed six months.

U-pick means a fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

Underground storage tank means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated/hazardous substances and the volume of which (including the underground piping connected thereto) is ten percent or more beneath the surface of the ground. Flow through process tanks are excluded from the definition of underground storage tank.

Underlying zone means the present zoning classification as it exists on the Holly Township Zoning Map.

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

Use, legal nonconforming, means an existing use of land and structures, as of the effective date of the ordinance from which this chapter is derived, which does not conform to the uses specified as permitted in a district.

Use, illegal nonconforming, means an existing use of land and structures, created after the effective date of the ordinance from which this chapter is derived, and which does not conform to the uses specified as permitted in a district.

Well field means a tract of land that contains a number of wells for supplying water.

Wellhead protection overlay district means that area as designated on the Holly Township Zoning Map.

Wildlife preserve means land kept and/or managed to protect and propagate wildlife.

Wind Energy Conversion System (WECS): Also, commonly referred to as a wind energy facility, wind generating tower, wind turbine, windmill, or wind-powered generator. It shall mean a combination of:

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

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.

Winery means the retail and/or manufacturing premises of a small winemaker or winemaker licensee as defined by the Michigan Liquor Control Commission.

Wireless communication 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. The term "wireless communication facilities" may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within the definition of "wireless communication facilities are: citizen band radio facilities; shortwave facilities; ham, amateur 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 communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (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 communication antennas within the community.

Yard, required, side/rear/front, means an open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the

building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. See the illustration of general lot terms in section 32-503.

- (1) *Yard, side*, means an open space extending from the front yard to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as otherwise specified in this chapter.
- (2) *Yard, rear*, means an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as otherwise specified in this chapter.
- (3) *Yard, front*, means an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as specified in this chapter.

(Ord. No. 50, § 2.2, 11-17-1992; Ord. of 4-18-1995; Ord. of 11-21-1995; Ord. of 9-16-1997; Ord. of 3-20-2001; Ord. of 4-17-2001; Ord. of 2-19-2008(5), § 1; Ord. of 7-22-2008(2), § 1; Ord. of 8-19-2008(2), § 1; Ord. of 3-16-2011, § 1; Ord. of 6-22-2011, § 1; Ord. of 5-15-2013, § 1; Ord. of 1-16-2019(1), § 1; Ord. of 2-20-2019(1), § 1; Ord. of 4-17-2019, § 1; Ord. of 9-18-2019, § 1; Ord. of 6-22-2020, § 1)

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

Sec. 32-7. Interpretation and conflict.

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

(Ord. No. 50, § 14.1, 11-17-1992)

Sec. 32-8. Vested right.

It is hereby expressly declared that nothing in this chapter be held or construed to give or grant to any person any vested right, license, privilege or permit.

(Ord. No. 50, § 14.2, 11-17-1992)

Secs. 32-9—32-30. Reserved.

ARTICLE II. AMENDMENTS AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 32-31. Zoning administration.

The township board shall designate and employ a zoning administrator to administer and enforce the provisions of this chapter.

(Ord. No. 50, § 3.1, 11-17-1992)

Cross reference(s)—Administration, ch. 2Cross reference(s)—.

Sec. 32-32. Duties.

The zoning administrator shall:

- (1) Receive all applications for site plan review and special use permits which the planning commission is required to decide under this chapter and implement the decisions of the planning commission.
- (2) Receive all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this chapter and refer such applications with recommendations to the zoning board of appeals for determination.
- (3) Receive all applications for amendments to this chapter and report to the planning commission all such applications together with recommendations.
- (4) Maintain a map or maps showing the current zoning classifications of all land in the township, which will conform to the true copy to be maintained by the township clerk.
- (5) Maintain written records of all actions taken by the zoning administrator and meet with the planning commission upon request.
- (6) Be responsible for providing forms required by the planning commission, township board, or zoning board of appeals, as required by this chapter and be responsible for information necessary on such forms for the effective administration of this chapter, subject to the general policies of the township board, planning commission, and zoning board of appeals.
- (7) Make periodic site inspections of the township to determine Ordinance compliance, answer complaints on zoning ordinance violations, and file monthly reports to the township board and planning commission.
- (8) Authorize amendments to site plans in accordance with section 32-239.

(Ord. No. 50, § 3.2, 11-17-1992; Ord. of 8-20-2014, § 1)

Sec. 32-33. Special uses.

- (a) *Application.* Applications for special use permits authorized in this chapter shall be submitted to the zoning administrator on a form provided by the township. In addition to a complete application form, the applicant is required to submit a site plan prepared in accordance with article VI of this chapter, regarding site plan review.
- (b) *Procedures.*
 - (1) The zoning administrator shall review the proposed application and site plan to determine if all required information has been supplied, and forward a copy of the completed application, public notice, site plan, and supporting documents to the township planning commission.

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- (2) Upon receipt of the application for a special use permit, the planning commission shall hold a public hearing in accordance with the notification requirements of Act 110, Public Acts of 2006, as may be amended or superseded from time to time in the future. A notice of the public hearing shall be published in at least one newspaper of general circulation in the Township of Holly and sent by first class mail or personal delivery to the owners of property for which approval is being considered, to the applicant, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located in the township, disclosed from the assessment roll of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than 15 days before the date the application will be considered for approval. The notice shall describe the property in question and the nature of the special use permit request; state the time, date, and location of the public hearing; indicate when and where written comments relative to the application shall be directed prior to the hearing; the location where the application and documents may be viewed or copied prior to the public hearing; and shall include a listing of all existing street addresses within the property(ies) which is(are) subject to the special use request. Street addresses do not need to be created and listed if no such addresses currently exist within the property(ies). If there are no street addresses, another means of identification may be used. A list of those owners mailed notices shall be a part of the record of the planning commission.
 - (3) Upon conclusion of the public hearing procedures, the township planning commission may issue a special use permit. Upon approval of a special use, the planning commission may consider the site plan. A written copy of the township planning commission's statement of findings and conclusions or copies of the approved minutes, which specifies the basis for the decision and any conditions imposed, shall be sent promptly to the zoning administrator and to the applicant.
- (c) *Basis of determinations.* The township planning commission shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:
- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the township master plan and will be compatible with the natural environment.
 - (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - (3) Will not be hazardous or disturbing to existing or future nearby uses.
 - (4) Will be compatible with adjacent uses of land and will promote the use of land in a socially and economically desirable manner.
 - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
 - (6) Will not create excessive additional public costs and will not significantly decrease property values of surrounding properties.
 - (7) Will meet all the requirements and standards of this chapter and any other applicable laws, standards, ordinances, and/or regulations.

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- (d) *Conditions and safeguards.* The planning commission may impose such additional conditions and safeguards deemed necessary for the public health, safety and welfare of the Township of Holly, for the protection of individual property rights, and for ensuring that the purposes of this chapter and the general spirit and purpose of the district in which the special use is proposed will be observed. Such conditions shall conform to the standards found in section 504 of Public Act No. 110 of 2006. (MCL 125.3504). Special use permits may be issued for specific time periods as determined by the planning commission.
- (e) *Voiding and extensions of permit.* Unless otherwise specified by the planning commission, any special use permit granted under this section shall be null and void unless the property owner shall have made application for a building permit within one year from the date of the granting of the permit. The zoning administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Such notice shall be mailed to the permit holder at the address indicated in the permit. Within 30 days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the planning commission. The planning commission may grant an extension thereof for good cause for a period not to exceed six months. The zoning administrator may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the township.
- (f) *Reapplication.* No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.

(Ord. No. 50, § 3.3, 11-17-1992; Ord. of 9-19-2006(1), § 1)

Sec. 32-34. Certificates of occupancy.

It shall be unlawful to use or permit the use or occupancy of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the building official shall have issued a certificate of occupancy stating that the provisions of this chapter have been complied with. A certificate of occupancy shall constitute certification of zoning compliance, as well as compliance with all other applicable building codes.

- (1) Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that building or structure is in conformity with the provisions of this chapter, and any other applicable statutes, laws, ordinances, and/or regulations.
- (2) Temporary certificates of occupancy may be issued for a period not to exceed 120 days for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, provided that such portions of the building or structure are in conformity with the provisions of this chapter and other applicable ordinances. A temporary certificate of occupancy may be extended for 30 days beyond the initial 120-day term. However, a temporary certificate shall not extend more than five days after the building or structure is fully completed and ready for occupancy.
- (3) Buildings or uses accessory to dwellings shall not require a separate certificate but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as such dwelling.
- (4) Applications for certificates shall be made in writing to the building official on forms furnished by the township and such certificates shall be issued within seven days after receipt, if it is found in compliance with subsection (1) of this section. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven-day period.

(Ord. No. 50, § 3.4, 11-17-1992)

Sec. 32-35. Enforcement.

- (a) *Violations.* Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction subject to the penalties set forth in section 16-110.
- (b) *Nuisance per se.* Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this chapter is derived and in violation of any of the provisions of this chapter is hereby declared to be a nuisance per se and may be abated by order of any court of competent jurisdiction.
- (c) *Fines, imprisonment.* The owner of any building, structure, or premises or part thereof, where any condition in violation of this chapter shall be created, shall be deemed responsible for a separate offense and shall be liable for the penalties provided in this chapter. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (d) *Rights and remedies.* The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.
- (e) *General responsibility.* The township board, the township ordinance enforcement officer and/or the zoning administrator, or other duly authorized person, is hereby charged with the duty of enforcing this chapter and such board is hereby empowered, in the name of the township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the circuit court of county or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this chapter, and to correct, remedy and/or abate such noncompliance or violation, and the ordinance enforcement officer and zoning administrator shall be legally authorized to issue and serve municipal civil infraction notices of violation and municipal civil infraction citations.

(Ord. No. 50, § 3.5, 11-17-1992; Ord. of 8-17-1999)

Sec. 32-36. Performance guarantee required.

In the interest of ensuring compliance with the provisions of this chapter, protecting the natural resources and the health, safety, and welfare of the residents of the township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the township planning commission, upon the recommendation of the zoning administrator, township planner and/or township engineer shall require the applicant to deposit a performance guarantee as set forth in this section. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, landscaping, and widening strips. The specific improvements for which a performance guarantee is required shall be identified prior to final site plan approval, based upon a recommendation of the zoning administrator, township planner and/or township engineer.

- (1) The term "performance guarantee" as used in this section shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the township. Prior to the issuance of a building permit, the applicant shall submit an estimate costs for improvements for which a performance guarantee is required. The costs estimate shall be reviewed by the township engineer and/or township planner.
- (2) Where the township planning commission requires a performance guarantee, the performance guarantee shall be deposited with the township treasurer prior to the issuance of a building permit by

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the township for the development and use of the land. Upon the deposit of the performance guarantee the township shall issue the appropriate building permit.

- (3) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- (4) The zoning administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (5) Upon the satisfactory completion, as determined by the township, of the improvement for which the performance guarantee was required, the township shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the township is not required to deposit the performance guarantee in an interest bearing account.
- (6) If the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after such completion shall be applied first to the township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the township to ensure completion of an improvement associated with the proposed use prior to the township conditional approval, the applicant shall not be required to deposit with the township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the township regarding the performance guarantee.

(Ord. No. 50, § 3.6, 11-17-1992; Ord. of 9-19-2000)

Sec. 32-37. Fees.

The township board shall, by resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, fees for appeals to the zoning board of appeals, fees for application to the planning commission for special uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this chapter.

(Ord. No. 50, § 3.7, 11-17-1992)

Sec. 32-38. Records.

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this chapter, shall be filed with the township clerk and be a part of the township records.

(Ord. No. 50, § 3.8, 11-17-1992)

Secs. 32-39—32-60. Reserved.*DIVISION 2. ZONING BOARD OF APPEALS²***Sec. 32-61. Authority.**

There is established a zoning board of appeals, the membership, powers, duties of which are prescribed in Public Act No. 110 of 2006 The zoning board of appeals in addition to the general powers and duties conferred upon it, by Act No. 110, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this chapter in harmony with their purpose and intent as set forth in this chapter.

(Ord. No. 50, § 12.1, 11-17-1992; Ord. of 9-19-2006(2), § 1)

Sec. 32-62. Membership.

The zoning board of appeals shall consist of five members, appointed by the township board.

- (1) The first member of the zoning board of appeals shall be a member of the township planning commission.
- (2) The second member of the zoning board of appeals shall be a member of the township board.
- (3) Three additional members of the zoning board of appeals shall be selected from among the electors residing in the unincorporated area of the township.
- (4) An employee or contractor of the township board shall not serve as a member of the zoning board of appeals.
- (5) The terms of membership for zoning board of appeal members shall be three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term of the preceding member has expired.
- (6) All vacancies for unexpired terms of the zoning board of appeals shall be filled by appointment of the township board for the remainder of such term.

²Cross reference(s)—Boards and commissions, § 2-111 et seq.

State law reference(s)—Zoning board of appeals, MCL 125.288 et seq.

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- (7) Members of the zoning board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
 - (8) A township board may appoint not more than two alternate members of the zoning board of appeals for the same term as regular members to the zoning board of appeals. An alternate member may be called by the chairman of the zoning board of appeals to serve as a regular member of the board in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings of the board or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member of the zoning board of appeals may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed to the zoning board of appeals shall serve in the case until final decision is made. The alternate member of the zoning board of appeals has the same voting rights as a regular member of the board.

(Ord. No. 50, § 12.2, 11-17-1992; Ord. of 9-19-2006(2), § 1)

Sec. 32-63. Meetings.

- (a) *Decisions and deliberations.* The zoning board of appeals shall state the grounds of any determination made by the board. All decisions of the zoning board of appeals shall be made at a meeting open to the public. All deliberations of the zoning board of appeals constituting a quorum of its member shall take place at a meeting open to the public except as provided in compliance with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).
- (b) *Quorum; one vote per member.* A majority of the members of the zoning board of appeals shall constitute a quorum for purposes of transacting the business of the board and the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). Each member of the zoning board of appeals shall have one vote.
- (c) *Regular meetings; notice; record of proceedings.* Regular meetings of the zoning board of appeals shall be called as needed in response to receipt of a notice of appeal, so long as the meeting is scheduled within 20 days of the notice of appeal. The meeting can be called by the township clerk, the chairman of the zoning board of appeals, or, in his absence, the vice-chairman/secretary. The zoning board of appeals shall maintain a record of its proceedings which shall be filed in the office of the township clerk.
- (d) *Bylaws.* The business of the zoning board of appeals shall be conducted in accordance with its adopted bylaws.

(Ord. No. 50, § 12.3, 11-17-1992; Ord. of 9-19-2006(2), § 1)

Sec. 32-64. Powers and duties.

- (a) *General.* The zoning board of appeals has the power to act on matters as provided in this chapter and Public Act No. 110 of 2006 . The zoning board of appeals shall not have the power to alter or change zoning district boundaries, land use classifications of any property, or text of this chapter. The specific powers of the zoning board of appeals are enumerated in this section and section 32-65.
- (b) *Administrative review.* The zoning board of appeals shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the zoning administrator or other duly authorized enforcing agent, in enforcing any provision of this chapter.
- (c) *Interpretation.*

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- (1) The zoning board of appeals shall hear and decide requests for interpretation of this chapter or the zoning map taking into consideration the intent and purpose of this chapter and the township master plan.
 - (2) A record shall be kept by the zoning board of appeals of all decisions for interpretation of this chapter or zoning map and land uses which are approved under the terms of this section. The zoning board of appeals shall request the planning commission and township board to review any ordinance amendment it deems necessary.
- (d) *Variances.*
- (1) The zoning board of appeals shall have the power to hear and decide specific appeals and authorize such variances from the provisions of this chapter which will not be contrary to the public interest. A variance may be granted by the zoning board of appeals where, due to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty. A variance shall not be granted by the zoning board of appeals unless all of the following conditions are met:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.
 - c. The special conditions and circumstances referenced in subsection (d)(1)a of this section do not result from the actions of the applicant.
 - d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - e. The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - (2) In granting any variance, the zoning board of appeals may prescribe appropriate conditions and safeguards pursuant to section 32-65(g).

(Ord. No. 50, § 12.4, 11-17-1992; Ord. of 9-19-2006(2), § 1)

Sec. 32-65. Procedure for appeal.

- (a) *Request for action.* An applicant requesting any action by the zoning board of appeals shall commence such request by filing a notice of appeal, on the form supplied by the township, accompanied by such appeal fee as determined by the township board, the entire record and all plans, including the staff report and any supporting documents all of which shall be made a part of the record. All application materials shall be copied to the zoning board of appeals.
- (b) *Time limit for appeal.* Every appeal from a determination of the zoning administrator or other duly authorized enforcing agent shall be made by the applicant within 30 days of the date of the order issuance or refusal to issue permit, requirement, or refusal.
- (c) *Notice of hearing.* Upon receipt of the application seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall hold a public hearing in accordance with the notification requirements of Act 110, Public Acts of 2006, as may be amended or superseded from time to time in the future. A notice of the public hearing shall be published in at least one newspaper of

general circulation in the Township of Holly and sent by first class mail or personal delivery to the person requesting the interpretation or owner(s) of the property if different. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request shall be sent to by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located in the township, disclosed from the assessment roll of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than 15 days before the public hearing. The notice shall state the nature of the interpretation request or the appeal of an administrative decision; the time, date, and location of the public hearing; indicate when and where written comments relative to the application shall be directed prior to the hearing; the location where the application and documents may be viewed or copied prior to the hearing; and shall include a listing of all existing street addresses within the property(ies) which is(are) subject to the appeal. Street addresses do not need to be created and listed if no such addresses currently exist within the property(ies). If there are no street addresses, another means of identification may be used. A list of those owners mailed notices shall be a part of the record of the zoning board of appeals.

- (d) *Presentation of evidence.* Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The zoning board of appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, an otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the zoning board of appeals.
- (e) *Decision on appeal.* The zoning board of appeals shall not decide an appeal until after a public hearing. The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or other duly authorized enforcing agent, or to decide in favor of the applicant any matter upon which they are required to pass under this chapter, or to effect any variance from the terms of this chapter. A member of the zoning board of appeals shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member of the zoning board of appeals to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- (f) *Reversal or modification of order or requirement.* The zoning board of appeals may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- (g) *Conditions.* The zoning board of appeals may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

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- (3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.
- (h) *Form of decision; notification of applicant.* All decisions of the zoning board of appeals shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the zoning board of appeals. The applicant shall be advised of the decision after the public hearing unless the zoning board of appeals moves for a continuation of such hearing.
- (i) *Validity of decision.* Any decision of the zoning board of appeals favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- (j) *Reconsideration.* The zoning board of appeals may reconsider an earlier decision, if, in the opinion of the board, circumstances justify taking such action.
- (k) *Duration of orders.* No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.
- (l) *Appeal to circuit court.* Any party aggrieved by a decision of the zoning board of appeals shall have the right to appeal to the circuit court for the county in which the property is located on questions of law and fact. Such appeal must be taken within 30 days after the date the zoning board of appeals certifies its decision in writing or approves the minutes of its decision. A request for reconsideration under subsection (j) of this section shall not toll the time for taking such appeal. If a request for reconsideration is granted, the time period for appeal shall commence from the date the zoning board of appeals certifies its decision or approves the minutes of the meeting where the appeal was reconsidered. In any event, only one request for reconsideration on each appeal shall be allowed. An appeal may be had from the decision of the circuit court to the court of appeals.

(Ord. No. 50, § 12.5, 11-17-1992; Ord. of 9-19-2006(2), § 1)

Secs. 32-66—32-69. Reserved.

DIVISION 3. PLANNING COMMISSION

Sec. 32-70. Authority of the planning commission.

The Holly Township Planning Commission is designated as the planning commission specified in Section 301 of Public Act 110 of 2006, as amended, which enables and governs the activities and procedures under this division.

(Ord. of 2-17-2009(1), § 1)

Sec. 32-71. Jurisdiction of the planning commission.

The planning commission shall have such powers, duties, and responsibilities as are expressly provided for in this division, the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), and the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).

(Ord. of 2-17-2009(1), § 1)

Sec. 32-72. Rules of procedure of the planning commission.

The planning commission shall conduct business, organize meetings, and perform its duties as provided for in this division, the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), and the adopted Township of Holly Planning Commission Bylaws.

(Ord. of 2-17-2009(1), § 1)

Sec. 32-73. Powers and duties of the planning commission.

The planning commission shall discharge the following duties pursuant to this division:

- (1) *Zoning ordinance.* The planning commission shall perform the zoning duties of said commission as provided in Public Act 110 of 2006, as amended, and this division.

The planning commission shall be responsible for formulation of the zoning ordinance, review of amendments to the zoning ordinance, holding hearings on a proposed zoning ordinance or amendments thereto, and reporting its findings and recommendations concerning the zoning ordinance or amendments to the township board.

- (2) *Site plan review.* The planning commission shall be responsible for reviewing site plans and site plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site plan approval in accordance with chapter 32, article VI, section 32-235 (site plan review).
- (3) *Special land use review.* The planning commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications for special land uses (and amendments to special land uses) in accordance with article II, section 32-33 (special uses).
- (4) *Site condominium plan review.* The planning commission shall be responsible for reviewing site condominium plans and site condominium plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site condominium plan approval in accordance with article IV, section 32-133 (site condominium project regulations).
- (5) *Planned unit development review.* The planning commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with chapter 32, article VII, section 32-274 (planned unit development). The planning commission shall be responsible for making a recommendation to the township board to grant approval, approval with conditions, or denial of a proposed planned unit development and any amendments to a planned unit development.

Planned residential development review. The planning commission shall be responsible for holding hearings and reviewing all applications for planned residential development approval in accordance with chapter 32, article VIII, section 32-315 (planned residential development). The planning commission shall be responsible for making a recommendation to the township board to grant

approval, approval with conditions, or denial of a proposed planned unit development and any amendments to a planned unit development.

(6) *Other duties and responsibilities.*

- a. The planning commission shall submit an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.
- b. The planning commission shall take such action on petitions, staff proposals and township board requests for amendments to the master land use plan.
- c. The planning commission shall review subdivision and condominium proposals and recommend appropriate actions to the township board.
- d. The planning commission shall be responsible for review of any other matters relating to land development referred to the commission by the township board. The planning commission shall recommend appropriate regulations and action on such matters.

(Ord. of 2-17-2009(1), § 1)

Secs. 32-74—32-90. Reserved.

ARTICLE III. ZONING DISTRICT REGULATIONS

Sec. 32-91. District designations.

For the purpose of this chapter, the township is divided into the following districts:

AGRE	Agricultural Residential District
RE	Rural Estates
SR	Suburban Residential
R-1 and R-2	Single-Family Residential
MHP	Mobile Home Park
RM-1 and RM-2	Multiple-Family Residential
C-1	Local Commercial
C-2	General Commercial
OS	Office/Services
LI	Limited Industrial
GI	General Industrial

(Ord. No. 50, § 4.1, 11-17-1992)

Sec. 32-92. Zoning district map.

- (a) *Identified.* The zoning districts as provided in section 32-91 are bounded and defined as shown on the map entitled "Zoning District Map of Holly Township." The zoning district map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this chapter.
- (b) *Authority.* Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map available for public inspection shall be located in and maintained by the office of the township clerk. The township clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township.
- (c) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
 - (1) A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
 - (2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
 - (4) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

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- (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - (6) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - (7) A boundary indicated as parallel to, or an extension of, features in subsections (c)(1) through (c)(6) of this section shall be so construed.
 - (8) A distance not specifically indicated on the zoning district map shall be determined by the scale of the map.
 - (9) Where a physical or cultural feature existing on the ground is at variance with that shown on the zoning district map or any other circumstances not covered by subsections (c)(1) through (c)(8) of this section, the zoning board of appeals shall interpret the location of the zoning district boundary.
 - (10) Where a district boundary line divides a lot which is in single ownership at the time of adoption of the ordinance from which this chapter is derived, the zoning board of appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord. No. 50, § 4.2, 11-17-1992)

Sec. 32-93. Application of district regulations.

- (a) *Minimum regulations.* The regulations established in this chapter within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.
- (b) *Application of regulations.* No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which such building or premises is located, except by variance as described by this chapter. Wherever the requirements of this chapter are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as provided in this chapter, district regulations shall be applied in the following manner:
 - (1) *Uses in districts.*
 - a. *Permitted uses.* Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. All other uses are prohibited.
 - b. *Accessory uses and buildings.* Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - c. *Special approval uses.* Special uses are permitted as listed. The applicability of uses which are similar to the listed special uses, shall be determined by the zoning board of appeals.
 - (2) *Application of area and width regulations.* No lot area or width shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements in this chapter established for the district in which such lot is located.
 - (3) *Application of yard regulations.*

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- a. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
 - b. All front yard setback lines shall be the minimum perpendicular distance measured from the road right-of-way line to the nearest point on the front foundation wall of the principal structure.
 - c. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear foundation wall of the structure and the side or rear lot line parallel thereto.
 - d. Lots which abut on more than one public road, private road and/or recorded easement shall provide the required front yards along every such road or easement.
 - e. Lots which abut on an inland lake or stream shall provide the required front yard along the waterfront and along every public road, private road and/or recorded easement.
 - f. In any district where lots or parcels abut a lake, stream, pond, or river, the minimum setback of any principal, attached, or detached accessory structure from the ordinary high water mark shall be 50 feet. The minimum distance of any septic system from the ordinary high water mark shall be 100 feet. Unless and until the ordinary high water mark has been established by law and/or by the state department of environmental quality, the zoning administrator shall in the first instance determine the location of the ordinary high water mark in the administration of this subsection, with such decision being appealable to the zoning board of appeals.
 - g. No parcel of land shall be divided in the township so that the ratio of the width to depth is no greater than one foot for each four feet of depth (1:4), except for a parcel larger than ten acres. Parcels larger than ten acres may exceed the four to one depth ratio at the discretion of the land division committee. The depth to width ratio requirements of this subsection may not apply to a parcel(s) larger than ten acres and may not apply to the remainder of the parent parcel or parent tract retained by the proprietor.
 - h. Exceptions to yard regulations.
 - 1. Terraces, patios, and similar structures may project into a yard as required in this chapter, provided that such structures be unroofed and without walls or other continuous enclosure; that no such structure shall be permitted nearer than five feet to any property line.
 - 2. Unenclosed roofed porches may project into a required yard a distance not more than five feet, provided that such porch shall not exceed one story in height. Enclosed porches and other enclosed appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
 - 3. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of 24 inches.
 - 4. Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required yard a maximum of five feet.
- (4) *Application of height regulations.*
- a. *Generally.* No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established in this chapter for the district in which the building is located.
 - b. *Exceptions to height regulations.* 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 prescribed in this chapter. No such structure shall exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building and on-site wind energy conversion systems, so long as they do not exceed 75 feet in height. Utility-scale wind energy conversion systems approved by the township may be allowed to exceed the height limit of the zoning district, provided that they do not exceed 500 feet in height, adhere to all the standards and requirements in this Ordinance and do not create a hazard to the public health, safety, or welfare.

(5) *Application of minimum street frontage.* Any parcel of land which is to be occupied by a permitted use or building shall have frontages on and direct access to a public street or private road which meets one of the following conditions:

- a. A public street which has been accepted for maintenance by the county road commission; or
- b. A permanent and unobstructed private road of record existing at the time of adoption of the ordinance from which this chapter is derived.
- c. A permanent and unobstructed private road approved by the township board and built in accordance with township standards for private roads.

(6) *Application of miscellaneous regulations.*

- a. Every building erected, altered, or moved shall be located on a lot of record, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than one principal building and its permitted accessory structures located on each lot in any district.
- b. Wherever any street, alley or other public way within the township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way such land shall automatically and without further governmental action thenceforth acquire and shall be subjected to the same zoning regulations as are applicable to lands to which such street, alley or other public way shall attach, and the property shall be used for the same use as is permitted under this chapter for such adjoining lands.
- c. Whenever any fill is placed in any lake or stream, the land thereby created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the filled lake or stream shall attach or be adjacent, and the land shall be used for the same purposes as are permitted under this chapter for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

(Ord. No. 50, § 4.3, 11-17-1992; Ord. of 4-17-2001; Ord. of 1-16-2007(1), § 1; Ord. of 1-16-2007(2), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-94. Agricultural residential district (AGRE).

- (a) *Intent.* The agricultural residential (AGRE) district is intended to provide for those uses of land that are compatible with the need to: protect and enhance vital township natural resources and amenities, fish and

wildlife habitat, woodlands, wetlands and water resources; encourage agricultural and other resource-based production; and, encourage utilization of the township's recreational and rural residential potential. The regulations in this section are also designed to exclude uses and buildings which demand substantial public services, such as major thoroughfares, public sewer or water facilities, drainage, and other public services.

(b) *Permitted uses.* The following shall be permitted uses in the agricultural residential district:

- (1) Agriculture, including general farming, the raising of livestock and poultry, fruit orchards, sod farming, nurseries and greenhouses, and the customary farm buildings, subject to the provisions of section 32-145. Slaughterhouses and intensive livestock operations shall not be a permitted use in the AGRE district.
- (2) Single-family detached dwelling.
- (3) Publicly and privately owned and operated nature trails, botanical gardens, woodland preserves, wildlife sanctuaries or similar facilities provided such use does not result in a material modification of the natural appearance of the site.
- (4) Publicly owned and operated parks and playgrounds including athletic fields and game courts for baseball, football, soccer, and other active sports.
- (5) Bed and breakfast establishments.
- (6) Direct use solar energy systems.

(c) *Special uses.* The following are special uses in the AGRE district:

- (1) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
- (2) Place of worship, as defined in section 32-6.
- (3) Golf courses and country clubs, subject to the provisions of section 32-147.
- (4) Publicly or privately owned and operated campgrounds providing temporary living quarters for recreational units or Type III camp buildings on a daily, weekly or seasonal basis shall be subject to the provisions of section 32-148.
- (5) Privately owned parks and playgrounds including athletic fields and game courts for baseball, football, soccer and other active sports.
- (6) Cemeteries shall be subject to the provisions of section 32-149.
- (7) Commercial kennels and commercial stables, subject to the provisions of section 32-150.
- (8) Intensive livestock operations, subject to the provisions of section 32-151.
- (9) Cluster housing option subject to the provisions of section 32-132.
- (10) Municipal and utility buildings.
- (11) Mineral mining and extractive operations, subject to the provisions of section 32-154.
- (12) Wildlife preserve.
- (13) On-site wind energy conversion system.
- (14) Utility power generation conversion system.

(Ord. No. 50, § 4.4, 11-17-1992; Ord. of 4-15-2008(1), § 1; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1; Ord. of 9-18-2019, § 1)

Sec. 32-95. Rural estates (RE) and suburban residential (SR) districts.

- (a) *Intent.* The intent of the rural estates and suburban residential districts is to provide a district which encourage single-family residential development on larger lots than those in the R-1 and R-2 districts; to retain, preserve, and protect a predominantly open and nonurban character within the township; and to reduce the need for public services to these areas because of reduced density.
- (b) *Permitted uses.* The following shall be permitted uses in the rural estates and suburban residential districts:
- (1) Agriculture, including general farming, the raising of livestock and poultry, fruit orchards, sod farming, nurseries and greenhouses, and the customary farm buildings, subject to the provisions of section 32-145. Slaughterhouses and intensive livestock operations shall not be a permitted use in the RE and SR districts.
 - (2) Single-family detached dwelling.
 - (3) Publicly and privately owned and operated nature trails, botanical gardens, woodland preserves, wildlife sanctuaries or similar facilities provided such use does not result in a material modification of the natural appearance of the site.
 - (4) Publicly owned and operated parks and playgrounds including athletic fields and game courts for baseball, football, soccer, and other active sports.
 - (5) Bed and breakfast establishments.
 - (6) Direct use solar energy systems.
- (c) *Special uses.* The following are special uses in the rural estates and suburban residential districts:
- (1) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
 - (2) Place of worship, as defined in section 32-6.
 - (3) Golf courses and country clubs shall be subject to the provisions of section 32-147.
 - (4) Publicly or privately owned and operated campgrounds providing temporary living quarters for recreational units or Type III camp buildings on a daily, weekly or seasonal basis shall be subject to the provisions of section 32-148.
 - (5) Privately owned parks and playgrounds including athletic fields and game courts for baseball, football, soccer and other active sports.
 - (6) Cemeteries shall be subject to the provisions of section 32-149.
 - (7) Commercial kennels and commercial stables, including breeding, or boarding facilities shall be subject to the provisions of section 32-150.
 - (8) Cluster housing option subject to the provisions of section 32-132.
 - (9) Mineral mining and extractive operations, subject to the provisions of section 32-154.
 - (10) On-site wind energy conversion system.
 - (11) Utility power generation conversion system.

(Ord. No. 50, § 4.5, 11-17-1992; Ord. of 4-15-2008(2), § 1; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1; Ord. of 9-18-2019, § 1)

Sec. 32-96. Single-family residential districts (R-1 and R-2).

- (a) *Intent.* The intent of the R-1 and R-2 districts is to provide districts in which the main use is single-family residential, plus its normal accessory and compatible supportive uses. Certain other private and public uses are permitted in the R-1 and R-2 districts subject to conditions which will ensure their compatibility with the main use and character of these districts.
- (b) *Permitted uses.* The following shall be permitted uses in the R-1 and R-2 districts:
 - (1) Single-family detached dwellings.
 - (2) Publicly owned and operated parks and playgrounds, including athletic fields and game courts for baseball, football, soccer, and other active sports.
 - (3) Publicly and privately owned and operated nature trails, botanical gardens, woodland preserves, wildlife sanctuaries or similar facilities provided such use does not result in a material modification of the natural appearance of the site.
 - (4) Direct use solar energy systems.
- (c) *Special uses.* The following are special uses in the R-1 and R-2 districts:
 - (1) Place of worship, as defined in section 32-6, provided there is a minimum lot area of 1.5 acres and lot width of 150 feet.
 - (2) Golf courses and country clubs shall be subject to the provisions of section 32-147.
 - (3) Cemeteries, subject to the provisions of section 32-149.
 - (4) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
 - (5) Municipal and utility buildings.
 - (6) Cluster housing option, subject to the provisions of section 32-132.
 - (7) On-site wind energy conversion system.
 - (8) Utility power generation conversion system.

(Ord. No. 50, § 4.6, 11-17-1992; Ord. of 1-22-2008, § 1; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-97. Mobile home park district (MHP).

- (a) *Intent.* The intent of the mobile home park district is to provide districts of such size and location as will encourage good mobile home residential development, adjacent to essential community services, and otherwise protect the health, safety and welfare of mobile home residents.
- (b) *Permitted uses.* The following shall be permitted uses in the mobile home park district:
 - (1) Mobile home parks subject to the provisions of subsection (d) of this section.
 - (2) Publicly or privately owned or operated parks and playgrounds including athletic fields and game courts for baseball, football, soccer and other active sports.
 - (3) Direct use solar energy systems.
- (c) *Special uses.* The following are special uses in the mobile home park district:

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- (1) Place of worship, as defined in section 32-6, provided there is a minimum lot area of 1.5 acres and lot width of 150 feet.
 - (2) Golf courses and country clubs subject to the provisions of section 32-147.
 - (3) Cemeteries, subject to the provisions of section 32-149.
 - (4) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
 - (5) Municipal and utility buildings.
 - (6) On-site wind energy conversion system.
 - (7) Utility power generation conversion system.
- (d) *Site design requirements.* The rules and regulations, as established by the state manufactured housing commission and the state department of consumer and industry services under the authority of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the rules. In addition to the rules and standards of the state, the township imposes the following conditions:
- (1) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the mobile home planning commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and subsequently adopted rules and regulations governing mobile home parks.
 - (2) Mobile home parks shall not be permitted on parcels less than 15 acres in size.
 - (3) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
 - (4) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of such equipment.
 - (5) The minimum setback for mobile home parks shall be 50 feet from a public right-of-way. Mobile home parks shall be landscaped as follows:
 - a. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - b. If the park abuts a nonresidential development, the park need not provide screening.
 - c. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs of a minimum of three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described in this subsection.
 - (6) Mobile home parks shall be subject to preliminary plan review requirements in accordance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

- (7) A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

(Ord. No. 50, § 4.7, 11-17-1992; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-98. Multiple-family residential districts (RM-1 and RM-2).

(a) *Intent.*

- (1) RM-1 and RM-2 multiple-family residential districts are intended to provide sites for low-rise multiple-family dwellings and related uses. The RM-1 and RM-2 districts shall be located in areas which can be adequately supplied with utilities and public service. It is also the intent of the RM-1 and RM-2 districts to encourage the provision of recreational amenities and facilities designed to serve the needs of residents of multiple-family dwelling developments.
- (2) The RM-1 district is intended to allow low density multiple-family development in otherwise higher density single-family areas. The density and character of development on the RM-1 district shall be consistent within and compatible to single-family uses in the surrounding area.
- (3) The RM-2 district is intended to allow medium density multiple-family development in close proximity to and compatible with higher intensity commercial, office, and light industrial development. The RM-2 district is also intended to provide a zone of transition between areas of higher and lower intensity development.

(b) *Permitted uses.* The following shall be permitted uses in the RM-1 and RM-2 districts:

- (1) One-family and two-family dwellings, subject to the provisions of subsection (d) of this section.
- (2) Multiple-family dwellings, subject to the provisions of subsection (d) of this section.
- (3) Direct use solar energy systems.

(c) *Special uses.* The following are special uses in the RM-1 and RM-2 districts:

- (1) All special uses included in the R-1 and R-2 districts.
- (2) Convalescent homes subject to the provisions of subsection (d) of this section.
- (3) On-site wind energy conversion system.
- (4) Utility power generation conversion system.

(d) *Site design requirements.* All principal uses permitted and principal uses permitted subject to special conditions in the RM-1 and RM-2 districts shall conform to the following site design requirements:

(1) *Density.*

- a. Single-family detached, two-family, and multiple-family dwellings shall be subject to the following density requirements based on gross site acreage, not including public road rights-of-way:

Unit Type	Square Feet of Site Area Per Dwelling Unit	
	RM-1	RM-2
Efficiency/one bedroom	6,000	4,000
Two bedroom	9,000	6,000
Three bedroom	12,000	8,000
Each additional bedroom	3,000	2,000

- b. Nursing homes shall provide a minimum of 3,000 square feet of site area for each bed.
- (2) *Setbacks and distance between buildings.*
- 1. In the case of multiple-family dwellings, no building shall be located closer than 50 feet from any perimeter property line.
 - a. In the case of nursing homes, no building shall be located closer than 100 feet from any perimeter property line.
 - b. All developments shall be subject to the following yard requirements:

District	Minimum Setback from Internal Drive/Street	Minimum Distance Between Buildings		
		Side/Side	Side/Front Side/Rear	Front/Front Front/Rear Rear/Rear
RM-1	40	40	50	70
RM-2	30	30	40	60

- (3) *Minimum setbacks from parking areas and service drives.* The minimum setback requirements from internal drive or streets shall not apply to parking areas or service drives. The minimum setback from parking areas and service drives shall be ten feet.
- (4) *Recreation space.* All multiple-family developments in an RM district shall contain an area or areas provided for common recreation of 300 square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not be limited to, swimming pools, tennis courts, playgrounds, picnic areas, playfields, and jogging trails.

(Ord. No. 50, § 4.8, 11-17-1992; Ord. of 4-18-1995; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-99. Local commercial district (C-1).

- (a) *Intent.* The intent of the local commercial district is to provide a district in which local service and convenience shopping facilities can be located to best serve each neighborhood of the Township. The regulations in this section are means to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern.
- (b) *Permitted uses.* The following shall be permitted uses in the local commercial district:
 - (1) Planned shopping centers under 50,000 square feet of gross floor area.
 - (2) Retail businesses which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, or hardware, including convenience stores.
 - (3) Personal service establishments such as repair shops for watches, small appliances, shoes, beauty and barbershops.
 - (4) Laundry and dry cleaning pickup stations.
 - (5) Professional offices of doctors, dentists, veterinarians, lawyers, architects, engineers, and other similar professions.
 - (6) Financial and business service establishments, banks, credit unions, insurance offices.

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- (7) Municipal and utility buildings.
 - (8) Direct use solar energy systems.
 - (c) *Special uses.* The following are special uses in the local commercial district:
 - (1) Eating and drinking establishments, excluding drive-in or drive-through restaurants.
 - (2) Automobile service stations.
 - (3) Laundry or dry cleaning customer outlets and laundromats. Dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
 - (4) Assembly, as defined in section 32-6.
 - (5) On-site wind energy conversion system.
 - (6) Utility power generation conversion system.

(Ord. No. 50, § 4.9, 11-17-1992; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-100. General commercial district (C-2).

- (a) *Intent.* The intent of the general commercial district is to provide a district in which the community's regional commercial and business facilities can be centralized to most efficiently serve the township and surrounding areas.
- (b) *Permitted uses.* The following shall be permitted uses in the general commercial district:
 - (1) Planned shopping centers over 50,000 square feet of gross floor area.
 - (2) All permitted and special uses listed in the C-1 district.
 - (3) Health and fitness clubs.
 - (4) Eating and drinking establishments including drive-in or drive-through restaurants.
 - (5) Funeral homes.
 - (6) Direct use solar energy systems.
- (c) *Special uses.* The following are special uses in the general commercial district:
 - (1) Movie theaters or an assembly, as defined in section 32-6.
 - (2) Indoor and outdoor commercial recreation including bowling, outdoor skating rinks and similar uses.
 - (3) Outdoor sales, such as new and used car sales, nurseries and garden sales, and building material, subject to the provisions of section 32-153.
 - (4) Automobile service stations, automobile washes, and automobile repair.
 - (5) Hotels and motels.
 - (6) Self-storage facility subject to the provisions of section 32-152.
 - (7) General, building, and landscape contractor's offices and yards subject to the provisions of section 32-156.
 - (8) On-site wind energy conversion system.
 - (9) Utility power generation conversion system.

(Ord. No. 50, § 4.10, 11-17-1992; Ord. of 6-21-1994; Ord. of 8-19-2008(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-101. Office service district (OS).

- (a) *Intent.* It is the intent of the office service district to provide for office and business service uses. The office service district is intended for areas which will protect and be compatible with adjacent residential areas, prevent the encroachment of incompatible uses into residential areas, and lessen congestion on public streets and highways.
- (b) *Permitted uses.* The following shall be permitted uses in the office service district:
- (1) Office buildings for the use of any of the following occupations: Executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales.
 - (2) Medical, dental or veterinary office, including clinics and medical laboratories.
 - (3) Banks, credit unions, savings and loan associations.
 - (4) Funeral homes.
 - (5) Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
 - (6) Photographic studios.
 - (7) Retail office supply, computer and business machine sales.
 - (8) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 - (9) Florist shops.
 - (10) Personal service establishments, such as barber and beauty shops, watch, and shoe repair, tailor shops, locksmith and similar establishments.
 - (11) Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
 - (12) Private service clubs, fraternal organizations and lodge halls.
 - (13) Pharmacies, including stores selling or renting durable medical equipment.
 - (14) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
 - (15) Direct use solar energy systems.
- (c) *Special uses.* The following are special uses in the office service district:
- (1) Sit-down restaurants serving food and beverages. Consistent with the intent of the office service district to allow uses which produce a low volume of traffic, the uses authorized under this subsection shall not include those which: permit food and beverages to be served on the premises in motor vehicles; sold at a drive-through window; and uses which otherwise have a carry out service as a material part of the business, or uses which constitute a drive-in or drive-through establishment.
 - (2) Research and design centers where such centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where such offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.

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- (3) General or specialty hospitals.
 - (4) On-site wind energy conversion system.
 - (5) Utility power generation conversion system.

(Ord. No. 50, § 4.11, 11-17-1992; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-102. Limited industrial district (LI).

- (a) *Intent.* The regulations of the limited industrial district are set up to provide land for various types of industrial, research, office and warehousing uses that are compatible with one another. The lands included in the limited industrial district are those suited for use primarily by industries characterized by low intensity land coverage, the absence of objectionable external effects, and the possibility of large setbacks, attractive building architecture, and appropriate landscaped areas. The purpose of the limited industrial district is to provide suitable sites for such uses, while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development in the limited industrial district is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. The regulations for the limited industrial district are also designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the limited industrial district and the surrounding area.
- (b) *Permitted uses.* The following shall be permitted uses in the limited industrial district:
 - (1) Data processing and computer centers, including sales, service and maintenance of data processing equipment.
 - (2) Warehousing, refrigerated and general storage, except that there shall be no outdoor storage.
 - (3) Experimental, film or testing laboratories.
 - (4) Any use charged with the principal function of basic research, design and pilot or experimental product development.
 - (5) Office uses for occupations such as: Executive; administrative, professional; accounting; writing; clerical; stenographic; drafting; and sales.
 - (6) Printing and publishing.
 - (7) Self storage facilities, subject to the provisions of section 32-152.
 - (8) Direct use solar energy systems.
 - (9) Secondary use solar energy systems.
- (c) *Special uses.* The following are special uses in the limited industrial district:
 - (1) Assembly of articles or merchandise from previously prepared materials.
 - (2) Office and warehouse of skilled trades (e.g., electric, heating, plumbing).
 - (3) Building material sales.
 - (4) Tool and die shops, job shops, machine shops.
 - (5) Industrial plants engaged in the assembly, manufacture or processing of:
 - a. Aluminum, bronze, copper-based alloy and/or ferrous materials.
 - b. Chemical products such as pharmaceutical preparations and plastic materials.

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- c. Leather and leather products.
 - d. Prefabricated buildings and structural members.
 - e. Stone, clay and glass products.
 - f. Paper and wood products.
- (6) Manufacture and repairs of electric signs, advertising structures, heating and ventilating equipment.
 - (7) Metal fabrication.
 - (8) Solid waste processing facility and solid waste transfer facility.
 - (9) Mineral mining and extractive operations, subject to the provisions of section 32-154.
 - (10) General, building, and landscape contractor's office and yards subject to the provisions of section 32-156.
 - (11) Storage of heavy equipment and semi-trailers, except that there shall be no outside storage.
 - (12) On-site wind energy conversion system.
 - (13) Utility power generation conversion system.

(Ord. No. 50, § 4.12, 11-17-1992; Ord. of 6-21-1994; Ord. of 7-17-2007(1), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-103. General industrial district (GI).

- (a) *Intent.* The general industrial district is designed to provide land for large-scale and more intense types of industrial and manufacturing uses. It is the purpose of this section to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of nonrelated uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the general industrial district, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in general industrial district.
- (b) *Permitted uses.* The following shall be permitted uses in the general industrial district:
All permitted and special uses in the LI district, except as specifically noted in this section.
- (c) *Special uses.* The following are special uses in the general industrial district:
- (1) Storage yards for recreational vehicles.
 - (2) General, building, and landscape contractor's office and yards subject to the provisions of section 32-156.
 - (3) Asphalt and concrete mixing plants.
 - (4) Mineral mining and extractive operations, subject to the provisions of section 32-154.
 - (5) Storage of heavy equipment and semi-trailers, except that there shall be no outside storage.
 - (6) On-site wind energy conversion system.
 - (7) Utility power generation conversion system.

(Ord. No. 50, § 4.13, 11-17-1992; Ord. of 6-21-1994; Ord. of 7-17-2007(2), § 1; Ord. of 11-21-2018(1), § 1; Ord. of 1-16-2019(1), § 1)

Sec. 32-104. Schedule of regulations.

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setback			Lot Area Coverage
	Area (Acres)	Lot Width (Feet)	Stories	Feet	Front Yard ^{1, 3} (Feet)	Side Yard ² (Feet)	Rear Yard (Feet)	Maximum Percent/All Buildings
Single-family residential, R-1	0.5	100	2.5	30	25	10	30	20
Single-family residential, R-2	1.0	125	2.5	30	35	10	35	20
Suburban residential, SR	1.5	150	2.5	30	40	15	50	20
Rural estate, RE	2.5	200	2.5	30	50	25	50	20
Agricultural residential, AGRE	5.0	300	2.5	30	75	25	75	20
Mobile home park, RMH	(see section 32-97)		2.5	30				
Multifamily residential, RM-1 and RM-2	(see section 32-98)		2.5	30				
Local commercial, C-1	0.5	100	1	20	30	10	30	25
General commercial, C-2	1.0	150	2.5	30	30	10	30	25
Office service, OS	1.0	150	2.5	30	30	10	30	25
Limited industrial, LI	1.0	150	2.5	30	30	10	30	30
General industrial, GI	2.0	200	3	50	50	25	50	30

Notes to Schedule of Regulations:

1. For lots or parcels that abut a lake, stream, pond, or river, setbacks for principal, attached, or detached accessory structures from the ordinary high watermark shall be a minimum of 50 feet, as per section 32-93(3)f.
2. Residential lots of record that have nonconforming lot widths or size may have a side yard with a minimum of five feet, with a total of both side yards being a minimum of 15 feet.
3. Front setbacks in single family districts. The minimum front setback shall be based on established residential building patterns (ERBP), or the minimum setback specified in the schedule of regulations, whichever is less.

(Ord. No. 50, art. 4, 11-17-1992; Ord. of 4-17-2001; Ord. of 5-17-2017)

Secs. 32-105—32-130. Reserved.

ARTICLE IV. SUPPLEMENTARY REGULATIONS³

Sec. 32-131. Intent.

The intent of this article is to provide for those regulations which generally apply regardless of the particular zoning district.

(Ord. No. 50, § 5.1, 11-17-1992)

Sec. 32-132. Cluster housing option.

The cluster housing option may be applied for a special use in AGRE, RE, SR, R-1, R-2, and RM-1 and RM-2 districts subject to the standards set forth in section 32-33 and this section.

- (1) *Intent.* The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:
 - a. Allow greater flexibility;
 - b. Encourage a more creative approach to the development of single-family residential areas;
 - c. Encourage a more efficient, aesthetic, and desirable use of the land;
 - d. 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;
 - e. Encourage the provision of open space so that benefits may accrue directly to the residents of the development;
 - f. Provide for optimum setbacks from major thoroughfares and/or freeways;
- (2) *Qualification of parcels.* The parcel must be located in a district zoned for residential use and must meet one or more of the following characteristics listed below. Requests for qualification under these conditions must be supported by documented evidence:
 - a. 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, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
 - b. The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the planning commission shall determine that the following conditions exist:
 1. 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

³Cross reference(s)—Buildings and building regulations, ch. 8Cross reference(s)—.

slopes shall appear as the predominant feature of the site rather than the exceptional or infrequent feature of the site.

2. 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 one-family clusters will allow for a greater preservation of a desirable natural setting.
 - c. The parcel contains substantial portions of floodplain and wetlands. A floodplain and wetlands map indicating the extent of the wetlands and floodplain area shall be submitted to the planning commission in order to support the proposal for the parcel's qualification for cluster development.
 - d. The parcel, due to its size or shape, cannot be reasonably platted as a conventional subdivision development.
- (3) *Site design requirements.* All cluster developments submitted under this option shall conform to the following site design requirements:
- a. *Generally.* Development is permitted as either attached or detached dwelling units, provided the number of attached units shall not exceed 50 percent of the total number of units.
 - b. *Open space.* When completed, the development shall have 20 percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, single-family residential uses in and surrounding the development. Dedication of open space shall comply with the standards set forth in section 32-155. Designated open space shall include area within any greenbelts required by subsections (3)c and (3)d of this section, subject to the restrictions contained in this section. The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than 25 percent of the area of regulated wetlands.
 - c. *Greenbelt adjacent and parallel to county certified primary and local roads.* In addition to any required minimum setback specified in subsection (3) of this section, a greenbelt, the minimum width as set forth in this section, shall be required along any adjacent county certified primary or local road. The greenbelt shall be measured from the future right-of-way line in accordance with the county right-of-way plan adopted by the township board, and as amended from time to time. The planning commission, at its discretion, may permit either reductions in width or 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. The following minimum greenbelt from adjacent county certified primary and local roads shall be applied:

District	Minimum Width of Greenbelt from Adjacent County Certified Primary and Local Roads (In Feet)
AGRE	100
RE	75
SR	50
R-1	50
R-2	25

- d. *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 planning commission, at its discretion, may require designation of open space along the common boundaries; screening in accordance with the requirements of section 32-192(d); and/or an area or row of lots of commensurate size as neighboring residential lots.
- e. *Density.* The number of dwelling units within any subdivision or site condominium permitted under this section shall not exceed the number of dwelling units permitted in the zoning district in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept site plan that illustrates a site layout without the cluster option, in accordance with subsection (4)a of this section.
- f. *Setbacks.* Minimum setback requirements are 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:
1. In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

District	Minimum Setbacks Per Unit			Lot Width (Feet)
	Front (Feet)	Side (Feet)	Rear (Feet)	
AGRE	50	20	50	150
RE	50	20	50	150
SR	30	10	25	125
R-1	25	10	25	100
R-2	25	10	25	80

2. In the case of single-family attached dwellings and multiple-family dwellings, the following minimum setbacks and distances between buildings shall be required:

	Minimum Setback	
	From Internal Drives and Streets (Feet)	From Perimeter Property Boundaries (Feet)
AGRE	50	100
RE	50	75
SR	30	50
R-1	25	50
R-2	25	25
RM-1	40	50
RM-2	30	50

	Minimum Distance Between Buildings		
	Side/Side (Feet)	Side/Front Side/Rear (Feet)	Front/Front Front/Rear Rear/Rear (Feet)
AGRE	40	55	70
RE	40	55	70

SR	20	35	50
R-1	20	35	50
R-2	20	35	50
RM-1	40	50	70
RM-2	30	40	60

3. The planning commission, in its discretion, may permit variations from the provisions of subsection (3)f.1 or (3)f.2 of this section, where it can be determined that such variations meet the overall intent of the cluster housing option as set forth in subsection (1) of this section.
 - g. *Required street frontage.* Any cluster lot contained within a cluster lot development shall comply with section 32-93(b)(5) regarding required street frontage. The extent of street frontage shall be determined by the planning commission, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.
 - h. *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 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.
- (4) *Procedures for review and approval.* A two-part process will be followed in the review and approval of applications for the cluster housing option, described as follows:
 - a. *Concept plan review.* The application for a cluster housing option shall require the review and approval of a concept plan and relevant supportive material by the planning commission. The concept plan review shall be made in conjunction with special use review of the cluster housing option, and shall meet all requirements of section 32-33. The following procedures shall be followed for preliminary review:
 1. The applicant shall file a request for a special use review by the planning commission. The special use application shall be filed with the zoning administrator, and shall include an application requesting the cluster housing option, the applicable fee, and 14 copies of the following information:
 - i. Project narrative and site analysis: A summary explanation and graphic illustration of the development concept and the manner in which the qualification of parcels in subsection (2) of this section are met.
 - ii. Density concept plan: A plan which illustrates achievable development of the property without application of the cluster option and with all applicable ordinance and laws observed.
 - iii. Cluster concept plan: A plan which illustrates development of the property with application of the cluster option.
 2. Both the density and cluster concept plans shall contain the following information:
 - i. Evidence of ownership; location and description of site; dimensions and areas.
 - ii. General topography, soils information, woodlands, wetlands, floodplains and surface waters.

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- iii. Scale, north arrow, date of plan.
 - iv. 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.
 - v. Lot and street layout.
 - vi. Location, size and uses of open space.
 - vii. General description of proposed water, sewage disposal, and storm drainage systems.
3. Upon receipt of an application for special use/preliminary review, the zoning administrator shall transmit the application and related material to the planning commission, township planner and township engineer. Preliminary review shall be scheduled at the first available planning commission meeting.
 4. The planning commission shall conduct a preliminary review and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Upon conclusion of the public hearing procedures required for the special use, the planning commission shall approve, approve with conditions, table or deny the proposed special use and concept plan.
 - b. *Final review.* Within six months following receipt of the township's special use/preliminary review approval, the applicant shall submit a final plan in accordance with the procedures set forth in article VI of this chapter 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, and no extensions are granted, the preliminary review becomes null and void. The planning commission may grant an extension for good cause for a period not to exceed six months.

(Ord. No. 50, § 5.2, 11-17-1992; Ord. of 7-17-2001; Ord. of 11-19-2002)

Sec. 32-133. Site condominium project regulations.

- (a) *Intent.* Pursuant to the authority conferred by the condominium act, preliminary and final, site plans shall be regulated by the provisions of this chapter and approved by the planning commission.
- (b) *General requirements.*
 - (1) Each condominium lot shall be located within a zoning district that permits the proposed use.
 - (2) Each condominium lot shall front on and have direct access to a public street or a private street approved by the township board. Approval for a private street may be conferred by the township board between preliminary and final site plan approval by the planning commission.
 - (3) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- (c) *Site plan approval requirements.* Preliminary approval of the site plan and final approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.
 - (1) *Preliminary approval.*

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- a. A site plan pursuant to the standards and procedures set forth in article VI of this chapter shall be submitted to the planning commission for preliminary review.
 - b. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the planning commission.
 - c. If the site plan fails to conform, the planning commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.
- (2) *Final approval.*
- a. Following preliminary approval, the applicant shall submit the condominium documents to the township for the review by the township attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the township including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
 - b. Following receipt of preliminary approval, the applicant shall also submit a final site plan and engineering plans in sufficient detail for the township, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The township shall submit engineering plans to the township engineer and planner for review.
 - c. Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the township attorney, engineer and planner, the site plan shall be submitted to the planning commission for final review.
 - d. If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the planning commission.
 - e. If the site plan, condominium documents and/or engineering plans fail to conform, final approval shall be denied by the planning commission.
 - f. In the interest of ensuring compliance with this chapter and protecting the health, safety and welfare of the residents of the township, the planning commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in section 32-36 for the completion of improvements associated with the proposed use.
- (d) *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the township clerk:
- (1) A copy of the recorded condominium documents (including exhibits).
 - (2) A copy of any recorded restrictive covenants.
 - (3) A copy of the site plan on laminated photostatic copy or mylar sheet.
 - (4) Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."
- (e) *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
- (f) *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the township attorney and planning commission before any building permit

may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

(Ord. No. 50, § 5.3, 11-17-1992)

Sec. 32-134. Accessory buildings and uses.

(a) *Application to single-family residential uses.*

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all setback regulations of this chapter and building codes applicable to main buildings.
- (2) Accessory buildings may only be constructed at the same time as or after the construction of the principal building or structure on the same lot or parcel of land. Accessory buildings may only be maintained in conjunction with a principal building or structure on the same lot or parcel. If the principal building or structure is destroyed, demolished or removed, the accessory building shall also be demolished or removed.
- (3) An accessory building may be located in a front yard provided it is not in the required front yard setback. For properties with lake frontage, the detached accessory building shall be located no closer to the lot line of the water frontage than the single-family dwelling. All detached accessory buildings must conform to all other setback restrictions for a single-family dwelling in the applicable zoning district in which it is located. A minimum setback of ten feet from the dwelling and five feet from a side or rear lot line shall be required.
- (4) In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
- (5) The accessory building and/or accessory structure shall not create a nuisance or hazard.
- (6) The total of all detached accessory roofed buildings located on a parcel shall be subject to maximum lot coverage requirements and shall be subject to the restrictions in floor area based upon parcel size listed in the schedule of regulations contained within this chapter. Farms shall be exempt from restrictions on total accessory floor area.
- (7) No detached accessory building in an R-1 and R-2 district shall exceed 14 feet in height. Accessory buildings in all other districts shall not exceed 22 feet in height.
- (8) Nothing contained in this section shall be construed to affect the size of accessory buildings in conjunction with a legitimate farming operation as defined in this chapter, provided that all yard requirements are complied with.
- (9) Private swimming pools and decks shall be subject to the following:
 - a. No portion of the swimming pool, deck or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.
 - b. All setbacks shall be complied with in accordance with the required setbacks specified within this chapter and consistent with the zoning district wherein the pool or deck is located.
 - c. All swimming pools shall be enclosed in accordance with the single state construction code.
- (10) An enlargement or alteration of an existing nonconforming building line shall be permitted provided that the accessory structure is not enlarged more than 50 percent of its existing gross floor area and provided that the accessory building is setback at least three feet from the lot line.
- (11) The construction or placement of any accessory building or structure greater than 200 square feet shall require a building permit under the single state construction code.

- (b) *Application to all other uses.* Accessory buildings and uses for all uses other than single-family residences shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.

(Ord. No. 50, § 5.4, 11-17-1992; Ord. of 4-18-1995; Ord. of 8-19-2003; Ord. of 5-15-2013, § 1)

Sec. 32-135. Minimum dwelling unit floor area.

Minimum floor areas per dwelling unit shall apply in accordance with the following schedule:

Type of Dwelling Unit	Floor Area— First Story (Square Feet)	Floor Area— Total (Square Feet)
Single-family:		
One story in height	1,000	1,000
1½ stories	850	1,000
Two stories in height	800	1,600
Two-family and multifamily dwelling:		
Efficiency/one bedroom unit		600
Two-bedroom unit		800
Three-bedroom unit		1,000

- (a) The planning commission may at their discretion allow a variation of the minimum dwelling unit floor area for a planned residential development or a cluster housing option special use.

(Ord. No. 50, § 5.5, 11-17-1992; Ord. of 9-18-2007(1), § 1)

Sec. 32-136. Temporary dwellings and structures.

- (a) *Emergency temporary dwellings.*

(1) *When permitted.* Emergency temporary dwellings may be permitted upon finding by the township that the main or principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth in this section have been met.

(2) *Permit application and review.*

a. An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the township clerk. The application shall be accompanied by a plot plan showing the location of each proposed structure and water supply and sewage treatment facilities.

b. The application shall be reviewed by a committee composed of the zoning administrator and two elected township officers, other than the zoning administrator. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:

1. The main or principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.

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2. The temporary dwelling unit shall be served by approved water supply and sewage treatment facilities.
 3. The temporary dwelling unit shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- c. The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.
 - d. To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the township board may require a cash bond to be posted prior to the issuance of a permit.
- (b) *Temporary construction offices.* Temporary buildings may be used as a construction office in conjunction with an ongoing construction project, provided that a permit is obtained for such use from the zoning administrator, following a recommendation from the building inspector. The zoning administrator shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises. A financial guarantee as set forth in section 32-36, shall be provided to ensure compliance with this section and shall be removed upon expiration of the permitted period. The applicant shall be required to submit an application, accompanied by a fee set by the township board and including all necessary information indicated on the application.
- (c) *Temporary real estate, sale and rental office.* Temporary buildings may be used as a real estate sales or rental office in conjunction with an ongoing development project, provided that a permit is obtained for such use from the zoning administrator, following a recommendation from the building inspector. The zoning administrator shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises. A financial guarantee as set forth in section 32-36, shall be provided to ensure compliance with this section and shall be removed upon expiration of the permitted period. The applicant shall be required to submit an application, accompanied by a fee set by the township board and including all necessary information indicated on the application.

(Ord. No. 50, § 5.6, 11-17-1992; Ord. of 6-17-2003)

Sec. 32-137. Single-family dwellings, mobile homes, prefabricated housing.

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless such dwelling unit conforms to the following standards:

- (1) *Square footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the state construction code commission, then and in that event such federal or state standard or regulation shall apply.

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- (3) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
 - (4) *Undercarriage.* Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
 - (5) *Sewage disposal or water supply.* Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - (6) *Storage area.* Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - (7) *Architecture and compatibility.* The compatibility of design and appearance shall be determined in the first instance by the zoning administrator. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two exterior doors with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to such door areas where a difference in elevation requires such steps. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within such area; or, where such area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The provisions of this subsection shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - (8) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.
 - (9) *Code compliance.* Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to such mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - (10) *Building permit.* All construction required in this section shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.
 - (11) *Exceptions.* The standards of this section shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

Sec. 32-138. Fences, walls and screens.

(a) *Definitions.*

(1) *Fence.* Any artificial permanent fence, wall, (except a retaining wall), screen, partition or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads.

(b) *Requirements.* It shall be unlawful for any persons to construct or cause to have constructed any fence upon any property within the township, except in accordance with the requirements and restrictions herein provided.

(c) *Permit.* Any person desiring to build or cause to be built a fence upon property within the township shall first apply to the building department for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter or the laws of the State of Michigan.

(d) *Permit fees.* Fee for the permit shall be established by resolution of the township board as amended from time to time.

(e) *[Regulations.]* Except as otherwise required by this chapter, the following regulations shall apply:

(1) Within the limits of the front yard space of a lot within a residential district, no fence, wall, or other screening structure shall exceed three feet in height or shall not exceed four foot in height providing the fence, wall, or other structure is of an open air type and shall permit visibility through at least 80 percent of its area. No such fence or wall located within a side or rear yard shall exceed six feet in height. Fences between two properties should be located on the property line and the fence owner is responsible for maintaining the fence.

(2) In a commercial, industrial, or office district, no fence, wall, or other screening structure shall exceed 12 feet in height.

Temporary construction fences and fences required for protection around excavations shall not be maintained for a period greater than a year without special approval of the zoning board of appeals.

(3) The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in such fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

(4) On lakefront lots, fences which are located between the rear of the main building and the lake shoreline shall be of an open air type, permitting visibility through at least 80 percent of its area. Fences shall be a maximum of four feet in height.

(5) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

(6) On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three feet and ten feet in an area measuring 30 feet from the point of intersection of the street right-of-way lines and the tangent connecting the 30-foot extremities of the intersecting right-of-way lines.

(7) Fences on residentially zoned parcels of record shall be a maximum of six feet in height measured from the surrounding grade at every point along the fence line. Fences having one finished side and shall

have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the building inspector. There shall not be more than two inches separating the bottom of the face board and the surface of the ground.

Wooden fences having one finished side shall have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the building inspector.

- (f) *Maintenance of nuisances.* All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. 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 building inspector shall serve on the owner, agent or person in control of the property upon which such fence is located, a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal.
- (g) *Power of the board of appeals.* Upon appeal in writing by any person directly or indirectly affected hereby, the zoning board of appeals of the Township of Holly may, after a hearing in accordance with the established procedure of the board, in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this chapter in individual cases.
- (h) *Regulations by the planning commission.* The zoning administrator may make such other rules and regulations, not in conflict herewith nor inconsistent with public safety, as may be necessary to effectuate the purposes of this chapter.

(Ord. No. 50, § 5.8, 11-17-1992; Ord. of 4-20-11(1), §§ I—VIII)

Sec. 32-139. 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 planning commission may, by issuance of a special use permit, authorize the establishment of group day care homes and day care centers in the following zoning districts: AGRE, RE, SR, R-1, R-2, RM-1, RM-2, C-1, C-2, and OS. Group day care homes and day care centers shall be prohibited in all other districts.
- (c) *Standards for group day care homes.* Group day care homes shall be considered as special land use only after proper notice has been given and public hearing held in accordance with state law and after review by the township planning commission subject to the requirements and standards of section 32-33 and the following additional standards:
 - (1) A group day care home shall be located no closer than 1,500 feet to any of the following facilities:
 - a. Another licensed group day care home.
 - b. An adult foster care small or large group home licensed by the state.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people which is licensed by the state.

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- d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the state department of corrections.
 - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
 - (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (4) There shall be an outdoor play area of at least 500 square feet provided on the premises. Such play area shall not be located within the front yard setback. The requirement in this subsection may be waived by the planning commission if a public play area is within 500 feet of the subject parcel.
 - (5) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
 - (6) 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.
 - (7) One off-street parking space per employee not a member of the group day care home family shall be provided.
 - (8) Appropriate licenses with the state shall be maintained.
 - (9) Subsequent establishment of any facilities listed in subsections (c)(1)a through (c)(1)d of this section, within 1,500 feet of the licensed or registered group day care home will not affect any subsequent special land use permit renewal pertaining to the group day care home.
- (d) *Standards for day care centers.* Day care centers shall be considered as a special land use only after proper notice has been given and public hearing held in accordance with state law and after review and approval has been granted by the planning commission subject to the requirements and standards of section 32-33 and the following standards:
- (1) The day care center shall be served by public sewer and water or private water and wastewater treatment system approved by the county health department.
 - (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. Such 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. No. 50, § 5.9, 11-17-1992)

State law reference(s)—Zoning requirement for family day care homes and group day care homes, MCL 125.268g; child care organizations, MCL 722.111 et seq.

Sec. 32-140. Buildings to be moved.

- (a) *Inspection; compliance with building code; performance bond.* 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

such limits unless the building official shall have made an inspection of the building to be moved and has 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 the building code and other codes regulating the health, safety, and general welfare of the township. A performance bond as established by the township board of sufficient amount to ensure the cost of completing the building for occupancy within a period of not less than six months from date of permit shall be furnished before permit is issued.

- (b) *Compliance with use, construction and permit requirements.* Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered a new building and be subject to all the limitations and requirements set forth in this chapter relating to uses, construction, permits, and certificates.

(Ord. No. 50, § 5.10, 11-17-1992)

Sec. 32-141. Home occupations.

All home occupations shall be allowed in single-family residences or the permitted accessory structures subject to the following requirements:

- (1) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes.
- (2) A home occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
- (3) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
- (4) A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (5) No employees shall be permitted other than members of the immediate family resident in the dwelling unit.
- (6) All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation.
- (7) There shall be no vehicular traffic permitted for the home occupation, other than as is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles.

(Ord. No. 50, § 5.11, 11-17-1992; Ord. of 1-16-2007(3), § 1)

State law reference(s)—Zoning requirement for home occupation to give instruction in a craft or fine art, MCL 125.271a.

Sec. 32-142. Garage sales, rummage sales and similar activities.

Garage sales, rummage sales, yard sales, moving sales and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained in this section. Any garage sale, rummage sale, or similar activity shall be allowed without a land use permit for a period not to exceed four consecutive days nor more often than four times in any one year period. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Overnight outside storage of goods or merchandise offered at such a sale is prohibited. No signs advertising a garage sale or similar activity shall be placed upon public property and all permitted signs shall be removed within two days of sale.

(Supp. No. 23)

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(Ord. No. 50, § 5.12, 11-17-1992; Ord. of 11-18-2015(1))

Sec. 32-143. Seasonal sales.

- (a) The sale of Christmas trees, pumpkins, firewood farmer's market off-site and other seasonal items shall be considered permitted temporary uses within the AGRE Agricultural Residential District and the General and Local Commercial Districts subject to the following conditions:
- (1) All such sales shall be conducted so as not to create a traffic hazard or a nuisance to neighboring properties.
 - (2) Adequate parking and ingress and egress to the premises shall be provided.
 - (3) Upon discontinuance of the seasonal use, any temporary structures must be removed within 15 business days.
 - (4) Signs shall conform to the provisions of the district in which the seasonal sales use occurs.
 - (5) Seasonal sales may be allowed on a vacant lot provided the location of all buildings, structures, and parking do not create a traffic hazard or nuisance to neighboring properties.
 - (6) Seasonal sales must not prevent the continued use of sidewalks, trails, rights-of-way, fire lanes, or other means of access and circulation.
 - (7) A preliminary plan as described under section 32-274(b)(1) shall be provided.
 - (8) Seasonal sales shall be reviewed by the zoning administrator. The zoning administrator may refer a proposal to the planning commission, at their discretion, if they believe the potential impacts warrant planning commission review.
 - (9) The following items will activate planning commission review:
 - a. Paved parking is located on the site;
 - b. Traffic generation will exceed 40 trips per hour;
 - c. A permanent building is proposed for retail sale and display of items;
 - d. Significant permanent improvements are being made to the site;
 - e. The proposed use requires special land use approval;
 - f. Other potential significant impacts, as determined by the zoning administrator.
 - (10) Seasonal sales for more than 150 days shall be reviewed by the planning commission.
 - (11) A permit shall be used for a continuous period of 150 days, with a maximum of one permit per year.
 - (12) If a seasonal sales use is to be converted to a permanent use, then the applicant must apply for site plan review the township 45 days in advance of the seasonal sales permit expiration.

(Ord. No. 50, § 5.13, 11-17-1992; Ord. of 9-18-2019, § 1)

Sec. 32-144. Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township. All buildings and uses associated with essential services shall be subject to the provisions of article VI of this chapter regarding site plan review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this chapter.

(Supp. No. 23)

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(Ord. No. 50, § 5.14, 11-17-1992; Ord. of 12-21-2016(1), § 1)

Sec. 32-145. Reserved.

Editor's note(s)—Ord. of 9-18-2019, § 1Editor's note(s)—, repealed § 32-145Editor's note(s)— which pertained to maintenance of animals and derived from Ord. No. 50, § 5.15, adopted Nov. 17, 1992; Ord. of 8-15-1995; and Ord. of 4-17-2019, § 1Editor's note(s)—.

Sec. 32-146. Outdoor storage of recreational vehicles.

In all residential districts, a recreational vehicle may be parked or stored subject to the following conditions:

- (1) Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the zoning administrator during construction of a single-family dwelling.
- (2) Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners.
 - a. Within the side or rear yard, but no closer than five feet from any side or rear lot line; or
 - b. In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the zoning administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility.
- (3) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a continuous period of two weeks.
- (4) No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- (5) A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

(Ord. No. 50, § 5.16, 11-17-1992)

Sec. 32-147. Golf courses.

Golf courses and country clubs, including accessory clubhouses, driving ranges, pro shops, maintenance buildings and recreational facilities shall be subject to the following conditions:

- (1) *Minimum site area.* The minimum site area shall be 40 acres.
- (2) *Location of structures.* The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed by the planning commission to ensure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than 50 feet from adjacent residentially zoned or used property.
- (3) *Storage, service and maintenance areas.* All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened from view by either a wall or fence at least six feet in height, or landscaping approved by the township.

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- (4) *Outdoor lighting.* All proposed outdoor lighting shall be specifically reviewed by the planning commission to ensure that it does not impact on adjacent land use. In no case shall such speakers or lights be directed towards residentially zoned or used property.
 - (5) *Winter activities.* Winter activities such as skating, cross country skiing, sledding and tobogganing shall be permitted.

(Ord. No. 50, § 5.17, 11-17-1992)

Sec. 32-148. Campgrounds.

Publicly or privately owned and operated Type I or II campgrounds and Type III camp buildings providing temporary living quarters for campers on a daily, weekly or seasonal basis shall be subject to the following:

- (1) The minimum site area shall be 20 acres.
- (2) The site shall have direct accessibility to a paved public road.
- (3) A minimum 100 feet setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the planning commission may require additional setback, landscaping, and/or berming.
- (4) Temporary campgrounds are strictly prohibited.
- (5) Mobile homes shall not be permitted to be located within a campground.
- (6) The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the state governing such uses.

(Ord. No. 50, § 5.18, 11-17-1992)

State law reference(s)—Campground licensing and registration, MCL 333.12501 et seq.

Sec. 32-149. Cemeteries.

Cemeteries shall be subject to the following conditions:

- (1) No building shall be located closer than 100 feet from any property line.
- (2) The site shall be protected with security fencing not less than six feet in height.
- (3) Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.

(Ord. No. 50, § 5.19, 11-17-1992)

Sec. 32-150. Kennels and stables.

Kennels and horse riding stables, including breeding, or boarding facilities shall be subject to the following conditions:

- (1) *Hobby kennels and kennels.*

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- a. Hobby kennels shall be permitted as an accessory use in any zoning district where single-family dwellings are permitted uses. No hobby kennel shall keep or maintain more than two litters of dogs or cats within any one consecutive 12-month period, without first obtaining a permit for a kennel as set forth in subsection (1)b of this section.
 - b. Kennels shall be a permitted use in the C-1 and C-2 districts and a special use in the AGRE, RE and SR districts subject to the following conditions:
 - 1. A minimum lot size for five acres in the C-1 and C-2 districts and ten acres in the AGRE, RE and SR districts shall be required.
 - 2. Any building or fenced area where animals are kept shall be located a minimum of 200 feet from any public right-of-way, 100 feet from any property line, and 150 feet from any residential dwelling located off the premises.
 - 3. 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.
- (2) *Hobby and commercial horse stables.*
- a. Hobby stables shall be permitted as an accessory use in the AGRE, RE and SR districts, subject to the restrictions of section 32-145.
 - b. Commercial stables shall be a conditional use in the AGRE, RE and SR districts, subject to the restrictions set forth in section 32-145, and the following additional conditions:
 - 1. The minimum lot area required for a commercial stable shall be ten acres. The number of horses shall be subject to the provisions of section 32-145(b)(1).
 - 2. A commercial stable shall be established and maintained in accordance with all applicable state, county and township sanitation regulations.

(Ord. No. 50, § 5.20, 11-17-1992; Ord. of 4-18-1995; Ord. of 8-15-1995)

Sec. 32-151. Intensive livestock operations.

It is the intent of this section to allow for intensive livestock operations while providing additional protection to the township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

- (1) Minimum site area shall be 20 acres for Class II animals and ten acres for Class III animals.
- (2) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within a restricted area.
- (3) The refuse and wastes resulting from the feeding and 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 and prevent the contamination of groundwater and surface waters. At the time of application for the special land use permit, the applicant shall provide a specific plan for the management of refuse and wastes.
- (4) All feed and other materials used for the maintenance of animals shall be appropriately stored so as to not attract rats, mice, or other vermin.
- (5) Feedlots and structures housing animals shall be located at a minimum of 500 feet from any dwelling which exists on an adjacent lot at the time of special land use approval, 300 feet from any adjacent lot line, and 300 feet from any public road right-of-way.

(Ord. No. 50, § 5.21, 11-17-1992)

Sec. 32-152. Self-storage facilities.

Self-storage facilities shall be subject to the following requirements and conditions:

- (1) No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries will be removed from vehicles before storage.
- (3) Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with section 32-192.
- (4) Exterior walls of all storage units shall be of masonry construction. No space or spaces within a building shall exceed 5,000 square feet in size unless separated by a firewall. All compartments or rental spaces shall have smoke detectors with an alarm audible on the exterior.
- (5) All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
 - a. When storage units open onto one side only, 26 feet wide for one-way traffic and 30 feet for two-way traffic.
 - b. When storage units open onto both sides, 36 feet wide for one-way traffic and 40 feet for two-way traffic.

(Ord. No. 50, § 5.22, 11-17-1992)

Sec. 32-153. Outdoor sales lots.

Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, and similar uses shall be subject to the following provisions:

- (1) All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
- (2) There shall be no strings of flags, pennants or bare light bulbs permitted.
- (3) No vehicles or merchandise for sale shall be displayed within any required front yard setback.
- (4) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

(Ord. No. 50, § 5.23, 11-17-1992)

Sec. 32-154. Mineral mining and extractive operations overlay district.

- (a) *Intent and purpose.* It is the intent and purpose of this section to promote the underlying spirit and intent of this chapter, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mineral mining activities are consistent with the public health, safety and welfare of the township.
- (b) *Applicability.* The request for new or expansion of existing approved mineral mining and extractive operations may be considered as a special use in the AGRE, RE, LI or GI districts. The extraction, removal, and/or processing of sand, gravel, stone and/or other mineral mining in the township shall be prohibited unless first authorized by the grant of a special use application by the planning commission in accordance with this section and section 32-33. Grant of special approval by the township does not relieve the applicant of obtaining an annual operating permit in accordance with chapter 10, article IV, regarding mining control. In the event of a conflict between provisions of this section and the provisions of chapter 10, article IV, regarding mining control, those provisions which are deemed more restrictive shall apply.
- (c) *Exemption.* Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.
- (d) *Application.* An application shall be filed with the zoning administrator and shall include the following:
 - (1) Site plan prepared in accordance with article VI of this chapter.
 - (2) Vertical aerial photograph, enlarged to a scale to fit on a 24 inches by 36 inches blueprint. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months, prior to the application filing date. The vertical photograph shall cover:
 - a. All land anticipated to be mined in the application, together with adjoining land owned and/or controlled by the applicant.
 - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 - c. All lands within 1,000 feet of the proposed mining area.
 - d. All private and public roads from which access to the property may be immediately gained.
 - e. Boundary of the entire planned mining area.
 - (3) Duration and phasing of proposed operation, exact type and the estimated number of cubic yards of materials to be removed, location and type of any processing plant, proposed method of removal, and any other relevant details with respect to the characteristics, phasing and progression of work on the site.
 - (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
 - a. Property within 1,000 feet of the site; and

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- b. The property fronting on all vehicular routes within the township contemplated to be utilized by trucks which will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- a. Level of water table throughout the proposed mining areas;
 - b. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
 - c. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
 - d. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the exposure or impoundment will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
- (6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.
- (7) Reclamation plan demonstrating that the requirements set forth in subsection (g) of this section shall be met.
- (8) If the land anticipated to be mined, together with adjoining land owned and/or controlled by the applicant, is situated within the resource protection overlay district, as set forth in section 32-159, all requirements of such section shall also apply.
- (9) All other information required to satisfy the requirements of chapter 10, article IV, regarding mining control.
- (e) *Review procedure.*
- (1) The zoning administrator shall retain the original of the application for the file, and forward the copies of the application and other materials to the township engineer and township planner. Plans shall also be submitted to the road commission for review of the haul route.
 - (2) The township engineer and the township planner shall each file a report with the zoning administrator, together with a recommendation on the need for additional experts.
 - (3) The zoning administrator shall request a report from the road commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.
 - (4) After receiving all reports, including any additional reports of experts recommended by the township engineer and/or planner, if deemed appropriate, the planning commission shall conduct a public hearing following the procedures set forth in section 32-33.
 - (5) Following the public hearing, the planning commission shall approve, approve with conditions, or deny the special use application.
 - (6) Reasonable conditions may be required with the approval of the application for the special land use, to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

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- (f) *Requirements and standards.* The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the planning commission, and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant and will automatically be attached as conditions of the annual operating permit required by chapter 10, article IV, regarding mining control:
- (1) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and public trust therein.
 - (2) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
 - (3) Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the water shed anticipated to be impacted by the operation.
 - (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
 - (5) The proposed special land use shall not unreasonably burden the capacity of public services and facilities.
 - (6) The proposed special land use shall have immediate and direct access to a paved road having a planned right-of-way of not less than 120 feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
 - (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
 - (8) All active mining and extraction conducted in connection with the operation shall occur at least 160 feet from the nearest property line. All processing and stockpiling shall be conducted at least 200 feet from the nearest property line. The planning commission, in their sole discretion, may reduce the setback distance of active mining and extraction when there would be no demonstrated detriment to adjacent uses.
 - (9) The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., extended to 8:00 p.m. during daylight savings time, and prohibited on Sundays. Operation shall be defined as the operation of mining machinery, the processing plant and/or any related trucking activities.
 - (10) The maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten years. However, the planning commission may grant extensions in up to five-year increments, based upon a finding that such an extension would pose no unreasonable burden on adjacent properties or the township as a whole.
 - (11) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the minimum requirements of chapter 10, article IV, regarding mining control.
 - (12) The total area being mined, and which has not been reclaimed, shall at no time exceed the lesser of 75 acres and 40 percent of the entire parcel approved as a special use.

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- (13) The activities of the proposed special land use shall not result in a demand for local services and/or facilities which are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
 - (14) The proposed transportation route or routes within the township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the planning commission at the time of application, and thereafter.
 - (g) *Reclamation.* Reclamation of the site shall be in accordance with a reclamation plan approved by the planning commission as part of the application review process. The reclamation plan shall demonstrate that final slopes have a grade that does not exceed one foot vertical to three feet horizontal, and, for permanent water areas, for a distance of not less than ten feet nor more than 50 feet, the submerged slopes shall not exceed one foot vertical to seven feet horizontal. The reclamation plan shall also demonstrate that the entire site shall be planted with sufficient vegetation so as to sustain short-term and long-term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the planning commission the structures, machinery, equipment and improvements are deemed consistent with the zoning district in which the site is situated. The planning commission shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans as submitted are implemented.

(Ord. No. 50, § 5.24, 11-17-1992; Ord. of 3-18-2003)

Sec. 32-155. Open space preservation.

- (a) Whenever the preservation of open space is required by this chapter, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This subsection shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the open space community plan. The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the planning commission, such as:
 - (1) Recorded deed restrictions.
 - (2) Covenants that run perpetually with the land.
 - (3) Conservation easements such as those established per Part 21, Subpart 11 of Public Act No. 451 of 1994 (MCL 324.2140 et seq.)
- (b) Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
 - (1) Indicate the proposed allowable use of the dedicated open space.
 - (2) Demonstrate to the satisfaction of the township that dedicated open space shall be maintained.
 - (3) Provide standards for scheduled maintenance of the open space.
 - (4) Provide for maintenance to be undertaken by the township in the event that the dedicated open space is inadequately maintained, or is determined by the township to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

(Ord. No. 50, § 5.25, 11-17-1992)

Sec. 32-156. General, building and landscape contractor's offices and yards.

- (a) The contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- (b) Storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard. Such storage shall not be located in any required parking or loading space.
- (c) Storage shall be screened from the view of public roads and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of section 32-92(d).
- (d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under article VI of this chapter regarding site plan review.

(Ord. No. 50, § 5.26, 11-17-1992; Ord. of 6-21-1994)

Sec. 32-157. Adult foster care facilities.

- (a) *Intent.* It is the intent of this section to establish standards for adult foster 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 adult foster care small group home serving six persons or less and adult foster care family home shall be considered a residential use of property and a permitted use in all residential districts.
 - (2) The planning commission may, by issuance of a special use permit, authorize the establishment of adult foster care small group homes serving more than six persons and adult foster care large group homes in the following zoning districts: AGRE, RE, SR, R-1, R-2, RM-1 and RM-2. Such facilities shall be prohibited in all other districts.
 - (3) The planning commission may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility in the following zoning districts: RM-1, RM-2, C-1, C-2 and OS. Such facilities shall be prohibited in all other districts.
- (c) *Standards for adult foster care small group homes serving more than six persons and adult foster care large group homes.* Such homes shall be considered as special land use only after proper notice has been given and public hearing held in accordance with state law and after review by the township planning commission subject to the requirements and standards of section 32-3 and the following additional standards:
 - (1) A site plan, prepared in accordance with article VI of this chapter, shall be required to be submitted.
 - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 3,000 square feet per adult, excluding employees and/or care givers.
 - (3) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (4) One off-street parking space per employee and/or caregiver shall be provided.

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- (5) In its sole discretion, the planning commission may determine that landscape screening in accordance with section 32-192(d) is required.
 - (6) Appropriate licenses with the state shall be maintained.
- (d) *Standards for adult foster care congregate facilities.* Such facilities shall be considered as a special land use only after proper notice has been given and public hearing held in accordance with state law and after review and approval has been granted by the township planning commission subject to the requirements and standards of section 32-33 and the following standards:
- (1) A site plan, prepared in accordance with article VI of this chapter, shall be required to be submitted.
 - (2) The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 3,000 square feet per adult, excluding employees and/or caregivers.
 - (3) Parking requirements as required for convalescent homes and similar facilities, set forth in section 32-424 shall be met.
 - (4) In its sole discretion, the planning commission may determine that landscape screening in accordance with section 32-424 is required.
 - (5) Appropriate licenses with the state shall be maintained.

(Ord. No. 50, § 5.27, 11-17-1992; Ord. of 4-18-1995)

State law reference(s)—Zoning requirement for state licensed residential facilities of foster family home, foster family group home, adult foster care family home, MCL 125.286a; adult foster care facility licensing act, MCL 400.701 et seq.; child care licensing act, MCL 722.111 et seq.

Sec. 32-158. Wireless communication facilities.

- (a) *Purpose and intent.* It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
- (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.

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- (5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - (6) Promote the public health, safety and welfare.
 - (7) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 - (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 land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice and guy wire structures that are unnecessary, taking into consideration the purposes and intent of this section.
 - (10) The township board finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation may 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.

(b) *Authorization.*

- (1) Subject to the standards and conditions set forth in subsection (c) of this section, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:
 - a. *Circumstances creating permitted use treatment.* In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:
 1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the zoning administrator, proposed to be either materially altered or materially changed in appearance.
 2. A proposed collocation upon an attached wireless communication facility which had been preapproved for such collocation as part of an earlier approval by the township.
 3. An existing structure which will serve as 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 zoning administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 4. A wireless communication support structure established within a utility right-of-way having an existing width of more than 204 feet.
 - b. *Permitted use districts.*
 1. Wireless communication facilities shall be a permitted use in the GI general industry district.

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2. Locations outside of the GI general industrial district shall be permitted on the following sites, subject to following outlined minimum site-specific standards, and application of all other standards contained in this section:
 - i. Municipally owned site.
 - ii. Other governmentally owned site.
 - iii. Public park.
 - iv. Public school site.
 3. The following site-specific standards shall apply to all wireless communication facilities proposed to be located under the circumstances listed in subsection (b)(1)b.2 of this section, in addition to all other standards in this section. In the event that conflicting regulations occur, the more restrictive shall apply.
 - i. The minimum parcel size required for location of a wireless communication facility on a site listed in subsection (b)(1)b.2 of this section, shall be five acres.
 - ii. The construction of the wireless communication facility shall be of a monopole design and provide for collocation.
 - iii. The setback of a wireless communication facility from any adjacent residential use or district shall be at least 400 feet from the base of any structure on the premises. The setback of the facility from any existing or proposed public street rights-of-way shall be no less than the height of the facility.
 - iv. The maximum height of the facility shall be 200 feet.
 - v. The wireless communication facility shall have a landscaped buffer or masonry wall around the base compound so that the base of the facility and the accessory equipment area is screened from any right-of-way, residential use, or residential zoning district. Such buffer shall be placed in a manner which will maximize the aesthetic and environmental benefits while also providing the visual buffer required. If a landscaped buffer is proposed, the buffer shall provide a minimum opacity of 80 percent in summer and 60 percent in winter, after two years growth.
 - vi. A signed letter of agreement or understanding between the wireless carrier and parcel owner shall be provided indicating intention to construct a wireless communication facility.
- (2) If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district identified in subsections (b)(1)a and b of this section, in order to operate, such wireless communication facilities may be permitted as a special land use in the LI limited industrial district. If demonstrated by an applicant that a wireless communications facility cannot be located under the criteria identified in subsection (b)(1)a of this section, or within the LI or GI industrial districts, in order to operate, such facility may be located elsewhere in the community, subject to the following:
- a. At the time of submittal, the applicant shall demonstrate that a location within the districts identified in subsections (b)(1)a and b of this section cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township.

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- c. All other criteria and standards set forth in subsection (c) and (d) of this section are met.
- (c) *General regulations.*
- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission in its discretion:
- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be harmonious with the surrounding area.
 - c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - e. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). 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.
 2. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 3. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. (See subsection (d)(3) of this section.)
 4. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
 5. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 6. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

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7. The planning commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 8. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication planning commission, and Michigan Aeronautics Commission shall be noted.
 9. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
 10. New wireless communication facilities shall not be constructed or established closer than two miles to any other such facility, measured as a straight line distance.
 11. The proposed wireless communication shall be designed such that collocation of publicly operated radio antennae, weather instruments, severe weather warning equipment, etc., is possible. The owner of the tower shall allow public agencies such as police departments and severe weather warning organizations reasonable access to use the towers for expansion of their respective networks by collocating equipment on the tower.
- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which may be approved as special land uses under subsection (b)(2) of this section, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection (c)(1) of this section and in accordance with the following standards:
- a. 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:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reason creating facility need.
 - b. The proposal shall be reviewed in conformity with the collocation requirements of this section.
- (d) *Application requirements.*
- (1) A site plan prepared in accordance with article VI of this chapter 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. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

- (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 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 subsection (f) of this section. In this regard, the security shall, at the election of the applicant, be in the form of: (i) cash; (ii) surety bond; (iii) letter of credit; or (iv) an agreement in a form approved by the township attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of this ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by township in securing removal.
 - (5) The application shall include a map showing existing and known proposed wireless communication facilities within the township and the Village of Holly, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
 - (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.
- (e) *Collocation.*
- (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 in this subsection, 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 a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the township.

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- (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 several standards contained in subsections (b) and (c) of this section.

(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 community is for collocation. Therefore, if a party who owns or otherwise controls a 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 facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the zoning board of appeals if and to the limited extent the applicant demonstrated entitlement to variance relief which, in this context, shall mean 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 (e)(1) of this section, shall be expedited by the township.

(f) *Removal.*

- (1) The township reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- (2) 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 cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- (3) The situations in which removal of a facility is required, as set forth in subsection (f)(2)a and (f)(2)b of this section, may be applied and limited to portions of a facility.
- (4) Upon the occurrence of one or more of the events requiring removal, specified in subsections (f)(2)a and (f)(2)b 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 and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the zoning administrator.
- (5) 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 or collected from the security posted at the time application was made for establishing the facility.

(Ord. No. 50, § 5.28, 11-17-1992; Ord. of 10-25-1995; Ord. of 9-16-1997; Ord. of 3-12-2001; Ord. of 5-15-2001)

Sec. 32-159. Resource protection overlay district.

- (a) *Purpose.* The purpose of this section is to ensure that property is developed in a manner consistent with its zoning designation, and the proposed physical elements are designed and arranged to protect the priority resource protection areas both on the site, and in the vicinity of the site, as identified by the township as resource conservation areas on Map 5, Land Use Plan, and valuable natural areas indicated on Map 1, Natural Features, within the township master plan. The overlay district establishes procedures to enable the applicant and the township to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources.
- (b) *Applicability.* To the maximum extent feasible, any development plan (i.e., site plan, subdivision plat and site condominium plan) shall be designed and arranged to ensure that disturbance to any priority resource protection area as a result of the development, and that impacts any disturbance to such areas and the plants and wildlife inhabiting those areas, shall be minimized through the use of natural area buffers, conservation easements and creative land development techniques. To that end, the township has established that this section shall apply to lands that meet both of the following criteria:
 - (1) The property is indicated on the township zoning map, entirely or in part, as AGRE, agricultural residential or RE, rural estate, or SR, suburban residential; and
 - (2) The property is designated entirely or partially as resource conservation on Map 5, Land Use Plan, of the township master plan.
- (c) *Ecological characterization.* It is intended that the requirements in this section be applied based upon reliable and factual data. Applicants are encouraged to consult the state natural features data base. In addition, information contained in the Survey of Natural Areas in Holly Township, by The Nature Conservancy, dated December 13, 1988 is useful to determine important natural areas of the township, of which 22 valuable natural areas have been identified within the township. These areas have significant value to the community and are indicated on Map 1, Natural Features, of the township master plan. If a development site is determined by the township, based on additional information or from inspection, that

the site likely includes areas with wildlife, plant life and/or other natural characteristics in need of protection, and if the township does not then possess the information required to apply review standards, then the developer shall provide to the township a report prepared by a professional qualified in the areas of ecology, botany, wildlife biology or other relevant discipline that describes, without limitation, the following:

- (1) The wildlife use and habitat showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
- (2) The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
- (3) Any prominent views from or across the site;
- (4) The pattern, species and location of any significant native trees and other native site vegetation;
- (5) The bank, shoreline and high water mark of any stream or body of water on the site;
- (6) Life movement corridors; and
- (7) The general ecological functions provided by the site and its features.

The township may employ their own consultants with the relevant expertise to review materials submitted by the applicant. The applicant shall be required to provide and present the credentials for all qualified professionals hired for the purpose of fulfillment of this subsection. The credentials and qualifications of these individuals shall be sufficient, in the opinion of the township, to demonstrate competence in the area in which the expertise will be provided.

(d) *Establishment of priority protection.* For every development subject to this chapter, the applicant shall propose areas of priority protection. The township shall review these areas for appropriateness. If acceptable, the township shall accept and establish on the project development plan, areas of priority protection. The development plan shall establish the development capability of the site and indicate the specific area of a site within which the developed project may be constructed and within which the development activity shall be contained. In establishing the development capability of a site, the township shall consider and apply the following criteria:

- (1) The actual boundary of development capability designation to be shown on a development plan shall be proposed by the applicant, and established by the township through site evaluations and reconnaissance, and shall be based on the ecological characterization of the area.
- (2) In establishing the development capability of the site, the following shall be taken into account, as evaluated by a qualified professional and/or certified consultant:
 - a. Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
 - b. Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan.
 - c. Preservation of significant native trees and other native site vegetation, including protection of natural area buffers zones.
 - d. Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
 - e. Stream corridor and wetland protection and buffering.

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- f. Site topography, including, but not limited to, such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features.
 - g. Floodplains and floodways.
 - h. Wildlife movement corridors.
 - i. Natural area buffer zones as delineated in subsection (e)(2) of this section.
 - j. The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
 - k. Hydrology and groundwater flow.
- (e) *Development standards and guidelines.*
- (1) *Generally.* To the maximum extent feasible, no construction activity, including, without limitation, grading, excavation or stockpiling of fill material, shall be permitted within priority protection areas whether to provide for a building site, on-site utilities or services, or for any roads or driveways except as provided for as follows:
 - a. Mitigation of development activities;
 - b. Restoration of previously disturbed or degraded areas;
 - c. Emergency public safety activities and utility installations, installed with the utmost sensitivity to natural features, when such activities and installations cannot reasonably be contained to areas outside of those identified as significant;
 - d. Construction of trails or pedestrian walkways that will provide access in an environmentally appropriate manner;
 - e. The enhancement of the habitat values and/or other natural resource values of a natural area.
 - (2) *Establishment of buffer zones.* Buffer zones shall be established adjacent to areas of priority protection. Such buffers shall be up to 100 feet in width. The township may reduce the perimeter setback and buffer zones in cases where the density of the proposed use is compatible with adjacent uses and/or natural features, such as woodlands and topographical features. In establishing the buffer zone, the township shall consider and apply the following criteria:
 - a. The foreseeable impacts of development on the wildlife usage or ecological character or function of the natural area.
 - b. The ecological and wildlife use characterization of the natural area.
 - c. The existence of wildlife movement corridors.
 - d. The extent of floodplains and floodways.
 - e. The type, amount and extent of existing vegetation on the site.
 - f. The existence of special wildlife habitat features.
 - g. The character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts.
 - h. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, ridgelines and scenic topographic features.
 - (3) *Mitigation of disturbance.* While development is anticipated outside of priority protection areas, the applicant shall avoid disturbance to priority protection areas and undertake mitigation measures to

restore any damaged or lost natural resource. Any such mitigation or restoration shall be roughly equivalent to the loss suffered by the community because of the disturbance, and shall be based on such mitigation and restoration plans and reports as have been requested, reviewed and approved by the township. The mitigation plan shall include a timeline for restoration and mitigation of disturbed areas, which must be acceptable to the township. The township may require performance guarantees pursuant to section 32-36 ensuring fulfillment of, and compliance with, the mitigation plan. In addition, the township may issue a cease and desist order of the site development activities if determined to be in violation of the approved mitigation plan.

- (4) *Connections.* If the development site contains priority protection areas that connect to other off-site areas of a similar nature, to the maximum extent feasible, the development plan shall preserve such connections. If priority protection areas lie adjacent to the development site, but such areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife.
- (5) *Lakes, reservoirs and ponds.* If the development site contains a lake, reservoir or pond, the development plan shall include such enhancements and restoration as are necessary to provide reasonable wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir or pond with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- (6) *Design and aesthetics.* Projects located within the overlay district, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.
- (7) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards adopted by the township for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including, but not limited to:
 - a. Limitation of land disturbance and grading;
 - b. Maintenance of vegetated buffers and natural vegetation;
 - c. Minimization of impervious surfaces;
 - d. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;
 - e. Use of infiltration devices.

(Ord. No. 50, § 5.29, 11-17-1992; Ord. of 6-20-2000; Ord. of 7-18-2000)

Sec. 32-160. Adult businesses.

- (a) *Intent and purpose.* There are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances, thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying upon studies undertaken and reported by other communities, the township board has concluded that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of surrounding residential areas and uses which cater to those

residential areas. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

(b) *Regulated uses.* The following uses are considered "regulated uses" for the purposes of this section:

Adult uses, including the following:

- (1) *Adult arcade*, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (2) *Adult book store, adult novelty store or adult video store*, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (3) *Adult cabaret*, defined as a night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (4) *Adult motion picture theater*, defined as a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (5) *Adult theater*, defined as a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(c) *Other definitions.*

- (1) *Nudity or a state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state.
- (2) *Principal/primary purpose or primarily* means the sale or display of regulated material that comprises 35 percent or more of sales volume or occupies 35 percent or more of the floor area or visible inventory within the establishment.
- (3) *Semi-nude or semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
- (4) *Specified anatomical areas* means: the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (5) *Specified sexual activities* means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or

simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

- (d) *Location requirements.* In addition to compliance with the other provisions of this section, the following location requirements apply to regulated uses:
- (1) No regulated use may be located within 1,000 feet of another regulated use.
 - (2) No regulated use may be located within 500 feet of any residential zoning district, school property, licensed day care home or center, church, library, public park or other use which is primarily oriented to youth (less than 18 years of age) activities.
 - (3) All regulated uses shall be located within the general commercial (C-2) or the limited industrial (LI) zoning districts, and shall be subject to all setbacks and other applicable requirements of the respective district within this chapter.
 - (4) No regulated use business shall be located in any principal or accessory structure already containing a sexually oriented business.
 - (5) For the purpose of subsection (d)(2) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult regulated use is conducted, to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.
 - (6) For the purposes of subsection (d)(1) of this section, the distance between any two regulated uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.
- (e) *Miscellaneous requirements.* In addition to compliance with the other provisions of this section, the following requirements apply to regulated uses:
- (1) Existing structures and/or uses which are in violation of this Section shall be subject to the regulations set forth in article XII of this chapter, governing non-conforming structures and uses.
 - (2) All off-street parking areas shall comply with article XI of this chapter. Additionally, any regulated use business parking area shall be illuminated during all hours of operation, and until one hour after the business closes.
 - (3) The hours of operation of any regulated use business shall be limited to 10:00 a.m. to 2:00 a.m. Monday through Saturday.
 - (4) No person operating a regulated use business shall permit any person under the age of 18 years of age to be on the premises.
 - (5) Alcohol is prohibited on the premises of any regulated use business.
 - (6) No person shall reside in or permit any person to reside in the premises of a regulated use.
 - (7) The merchandise or activities of the establishment shall not be visible from any point outside the establishment.
 - (8) The exterior portions of the establishment or signs shall not have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this section.
 - (9) Entrances to a proposed regulated use business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than

two inches in height, indicating that: a) "Persons under the age of 18 are not permitted to enter the premises", and b) "No alcoholic beverages of any type are permitted within the premises".

- (10) Regulated uses shall conform to all standards of the zoning district.
- (11) Regulated uses shall comply with all other laws and ordinances applicable to the particular type of uses, including without limitation, certification and licensing laws.

(Ord. of 4-19-2005, §§ 1—5)

Cross reference(s)—Adult entertainment, § 5-31Cross reference(s)— et seq.

Sec. 32-161. Bed and breakfast establishments.

Bed and breakfast establishments shall be permitted in the AGRE, RE, and SR districts subject to the following provisions:

- (1) The establishment must be operated entirely within the principal structure for the owner, who must operate and occupy the structure.
- (2) The establishment may have no more rental rooms than the number of bedrooms which exist at the time of the enactment of this ordinance. The number of rooms to be rented shall not exceed eight.
- (3) One off-street parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be screened from adjacent residential parcels.
- (4) The operator shall provide a scaled floor plan to the zoning administrator.
- (5) One non-illuminated sign, not to exceed four square feet shall be permitted.
- (6) The establishment of a bed and breakfast must meet all applicable building and fire protection codes as adopted by Holly Township.
- (7) The establishment shall contain at least two exits to the outdoors.
- (8) No guest room shall be located in a basement or cellar.
- (9) Guests are not allowed to stay longer than 14 consecutive days or 30 days in one calendar year at any bed and breakfast location.
- (10) All bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the township employees and/or agents.
- (11) The operator shall be required to comply with all state and county regulations and laws concerning bed and breakfast operations.
- (12) Lavatories and bathing facilities shall be available to all persons using the premises.
- (13) No separate or additional kitchen facilities shall be provided for the guests.
- (14) Retail sales are not permitted beyond those activities serving the registered overnight patrons.
- (15) The operator shall permit township, county and state officials to enter upon the premises at all reasonable times to determine compliance with the requirements of this ordinance and other applicable township, county, and state ordinances and statutes.
- (16) The outdoor storage of trash or rubbish shall be screened per the requirements of section 32-192(i).

(Ord. Of 4-15-2008(3), § 1)

Sec. 32-162. Grange Hall/Fish Lake Overlay District.

- (a) *Purpose.* The purpose of the Grange Hall/Fish Lake Overlay District shall be to encourage the use of property in accordance with the Holly Township Master Plan, including the Grange Hall Road Corridor and Grange Hall/Fish Lake Intersection Recommendations. Consistent with the Grange Hall Road Corridor recommendations, these regulations establish an overlay district that will: allow mixed use development; arrive at a development pattern which addresses both style and architecture appropriate for the area; encourage the redevelopment and reuse of certain properties which are no longer capable of properly serving their intended purpose; ensure safe and complementary vehicular and pedestrian circulation patterns; and, control vehicular access. The provisions of this district are intended to establish Grange Hall/Fish Lake intersection as an area which:
- (1) Promotes the goals and policies of the master plan.
 - (2) Promotes for a compatible mixture of use in close proximity to one another.
 - (3) Improves the physical appearance of the district by coordinating design of buildings, site arrangement and landscaping, signs, and other elements.
 - (4) Encourages redevelopment of property consistent with the intent and provisions of this section.
 - (5) Manages access to businesses and future development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity needs, and speed.
- (b) *Applicable area and requirements.* The Grange Hall/Fish Lake Overlay District encompasses the area as illustrated in the district overlay map which is attached to and made part of the official Zoning Map of Holly Township. The requirements of this section shall be applied in addition to the requirements of the underlying zoning district.
- (c) *Permitted uses and structures.* All uses shall be restricted to those listed as both permitted principal uses and structures and special land uses in the underlying zoning districts except as noted in subsection 32-162(d), provided all standards of the overlay district are met.
- (d) *Planned development option.* Although consistent with the master plan, certain projects may deviate from the underlying zoning and/or contemplate redevelopment or reuse of otherwise nonconforming properties. The planned development option is intended to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use. The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned developments.
- (1) A planned development option may be applied for in any zoning district within the Grange Hall/Fish Lake Overlay District. Approval of the planned development option shall require special land use approval from the planning commission.
 - (2) Any land use authorized with the exception of those permitted principal uses and structures and special uses in general industrial, limited industrial and mobile home park zoning district designations in this section may be included in a planned development option, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
 - (3) The applicant for a planned development option must demonstrate all of the following as a condition to being entitled to planned development option treatment:
 - a. Grant of the planned development option will result in one of the following:

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1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned development option regulations; or
 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned development option regulations; or
 3. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden on public services, facilities, roads and utilities.
 - c. The proposed development shall be consistent with the public health, safety and welfare of the township.
 - d. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - e. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - f. The proposed development shall be under, single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
 - g. The proposed development shall be consistent with the Goals and Policies of the Holly Township Master Plan.
- (e) *General design standards.* All proposed development and construction within the overlay district shall comply with the following standards:
- (1) *Development patterns.* The intent of the overlay district is to create a coordinated development pattern that is consistent with the character of Holly Township and provides a smooth transition between uses and properties. Transition may be created through coordination of building styles and setbacks, landscape buffers, and cross-access between properties.
 - (2) *Site access, parking and loading.* Overall street and/or driveway design and layout shall be an integral component of site design providing for both internal access to service the development of properties and cross-access between individual properties. In addition, off-street parking for nonresidential uses shall be located predominantly within the side or rear yard areas. Up to 40 percent of the off-street parking may be permitted within the front yard, outside of the front yard setback, when abutting a public right-of-way. The township recognizes that strict application of the parking standards set forth in this section may result in a development with unsafe vehicular movements or pedestrian/vehicle conflicts would result in the location of the parking area not in close proximity to the primary patron entrance. Therefore, the planning commission may permit deviations from the requirements of this section, provided the following criteria are met:
 - (a) There is compliance with other provisions in the zoning ordinance.
 - (b) The development meets the intent of the Grange Hall/Fish Lake Overlay District.
 - (c) The development meets the Goals and Policies of the Holly Township Master Plan.
 - (d) The health, safety and general welfare of employees and patrons of the development, and the public, is maintained.

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- (3) *Pedestrian pathways and sidewalks.* Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and connects neighborhoods with open space, community facilities and commercial/office/mixed use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems and safety paths shall be planned and installed wherever feasible. Appropriate provisions shall be included to ensure that the pedestrian pathways and sidewalks are appropriately maintained.
 - (4) *Signage.* All signs permitted within this district shall be subject to the provisions of article X, signs, and the following requirements and standards.
 - a. All signs shall be designed so as to be integral and compatible with the architecture and landscaping component of the development.
 - b. A comprehensive sign plan shall be submitted with each development project.
 - (5) *Lighting.* All lighting shall conform to the requirements of section 32-197. In addition, in order to maintain pedestrian safety, site security, and accentuate architectural details, pedestrian lighting shall be provided for pedestrian walkways, building entries and other areas where illumination is needed to permit safe pedestrian travel.
 - (6) *Landscaping/greenbelts/buffers/screening elements.* All landscape features of the site shall conform to the requirements set forth in section 32-192.
 - (7) *General site design/architectural guidelines for nonresidential uses.* It is the intent of the district to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon methods that tend to reduce the visual impact of large buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape. Building design shall contribute to improving the character and economic vitality of the Grange Hall/Fish Lake Overlay District with predominant materials, elements, features and color range.

(Ord. of 8-19-2008(3), § 1; Ord. of 2-17-2009(2), § 1)

Sec. 32-163. Architectural and design standards.

- (a) *Intent and purpose.* For all uses subject to site plan review, the following architecture and site design standards shall be met:
 - (1) *Building facades and exterior walls:*
 - (a) Building facades greater than 100 feet in length, measured horizontally, shall incorporate architectural interest through the use of color, texture and relief. In addition to meeting the standards set forth in section 32-163(1)(b), no uninterrupted length of any facade shall exceed 100 horizontal feet.
 - (b) Building facades shall include a repeating pattern that includes no less than two of the following elements:
 - (1) Building color change;
 - (2) Building material texture change; and/or,
 - (3) Projections, recesses or windows extending along at least 20 percent of the facade.
 - (2) *Roofs.* Roofs shall exhibit the following features:

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- (a) *Flat roofs:* Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third of the height of the supporting wall at any point.
 - (b) *Pitched roof:* Overhanging eaves, extending no less than three feet past the supporting walls; an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and three or more roof slope planes.
- (3) *Materials and colors.*
- (a) Predominant exterior building materials shall be attractive, durable and maintainable including, but not limited to, brick, stone, wood, vinyl, aluminum, and integrally tinted/textured concrete masonry units.
 - (b) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 - (c) Building trim and accent areas may feature brighter colors, including primary colors, but neon light shall not be permitted as an acceptable feature for building trim, window trim, or accent areas.
 - (d) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless such materials are consistent with materials used for buildings within the immediately surrounding area.
- (4) *Modifications.* The planning commission may approve modifications to the standards set forth in section 32-163, either in whole or in part, as long as the modification will not create a negative visual impact, when the building is viewed from a public thoroughfare and/or a neighboring property and where one or more of the following can be demonstrated:
- a. The modification will achieve a specific architectural objective or purpose,
 - b. The standard creates a practical difficulty, or
 - c. Proposed building facades, roofs, materials and colors are consistent with those within the immediately surrounding area.

(Ord. of 8-19-2008(3), § 1)

Sec. 32-164. Medicinal marijuana regulations.

- (a) The growing, cultivation, and/or use of marijuana by a single patient (or by a married couple, both of whom are patients) in premises owned or leased by that patient(s) and for that patient's exclusive use, as permitted under the Act, shall not be regulated under this Code.
- (b) Use of a facility by a single caregiver to cultivate, use and distribute marijuana for that caregiver or that caregiver's patients, as permitted by the Act, shall not be regulated under this Code, except as provided in subsection (d).
- (c) It is a violation of this Code for a facility or premises to be used as a dispensary by more than one caregiver.
- (d) The cultivation, use and/or distribution of marijuana by a single caregiver within a facility owned or leased by that caregiver shall be allowed as a permitted principal use in the C1, C2, LI, GI, RM-1, RM-2 and OS zoning districts; and shall be permitted in all other zoning districts as a home occupation, subject to compliance with the Act and compliance with all of the standards of section 32-141.

(Ord. of 6-22-2011, § 2)

Editor's note(s)—Ord. of 6-22-2011, § 2Editor's note(s)—, added § 32-162Editor's note(s)— to the Code. Inasmuch as §§ 32-162Editor's note(s)— and 32-163Editor's note(s)— already existed, the new provisions have been redesignated as herein set out at the editor's discretion in consultation with the city.

Sec. 32-165. Solar energy facilities.

(a) *Purpose.* The purpose of the ordinance is to facilitate the construction, installation and operation of a solar energy facilities (SEFs) in Holly Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this section to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

(b) *Definitions.*

Applicant is the landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a solar energy facility under this section.

Landowner means the persons or entities possessing legal title to the parcel(s) upon which a SEF is located

Parcel means all land within a legally established parcel.

Practicable means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Protected lands means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.

Renewable energy combining zone means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the township, where the township has determined the land is suitable for a specified variety of solar energy facilities and where permitting for such facilities may be expedited if specified conditions are met.

Review authority means Holly Township.

Solar electric system (SES) means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.

Solar energy facility (SEF) means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.

Uses allowed means one of the following:

- (1) *Direct use* — A SEF designed and installed to provide on-site energy demand for any legally established use of the property.
- (2) *Primary use* — A SEF that uses over 50 percent of the parcel(s) and is devoted to solar electric power generation primarily for use off-site.
- (3) *Secondary use* — A SEF that is not the primary use of the property and uses less than 50 percent of the parcel(s) land area.

(c) *Applicability.*

- (1) This section applies to the construction of any new SEF within the township.
- (2) A SEF legally established or permitted prior to the effective date of this section shall not be required to meet the requirements of this section, however:
 - a. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this section. Only the modification or alteration is subject to this section;
 - b. Substantial conformance review determinations are not major amendments to a project's existing permits; and
 - c. Routine operation and maintenance or like-kind replacements do not require a permit.

(d) *Permit required.* The type of permit required for SEFs shall be as shown in table 1, permit requirements.

Zoning Districts	Direct Use	Primary Use	Secondary Use
AGRE, R-1, R-2, SR, RE, RMH, RM-1, RM-2	P	SLU	SLU
C-1, C-2, OS	P	SLU	SLU
L-1, G-1	P	SLU	P

(e) *Parcel line setbacks.* The following setbacks from the parcel line to the closest part of the SEF shall be established as shown in table 2, fencing, roads and landscaping may occur within the setback.

Table 2. Setbacks

	Direct Use	Primary Use	Secondary Use
Setback from All Property Lines	Per Zoning for that District	75 feet	75 feet

(f) *Height.* For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

Table 3. Height Limits

Type	Height
Ground Mounted	15'
Roof Mounted	5' above roof surface not to exceed the roof ridge

(g) *General requirements (apply to all SEF uses unless otherwise noted).*

- (1) *Building permits are required.*
 - a. Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted building code as determined by the building official and fire code as determined by the fire official.
 - b. A site plan shall be provided at the time of the building permit application demonstrating compliance with the setbacks in tables 1 and 2.
 - c. The building permit shall include review by local permitting departments including, but not limited to, the local fire authority, for health and safety requirements.
- (2) *Supplemental information required.*

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- a. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
 - b. On site power lines between solar panels and inverters shall be placed underground.
 - c. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
 - d. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the township.
 - e. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
 - f. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
 - g. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
 - h. For ground mounted SEF, a description of the ground covering of native Michigan plantings beneath the solar panels (i.e. grass, plantings) and a plan for maintaining the ground cover.
- (3) *Off-site facilities.* When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.
 - (4) *Glare.* Any glass, plastic, or metal panels must not produce excessive glare that is visible from the street or any neighboring home.
 - (5) *Septic system avoidance.* The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health;
 - (6) *Floodplain avoidance.* If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and, shall not otherwise create a fire or other safety hazard as determined by the building official.
 - (7) *Conform to development standards for underlying zone.* The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;
 - (8) *Abandonment.*
 - a. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every six months after 12 months of no energy production) to the planning director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.
 - b. Upon determination of abandonment, the zoning administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within 360 days of notice by the planning director or his designee.
 - c. If the responsible party (or parties) fails to comply, the zoning administrator or their designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any

other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.

- d. Facilities deemed by the township to be unsafe and facilities erected in violation of this section shall also be subject to this section. The code enforcement officer or any other employee of the planning and building departments shall have the right to request documentation and/or affidavits from the applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
 - e. Upon a determination of abandonment or other violation(s), the township shall send a notice hereof to the applicant and/or landowner, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the township, unless the township determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the township may advise the applicant and/or landowner of such alternative means of resolving the violation(s).
 - f. If the applicant and/or landowner do not comply, the township may remove the SEF and restore the site and may thereafter (a) draw funds from any bond, security or financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.
- (h) *Solar energy facilities—Direct use.*
- (1) *General requirements.* Direct use solar energy facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the general requirements in subsection (g), the following standards shall apply to all direct use SEFs, notwithstanding the development standards for the underlying zone:
 - a. *Lot coverage.* Rooftop systems can be any size, ground mounted systems allowable lot coverage varies by the underlying zoning district.
 - b. *Setbacks.* Ground mounted structures shall conform to the setbacks as shown in table 2.
 - c. *Height limits.* Facilities shall conform to the height limits of table 3, unless demonstrated by a structural engineer to meet public safety standards.
 - d. *Floodplain.* An direct use SEF shall not be located in a floodplain.
 - (2) *Biological resources.* The protection of high value biological resources is an important consideration. Direct use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.
- (i) *Solar energy facilities—Primary and secondary uses.*
- (1) *General requirements.* Primary or secondary uses that provide energy for on-site or off-site use as shown in table 1 subject to a special land use permit. In addition to the general requirements in subsection (g), the following standards shall apply to all primary and secondary SEF, notwithstanding the development standards for the underlying zone:
 - a. *Lot coverage.* Over 50 percent lot coverage for a primary use, under 50 percent lot coverage for a secondary use;
 - b. *Setbacks.* Ground mounted structures shall conform to the setbacks as shown in table 2. The buffer may be reduced if the decision-making body determines that there is a substantial screen

such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;

- c. *Height limits.* Facilities shall conform to the height limits of table 3;
 - d. *Grading.* Grading within the township shall be limited to only that necessary to construct access roads and install equipment, unless the areas are determined to be chemically or physically impaired.
- (2) *Biological resources.* The protection of high value biological resources is an important consideration. Primary or secondary use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, state, or federal agencies.
- (3) Soil stabilization, erosion control and ground water management. For primary and secondary use SEFs, the following requirements shall apply:
- a. To the extent feasible and compatible with the climate and pre-project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the township and Oakland County. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the planning department.
 - b. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by the review authority.
 - c. A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
 - d. Prior to issuing a final building permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.
- (4) *Visibility.*
- a. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four feet tall at time of planting. The buffer shall obtain a height of eight feet within three growing seasons. The trees or bushes may be trimmed but no lower than a height of eight feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The planning commission has the authority to reduce the buffer requirements based on site conditions.
 - b. All areas. Additionally, all ground mounted facilities shall:
 - 1. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky;
 - 2. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;

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3. Be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project; and
 4. Be enclosed by a fence, barrier, barbwire, or other appropriate means as determined by the planning commission to prevent or restrict unauthorized persons or vehicles from entering the parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.
- (5) *Locations requiring special land use approval.* The following principles shall apply to the review of primary and secondary use locations: No portion of the SEF or their structures shall occupy protected lands. Protected lands that are potentially incompatible locations, requiring special land use permits, include:
- a. Floodways.
 - b. Wetlands, wetland transition areas, riparian corridors, or open water.
 - c. Habitat of special status, threatened, endangered, candidate, or fully protected species, species of special concern, or species protected local, state, and federal agencies.
 - d. Lands within easements where SEF is a prohibited use.
- (6) *Decommission plan.*
- a. The SEF project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
 - b. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four feet, restoration of the soil, and restoration of vegetation within six months of the end of project life or facility abandonment.
 - c. The decommissioning plan shall state how the facility will be decommissioned, the professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
 - d. The decommissioning plan shall also include an agreement between the applicant and the township as part of the special land use application and prior to the beginning of construction that:
 - e. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall accrue to Holly Township and shall be in an amount equal to the total estimated cost for decommissioning, including contingencies, as determined by the township board. Evidence of decommissioning bond shall be in the form of an escrow agreement as approved by the township board, or surety bond with a surety company authorized to do business in the state and acceptable to the township board.
 - f. The township shall have access to the escrow account funds, performance bond and/or surety bond for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six months of the end of the project life or facility abandonment as defined.
 - g. The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - h. The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the township's right to seek reimbursement from the applicant or applicant successor

for decommissioning costs in excess of the amount deposited in escrow, performance bond and/or equivalent financial instrument and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

- i. The applicant agrees to all the terms of this section.

(Ord. of 11-21-2018(1), § 1)

Sec. 32-166. Wind Energy Conversion Systems (WECS).

A wind energy conversion system (WECS) as defined by section 32-6 of this chapter is allowed as a conditional use when approved by the planning commission in accordance with the process defined herein. In addition to the standards and requirements for issuance of a special use permit specified in section 32-33 of this chapter, the planning commission shall not approve the issuance of a special use permit unless the following requirements shall be met:

- (1) *Purpose and intent.* The purpose of this section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) for both residential and commercial use and shall be governed within the township to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

Holly Township recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety implications such as falling towers and ice throw are a concern, as are the potential impositions of constant or cyclical sound and shadow flicker. For these reasons, and others, including those listed above, the township finds it prudent and necessary to develop regulations for the responsible placement of wind energy conversion systems.

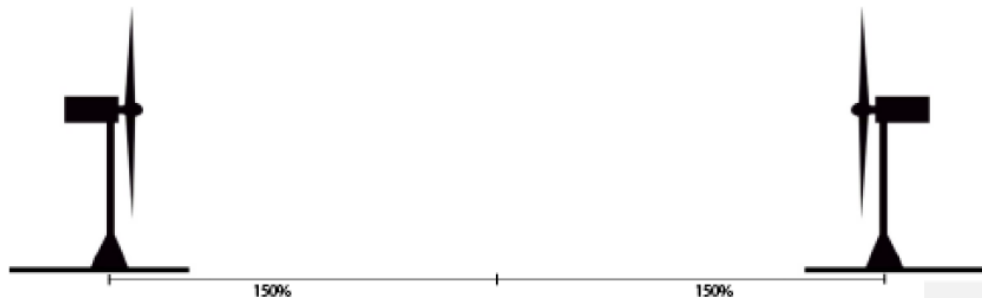
- (2) *Supplementary definitions.*
 - a. *Ambient* means the decibel measurement (dB(A) or dB(C)) of background sound pressure level exceeded 90 percent of the time at a given location prior to the installation of the WECS (also known as L₉₀).
 - b. *Anemometer Tower (MET)* means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy conversion system.
 - c. *dB(A)* means the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI S1.32 (1997 or most recent) for sound frequencies below the 1,000 HZ octave band.
 - d. *dB(C)* means the sound pressure level in decibels. It refers to the "c" weighted scale defined by ANSI S1.32 (1997 or more recent) for acoustic energy from the 20HZ octave band and higher.
 - e. *Decibel* means the unit of measure used to express the magnitude of sound pressure and sound intensity.
 - f. *FAA* means The Federal Aviation Administration
 - g. *IEC* means The International Electrotechnical Commission
 - h. *ISO* means The International Organization for Standardization

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- i. *LMax (LAMax or LCMMax)* means the maximum dB(A) or DB(C) sound level measured using the "fast response" setting of the sound meter (equivalent to 0.125 second exponential averaging time).
 - j. *Lease unit boundary* means the boundary around a property(ies) leased or purchased for purposes of operating a wind energy facility, including leased or purchased adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way.
 - k. *On-site wind energy conversion system* means a wind energy conversion system more than 40 feet in height intended to generate electric power from wind solely for the use of the site on which the system is located. WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered on-site WECS.
 - l. *Participating and non-participating parcels.*
 - 1. *Participating parcel* shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for any purposes of developing or operating a WECS, including construction of improvements, providing access to improvements, providing space for collection or distribution lines, or to meet requirements and regulations set forth herein.
 - 2. *Non-participating parcel* shall mean a parcel of record that is not a participant parcel.
 - m. *Shadow flicker* means alternating changes in light intensity caused by the moving blade of a wind energy conversion system casting shadows on the ground and stationary objects, such as but not limited to a window of a dwelling.
 - n. *Sound pressure* means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
 - o. *Sound pressure level* means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 - p. *Utility-scale wind energy conversion system* means a wind energy conversion system intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
 - q. *Wind Energy Conversion System (WECS)* shall mean a combination of:
 - 1. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
 - 2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
 - 3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
 - 4. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
 - 5. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.
 - r. *Wind energy facility* means clusters of two or more utility grid wind energy conversion systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other

than the premises upon which the wind energy conversion systems are located. Said wind energy conversion systems may or may not be owned by the owner of the property upon which they are placed.

- (3) *On-site wind energy conversion system standards.* The following standards shall apply to on-site WECS, including anemometer towers, in addition to the general special use approval requirements of section 32-33 of this chapter:
- a. *Purpose.* Designed to primarily serve the needs of a home, farm, or small business.
 - b. *Height.* Shall have a total height of 75 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the planning commission requires a lesser height. Height is measured from the average grade at the base of the pole to the highest point of WECS when a blade is in its vertical orientation.
 - c. *Setbacks.* The distance between an on-site WECS and the property lines shall be equal to 400 percent of the height of the tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to 150 percent of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
 - d. *Minimum lot area size.* The minimum lot size for a property to be eligible to have an on-site WECS shall be two acres.
 - e. *Minimum ground clearance.* The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
 - f. *Noise emission.* On-site WECS shall not exceed 45 dB(A) (L_{max}) or 55 dB(C) (L_{max}) at the property line closest to the WECS.
 - g. *Construction codes, towers, and interconnection standards.* On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected on-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
 - h. *Safety.* The WECS shall meet the following safety requirements:
 1. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 2. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
 3. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 4. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 5. WECS towers shall not be climbable on the exterior.

6. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80 percent of design limits of the breaking system.
 7. A copy of the un-redacted safety manual from the turbine manufacturer shall be submitted to the township and the turbine must comply with all requirements therein.
- i. *Shadow flicker.* On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
- (1) This shadow flicker limit may be waived if the owner of the affected property owner submits for records a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from installation and waives the township requirement for no shadow flicker on the property. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Oakland County Register of Deeds.
- (4) *Utility-scale wind grid energy conversion system standards.* The following standards shall apply to utility-scale WECS, including anemometer towers, in addition to the general special use requirements of section 32-33 of this chapter:
- a. *Height.* The maximum height of any utility-scale WECS is 500 feet. The height of a WECS is measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
 - b. *Setbacks.* A distance equal to 400 percent of the height of the tower to the tip of the blade in its vertical position shall be maintained from the outside edge of the base of the turbine to all non-participating parcel property lines for WECS, public roads, and communication or electrical lines. In no event shall a turbine be located less than 1,760 feet from the nearest non-participating parcel lease unit boundary line. Operations and maintenance office building, a substation, or ancillary equipment shall be setback a minimum of 50 feet from all single parcel property lines, or from lease unit boundary lines, and overhead transmission lines power poles. Such maintenance buildings and equipment shall be bordered by green space and screened by trees and shrubs to help blend into the rural setting and the planning commission will review the location and makeup of same as part of the site plan review.
 - c. *Tower separation.* Turbine/tower separation shall be based on the following standards:
 1. Between any two utility-scale WECS: No less than 150 percent the height of both towers including the top of the bladed in their vertical position.



Separation between two utility-scale WECS

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2. Between any two utility-scale WECS: No less than 150 percent of the height of both towers including the tops of the blades in their vertical positions.
- d. *Minimum lot size.* The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.
- e. *Minimum ground clearance.* The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 75 feet for a utility-scale WECS employing a horizontal axis rotor.
- f. *Transmission lines.* New transmission lines required to connect a WECS with a new or existing network for the distribution of electricity shall be installed underground to a depth of at least six feet. This requirement applies to all new transmission lines associated with the WECS, regardless of whether they are within the property boundary or lease unit boundary or outside of said boundary.
- g. *Sound pressure level.* Utility-scale WECS shall not exceed 45 dB(A) (L_{max}) / 55 dB(C) (L_{max}) at the property line or lease unit boundary closest to the WECS, measured in accordance with the protocol set forth in section 32-166(5)m.2.
- h. *Construction codes, towers, and interconnection standards.* Utility-scale WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility-scale WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected utility-scale WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- i. *Safety.* The WECS shall meet the following safety requirements:
- j. *Visual impact.*
- k. *Shadow flicker.* No amount of shadow flicker may fall on or in a non-participating parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the shadow flicker impact analysis. Measures to eliminate all effects of shadow flicker on all non-participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required.
- l. *Lighting.* A lighting plan that includes all proposed lighting for each WECS shall be approved by the planning commission. The plan shall include, but is not limited to, the planned number and location of lights, light color, whether any lights shall be flashing, and all proposed shielding mechanisms. All tower-mounted lighting shall be of the radar-activated variety and shielded from view at ground level, unless otherwise directed by the FAA. All tower lighting shall comply with FAA regulations and guidance and shall be consistent with U.S. Fisheries and Wildlife Service/Michigan Department of Natural Resources guidelines.
- m. *Interference.* No utility-scale WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. Any signal interference incurred following the installation of a WECS shall be resolved to the satisfaction of the person receiving that signal interference. No utility-scale WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce interference in the link's operation unless the interference is insignificant.
- n. *Substations and accessory buildings.* Structures related to a WECS shall be subject to the dimensional and locational standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.

o. *Inspection.* The township shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.

p. *Decommissioning.*

q. *Abandonment.* Any WECS that is not used to produce energy for a period of six successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the township board in a case involving an extended repair schedule for good cause.

r. *Reasonable conditions.* In addition to the requirements of this section, the planning commission may impose additional reasonable conditions on the approval of WECS as a special use.

s. *Security bond.*

t. *Transfer or sale.*

(5) *Wind energy conversion system site plan review procedure.* An application for a WECS shall be reviewed in accordance with all applicable requirements in section 32-233 Criteria of Site Plan Review and section 32-33 Special Use Requirements of this chapter. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:

(6) *Deposit to defray cost of hiring consultants and experts.* To administer the provisions relating to WECS, the township may hire consultants and experts as are reasonably necessary in the sole discretion of the township. The applicant shall pay the township in advance for the costs of such consultants and experts. The township may charge an annual fee to be determined by the Holly Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable in light of efforts required.

(Ord. of 1-16-2019(1), § 1)

Sec. 32-167. Special accommodation use.

- (a) *Intent.* This section is intended to authorize the grant of relief from the strict terms of the ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., The Federal Fair Housing Amendments Act of 1988, requires the township to make "reasonable accommodation" for a particular proposed user of property, the township board, following a public hearing, may administratively approve a special accommodation use under the authority of MCL 125.3502, subject to and in accordance with this section.
- (b) *Applicability.* As a condition to approval of a special accommodation use, the applicant must comply with all the terms of this section, and must demonstrate all of the following:
- (1) The ultimate residential user or users of the property shall be persons for whom state or federal law mandates the township to make reasonable accommodations in connection with proposed uses of land; and
 - (2) Taking into consideration the needs, facts, and circumstances which exist throughout the community, and within the population to be served by the use, making the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity to the proposed use and enjoyment within the community; and
 - (3) Approval of the proposed housing shall not require or will not likely result in a fundamental alteration in the nature of the zoning district and surrounding area in which the property is situated. The interests

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- of the community shall be balanced against the need for accommodation on a case-by-case basis, considering cumulative impact of one or more other uses and activities in, or likely to be in, the area.
- (4) No other specific ordinance provision exists and is available to provide the relief sought.
- (c) *Application requirements.* The application for a special accommodation use shall include the following:
- (1) A site plan drawn to scale showing the proposed use and development, meeting the requirements of section 32-234 (Information Required on Site Plan).
 - (2) A separate document providing a summary of the basis on which the applicant asserts entitlement to approval of a special accommodation use, covering each of the requirements of paragraph 2a through 2c, above. This summary shall include the documentation on which the applicant relies, as well as the name, address and a summary of all statements with regard to each person whose statements shall be relied upon by the applicant (and, if such persons are relied upon for their expertise, a resume of their backgrounds shall be included).
- (d) *Public notification.* The township board shall conduct a public hearing in accordance with the notification requirements set forth in section 32-33 Special Uses, except that all proceedings shall be before the township board.
- (e) *Standards and regulations.* In order to be entitled to the approval of a special accommodation use, the following must be demonstrated by the applicant to the township board:
- (1) All of the requirements for entitlement to approval under subsections (b) (1) through (4), above, will be met.
 - (2) If the proposed housing does not constitute a permitted use in the zoning district in which the property is situated, the intensity of the use (e.g. number of residents in the residential facility) shall be the minimum required in order to achieve feasibility of the use.
 - (3) The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:
 - a. Taking into consideration the size, location and character of the proposed use, viewed within the context of existing and planned land uses of the surrounding area, the proposed use shall be established in such a manner to be compatible and harmonious.
 - b. The proposed use shall be designed to ensure that vehicular traffic shall not create a hazard or under burden for existing and planned land uses of the surrounding area, taking into consideration turning movements, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and relationship to pedestrian traffic.
 - c. The proposed use shall be designed and operated so as not to unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration.
 - d. The proposed use shall not interfere with or discourage the appropriate development and use of adjacent land and buildings and will not have a detrimental effect upon their value.
 - e. The proposed use shall be designed, located, planned and operated in such a manner that the public health, safety and welfare will be protected.
- (f) *Design standards.* All regulations and standards for buildings, structures and site improvements within the district in which the property is situated shall apply, subject to the right of the township board, following recommendation of the township supervisor, to alter and supplement such standards and regulations the board finds to be needed given the facts and circumstances attendant to a particular case. In all events, the

spirit of the ordinance shall be observed, and standards and regulations shall be enforced so that the essential character of the neighborhood and/or district is not altered.

- (g) *Conditions.* In connection with the approval of a special accommodation use, the township board may impose such conditions as are authorized by law.
- (h) *Effect of approval.*
 - (1) Approval of a special accommodation use shall be solely for the benefit of the particular class of users who were the basis of requiring the township to make a reasonable accommodation under applicable state and/or federal law, and not for the benefit of any other persons. Accordingly, the effect of an approval under this section shall be for the exclusive benefit and occupancy of such class of persons. If a change in such use occurs such that it is occupied by others, all of the regulations applicable within the district in which the property is situated shall thereupon immediately and fully apply. An approval under this section shall not be final until such time as the applicant records an affidavit at the office of the register of deeds in connection with the property, in a form approved by the township attorney, providing notice of the terms of this provision.
 - (2) An approval under this section shall be effective for a period of one year, and shall thereafter be void unless there is an occurrence of actual occupancy by persons for whom the special accommodation has been made in granting approval.

(Ord. of 5-15-2013(1), § 1)

Editor's note(s)—An ordinance, adopted May 15, 2013, amended the Code by adding provisions designated as § 32-165 Editor's note(s)—. Inasmuch as there were already provisions so designated, the provisions have been redesignated as § 32-167 Editor's note(s)—, at the discretion of the editor.

Sec. 32-168. Special events.

- (a) Special event, as defined in [section] 32-6 must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site.
- (b) Special event as defined in this section may be approved in any zoning district. The approval/disapproval of any such special event is discretionary based on the nature of the special event and the special demands it imposes on the site and the community.
- (c) Special events must file application for a permit with the township if they:
 - (1) Temporarily occupy off-street parking areas, spaces, or drive aisles;
 - (2) Utilize public lands or road right-of-way;
 - (3) Use equipment, speakers, or instruments that create increased sound audible at the property line;
 - (4) Seek a temporary liquor license or a bingo, raffle, and charity gaming license;
 - (5) Set up temporary buildings; or
 - (6) Will erect temporary signs.
- (d) An application must be filed with the township at least 30 days prior to the event that describes the event in detail. The application will request the information required for review by township departments and consultants, including but not limited to required drawings, documents, permit fees, and performance guarantees.
- (e) The event shall not cause disruption to the public including streets, walks or other rights-of-way and adjoining properties. Fire lanes must be maintained to the township fire marshal's satisfaction. Temporary

barriers placed on the site to restrict or direct traffic flow on-site must be approved by the fire marshal, building official and the zoning administrator. Further, the applicant must provide any special emergency lanes required by the fire marshal.

- (f) The building official will review the application and require any building permits for temporary buildings per the Michigan Building Code.
- (g) The activities, instruments, or equipment that generate sound levels that may be a nuisance to surrounding properties shall be identified by the applicant in the "application" submitted to the township. Activities, equipment, or instruments considered nuisances by the township departments shall be prohibited or regulated. The applicant will not use any equipment or instruments or conduct any activities at the special event to produce a sound level that is plainly audible at the property line between the hours of 11:00 p.m. and 7:00 a.m. during the special event.
- (h) The zoning administrator will approve or reject the application based on their review, other review reports, and recommendations.
- (i) The applicant shall be responsible for restoring the site to its condition prior to the special event. Cleanup of site shall occur immediately following the completion of the special event. Cleanup shall include but not be limited to removal of all waste and debris generated by the event; removal of any signs, banners, temporary barriers or markers, tents, trailers portable/temporary seating, tables, dumpsters, and portable toilets.
- (j) If the site has not been cleaned up and restored within two days of the special event completion, the township may arrange for necessary cleanup and all charges for the cleanup must be paid by the performance guarantee. If that guarantee is insufficient, a lien will be placed on the land up to the amount of the difference between the cost of the cleanup and the performance guarantee.
- (k) A special event may not occur for more than five consecutive days unless extended by the township board.
- (l) The size, type, locations and tenure of all signs to be used as part of the special event must be identified in the application and approved prior to installation. Removal of all the special event signs is part of the clean-up process.
- (m) The applicant shall be responsible for any licenses or permits required by other governmental agencies including Oakland County or State of Michigan. Evidence of any required license, permit, or certificates shall be included with the "application for special event approval."

(Ord. of 9-18-2019, § 1)

Sec. 32-169. Agricultural tourism.

- (a) *Intent.* The intent of these zoning provisions are to promote and maintain local farming. The activities that are described have become necessary for the sustainability of farms. The provisions are intended to provide standard definitions related to agricultural tourism operations, provide a list of permitted activities under an agricultural tourism operation, and to provide for a clear understanding of the expectations for agricultural tourism businesses for operators, local residents, other businesses and local officials.
- (b) *Special uses permitted by district.* The following table indicates in which zoning district an agricultural tourism use is permitted by special use permit in accordance with section 32-33:

Zoning District	Event Barn	Farmers' Market	Winery	Corn Maze	Cider Mill	Agriculturally-Related Uses
AGRE	S	S	S	S	S	S
RE	S	S	S	S	S	
C-1	S	S			S	

C-2	S	S			S	
S = Permitted as Special Use						

- (c) *Accessory uses.* If a special use is approved for any of the above-described uses, the applicant may request the special use include any or all the following accessory uses.
- (1) Educational activities, such as tours, classes, seminars and lectures;
 - (2) Bakeries selling baked goods containing produce grown primarily on site, subject to compliance with all local, state and federal laws governing food safety;
 - (3) Playgrounds or recreational equipment typical of a school playground, such as slides, monkey bars, and swings (not including motorized vehicles or rides);
 - (4) Nature trails;
 - (5) Open air or covered picnic area;
 - (6) Historical exhibits and interpretative opportunities;
 - (7) Kitchen facilities, processing/cooking items for sale, subject to compliance with all local, state and federal laws regulating such uses;
 - (8) Gift shops for the sale of agricultural products and agriculturally related products;
 - (9) Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales;
 - (10) Greenhouses.
- (d) *Minimum lot size.* All special uses contained in this section shall comply with the following minimum lot size depending on the district in which they are located. All other dimensional requirements shall conform to the standards of section 32-104 schedule of regulations.

Use	Special Use Zoning Districts	Minimum Lot Area
Event Barn	AGRE, RE, C-1, C-2	10 ac
Farmers' Market	AGRE, RE, C-1, C-2	2 ac
Winery	AGRE, RE	5 ac
Cider Mill	AGRE, RE, C-1, C-2	10 ac
Agriculturally-Related Uses	AGRE	5 ac

- (e) *Special use standards for agricultural tourism.* All special uses contained in this section shall be subject to the following conditions:
- (1) All uses must comply with local, state and federal rules and regulations, including the Michigan Right to Farm Act.
 - (2) In residential districts, all uses shall be clearly incidental to a principal farm agricultural use.
 - (3) Buildings, structures, and activities shall be separated from adjacent residential land uses by a 50-foot planted buffer. The buffer shall be required in addition to the minimum setbacks within the zoning district. The buffer may consist of berms, ground cover, shrubs, ornamental or evergreen trees, and/or fencing subject to planning commission approval.
 - (4) Hours of operation for all agricultural tourism uses shall be no earlier than 7:00 a.m. and no later than 11:00 p.m. for indoor uses and no earlier than 9:00 a.m. and no later than 10:00 p.m. for outdoor uses.

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- (5) Amplified music is permitted only within a permanent structure. All events shall be required to meet the regulations of section 32-194 noise and vibrations and section 32-168 special events of the Holly Township Zoning Ordinance.
 - (6) Applicants for special uses must secure all necessary permits from all applicable local, state or federal agency, including, but not limited to the Michigan Department of Agriculture and Rural Development, the Oakland County Health Division, the Township Building Department, the Fire Department, the Road Commission for Oakland County, the Michigan Liquor Control Commission, and appropriate law enforcement agency(s).
 - (7) Sanitary facilities that consist of portable stations, must be properly maintained and located within a side or rear yard and screened from public view.
 - (8) All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.
 - (9) Building or structure occupancies shall not exceed the limit as established by the fire department based on the maximum occupancy load of the building(s) or structure(s).
 - (10) Licenses, insurance certificate, permits, and event dates must be submitted to the township zoning administrator annually, for review and approval, by January 30 of each calendar year.
 - (11) The performance standards described in chapter 10, article II of this chapter shall apply to all agricultural tourism uses.
 - (12) Applicant shall submit maximum number of days of operation per year, which shall be subject to planning commission approval.
 - (13) All customer ingress and egress shall be from a public road.

(Ord. of 6-22-2020 , § 1)

Secs. 32-170—32-190. Reserved.

ARTICLE V. ENVIRONMENTAL REGULATIONS⁴

Sec. 32-191. Purpose.

Environmental standards 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 standards of use, occupancy, and operation. The standards in this article are established as minimum requirements to be maintained.

(Ord. No. 50, § 6.1, 11-17-1992)

Sec. 32-192. Landscaping, greenbelts and buffers, and screening.

- (a) *Intent.* The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the township by requiring landscaping for each development for which site plan and subdivision plat review is required. It is further the intent of this section to achieve the following:
- (1) Minimize noise, air, and visual pollution.
 - (2) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
 - (3) Require buffering of residential areas from more intense land uses and public road rights-of-way.
 - (4) Prevent soil erosion and soil depletion and promote subsurface water retention.
 - (5) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
 - (6) Encourage the integration of existing woodlands in landscape plans.
 - (7) Protect and preserve the appearance, character, and value of the community.
- (b) *Application of requirements.* These requirements shall apply to all uses for which site plan review is required under article VI of this chapter and subdivision plat review as required under chapter 14, article III, regarding subdivision control. No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth in this section.

⁴Cross reference(s)—Environment, ch. 10Cross reference(s)—.

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

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- (c) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the planning commission as part of the site plan review and tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:
- (1) Location, spacing, size, and root type (bare root (BR) or balled and burlapped (BB)) and descriptions for each plant type proposed for use within the required landscape area.
 - (2) Minimum scale: One inch equals 50 feet for property less than three acres or one inch equals 100 feet for property three acres or more.
 - (3) On parcels of more than one acre, existing and proposed contours on-site and 50 feet beyond the site at intervals not to exceed two feet.
 - (4) Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall, including footings.
 - (5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - (6) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - (7) Identification of existing trees and vegetative cover to be preserved.
 - (8) Identification of grass and other ground cover and method of planting.
 - (9) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.
- (d) *Screening between land uses.*
- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials 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. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.
 - (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the planning commission. 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. A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformity with front yard setback requirements. Upon review of the landscape plan, the planning commission may approve an alternate location of a wall. The planning commission and the building official shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.
- (e) *Parking lot landscaping.*
- (1) *Required landscaping within parking lots.* Separate landscape areas shall be provided within parking lots in accordance with the following requirements:
 - a. There shall be a minimum of one tree for every eight parking spaces.

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- b. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than 50 square feet in area.
 - c. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.
 - d. The planning commission, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
- (2) *Required landscaping at the perimeter of parking lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
- a. Parking lots which are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth in this section.
 - b. Parking lots shall be screened from view with a solid wall at least four feet in height along the perimeter of those sides which are visible from a public road. The planning commission, at its discretion, may approve alternative landscape plantings in lieu of a wall.
- (f) *Greenbelts.* A greenbelt shall be provided which is an area established at a depth of the required front yard setback within a zoning district and landscaped in accordance with the following requirements:
- (1) The greenbelt shall be landscaped with a minimum of one tree for every 30 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Nonornamental deciduous trees within a greenbelt shall be a minimum caliper of 2½ inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six feet.
 - (2) If ornamental deciduous trees are substituted for either nonornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two inches or greater.
 - (3) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
 - (4) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (g) *Site landscaping.* In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas. Up to five percent of the net site area in a required landscape area may consist of landscaped areas used for storm drainage purposes, such as drain courses and retention areas, which are located in front or side yards, subject to the following conditions:
- (1) The area may not have a slope greater than one on six.
 - (2) The area within a fenced drain course or retention pond may not be included in the required landscape area.

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- (3) Drain courses or stream bottoms may not be included in the required landscape area.
 - (4) Materials used to landscape these areas must be those which will not be damaged by intermittent water conditions and shall be maintained in a healthy and growing condition as well as being neat and orderly in appearance.
- (h) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:
- (1) *Street trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 50 lineal feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in subsection (j) of this section.
 - (2) *Screening between land uses.* Where a subdivision or site condominium contain uses which are defined as conflicting land uses by this section, the screening requirements set forth in subsection (d) of this section shall be met.
 - (3) *Screening from public roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (d) of this section shall be met.
 - (4) *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.
- (i) *Screening of trash containers.*
- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
 - (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
 - (3) Containers and enclosures shall be located away from public view insofar as possible.
 - (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 - (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
 - (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
 - (7) Screening and gates shall be of a durable construction.
- (j) *Landscape elements.* The following minimum standards shall apply:
- (1) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to the county, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
 - (2) *Composition.* A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

- (3) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- (4) *Existing trees.* The preservation and incorporation of existing trees in a landscape is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
- a. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.
 - b. 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 during 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.
 - c. If 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 contractor shall replace them with trees which meet the requirements of this chapter.
- (5) *Installation, maintenance, and completion.*
- a. All landscaping required by this chapter shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in section 32-36, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
 - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
 - c. The owner of property required to be landscaped by this chapter shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this chapter which become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
- (k) *Minimum size and spacing requirements.* Where landscaping is required the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

SIZE AND SPACING REQUIREMENTS

	Minimum Size Allowable							Maximum On-Center Spacing (In Feet)											
	Height				Caliper		18" — 2' Spread	2" Peat Pot	2 Gallon Container										
	5' — 6'	3' — 4'	2' — 3'	18' — 2'	2'	2.5'				30	25	15	10	6	5 — 6	5	4	3	2
Evergreens:																			
Fir	•											•							
Spruce	•											•							
Pine	•											•							
Hemlock	•											•							

Douglas Fir	•											•							
Narrow Evergreen Trees:																			
Red Cedar	•												•						
Arborvitae	•												•						
Juniper (selected varieties)	•												•						
Large Deciduous Trees:																			
Oak						•						•							
Maple						•						•							
Beech						•						•							
Linden						•							•						
Ash						•						•							
Ginko (male only)						•						•							
Honeylocust (seedless, thornless)						•						•							
Birch						•							•						
Sycamore						•						•							
Small Deciduous Trees (ornamental):																			
Flowering Dogwood (disease resistant)						•							•						
Flowering Cherry, Plum, Pear						•							•						
Hawthorn (thornless)						•							•						
Redbud						•							•						
Magnolia						•							•						
Flowering Crabapple						•							•						
Mountain Ash						•							•						
Hornbeam						•							•						

Russian Olive						•						•								
Large Evergreen Shrubs:																				
Irish Yew			•											•						
Hicks Yew			•											•						
Upright Yew			•											•						
Spreading Yew								•						•						
Pfitzer Juniper								•						•						
Savin Juniper								•						•						
Mugho Pine								•						•						
Small Evergreen Shrubs:																				
Brown's Ward's Sebion Yews								•											•	
Dwarf Spreading Juniper								•											•	
Dwarf Mugho Pine								•											•	
Euonymous varieties								•											•	
Large Deciduous Shrubs:																				
Honeysuckle			•											•						
Lilac			•											•						
Border Privet (hedge planting)				•																•
Sumac		•												•						
Buckthorn		•												•						
Pyracantha			•											•						
Weigela		•												•						
Flowering Quince		•												•						
Barberry		•												•						

Cotoneaster (Peking and Spreading)		•														•				
Sargent Crabapple		•														•				
Dogwood (Red Osier and Grey)		•														•				
Euonymous varieties		•														•				
Viburnum varieties		•														•				
Tall Hedge (hedge planting)				•																•
Small Deciduous Shrubs:																				
Dwarf Winged					•															•
Regal Privet					•															•
Fragrant Sumac					•															•
Japanese Quince					•															•
Cotoneaster (Rockspray, Cranberry)					•															•
Potentilla					•															•
Ground Cover:																				
Periwinkle										•										
Baltic Ivy										•										
Euonymous varieties										•										
Hall Honeysuckle										•										
Pachysandra										•										
Vines:																				
Euonymous varieties											•									•
Virginia Creeper											•									•
Baltic Ivy										•										•
Wisteria											•									•

(Ord. No. 50, § 6.2, 11-17-1992)

Sec. 32-193. 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 department of environmental quality according to Part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), either of which act may be amended or superseded from time to time. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
- (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 the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this section are not intended to apply to farming activities.
- (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. No. 50, § 6.3, 11-17-1992)

Sec. 32-194. Noise and vibration.

- (a) *Maximum noise levels.* 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 Districts 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) *Intermittent noise.* In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the decibel readings in subsection (a) of this section, shall be so controlled so as not to become a nuisance to adjacent uses. 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.
- (c) *Vibration generally.* No use shall generate any ground transmitted vibration in excess of the limits set forth in subsection (f) of this section. Vibration shall be measured at the nearest adjacent lot line.

- (d) *Measurement instrument.* The instrument used to measure vibrations shall be a three-compartment measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (e) *Computation of vibration maximums.* The vibration maximums set forth in subsection (f) 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, inches

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

- (f) *Table of maximum ground-transmitted vibration.*

TABLE OF MAXIMUM GROUND-TRANSMITTED VIBRATION

Particle Velocity, Inches-Per Second

Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02

- (g) *Multiplication of values for impact vibrations.* The values stated in subsection (f) 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.
- (h) *Vibrations from temporary construction activity.* Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. No. 50, § 6.4, 11-17-1992)

Sec. 32-195. Use, storage and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary wastes.

- (a) *Pollution or impairment of natural resources prohibited.* 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) *Permits and approvals.* 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 department of environmental quality, or other designated enforcing agencies.
- (c) *Hazardous chemicals survey form.* Any person operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous chemicals survey on a form supplied by the township in conjunction with the following:
- (1) Upon submission of a site plan.

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- (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) *Standards for certain businesses and facilities.* 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) *Above-ground storage and use areas for hazardous substances.*
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain 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 polebarns shall not have floor drains.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
 - (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, the state department of consumer and industry services, and/or any other federal, state or local authority having jurisdiction.
 - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the state department of consumer and industry services. 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 department of consumer and industry services, the state department of environmental quality, the township, and/or any other federal, state or local authority having jurisdiction.
 - (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) *Review prior to approval.* All site plans for business 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. No. 50, § 6.5, 11-17-1992)

Sec. 32-196. Electrical disturbance, electromagnetic, or radio frequency interference.

No use shall:

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- (1) Create any electrical disturbance that adversely affects any operations 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. No. 50, § 6.6, 11-17-1992)

Sec. 32-197. Glare and exterior lighting.

(a) *Light and glare from indirect sources.*

- (1) 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 so as not to create a public nuisance or hazard along lot lines.
- (2) 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, including residential property.
- (3) 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.

(b) *Exterior lighting from direct sources.*

- (1) *General standards.* Subject to the provisions set forth in this chapter, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, other outdoor pedestrian ways, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas. 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 occupants and land uses. The following additional standards shall apply:
 - a. Only nonglare, color-corrected lighting shall be permitted. Lighting shall be placed, directed and shielded so as to direct the light onto the site and away from adjoining properties. Downward shielded light fixtures shall be used to prevent lighting from being permitted in an upward direction. Lighting shall be shielded so that it does not cause glare for motorists.
 - b. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.5 footcandles at ground level along common property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed 1.0 footcandles at ground level along common property lines. Maximum light levels shall not exceed 20.0 footcandles in any given area measured at ground level.
 - c. Except as noted above, lighting fixtures shall not exceed a height of 25 feet. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 18 feet, and shall be located so as to result in the minimum interference with residential users.
- (2) *Required lighting information.* The location and illumination patterns of exterior light fixtures shall be required per article VI of this chapter, regarding site plan review. Plans showing and describing the type of fixtures, lamps, supports and other lighting devices, including catalog cuts, photometric reports and cross sections, should be provided for review of this information.

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- (3) *Prohibited exterior lighting.*
- a. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes;
 - b. The use of search lights except by law enforcement agencies and civil authorities;
 - c. Unshielded dusk to dawn lighting in all zoning districts, except such lighting permitted in residential districts if they comply with other requirements of this chapter.
- (4) *Exterior lighting exempt from this chapter.*
- a. Exterior light fixtures installed prior to the effective date of the ordinance from which this chapter is derived are exempt from the provisions of this chapter; provided, however, that when there is any change in the use, or any replacement, structural alteration or restoration of such outdoor light fixture, then the fixture shall thereafter conform to all provisions of this chapter;
 - b. Exterior light fixtures which use an incandescent light bulb of 150 watts or less, except where they create a hazard or nuisance from glare or spill light;
 - c. Lighting necessary for road or utility construction or emergencies.
- (5) *Exterior recreation lighting.* An outdoor recreational facility, whether public or private, shall not be illuminated after 11:00 p.m., except to conclude any recreational or sporting event or activity conducted at the facility, where the event or activity was in progress prior to 11:00 p.m.
- (6) *Night lighting.* Exterior light fixtures for off-street parking lots shall be turned off no later than one hour after the ending of the use on the site, except for lighting which is necessary for security purposes.

(Ord. No. 50, § 6.7, 11-17-1992; Ord. of 7-15-2003)

Sec. 32-198. 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. No. 50, § 6.8, 11-17-1992)

Cross reference(s)—Fire prevention and protection, ch. 12Cross reference(s)—.

Sec. 32-199. Enclosure of hazards.

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. No. 50, § 6.09, 11-17-1992)

Sec. 32-200. Stormwater management.

- (a) *Stormwater management standards.* All developments and earth changes subject to review under the requirements of this chapter shall be designed, constructed, and maintained to prevent flooding and protect

water quality. The particular facilities and measures required on site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Stormwater management shall comply with the following standards:

- (1) The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the township.
 - (2) Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 - (3) The use of swales and vegetated buffer strips is encouraged in cases where the planning commission deems to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
 - (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
 - (5) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the state department of environmental quality and the township, based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the township engineer, with consultation of appropriate experts.
 - (6) Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.
- (b) *On-site stormwater detention.* For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this chapter, whether new or improved shall provide for on-site detention storage of stormwater in accordance with the current county drain commission's standards.

(Ord. No. 50, § 6.10, 11-17-1992)

Sec. 32-201. Regulation of floodplain areas.

(a) *Purpose and intent.*

- (1) The floodplains of the township are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.
- (2) It is the purpose of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and redesignated at 44FR 31177, May 31, 1979.
- (3) The provisions of this section are intended to:
 - a. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
 - b. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;

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- c. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
 - d. Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
 - e. Permit reasonable economic use of property located within a designated floodplain area.
- (b) *Delineation of floodplain areas.*
- (1) Designated floodplain areas shall overlay existing zoning districts delineated on the zoning district map of the township. The boundaries of the floodplain areas are identified in the report entitled, the Flood Insurance Study, Holly Township, prepared by the Federal Emergency Management Agency. The study and accompanying maps are adopted by reference, appended, and declared to be part of this chapter.
 - (2) The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with riverine flooding, a floodway is designated within the floodplain area.
 - (3) Where there are disputes as to the location of a floodplain area boundary, the zoning board of appeals shall resolve the dispute in accordance with article II, division 2 of this chapter.
- (c) *Application of regulations.*
- (1) In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
 - (2) Upon application for land use permits, the zoning administrator shall determine whether such use is located within a designated floodplain area utilizing the documents cited in subsection (b) of this section. The issuance of a land use permit within the floodplain area shall comply with the following standards:
 - a. The requirements of this section shall be met;
 - b. The requirement of the underlying districts and all other applicable provisions of this chapter shall be met; and
 - c. All necessary development permits shall have been issued by appropriate local state, and federal authorities, including a floodplain permit, approval, or letter of authority from the state department of environmental quality under authority of Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.). Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
 - (3) Floodplain management administrative duties.
 - a. With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in subsection (d) of this section, the duties of the zoning administrator shall include, but are not limited to:
 - 1. Notification to adjacent communities and the state department of environmental quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Emergency Management Agency;
 - 2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed

within the flood hazard area, and in the case of floodproofed structures, the elevation to which the structure was floodproofed; and

3. Recording of all certificates of floodproofing, and written notification to all applicants to whom variances are granted in flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- b. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the zoning administrator and shall be open for public inspection.
 - c. It shall be the responsibility of the zoning administrator to obtain and utilize the best available flood hazard data for purposes of administering this chapter in the absence of data from the Federal Emergency Management Agency.
- (d) *Floodplain standard and requirements.*
- (1) *General standards and requirements.* The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
 - a. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:
 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 2. Be constructed with materials and utility equipment resistant to flood damage;
 3. Be constructed by methods and practices that minimize flood damage.
 - b. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
 - c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - d. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
 - e. Adequate drainage shall be provided to reduce exposure to flood hazards.
 - f. The township engineer or his representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the zoning administrator.
 - g. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this article.
 - h. The flood carrying capacity of any altered or relocated watercourse not subject to state and federal regulations designed to ensure flood carrying capacity shall be maintained.
 - i. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

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- (2) *Specific standards.* The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
- a. All new construction and substantial improvements of nonresidential structures shall have either;
 1. The lowest floor, including basement, elevated at least one-tenth of a foot above the base flood level;
 2. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood in the location of the structure.
- (3) *Mobile home standards.* The following general standards and requirements shall be applied to mobile homes located within floodplain areas:
- a. Anchoring must meet HUD specifications, per rule 605.
 - b. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the county sheriff's department for mobile home parks and mobile home subdivisions.
 - c. Mobile homes within zones A1-30 on the flood insurance rate map shall be located in accord with the following standards:
 1. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 2. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 3. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
 4. In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, the standards in subsection (d)(3)c of this section shall be complied with.
- (4) *Standards applied to all uses in the floodway and floodplain.* The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.
- a. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the state department of environmental quality that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.).
 - b. The placement of mobile homes shall be prohibited.

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- c. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.
 - (e) *Warning and disclaimer of liability.*
 - (1) The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
 - (2) The provisions of this section do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the township or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made thereunder.

(Ord. No. 50, § 6.11, 11-17-1992)

Sec. 32-202. Building grades.

- (a) *General flow of surface waters.* Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water runoff damage does not occur to adjoining properties prior to, during, and after construction.
- (b) *Determination of grade; grading of yard.* When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the building official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run off of surface water to flow onto the adjacent property.
- (c) *Approval of final grade.* Final grades shall be approved by the building official who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

(Ord. No. 50, § 6.12, 11-17-1992)

Sec. 32-203. Special land use approval required for lake access.

- (a) *Generally.* For purposes of this section the term "lake access" means the use of a lake for any purpose. Except as provided in subsection (b) of this section, special land use approval shall be required to use property to:
 - (1) Provide lake access, regardless of the means, to persons who do not reside on the property over which lake access is provided;
 - (2) Provide lake access to benefited property which does not have lake frontage;
 - (3) Provide lake access by license or some other mechanism, to individuals who, as of the effective date of the ordinance from which this section is derived, cannot trace title to a common grantor, within the last conveyance, whose property had direct lake frontage; or
 - (4) Provide lake access to proposed lots, units, or parcels in a subdivision development, condominium development, or development created by division of an acreage parcel, where such proposed lot, unit, or parcel does not itself have lake access.
- (b) *Exceptions to special land use approval.* Special land use approval is not required to:

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- (1) Provide lake access over or through property which possesses lake frontage at the time of passage of the ordinance from which this section is derived, for the benefit of property which also possesses lake frontage; or
 - (2) Provide lake access for the sole purpose of swimming, or launching nonmotorized watercraft that is capable of being hand-carried.

(Ord. of 4-25-2001, § 2)

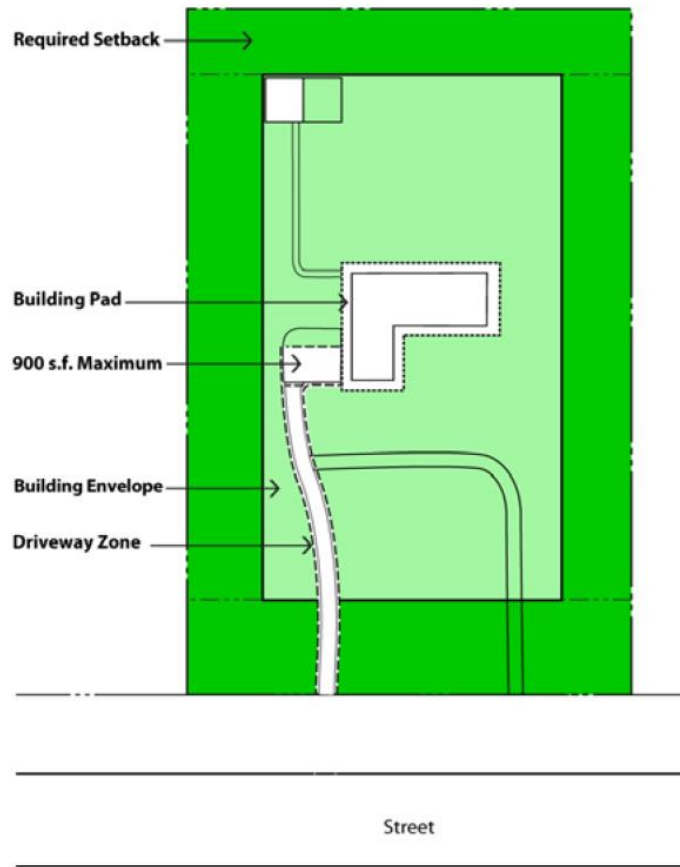
Sec. 32-204. Non-single family residential tree and woodlands protection.

- (a) *Purpose and intent.* The purpose and intent of this section is to help prevent unregulated and, in many cases, unnecessary removal of trees. This will help to protect and maintain trees and woodlands within the township for the following reasons:
 - (1) The protection of trees within the township is desirable and essential to the present and future health, safety, and welfare of all the citizens of the township;
 - (2) Trees contribute significantly to the natural beauty, character, and value of property within the township;
 - (3) The protection of trees is consistent with the goal of the Holly Township Master Plan to maintain the trees and woodlands that contribute to the unique character of the community.
 - (4) Trees and woodlands help protect ground water recharge areas, reducing risk of groundwater contamination.
 - (5) Trees and woodlands help protect public health through the absorption of air pollutants and contamination and reducing carbon dioxide content in ambient air.
- (b) *Applicability—Tree removal permit requirements.*
 - (1) A tree removal permit is required for removal of regulated trees, unless exempt under subsection (c) of this section.
 - (2) Any tree removal which is not subject to exemption must comply with the subsection (d) or subsection (e) of this section, as applicable.
 - (3) The application for a tree removal permit shall be submitted to the zoning administrator or designee for review and approval pursuant to subsection (d) or subsection (e).
 - (4) No tree that was planted or preserved as part of any landscape plan or in accordance with any street tree requirements approved in conjunction with a subdivision or site plan shall be removed, except for such trees directed to be removed pursuant to sections (d), (e), and (f).
- (c) *Exemptions.* Notwithstanding the provisions of this article, the following activities are exempt from the provisions of this article, unless otherwise prohibited by statute or ordinance.
 - (1) Public utilities. The trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities which grants such permission. Removal of trees for public utilities shall comply with subsection (e).
 - (2) Public agencies. The removal or trimming of trees if performed by or on behalf of the township, county, state or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project such as the installation of public streets or public sidewalks.

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- (3) Routine maintenance. The trimming and pruning of trees as part of normal maintenance if performed in accordance with accepted forestry or agricultural standards and techniques.
 - (4) Public safety. The removal or trimming of dead, diseased or damaged trees if performed by or on behalf of the township, county, state, public utility, or other public agencies in a public right-of-way, utility easement, or on public property if done to prevent injury or damage to persons or property.
 - (5) Dead, diseased, or damaged trees. The removal or trimming of dead, diseased or damaged trees provided that the damage resulted from an accident or non-human cause and provided further that the removal or trimming is accompanied through the use of standard forestry practices and techniques.
 - (6) Disasters and emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze or dangerous and infectious insect infestation or disease or other disaster, in order to prevent injury or damage to persons or property or to restore order.
 - (7) Removable trees. The removal of removable trees as defined in subsection (d).
 - (8) Individual parcels for residential use, excluding parcels being divided or subdivided into three or more lots or units.
- (d) *Definitions.* The following terms, words and phrases shall have the following meaning for purposes of this section.

Activity shall mean any operation, development or action, including but not limited to constructing buildings or other structures; depositing or removing material; land balancing; draining, pumping or diverting water; paving; tree removal or other vegetation removal.

Building envelope shall mean that area between the setback and the building pad, as defined herein.



Building Envelope

Building pad shall mean the building footprint plus that area within 15 feet of the building footprint of any principal structure and the applicable area for accessory structures as defined in section 32-134 of the zoning ordinance, and required septic fields.

Diameter breast height (DBH) shall mean the diameter in inches measured four and one-half feet above ground of a regulated tree.

Drip line shall mean an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway zone shall mean an area leading from the street to either the garage in the case of a residence, or the main building in the case of a non-residential parcel. The driveway zone may include an area up to 900 square feet located directly in front of the garage or main building. The driveway zone shall not apply to circular driveways for residential property or parking lots for non-residential parking lots.

Land clearing shall mean operations which remove trees and vegetation in connection with the installation of storm or sanitary sewers, public or private utilities, streets, parking, or any other clearing or grading of the property at any time prior to construction of a building.

Regulated tree shall mean any tree eight inches DBH or greater that is not a removable tree.

Removable tree shall mean those trees designated by resolution of the planning commission as being appropriate for removal due to their nuisance characteristics. Such trees shall be listed by common and botanical name. Such list shall be maintained by the township and shall initially include the following tree species. Additional trees may be added to this list by township board resolution:

- Ash (diseased only)
- Autumn Olive
- Box Elder
- Catalpa
- Common or Glossy Buckthorn
- Elm, except American
- Horse Chestnut (nut bearing)
- Poplar
- Russian Olive
- Soft Maples (Silver)
- Tree-of-Heaven
- Weeping Willow

Replacement tree shall mean any tree not listed as a removable tree, as defined above. Replacement trees shall be species, varieties or cultivars that are commonly grown and available in Michigan tree nursery stock. Replacement trees may not be counted toward landscaping required by other ordinances.

Setback shall mean a distance of 25 feet from all property lines for the purpose of this section.

Tree survey shall mean a drawing and listing prepared and sealed or signed by a registered land surveyor, landscape architect, or civil engineer and verified by a registered arborist, forester, or landscape architect containing all of the following information:

1. The shape and dimensions of the property and the location of any existing and proposed structure or improvement;
2. The identification (common and botanical name), size, location and tagging in the field of all regulated trees using numbered, non-corrosive metal tags, and shown on the plan with the corresponding number.

Undeveloped shall mean a parcel of land which is substantially unimproved with buildings or structures on the effective date of this section.

(e) *Tree removal on non-residential parcels or residential parcels being divided or subdivided into three or more lots or units.*

(1) *Submittal requirements.* An applicant shall submit the following materials to the township:

- a. *Tree removal permit application.* A completed tree removal permit application on a form prescribed by the township which shall include the following information:
 1. The name, address and telephone number of the applicant and/or the applicant's agent;
 2. The name, address and telephone number of the owner of the property and written authorization from the owner allowing the proposed activity;

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3. The project location, including as applicable, the address, the street, road or highway, section number, lot or unit number and the name of the subdivision or development;
 4. A detailed description of the activity to be undertaken including a tree survey and landscape plan as described below; and
 5. A tree removal permit application fee in the amount established by resolution of the township board.
- b. *Tree survey.* A sufficient number of copies as determined by the building official of a tree survey and a plan for proposed tree removal shall be provided.
 - c. *Landscape plan.* A sufficient number of copies of a landscape plan prepared by a registered landscape architect shall be submitted with the application for tree removal, and shall include the following information:
 1. The total number and location of regulated trees on site and regulated trees to be removed.
 2. The replacement plan showing the type, location, and size of replacement trees on the plan and in a separate tabular summary.
- (2) *Review standards.* Reviews of an application for a tree removal permit shall be conducted by the zoning administrator, unless the tree removal permit is applied for along with an application for site plan approval, in which case, the planning commission shall conduct the review. The following points shall be considered in the review and approval of an application for a tree removal permit, if required by this section.
- a. The protection and conservation of natural resources from pollution, impairment or destruction is of paramount concern. Therefore, all woodlands, trees and related natural resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other improvements. The applicant must consider and pursue alternative development options available under the zoning ordinance in order to preserve the woodlands and trees.
 - b. The developer may remove regulated trees within those portions of the site that are set aside or required for installation of storm water management, sanitary and water lines, roads, utilities, and other requirements of the township without replacement. The developer may not clear cut woodland areas on the property and must consider routes for sewer and utilities that preserve the established woodlands on the property.
 - c. The developer may remove regulated trees within other areas of the site, including those for building construction, provided they comply with the applicable replacement requirements in subsection (f) of this section. The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.
 - d. Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.
 - e. The suitability of the landscape and replacement plan based on maintaining the character and harmony of the surrounding area.
- (3) *Reviewing body.* The planning commission shall be the reviewing body for tree removal permits on subdivisions of three or more lots.

(4) *Appeals.* If, in the opinion of the planning commission, the request for tree removal does not satisfy the above criteria, then within 30 days from the planning commission's decision, an applicant may appeal in writing to the zoning board of appeals for review and decision.

(f) *Relocation and replacement.*

(1) Replacement ratio. The permit holder shall provide replacement trees for each regulated tree to be removed in excess of exemption in accordance with the following schedule based on the location of the tree to be removed. When the number of replacement trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one replacement tree. The minimum size for replacement trees is eight feet in height for coniferous trees and two and one-half inches in caliper for deciduous trees.

Replacement Tree Size	Number of Replacement Trees Per Tree to Be Removed ¹		
	Building Envelope	Front Setback	Other Setback
<i>Coniferous (height):</i>			
8 feet	1.0 trees	2.0 tree	1.5 trees
8.01—10 feet	0.75 trees	1.5 trees	1.0 trees
Greater than 10 feet	0.5 tree	1.0 trees	0.75 trees
<i>Deciduous (Caliper):</i>			
2.5—3 inches	1.0 trees	2.0 tree	1.5 trees
3.5—3.99 inches	0.75 trees	1.5 trees	1.0 trees
4 inches or greater	0.5 tree	1.0 trees	0.75 trees

1. No replacement trees are required within the building pad and driveway zone as defined in this section.

2. An applicant may request a modification of the number or replacement trees required to the planning commission for the use of coniferous replacement trees greater than 12 feet in height and deciduous trees greater than six inches in caliper.

3. For non-single family lots located in a sending zone, as defined in the Holly Township Master Plan, the number of replacement trees per tree to be removed shall be doubled.

(2) Minimum requirements. All replacement trees shall satisfy current American standards for nursery stock and shall be as follows:

- a. Nursery grown or comparable, or relocated from the same parcel.
- b. Number one grade, with a straight, unsecured trunk and a well-developed uniform crown.
- c. Guaranteed for one year from the time of planting.
- d. A species not included on the list of removable trees.
- e. Tree replacement shall occur within one year of permit issuance except for parcels greater than ten acres. For parcels greater than ten acres replacement trees shall be planted within three years or prior to a change in use, whichever occurs first or by providing an acceptable tree removal and replacement plan approved by the planning commission.

(3) Location. The location of any replacement tree shall be on the same parcel as the removed tree whenever feasible, as determined by the reviewing body. If the tree replacement on the same parcel is not feasible the reviewing body may:

- a. Designate another planting location for the replacement tree within the township, approved by the township board; or
- b. Require the permit holder to deposit into the township general fund, tree preservation line, an amount determined by resolution of the township board for tree replacement that would

otherwise be required. These funds shall be utilized for the planting, maintenance and preservation of trees and woodland areas within the township.

- (4) Maintenance. Replacement trees shall be staked (where practical), fertilized, watered and mulched to ensure their survival in a healthy, growing condition.
- (5) Property owners are responsible to take all measures necessary to ensure the health of replacement trees.
- (6) Performance guarantees.
 - a. For permits issued under subsection (e), if the replacement requirement is not satisfied within one year of the permit issuance, then the township may bill the property owner for the cost of said replacement trees and their planting. At the end of each fiscal year the zoning administrator shall report any such charges to the township board. When reported, the charges shall become a lien upon the property on which such replacement trees should have been planted and shall be assessed and collected and the township may deposit any funds received in the township's tree fund. In the case where the tree removal permit was issued in connection with a building permit, the zoning administrator may withhold final project approval until the replacement obligation is satisfied or bond is provided. The property owner shall be responsible for timely advising the township when the required replacement trees have been planted on the property owner's property.
 - b. For permits issued under subsection (f), the applicant shall post an acceptable form of an irrevocable letter of credit, cash escrow, certified check, or other township-approved performance security in an amount determined by the building official, equal to one and one-half times the amount required for the required replacement trees according to the approved landscape plan, together with reasonable administrative expenses. Required performance guarantees shall be provided to the township after approval of the proposed tree removal permit but prior to the initiation of any tree removal. After determination by the building official that all replacement trees are in compliance with the approved landscape plan, the letter of credit or other securities shall be released.
- (7) Terms of permit.
 - a. Any and all tree removal permits issued by the township to a developer shall expire (unless extended) at the same time as the contemporaneous approval granted by the township, for the development, if any (i.e. tentative preliminary plat, preliminary site plan, special land use, site plan approval, etc.).
 - b. Any and all tree removal permits issued by the township to any persons for an activity regulated under this section for which a contemporaneous approval of the development is not required by the township (i.e. removal of trees by a builder in connection with construction of a residence upon a parcel) shall expire one year from the date of issuance.
 - c. Any activity regulated under this section which is to be commenced after expiration of a tree removal permit shall require a new applicant, additional fees and new review and approval.
- (8) Display of permit. The permit holder shall conspicuously display the tree removal permit on-site. The permit shall be displayed continuously while trees are being removed or while activities authorized under the permit are performed and for ten days following completion of those activities. The permit holder shall allow the township to enter and inspect the premises during reasonable business hours or any other time during which activity is conducted as regulated by this section. Failure to allow an inspection authorized under this section is a violation of sections (e) or (f) above.

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- (9) Enforcement and administration. To ensure enforcement of this section and the approved plan for tree removal, various inspections may be performed at the site at the direction of the township. The applicant will be responsible for all inspection fees. The township shall have the authority to promulgate additional regulations to implement the terms of this section.
 - (10) Violations. A violation of this article shall be subject to the same penalty provisions as violations of the zoning ordinance.
 - (11) Variance. Applicants may seek variances from the provisions of this section by filing a written request with the township which variances may be granted by the zoning board of appeals upon a showing of practical difficulty.
 - (12) Tree protection. The following tree protection standards shall be followed:
 - a. All trees which have been approved for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.
 - b. No person shall conduct activity within the drip line of any tree designated to remain, including but not limited to the placing of solvents, building materials, construction equipment or soil deposits.
 - c. During construction, no person shall attach a device or wire to any remaining tree, except to cordon off protected areas as required.

(Ord. of 5-16-2018(1), § 1)

Sec. 32-205. Wellhead Protection Overlay District.

- (a) *Intent.* The Wellhead Protection Overlay District is designed to safeguard the health, safety and welfare of all public and/or private water systems, including but not limited to those citizens and institutions that are customers and/or users of the Holly Township, Michigan, water system, by regulating the land use and the storage, handling, use and/or production of regulated substances within the Wellhead Protection Overlay Districts. The intent of this designation is to protect the community's entire water system, including but not limited to its Class 1 drinking and/or potable water systems and supply, against contamination.
- (b) *Applicable area.* The Wellhead Protection Overlay District is generally described as the land area adjacent to and upgradient from existing and proposed municipal water well fields. This area is illustrated in the Wellhead Protection Overlay District Map, which is attached as an amendment to and made part of the official zoning map of the township.
- (c) *Permitted uses.* The permitted uses in the Wellhead Protection Overlay District shall include all those permitted uses as allowed in the underlying zoning district, except for the following:
 - (1) The processing, storage, transfer or compounding of chemicals or drugs or bulk storage thereof.
 - (2) Foundries.
 - (3) Heavy Equipment Repair.
 - (4) Sanitary landfills of any kind, including but not limited to the so-called "Type I, II, or III" landfills as defined by the Natural Resources and Environmental Protection Act (451 PA 1994, and as amended), the County Solid Waste Management Act (186 PA 1989, and as amended), all hazardous waste management rules and regulations, and/or any other or additional state or federal regulations enacted thereunder, pursuant thereto, or in any way related to landfill siting and regulation.

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- (d) *Special uses.* The following special uses shall be permitted in the Wellhead Protection Overlay District, subject to the conditions hereinafter required for each use, and also subject to any and all reasonable conditions which may be imposed in accordance with this chapter.
- (1) The permitted uses subject to special conditions in the Wellhead Protection Overlay District shall include all those special approval uses as allowed in the underlying zoning district, except for the following:
- a. Sanitary landfills of any kind, including but not limited to the hazardous waste and/or the so-called "Type I, II, or III" landfills as defined by the Natural Resources and Environmental Protection Act (451 PA 1994, and as amended), the County Solid Waste Management Act (186 PA 1989, and as amended), all hazardous waste management rules and regulations, and/or any other or additional state or federal regulations enacted thereunder, pursuant thereto, or in any way related to landfill siting and regulation. This prohibited use also expressly includes all related facilities and/or systems for processing, treatment, transfer, transportation, and/or storage of landfill material or hazardous waste.
 - b. The mining or excavation, extraction, or processing of sand, gravel and limestone, except such activity which is already lawfully underway and subject to township regulation consistent with this ordinance and/or court order.
 - c. Gasoline service stations.
 - d. Bus or truck terminals, except such mass transit or commuter service as the township may approve consistent with this chapter.
 - e. Junk or material salvage yards.
 - f. Automobile and truck body shops.
 - g. Redi-mix concrete or asphalt plants.
 - h. Metal processing plants and/or electroplating plants.
 - i. Paint and coating manufacturing.
 - j. Sewage treatment plants.
 - k. Waste water processing facilities.
 - l. Transfer stations as defined by MDEQ.
 - m. Composting yards.
- (e) *Additional site plan information requirements.* Site plan applications for any uses, buildings, or structures which are within the Wellhead Protection Overlay District shall also comply with the following additional site plan requirements.

In addition to the information required by article 6 site plan review, an application for site plan review shall submit the following information:

- (1) A copy of the MIOSHA and/or MDEQ material safety data sheet or "hazardous reporting form for site plan review" for each chemical proposed to be on site. Also include maximum quantities to be stored or on site at one time.
- (2) Location of existing and proposed facilities and structures, above and below ground, including but not limited to the following:
 - a. Public and private groundwater supply wells on site and on adjacent properties.
 - b. Septic systems and other waste water treatment systems.

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- c. All interior and exterior areas to be used for the storage, use, transfer, loading/unloading, recycling or disposal of hazardous substances.
 - d. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil, chemical storage, regulated or hazardous substance storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 - e. Location of interior and exterior drains, dry wells, catch basins, retention/detention areas, storm water/retention ponds, sumps and other facilities designed to collect, store or transport storm water or waste water, The point of discharge for all drains and pipes shall be identified on the site plan.
- (3) Location of existing wetlands, water bodies, water courses and floodplains.
 - (4) Soil characteristics of the site, through sufficient soil borings classified continuously to bedrock to map the site.
 - (5) Delineation of areas on the site which are known to be contaminated, together with a report on the status of site cleanup.
- (f) *Site design requirements and site plan review standards in Wellhead Protection District.* In addition to the criteria set forth in article 6 site plan review, in reviewing a site plan and approving, disapproving or modifying same, the planning commission shall be governed by the following standards:
- (1) *Groundwater protection standards.*
 - a. The project and related improvements shall be designed to protect the natural environment, including wetlands, water bodies, water courses, floodplains, groundwater and soils.
 - b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or water course and shall not increase flooding or the possibility of polluting surface or groundwater, on site or off site.
 - c. General purpose floor drains shall be connected to a public sewer system, or an on site holding tank.
 - d. Chemical loading and unloading areas shall not have drains which discharge into the storm sewer piping or collection system unless equipped with an appropriate sump pump which can be shut down in the case of a spill. Further, chemical loading and unloading areas shall be designed to contain or direct spillage in such a manner as to prevent potential discharge to the ground or groundwaters, storm water piping or recharge ponds or lagoons.
 - e. Sites at which hazardous substances are loaded and unloaded, stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, wetlands, water bodies, water courses or groundwater.
 - f. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - (2) *Aboveground storage and use areas for hazardous substances and polluting materials.*
 - a. Secondary containment of hazardous substances shall be provided. Secondary containment shall be sufficient to store 150 percent of the stored substance for the maximum anticipated period of time necessary for the recovery of any released substance.

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- b. Secondary containment structures such as buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to nearby drains, soils, wetlands, water bodies, water courses or groundwater. Where allowed, the secondary containment provided in (2)a. above, shall apply.
 - c. Outdoor storage of hazardous substance shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - d. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to nearby drains, soils, wetlands, water bodies, watercourses or groundwater.
 - e. All storage of fuel and lubricants or vehicle operation and fuel for building and/or processing in conjunction with permitted and conditional uses for same shall be above ground.
- (3) *Underground storage tanks.*
- a. Existing underground storage tanks or replacements allowed under chapter 32 Zoning, section 32-195, shall be registered with the appropriate state or federal agency or department according to the requirements of the State of Michigan Department of Natural Resources, and/or the U.S. Environmental Protection Agency, as necessary.
 - b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the appropriate local, state and/or federal agency or department according to the requirements of Holly Township, the State of Michigan Department of Natural Resources, and/or the U.S. Environmental Protection Agency, as necessary. 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 township and other applicable government officials.
 - c. Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the appropriate local, state and/or federal agency or department according to the requirements of Holly Township, the State of Michigan Department of Natural Resources, and/or the U.S. Environmental Protection Agency, as necessary.
- (4) *Sites with contaminated soils and/or groundwater.*
- a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect the public health and the environment.
 - b. Development shall not be allowed on or near contaminated areas of a site unless pursuant to a Holly Township approved cleanup plan, including but not limited to an approved remedial action plan or an approved brownfield clean up plan, and also involving the Michigan Department of Natural Resources and all other state or federal agencies with regulatory oversight which shall confirm that cleanup has or will proceed in a timely and appropriate fashion.
- (g) *Additional restriction and exclusions.*
- (1) Use of regulated/hazardous substances in conjunction with the permitted and conditional uses allowed in this district shall be limited to:
- a. The aggregate of regulated/hazardous substances in use may not exceed 20 gallons or 160 pounds at any time.
 - b. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12 month period.

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- (2) A limited exclusion from the provisions of permitted uses, section CB, is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay District provided the uses are limited as follows:
 - a. The aggregate of regulated substances in use may not exceed 50 gallons or 400 pounds at any time.
 - b. The total use of regulated substances may not exceed 100 gallons or 800 pounds in any 12 month period.
 - (3) A limited exclusion from the provisions of permitted uses, section C, is hereby authorized for regulated substances which are cleaning agents, provided however such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.
 - (4) A limited exclusion from the provisions of permitted uses, section C, is hereby authorized for medical and research laboratory uses in the Wellhead Protection Overlay District, provided however regulated substances shall be stored, handled or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.
 - (5) Storage of fuel and lubricants for vehicle operations and fuel for building and/or processing heating in conjunction with permitted and conditional uses in this district shall be in aboveground tanks.
 - (6) Notwithstanding other provisions of this chapter, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of Act 451 of 1994, Part 211, and as amended, and all regulations enacted pursuant thereto and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above-noted fuels and lubricants is not permitted.

(Ord. of 2-20-2019(1), § 1)

Secs. 32-206—32-230. Reserved.

ARTICLE VI. SITE PLAN REVIEW⁵

Sec. 32-231. Site plan review required in specific districts.

Prior to the issuance of building permits or commencement of any construction or use, site plan review and approval is required in the situations and under the procedures contained in this section. The intent of this section is 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 the master plan of the township will be assured, and the township will develop in an orderly fashion consistent with its health, safety and welfare.

⁵State law reference(s)—Site plan, MCL 125.286e.

(Ord. No. 50, § 7.1, 11-17-1992; Ord. of 4-20-2011(2), § 1)

Sec. 32-232. When site plan review required.

Site plan review and approval is required for certain existing uses and for all proposed uses within the township except for one-family detached dwellings and agricultural uses. Site plan review and approval for existing principal or accessory structures or uses is required where an alteration, addition, expansion, change or conversion:

- (1) Constitutes an increase or reduction 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. No. 50, § 7.2, 11-17-1992)

Sec. 32-233. Criteria of 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 set forth in the township design and construction standards.
- (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

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increase the natural retention or storage capacity of any wetland, water body or water course, 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) Sites 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. No. 50, § 7.3, 11-17-1992)

Sec. 32-234. Information required on site plan.

A site plan submitted for review and approval shall contain all of the following data prior to its submission to the planning commission for review. 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. Included on the site plan shall be all dimensions and the following:

- (1) *General information.* General information included on the site plan shall be as follows:
 - 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., on the parcel, 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.* Physical features included on the site plan shall be as follows:
 - a. Acceleration, deceleration and passing lanes and approaches.

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- b. Proposed locations of access drives, street intersections, driveway locations, sidewalks, safety paths as identified in the Holly Township Master Plan, 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 distinguished.
 - 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.
 - 6. Sanitary sewers and pumping stations.
 - 7. Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainageways and other facilities, including calculations for sizes.
 - 8. Location of all easements.
 - d. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.
 - e. Dimensional parking spaces and calculation, 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 pad location and method of screening.
 - i. Transformer pad location and method of screening.
 - j. Dedicated road or service drive locations.
 - k. Entrance details including sign locations and size.
 - l. Designation of fire lanes.
 - m. Any other pertinent physical features.
 - n. A fire protection plan indicating how the fire protection features required by chapter 12 of this Code shall be addressed.
- (3) *Natural features.* Natural features included on the site plan shall be as follows:
- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Oakland County, Michigan," 1980.
 - b. Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated.
 - c. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
 - d. Location of existing drainage courses and associated bodies of water, on-site and off-site, and their elevations.
 - e. Location of existing wetlands.

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- f. 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).
- (4) *Additional requirements for residential developments.* Additional requirements for residential developments to be included on the site plan shall be as follows:
- 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.* Additional requirements for commercial and industrial developments to be included on the site plan shall be as follows:
- a. Loading/unloading areas.
 - b. Total and usable floor area.
 - c. Number of employees in peak usage.

(Ord. No. 50, § 7.4, 11-17-1992; Ord. of 7-17-2007(3), § 1; Ord. of 2-19-2008(6), § 1)

Sec. 32-235. Planning commission review procedures.

- (a) *Submission of site plan; requirements for acceptance.* All site plans shall be submitted to the zoning administrator at least 21 days prior to the next regularly scheduled meeting of the planning commission and must contain the following to be accepted:
- (1) A completed application signed by the owner; if the owner is a corporation, the application must be signed by a corporate officer; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual, each individual owner must sign the application.
 - (2) Sufficient copies, as determined by the zoning administrator, of the site plan meeting all informational requirements set forth in section 32-234. Incomplete plans will not be accepted.
 - (3) All items as required by section 32-234 shown on the site plan.
 - (4) Required fees.
 - (5) Upon receipt of a complete application and site plan, the zoning administrator shall:
 - a. Forward a copy of the site plan and application to the planner, engineer and the local fire department for review.
 - b. Place review of the site plan on the next planning commission agenda.
- (b) *Planning commission review and action.* The planning commission will consider the application and take one of the following actions:
- (1) *Approval.* Upon finding that the application and site plan meet the criteria of site plan review in section 32-233 the planning commission shall recommend approval.
 - (2) *Approval with minor revisions.* Upon finding that the application and site plan meet the criteria of site plan review in section 32-233, except for minor revisions which can be made and confirmed without

further technical review by the engineer, planner and reviewing agencies, the planning commission may recommend approval, conditioned upon the revisions being made and reviewed by appropriate township staff and/or consultants.

- (3) *Tabling*. Upon finding that the application and site plan do not, but could, meet the criteria of site plan review in section 32-233 upon the making of revisions, confirmation of which requires further technical review by the engineer, planner or reviewing agencies, 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 site plan do not meet one or more of the criteria of site plan review in section 32-233 and that revisions necessary to meet such criteria are so extensive as to require the preparation of a new site plan, the planning commission shall recommend denial.

(Ord. No. 50, § 7.5, 11-17-1992; Ord. of 6-20-2006(2), § 1)

Sec. 32-236. Notice of action or recommendation.

The planning commission shall note on a 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 this requirement.

(Ord. No. 50, § 7.6, 11-17-1992)

Sec. 32-237. Building permits and conformity to site plan.

After filing of the approved application and site plan, satisfaction of any conditions of such 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. No. 50, § 7.7, 11-17-1992)

Sec. 32-238. Expiration of approval.

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 substantially commenced. The planning commission may grant an extension on 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 site plan as approved.

(Ord. No. 50, § 7.8, 11-17-1992)

Sec. 32-239. Amendments to site plan.

- (a) Amendments to a site plan shall require approval in accordance with the provisions of this article for initial site plan approval, except as provided in subsection (b).
- (b) The zoning administrator shall be authorized to approve administratively, without action by the planning commission, the following amendments to a previously approved site plan:

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- (1) For residential structures, the size of the structures may be reduced or increased by up to ten percent for each structure provided that the overall density of units or the number of bedrooms does not increase.
 - (2) Square footage of nonresidential buildings may be decreased or increased by up to ten percent or 10,000 square feet, whichever is smaller, provided that this change does not require additional parking or drainage revisions, or affect any specific conditions of approval.
 - (3) Horizontal and/or vertical grade elevations may be altered so long as the overall drainage plan is not affected.
 - (4) A building may be relocated within an area no more than ten feet from the approved placement of the building in the original site plan, so long as other elements of the plan are not materially affected.
 - (5) Designated open space areas may be increased.
 - (6) Any landscape materials may be replaced by similar types of landscaping so long as the total amount or size of landscaping is not decreased.
 - (7) Changes to building materials of a higher quality (as determined by the committee) unless such changes are specifically not allowed as a condition of approval of the original site plan.
 - (8) Improvements to site access or circulation such as, without limitation, inclusion of pedestrian or bicycle paths, curbing, acceleration, or deceleration lanes unless a revised permit would be required by the county road commission.
 - (9) Reduction in size of any signage.
 - (10) Relocation of signage in an area of up to 25 feet of the original placement.
 - (11) Relocation of trash disposal areas.
 - (12) Internal rearrangement of parking areas which does not reduce the number of spaces or alter access locations or reduce required landscaping, or materially affect the configuration of the site plan.
 - (13) An increase in the amount of landscaping, either in area or in size of landscaping materials.
- (c) The zoning administrator is authorized to seek review and recommendation by any township departments, consultants or employees as deemed necessary for an administrative approval. The zoning administrator may impose conditions on any administrative approval and may require that a revised site plan be prepared for all part of the property.
- (d) If the zoning administrator determines that the requested modification does not fall within the categories of subsection (b), then a site plan amendment, which shall follow all provisions of this chapter as per approval of the original site plan, shall be required.

(Ord. of 8-20-2014, § 1)

Secs. 32-240—32-270. Reserved.

ARTICLE VII. PUD—PLANNED UNIT DEVELOPMENT DISTRICT⁶

⁶State law reference(s)—Planned unit development, MCL 125.286c et seq.

Sec. 32-271. Purpose and intent.

Planned unit development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall:

- (1) Encourage the use of land in accordance with its character and adaptability;
- (2) Conserve natural resources and energy;
- (3) Encourage innovation in land use planning;
- (4) Provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and
- (5) Bring about a greater compatibility of design and use.

The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

(Ord. No. 50, § 8.0, 11-17-1992)

Sec. 32-272. PUD regulations.

- (a) A planned unit development (PUD) may be applied for in any zoning district except the AGRE district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the planning commission and approval of the township board.
- (b) Any land use authorized in this chapter may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (c) The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:
 - (1) Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - c. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
 - (3) The proposed development shall be consistent with the public health, safety and welfare of the township.
 - (4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - (5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

- (6) The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter.
- (7) The proposed development shall be consistent with the goals and policies of the township master plan.

(Ord. No. 50, § 8.1, 11-17-1992)

Sec. 32-273. Project design standards.

- (a) *Residential design standards.* Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article. Land area under water, public, road rights-of-way and private road easements shall not be included in the gross density calculation.

District	Maximum Density Permitted (Dwelling Units/Gross Acres)
R-1	1.0 unit per 0.5 acre
R-2	1.0 unit per 1.0 acre
SR	1.0 unit per 1.5 acres
RE	1.0 unit per 2.5 acres
RM-1	4.0 units per 1.0 acre
RM-2	8.0 units per 1.0 acre
OS	8.0 units per 1.0 acre
C-1	8.0 units per 1.0 acre
C-2	8.0 units per 1.0 acre
LI	8.0 units per 1.0 acre
GI	8.0 units per 1.0 acre

- (b) *Nonresidential design standards.* Nonresidential design standards shall be as follows:
 - (1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
 - (2) The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- (c) *General design standards.* General design standards shall be as follows:
 - (1) All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply. Notwithstanding the provisions of subsection (b) of this section, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the township board upon the recommendation of the planning commission designed into the project plan for the purpose of achieving the objectives of this article.
 - (2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:

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- a. The availability of feasible and prudent alternative methods of accomplishing any development.
 - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 - c. The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
- (3) There shall be a perimeter setback and berming, as found to be necessary by the township, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to 100 feet in the discretion of the township board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
 - (4) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
 - (5) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the township.
 - (6) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways, as found necessary by the township.
 - (7) Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 - (8) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The township, in its discretion, shall review and approve the design and location of such mechanisms.
 - (9) The township board upon the recommendation of the planning commission shall resolve all ambiguities as to applicable regulations using this chapter, the master plan, and other township standards or policies as a guide.

(Ord. No. 50, § 8.2, 11-17-1992)

Sec. 32-274. Procedure for review.

- (a) *Preapplication conference.* Prior to the submission of an application for planned unit development approval, the applicant shall meet with the township supervisor, together with any staff and consultants the township supervisor deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and all known natural resources and natural features to be preserved.
- (b) *Preliminary plan.* Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in section 32-273 have been met.

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- (1) *Information required.* The preliminary site plan for a PUD shall contain at a minimum the following information:
- a. Evidence of ownership, location and description of site dimensions and areas.
 - b. General topography; soil information.
 - c. Scale, north arrow, date of plan.
 - d. Existing zoning of site; existing land use and zoning or adjacent parcels; location of existing buildings, drives, and streets on the site and within 500 feet of the site.
 - e. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
 - f. Location, size, and uses of open space.
 - g. General description of the organization which will maintain common areas and facilities.
 - h. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - i. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
 - j. Existing natural and manmade features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
 - k. General location, function, surface width, and right-of-way of proposed public and private streets.
 - l. General location of proposed parking areas and approximate number of spaces to be provided in each area.
 - m. Location and area of each development phase.
- (2) *Planning commission action.* The preliminary plan shall be noticed for public hearing before the planning commission. Following the hearing, the planning commission shall review the preliminary site plan and shall take one of the following actions:
- a. *Approval.* Upon finding that the preliminary plan meets the criteria set forth in section 32-273, the planning commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the planning commission shall not bind the township board to approval of the final plan.
 - b. *Tabling.* Upon finding that the preliminary plan does not meet the criteria set forth in section 32-273, but could meet such criteria if revised, the planning commission may table action until a revised preliminary plan is resubmitted.
 - c. *Denial.* Upon finding that the preliminary plan does not meet the criteria set forth in section 32-273, the planning commission shall deny preliminary approval.
- (c) *Final plan.* Within six months following receipt of the planning commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of planning commission comments, the preliminary plan approval becomes null and void.
- (1) *Information required.* A final site plan and application for a PUD shall contain the following information:
- a. A site plan meeting all requirements of article VI of this chapter regarding site plan review.

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- b. A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
 - c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.
- (2) *Planning commission and township board action.* The final plan shall constitute an application to amend this chapter, and shall be noticed for public hearing before the planning commission, and otherwise acted upon by the planning commission, the county, and the township board, as provided by law. The planning commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the township board must exercise discretion.

(Ord. No. 50, § 8.3, 11-17-1992)

Sec. 32-275. Conditions.

- (a) *Requirement; purpose.* Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- (b) *Protection of natural resources.* Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. No. 50, § 8.4, 11-17-1992)

Sec. 32-276. Phasing and commencement of construction.

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the township board after recommendation from the planning commission.

(b) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by subsection (c) of this section. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the township board upon good cause shown if such request is made to the board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the township board, based on a recommendation from the planning commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. No. 50, § 8.5, 11-17-1992)

Sec. 32-277. Effect of approval.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded at the county register of deeds.

(Ord. No. 50, § 8.6, 11-17-1992)

Secs. 32-278—32-310. Reserved.

ARTICLE VIII. PRD—PLANNED RESIDENTIAL DEVELOPMENT⁷

Sec. 32-311. Purpose and intent.

The provisions of this article provide enabling authority and standards for submission, review, and approval of an application for a planned residential development which, for purposes of this chapter, shall be a special form of planned unit development, distinct from the PUD authorized under article VII of this chapter. Classification of property under this article shall require a legislative enactment to amend the zoning ordinance so as to classify particular property planned residential district. An intent of this article is to complement the resource protection overlay district set out in section 32-159, by providing a flexible land development tool to better implement the township master plan. This article is also intended to ensure the use of land in a manner that encourages the preservation of large areas of open space, protects valuable natural resources of the township identified in the master plan, and promotes the development of housing that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

(Ord. of 6-20-2000, § 15.0)

Sec. 32-312. PRD application.

To qualify for approval under this article, the applicant must make a clear demonstration of all of the following:

⁷State law reference(s)—Planned unit development, MCL 125.286c et seq.

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- (1) The property shall be situated in the AGRE, agricultural residential zoning district.
 - (2) The applicant shall demonstrate that the project can be achieved without public sewer and water services.
 - (3) When completed, the development shall have a minimum of 40 percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, single-family residential uses in and surrounding the development. Such open space shall not consist of public/private rights-of-way, yard areas adjacent to buildings, nor individual lots. In addition, open space shall not include submerged lands. Wetlands may be included in the required open space.
 - (4) The development shall not result in an unreasonable burden upon public services and/or facilities in relation to the burden which would be imposed if the land were developed and used for a use permitted as of right in the AGRE zoning district at the time of making application for rezoning to PRD district.
 - (5) The development shall not impose an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, environmental, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
 - (6) The development shall not be likely to unreasonably impair or destroy the air, land, water, or other natural resources, and shall comply with section 32-159 regarding the resource protection overlay district, if applicable.
 - (7) The development shall be consistent with the public health, safety and general welfare.
 - (8) The development shall be consistent with the land use goals, policies, and objectives as expressed in the township master plan, and shall be consistent with the intent and spirit of this article.
 - (9) The development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this article. This subsection shall not prohibit a transfer of ownership and/or control upon due notice to the zoning administrator, provided, however, if such a transfer occurs prior to completion of the project, such transfer must be made to a single person or entity having responsibility for completing the project in conformity with this article.

(Ord. of 6-20-2000, § 15.1)

Sec. 32-313. Permitted uses.

- (a) The principal permitted use in this district shall be for single-family residential dwellings, with a maximum density as determined by section 32-314(a). Such residential dwellings shall be detached units. The township may allow up to 25 percent of the total number of units to be attached by way of common walls, if such allowance demonstrates additional preservation of open space, material benefit to the community, and adds quality aesthetic value to the development as a whole.
- (b) Accessory uses which are customarily associated with single-family residential uses shall be permitted, including attached garages.
- (c) In addition, accessory recreational use and/or open space shall be permitted, including passive open space and recreational usage, and including active recreational usage, such as golf club use, which does not result in off-site impact of noise, traffic or other impacts materially beyond the off-site impacts customarily expected in the surrounding area, taking into consideration land usage and zoning classification in such surrounding area.

(Ord. of 6-20-2000, § 15.2)

Sec. 32-314. Project design standards.

- (a) The township board shall review the proposed development, after recommendation of the planning commission, based upon the following design standards:
- (1) The density of residential units in the overall development shall be based on a density plan. The density plan shall include the number of dwelling units customarily developable in the underlying AGRE zoning district, developed with a conventional layout and all applicable ordinances and laws observed. In order to calculate density with a conventional subdivision or site condominium layout, the applicant shall submit a concept site plan of the property with a conventional layout. The plan shall indicate the topography of the site at two-foot contour intervals and the limits of all floodplains, water bodies, wetlands, easements, and other areas which would be set aside and preserved due to impracticality, economic unfeasibility, contractual prohibition, or based upon applicable law or ordinance. In addition, the concept plan with the conventional layout shall include the general street pattern and lot configurations. In general, the plan shall be drawn with sufficient detail to permit the planning commission to determine the density which would be achieved by conventional development.
 - (2) The township may allow up to a 50 percent density increase from the number of dwelling units developed in the conventional plan based on one or more of the following criteria:
 - a. The preservation of the required open space under this article results in significant protection and conservation of sensitive natural features in the township.
 - b. The development is sensitive to and preserves connections between vital resource conservation and natural features by avoiding the fragmentation of such features. An illustration of connections between primary township natural features is represented by the resource conservation designation on the township land use plan.
 - c. The project demonstrates compliance with the resource conservation overlay district, whether it applies to the project or not.
 - d. The project will result in a material community benefit.
 - e. In excess of 50 percent open space is preserved.
 - (3) All regulations applicable to lot width, setbacks, and area, shall be as set forth in this chapter for the R-1 district regulations. Deviations with respect to such regulations, as well as the minimum floor areas required by section 32-135, may be granted as part of the overall approval of the planned residential development, provided there are features or elements deemed adequate by the township board which are designed into the project that achieve the objectives of this article. Such features may include considerable open space, exemplary protection of natural features, recreational features providing significant community benefit, or other similar elements.
 - (4) The development shall be designed so as to promote preservation of natural resources and natural features. The development shall further be subject to and demonstrate compliance with section 32-159, regarding the resource protection overlay district, if both the following criteria apply:
 - a. The property is indicated on the township zoning map, entirely or in part, as AGRE, agricultural residential or RE, rural estate, or SR, suburban residential; and
 - b. The property is designated entirely or partially as resource conservation on Map 5, land use plan, of the township master plan.

If section 32-159 does not apply, adequate protection of natural features shall still remain a primary objective. Natural resources and natural features may be impaired or destroyed only if it is in the public interest to do so.

- (5) There shall be a perimeter setback and berming, as found to be necessary by the planning commission and/or township board, for the purpose of buffering the development in relation to surrounding properties. The dimension of the perimeter setback shall be established in the discretion of the township, taking into consideration the zoning classifications in and adjacent to the development, and impacts to sensitive natural features, as identified through compliance with section 32-159, if applicable. Should section 32-159 apply to the proposed PRD, such perimeter setback and berming should be consistent with and complement section 32-159(f)(2), regarding the establishment of buffer zones, which requires setbacks to priority protection areas. The setback distance need not be uniform at all points on the perimeter of the development and to sensitive natural features.
- (6) Development design shall meet or exceed all standards for single-family residential developments in the township.
- (7) Where feasible, there shall be underground installation of utilities, including electricity and telephone.
- (8) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and the natural features of the area.
- (9) Noise reduction and visual screening mechanisms, such as earthen and/or landscape berms and/or decorative walls, shall be employed as determined necessary by the planning commission and/or township board. The township, in its discretion, shall review and approve of the design and location of such mechanisms for the purpose of achieving the objectives of this chapter and the master plan, in terms of land use compatibility, reducing land use conflicts, and maintaining the rural residential character.

(Ord. of 6-20-2000, § 15.3; Ord. of 11-20-2007(3), § 1)

Sec. 32-315. Procedure for review and approval.

- (a) *Generally.* The procedure for review and approval of a PRD shall be a two-part process, except for parcels 20 acres or less as noted below. The first part shall be application and approval of a concept development plan, which requires a legislative enactment amending the zoning ordinance so as to classify the property to planned residential district. Such action, if and when approved, shall confer upon the applicant concept approval for 12 months. During the established period of time for which conceptual approval has been granted, the applicant must submit a final plan. Upon request prior to the expiration of the concept development plan, the township board may extend the effectiveness of the concept development plan approval on a year-to-year basis. The second part of the review and approval process shall be the application for and approval of a final development plan for the entire project, or for any one or more phases of the project. Final development plan approval requires approval by the township board following recommendation of the planning commission.
- (b) *Review of parcels 20 acres or less.* The procedure for review and approval of a PRD on 20 acres or less shall be a one step process. Application for such projects shall be subject to final development plan review only, as outlined in subsection (e) of this section regarding final development plan approval.
- (c) *Concept development plan approval.*

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- (1) *Preapplication conference.* Prior to the submission of an application for planned unit development approval, the applicant shall meet with the township supervisor, together with any staff and consultants the supervisor deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned residential development, as well as the following information: Total number of acres in the project; a statement of the number of residential units; the number of acres to be occupied; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved; demonstration of intent to comply with the resource conservation overlay district, if applicable.
 - (2) *Submission of concept development plan.* Thereafter, 13 copies of a concept development plan, including site plan, conforming with the application provision set forth in this section shall be submitted within 90 days of the preapplication conference required in subsection (c)(1) of this section. Such submission shall be made to the zoning administrator, who shall present the submission to the planning commission for consideration at a regular or special meeting.
 - (3) *Review of concept development plan.* The planning commission shall review the concept development plan for preliminary review, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the planning commission shall provide the applicant with written comments, which shall be part of the official minutes of the planning commission. Such action on the part of the planning commission shall vest no rights in the applicant inasmuch as the specific details of all ultimately approved projects are at the very essence of a planned residential development.
 - (4) *Submission of application to amend zoning ordinance.* Following preliminary review of the concept plan by the planning commission, referenced in subsection (c)(3) of this section, the applicant shall submit to the zoning administrator 13 copies of a proposed concept development plan taking into consideration the comments of the planning commission during preliminary review, and conforming with the application provision set forth in this section. This plan shall constitute an application to amend the zoning ordinance, and shall be noticed for public hearing before the planning commission, and otherwise acted upon by the planning commission, the county and the township board, in the manner provided by law for the amendment of the zoning ordinance.
 - (5) *Contents of application for concept development plan approval.* The application for concept development plan approval shall include the following information and materials, in addition to information required by section 32-159 regarding the resource protection overlay district, if applicable:
 - a. *Development concept.* A summary explanation of the development concept of the proposed planned residential development. The development concept shall describe the project and outline the basis for PRD qualification consistent with section 32-312(a).
 - b. *Density.*
 1. Overall maximum.
 2. Maximum for each proposed phase.
 - c. *Road system.*
 1. General description of road system and circulation pattern.
 2. Location of roads.
 3. Location and layout of entrances/exits.
 4. Location and layout of pedestrian walkways.
 5. Statement whether roads are intended to be public or private.

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- d. *Utilities.*
 - 1. General description of proposed on-site water and wastewater systems.
 - 2. Utility lines.
 - i. Specific location of main lines.
 - ii. General location of other lines.
 - 3. General indication of size and location of stormwater detention and permanent retention ponds.
 - e. *Open space/common areas.*
 - 1. General description of proposed open space and common areas.
 - 2. Total area of open space, and open space in each proposed phase.
 - 3. Proposed uses of open space and common area.
 - f. *Development guidelines.*
 - 1. Site organization.
 - 2. Typical setback and lot dimensions.
 - 3. Minimum lot size.
 - 4. Fencing.
 - 5. Street lighting.
 - 6. Berming.
 - 7. Building materials.
 - g. *Landscaping.*
 - 1. General landscaping plan.
 - 2. Landscape plan for entrances.
 - 3. Landscape plan for overall property perimeter.
 - 4. Any theme/streetscape design.
 - 5. Proposed irrigation.
 - h. *Natural resources and features.*
 - 1. Floodway/floodplain locations and elevations.
 - 2. Wetlands and water courses.
 - i. Location.
 - ii. Description of each.
 - iii. Any proposed encroachments by roads and utilities.
 - 3. Woodlands: location and area of tree stands.
 - 4. Location and description of other natural resources.
 - 5. Location and description of natural features.

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- i. *Phasing information.*
 - 1. Approximate location, area and boundaries of each phase.
 - 2. Proposed sequence of development, including:
 - i. Phasing areas.
 - ii. Improvements.
 - 3. Projected timing for commencement and completion of each phase.
 - j. *Public services and facilities.*
 - 1. Description of the anticipated demand to be generated by the development for:
 - i. Wastewater disposal.
 - ii. Water.
 - iii. Off-site roads.
 - iv. Schools.
 - v. Solid waste disposal.
 - vi. Off-site drainage.
 - vii. Police.
 - viii. Fire.
 - 2. Description of the sufficiency of each service and facility to accommodate such demand.
 - 3. Anticipated means by which insufficient services and facilities shall be provided.
 - k. *Historical structures.*
 - 1. Location and description.
 - 2. Proposed preservation plan.
 - l. *Site topography.*
 - m. *Signage.*
 - 1. Entrance.
 - 2. For road system.
 - 3. Other, if any.
 - n. *Amenities.*
 - o. *Zoning classification.* Zoning classification on and surrounding site.
 - p. *Specification of deviations.* Specification of each deviation from the ordinance regulations applicable to projects in R-1 districts which will be sought to be approved.
 - q. *Community impact statement.* A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the community impact statement, such as the resource protection overlay district as set out in section 32-159.

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- r. *Off-site utilities.* Demonstration, including map and text, showing the off-site utilities which will provide services to the project.
- (d) *Effect of approval.* If the township board adopts an amendatory ordinance granting the concept development plan, the zoning map shall be amended to designate the property planned residential development. Such designation shall confer upon the applicant concept approval for the concept development plan. Such action, if and when approved, shall confer upon the applicant concept approval for 12 months. During the period of effectiveness of the concept development plan the property owner shall be permitted to submit one (or more if the project is to be proposed in phases) site plan application, seeking final development plan approval in the manner provided in subsection (e) of this section. Upon application prior to the expiration of the concept development plan, the township board may extend the effectiveness of the concept development plan on a year-to-year basis. In determining whether to extend the effectiveness of the concept development plan, approval may be granted if the ordinances and laws applicable to the project have not changed in a manner which would affect the project as previously approved. In the event of an expiration of the effectiveness of a concept development plan, the property owner may either make application for a new concept development plan or make application for some other zoning classification for the portion of the development for which a final development plan has not been approved. In any case, if the required plan is not submitted, or the effectiveness of the concept development plan expires, the zoning shall revert to the classification that existed previous to the PRD application. The township shall initiate a rezoning to the classification that existed before the PRD application.
- (e) *Final development plan approval.*
- (1) After approval of the concept development plan, development of property classified PRD shall require the grant of final development plan approval. The grant of final development plan approval shall be made by the township board, following recommendation of the planning commission. Applications for PRD on 20 acres or less shall not require conceptual development plan approval.
 - (2) Final development plan approval may be applied for and granted with respect to the entire development or in one or more phases. However, if the project is proposed in phases, the design shall be such that, upon completion, each phase shall be capable or standing on its own in terms of the presence of services, facilities, and open space. The township board shall specify the improvements required to be constructed outside of the phase or phases proposed in order to support and service such phase or phases. In addition, the township board shall require, in addition to the documents referenced above, the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the property as proposed. Such open space preservation shall be accomplished in accordance with section 32-155, regarding open space preservation.
 - (3) Final development plan approval shall be based upon the standards and procedures set forth in this article, and shall also include the following:
 - a. A demonstration, including map and text, that the requirements of subsection (f)(2) of this section for multiple-phase projects, shall be met.
 - b. In addition to information required in the conceptual plan approval stage, the following additional information and documentation shall be submitted for final development plan approval:
 1. Sufficient information to demonstrate compliance with the project design standards in this article.
 2. A site plan showing the type, location and density of all structures and uses.
 3. A plan showing all open spaces, including preserves, recreational areas, and the like, and the purpose proposed for each area.

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4. A specification of all deviations proposed from the regulations that apply to the R-1 district regulations.
 5. Additional landscaping details required by the planning commission and/or township board in order to achieve a specific purpose consistent with the spirit of this article.
 6. The general improvements to constitute a part of the phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, and utilities, and including the aesthetic qualities of the general improvements.
- (4) The planning commission shall conduct a public hearing and otherwise proceed with the review of a final development plan and site plan. The final action to be taken by the planning commission shall be in the form of recommendation to the township board. Such recommendation shall be with or without conditions.
 - (5) Upon receipt of a recommendation on a final development plan from the planning commission, the township clerk shall place the matter on the agenda of the township board for review and action. The township board may adjourn the consideration from time-to-time if determined appropriate for the purpose of receiving further information or consultation on the proposed final development plan.
 - (6) At the conclusion of the township board's deliberation, the township board shall grant site plan approval, with or without conditions, or deny. If approval is denied, the minutes of the township board shall include the grounds for denial. If approval is granted with conditions, the minutes of the township board shall include a statement of the conditions.

(Ord. of 6-20-2000, § 15.4)

Sec. 32-316. Performance guarantees.

The township board, following recommendation from the planning commission, may require reasonable performance guarantees to ensure completion of improvements, as authorized by law.

(Ord. of 6-20-2000, § 15.5)

Sec. 32-317. Conditions.

Reasonable conditions may be required with the approval of a planned residential development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole. In addition, conditions imposed shall be reasonably related to the purposes affected by the planned residential development, and shall be necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter and others applicable. All conditions imposed, shall be made a part of the minutes of the township board.

(Ord. of 6-20-2000, § 15.6)

Sec. 32-318. Commencement and completion of construction.

Construction shall be commenced within one year following the approval of the final development plan in accordance with section 32-315, or within one year of any other necessary governmental approval for construction of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, any approval of a final development plan shall expire and be null and void, provided, an extension for a specified period of time may be granted by the township board upon good cause shown if such request is made to the township board 30 days prior to the expiration of the final development plan.

(Ord. of 6-20-2000, § 15.7)

Sec. 32-319. Effect of approval.

If and when approved, a final development plan interpreted together with the concept development plan, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be undertaken accordingly. The applicant shall record an affidavit with the county register of deeds containing the legal description of the entire project, specifying the date of approval or the planned residential development, and declaring that all future development of the property has been authorized and required to be carried out in accordance with the approved concept development plan and final development plan unless the final development plan expires or unless an amendment is duly adopted by the township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.

(Ord. of 6-20-2000, § 15.8)

Sec. 32-320. Fees.

There shall be an advanced payment of fees at the time of the preapplication conference, at the time of application for concept development plan approval, and at the time of application for final development plan approval. The amount of such fees shall be established by ordinance or resolution of the township board.

(Ord. of 6-20-2000, § 15.9)

Secs. 32-321—32-350. Reserved.

ARTICLE IX. OPEN SPACE PRESERVATION OPTION⁸

Sec. 32-351. Purpose and intent.

The intent of this article is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Public Act No. 177 of 2001 (MCL 125.286h).

(Ord. of 6-17-2003, § 16.00)

⁸State law reference(s)—Open space preservation, MCL 125.286h.

Sec. 32-352. Open space preservation application.

- (a) To qualify for approval under this article, the applicant must make a clear demonstration of the following:
- (1) *Eligibility requirements.* This article shall be applicable to residential properties zoned R-1, R-2, SR, RE and AGRE. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of property elects to submit a proposed development under the open space preservation option provided in this section. Unless otherwise specified, all requirements set forth in sections 32-132(1) through 32-132(4) of the cluster housing option shall be applied to developments proposed under the open space preservation option.
 - (2) *Density calculation.* Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified in this section that, as determined by the township, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this section. The methodology and procedures used to determine density shall be in accordance with section 32-132(4).
 - (3) *Design requirements.* In addition to the standards set forth in section 32-132(3), the following requirements shall apply:
 - a. A minimum of 50 percent of the gross site area shall be preserved as permanent open space. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to the following; however, in an open space development under this section, an "undeveloped state" shall not include a golf course:
 1. Wetlands, floodplains, and natural watercourses;
 2. Woodlands;
 3. Scenic views;
 4. Historical structures;
 5. Recreational pathways and other permitted recreational facilities;
 6. Buffers from major thoroughfares and more intense land uses; and
 7. Similar features acceptable to the approving body.
 - b. Minimum setbacks, lot width, and distance between dwelling units, where applicable, shall meet the requirements of section 32-132(3)f.
 - (4) *Open space maintenance and preservation.*
 - a. All open space shall comply with the requirements for preservation and maintenance set forth in section 32-132(3)h.
 - b. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.
 - (5) *Review process.*
 - a. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedures set forth in section 32-132(4), except that the use shall be permitted as a permitted use and shall not require special use approval.

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- b. In addition to all other submittals and information required under this article, all open space preservation options plans submitted to the township shall include all other information required under sections 32-132(1) through 32-132(4).

(6) *Restrictions.*

- a. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
- b. Nothing in this section shall allow the construction of multifamily residential units in a single family residential district.
- c. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
- d. The development shall not result in an unreasonable burden upon public services and/or surrounding properties, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
- e. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise, and other applicable and relevant planning and/or engineering considerations.

(Ord. of 6-17-2003, § 16.1)

Secs. 32-353—32-380. Reserved.

ARTICLE X. SIGNS⁹

Sec. 32-381. Intent and purpose.

The sign regulations in this article are intended to balance the public and private interests. The purpose of this article is to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. To that end, the regulations of this article allow for a variety of sign types and sizes. The objectives of this article are:

- (1) *Public safety.* To promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage that results in confusion and hindrance of vision. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- (2) *Community aesthetic quality and character.* To protect and enhance the physical appearance of the community (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky) and property values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community. Also, to promote signage that contributes to the streetscape element and aids in creating

⁹State law reference(s)—Highway advertising act, MCL 252.301 et seq.

a "sense of place," and to limit commercial signage in residential districts as a means of preserving the residential and aesthetic character of the district.

- (3) *Free speech.* To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- (4) *Effective communication.* To encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.
- (5) *Economic development.* To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.
- (6) *Ease of administration.* To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow. Signs that are lawfully erected and maintained under the provisions of this article are consistent with customary usage.

(Ord. No. 50, § 9.1, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 9-19-2018(1), § 1)

Sec. 32-382. General conditions.

(a) *Location.*

- (1) *Right-of-way prohibited.* No sign, except those established and maintained by the township, county, state or federal governments pursuant to section 11.106, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- (2) *Clear vision triangle area prohibited.* No sign shall be located in the clear vision triangle area described in [Error! Reference source not found.]
- (3) *Projections.* No sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than 18 inches and shall not project above or beyond the highest point in the roof or parapet.
- (4) *Safety.* No sign shall be permitted at any location that, in the discretion of the zoning administrator, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the zoning administrator shall cite any relevant building or electrical codes, provisions of this article or other township ordinances, and/or findings or studies of the public safety department and/or a traffic engineer. An applicant shall have the right to appeal this decision to the zoning board of appeals.

(b) *Illumination.*

- (1) No sign shall be illuminated by other than electrical means. Generators shall not be permitted except for emergency situations.
- (2) The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or interfere with the enjoyment or use of adjacent properties.
- (3) Illumination for the sign shall not exceed one-half footcandles at the property line or 15 footcandles in any given area. The township planner shall review the photometric plan for compliance.
- (4) All illumination shall be downward shielded.
- (5) When a sign is internally illuminated such illumination shall avoid the use of glaring undiffused light which could cause a distraction to motorists.
- (6) If illumination is used for any residential sign, it shall be what is known as white and not colored light.

(c) *Construction standards.*

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- (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the township. In the event of conflict between this article and other laws, the most restrictive shall govern.
 - (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
 - (3) No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window or fire escape.
 - (4) Signs are required to use attractive colors and materials, and are encouraged to use brick or stone. If a uniform sign design has been developed in adjoining sites, the applicant is encouraged to be consistent with this design scheme. At minimum, the sign is required to be designed and constructed to be consistent with the architectural design, color and material of the building they identify, as determined by the zoning administrator or planning commission.
- (d) *Landscape quality and preservation.* In the application of this article, 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 interfere with scenic views.
 - (2) Do not create a nuisance to persons using the public right-of-way.
 - (3) Do not constitute a nuisance to occupancy of adjacent and continuous property by their brightness, size, height, or movement.
 - (4) Are not detrimental to land or property values.
 - (5) Contribute to the special character of particular areas or districts in the township.
- (e) *Signs prohibited in all districts.*
- (1) Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts which may distract drivers. This provision is not intended to exclude those signs which give the time or temperature, provided no other animated messages are displayed.
 - (2) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
 - (3) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (4) Temporary signs mounted on trucks, vans, or other wheeled devices. Signs permanently painted on, or otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's livelihood, shall be permitted.
 - (5) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property.
 - (6) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
 - (7) Any sign unlawfully installed, erected or maintained.
 - (8) A rotating search light or similar device which emits beams of light.
 - (9) Off-premises signs are not permitted, except as specifically permitted elsewhere herein.

(f) *Signs permitted in all districts.* The sign types identified in this sub section shall not require a sign permit application.

Sign Type	AGRE, R-1, R-2, SR, RE, RMH, RM-1, and RM-2 Districts (Single-family, duplex, triplex, and quadplex lots only)	AGRE, R-1, R-2, SR, RE, RMH, RM-1, and RM-2 Districts (Non-Residential Uses only) C-1, C-2,)S, LI, GI
Banner Signs	Not Permitted	Maximum Number: 1 per lot. Maximum Area: 32 sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. Maximum Duration: 30 days per 6-month period.
Flags (On-Premises Commercial)	Not Permitted	Maximum Number: 1 per frontage. Maximum Area: 45 sq. ft.
Yard Signs (Non-Commercial)	Maximum Number: 4 per lot. Maximum Height: 5 feet. Maximum Area (Total): 24 sq. ft. Minimum Setback: 5 ft. from any lot line.	Maximum Number: 4 per lot. Maximum Height: 8 feet. Maximum Area (Total): 32 sq. ft. Minimum Setback: 5 ft. from any lot line.
Yard Signs (On-Premises Commercial)	Maximum Number: 1 per frontage. Maximum Height: 5 feet. Maximum Area: 6 sq. ft. each. Minimum Setback: 5 ft. from any lot line.	Maximum Number: 1 per frontage. Maximum Height: 8 feet. Maximum Area: 32 sq. ft. each. Minimum Setback: 5 ft. from any lot line.
Yard Signs (Off-Premises Commercial)	Maximum Number: 1 per lot. Maximum Height: 3 feet. Maximum Area (Total): 6 sq. ft. Minimum Setback: 5 ft. from any lot line. Maximum Time Placement: 30 days in a calendar year. The purpose of limiting the number, size, location, and duration of temporary off-premise commercial signage in residential zoning districts is to prevent the proliferation of off-site commercial signs in existing or planned residential areas, which would have a detrimental effect on traffic safety, aesthetics, and residential character of the area.	
Window Signs*		Maximum Area (Total): 20% of the off all window area on the face of a building.

* The purpose of the window sign regulation is to protect the health, safety, and welfare of the citizens of Holly Township by assisting law enforcement's efforts to prevent crime and apprehend criminals, reducing neighborhood blight, and increasing economic vitality through improved aesthetic appeal.

- (1) Nameplates and address signs not exceeding two square feet in size.
- (2) Directional signs which indicate the direction of traffic flow on private property. Directional signs shall not exceed two square feet in size, shall contain no advertising, and may be illuminated.
- (3) Historical markers, plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding 12 square feet in area.

- (4) Memorial signs or tables, especially those containing the names of buildings and dates of construction.
- (5) Institutional bulletin board located on the premises to which the sign pertains and not exceeding 50 square feet in surface display area.
- (6) Seasonal or holiday signs or decorations.
- (7) Signs being limited to the word "Open" or "Closed," subject to a maximum size of two square feet.
- (8) Interpretive or recreational signs describing natural resources, land markers or safety hazards as erected by a land conservancy, preservation organization or similar agency, as determined by the zoning administrator.
- (9) Window signs, provided that the signs do not exceed more than ten percent of the window area in which they are displayed.

(g) *Miscellaneous.*

- (1) If a property line, easement or right-of-way line is altered in a manner that affects the setbacks required by this article, a new sign permit or variance must be obtained.

(Ord. No. 50, § 9.2, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 4-19-2005, § 1; Ord. of 7-22-2008(2), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-383. Permitted freestanding signs.

(a) *General requirements.*

- (1) One freestanding sign shall be permitted per premises which has frontage on only one public road.
- (2) Two freestanding signs shall be permitted per premises which has frontage on two public roads. One sign shall not exceed the area requirements set forth herein. The second sign shall not exceed 50 percent of the area requirements set forth herein.
- (3) A freestanding sign shall not be located in a public road right-of-way and shall be setback a distance equal to the height of the sign from all other property boundaries.
- (4) Center-pole sign and pylon freestanding signs greater than six feet in height shall be prohibited. In instances where the applicant demonstrates to the satisfaction of the planning commission, or zoning administrator, as applicable, that visibility would be seriously impacted by a ground or monument sign, a pylon sign may be permitted. Visibility is related only to ingress/egress of pedestrians and vehicles, not visibility of buildings or advertisements.
- (5) The height of a freestanding sign includes any portion of a berm above grade on which the sign is placed.
- (6) Freestanding signs must contain the street number of the property. The street number may be in the copy area of the sign, on the base, or on the framing of the sign.
- (7) The length of the base of the freestanding sign shall be not less than 50 percent nor more than 150 percent of the length of the copy area.
- (8) For properties zoned C-1 local commercial or C-2 general commercial and located directly adjacent to the Michigan Department of Transportation Right-of-Way for Interstate 75, see section 32-384.

(b) *Specific requirements.* Freestanding signs shall be permitted by district in accordance with the following requirements:

District	Height	Area
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(1)	C-1 and C-2 districts. All permitted and special	6 feet	50 square feet per side, not to exceed a total of 100 square feet
(2)	OS, LI, and GI districts. All permitted and special	6 feet	30 square feet per side, not to exceed a total of 60 square feet.
(3)	AGRE, SR, RE, R-1, R-2, RM-1 and RM-2 districts. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings.	5 feet	20 square feet per side, not to exceed a total of 40 square feet.
(4)	AGRE, SR, RE, R-1, R-2, RM-1, and RM-2 districts. Identification signs for subdivisions or other residential developments.	5 feet	20 square feet per side, not to exceed a total of 40 square feet.
(5)	MHP districts. Identification signs for mobile home park developments.	5 feet	32 square feet per side, not to exceed a total of 64 square feet.

(Ord. No. 50, § 9.3, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 9-18-2007(2), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-384. Highway commercial freestanding signs.

(a) *General requirements.*

- (1) All of the provisions in section 32-382. General conditions shall apply except where specifically addressed herein.
- (2) The property must be zoned C-1 local commercial or C-2 general commercial and located directly adjacent to the Michigan Department of Transportation Right-of-Way for Interstate 75.
- (3) One freestanding sign shall be permitted per premises.
- (4) A freestanding sign shall have a setback of 15 feet from a public right-of-way and a setback distance equal to the height of the sign from all other property boundaries subject to any applicable requirements of the Road Commission for Oakland County (RCOC) and/or Michigan Department of Transportation (MDOT).
- (5) Pylon and pole mounted signs are permitted.
- (6) The height of a freestanding sign includes any portion of a berm above grade on which the sign is placed.
- (7) The sign must be illuminated by electrical means. Light-Emitting Diodes (LED) lights are permitted. However, scrolling, flashing or other movement is prohibited. Intermittent static messages are permitted with a minimum interval between messages of ten seconds.
- (8) The sign shall not exceed 50 feet in height and not to exceed 672 square feet per side in area.

(Ord. of 9-18-2007(2), § 1; Ord. of 7-22-2008(2), § 1; Ord. of 5-188-2016(1), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-385. Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

(1) *General requirements.*

- a. 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.
- b. Wall signs shall be flush mounted, shall not be mounted on the roof of any building and shall not project above the roofline.
- c. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood or nails.
- d. In most cases, there shall be no more than one wall sign permitted for each building. Buildings which have frontages on two public rights-of-way are permitted a wall sign on both building frontages, provided total square foot area requirements set forth in subsection (2) are not exceeded. In the case of buildings with multiple tenants, the number of signs permitted may be increased for a total of one sign for each business tenant, provided that the sign area shall be computed as one square foot for each one foot of building frontage occupied by the tenant is allowed, not to exceed the total square foot area requirements set forth in subsection (2) are not exceeded.
- e. Wall signs shall not protrude more than 12 inches measured from the wall to which it is attached.
- f. Wall signs shall face the public street or parking lot side of the building.

(2) *Specific requirements.* Wall signs shall be permitted by the district in accordance with the following requirements:

District	Height	Area
(1) C-1 and C-2 districts. All permitted and special uses.	5 feet	One square foot for each lineal foot of building frontage not to exceed a total of 100 square feet.
(2) OS, LI, and GI districts. All permitted and special uses.	4 feet	One square foot for each lineal foot of building frontage not to exceed a total of 40 square feet.
(3) AGRE, SR, RE, R-1, R-2, RM-1 and RM-2 districts. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings.	4 feet	One square foot for each lineal foot of building frontage not to exceed a total of 20 square feet.
(4) RM-1 and RM-2 districts. Identification signs for all residential developments.	4 feet	One square foot for each lineal foot of building frontage not to exceed a total of 20 square feet.

(Ord. No. 50, § 9.4, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 3-21-2006, § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-386. Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations herein:

- (1) Temporary event signs are permitted in all districts in accordance with the following provisions:

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- a. A sign permit shall be obtained prior to the installation of a sign. No more than four permits for temporary event signs shall be issued to the same premises in any calendar year.
 - b. The area, height, location, illumination and construction of the signs shall be in accordance with this chapter.
 - c. The signs shall not exceed two in number and may be erected and maintained for a period not to exceed 15 days prior to the date on which the special campaign, drive, activity or event is scheduled to begin. The signs shall be removed within three days of the termination of the special exception permit, not to exceed thirty days total.
 - d. Any temporary event sign which is permitted to extend over a public right-of-way shall be erected and maintained in such a manner that it does not interfere with or obstruct vehicular and pedestrian traffic, including the access, activity or vision along the public right-of-way.
- (2) Permitted portable temporary signs.
- a. A portable temporary sign shall be permitted in all districts.
 - b. Only one portable temporary sign shall be permitted per tenant/owner.
 - c. A portable temporary sign shall not exceed four feet in height.
 - d. A portable temporary sign shall not exceed 32 square feet per side in area.
 - e. A portable temporary sign may be permitted for up to a 30-day period, not to exceed 90 days per year.
 - f. The placement of a portable temporary sign shall be approved by the zoning administrator in order to ensure safe and efficient pedestrian and vehicular traffic movement.
 - g. A sign permit shall be required prior to the installation of a portable temporary sign.

(Ord. No. 50, § 9.5, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 7-22-2008(1), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-387. Permitted billboards.

The following regulations shall apply to billboards:

- (1) *Where permitted.* Billboards shall be permitted only in the L-I limited industrial and G-I general industrial districts, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
- (2) *Spacing.*
 - a. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (2)b. of this section.

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- b. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
 - c. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - d. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.
- (3) *Height.* The height of a billboard shall not exceed 30 feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.
- (4) *Surface area.* The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- (5) *Illumination.* A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (6) *Construction and maintenance.*
- a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(Ord. No. 50, § 9.6, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 9-19-2018(1), § 1)

Sec. 32-388. Miscellaneous permitted signs.

- (a) *Directory signs.* For office park and industrial park development, directory signs which identify only the names and locations of occupants or uses within a building on a lot shall be permitted in addition to other signs permitted under these regulations.
 - (1) No more than one directory sign per lot is permitted.
 - (2) No directory sign shall exceed 24 square feet in area or six feet in height from finished grade.
 - (3) No directory sign shall be located closer than 50 feet to any property line.
- (b) *Menu board.* Two menu board for a drive-in or drive-through uses per lane shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed 16 square feet in area or six feet in height from finished grade.
- (c) *Changeable copy signs.* Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed 80 percent of the permissible sign area.
 - (1) Lettering used on manual changeable copy signs directed to local or collector streets shall be at least three inches in height.

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- (2) Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall be at least six inches in height.
 - (3) Lettering used on manual changeable copy signs directed to pedestrians shall be at least two inches in height.
- (d) *Electronic message signs.* Electronic changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign provided that the area devoted to changeable copy does not exceed 20 percent of the permissible sign area when located closer than 15 feet from the road right-of-way. An electronic message sign setback fifteen feet or greater from the road right-of-way may have a 100 percent of the permissible sign area as changeable copy.
- (1) *Frequency of copy change.* The message change cycle of a changeable-copy sign shall be not less than one minute per sign. Animated signs are prohibited unless explicitly permitted by this article.
 - (2) *Electronic message center copy change.* The copy of an electronic message center sign must change instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are prohibited.
 - (3) *Internal illumination.* The maximum luminance level of an electronic message center sign or other internally illuminated sign shall exceed the ambient light at all times, except that the luminance level shall be 700 nits from 30 minutes before dusk until dawn, as determined by the National Oceanic and Atmospheric Association (NOAA). All electronic message center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the township at the time of permit application showing compliance with these requirements.
- (e) *Off-premises directional signs.* Off-premises directional signs directing vehicular traffic may be permitted in all districts subject to the review of the zoning administrator and the following standards:
- (1) No more than two signs per use shall be permitted.
 - (2) The size of an off-premises directional sign shall not exceed eight square feet in size.
 - (3) The height of an off-premises directional sign shall be no less than three feet nor exceed six feet. However, a greater height may be permitted at the discretion of the zoning administrator to accommodate vehicular visibility to avoid obstruction to visibility.
 - (4) Illumination shall not be permitted.
 - (5) Proof shall be supplied by the applicant that all appropriate standards of the Road Commission for Oakland County are met. Permission of the property owner where the proposed sign is to be located must be provided.
- (f) *Mural sign.* When a mural or graphic includes identification of an establishment or specific services, goods or products, or a representation of the types of services, goods or products provided on the site, the mural area will count towards the total permitted wall sign area. Murals are subject to special land use approval based upon a recommendation from the planning commission and the following standards:
- (1) No mural may be placed on any building or structure that includes nonconforming signs.
 - (2) Only one wall, facade, or surface of a building or structure may be used for a mural.
 - (3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural will count towards the total wall signage allowed for the business; however, the planning commission in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least one of the following:
 - a. Accentuates the historic features of the building.

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- b. Masks an unattractive building facade.
 - c. Creates an aesthetically pleasing amenity.
 - d. Superior in aesthetics to an attached wall sign.
- (4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
- (5) In the review of a special land use the planning commission shall grant approval only if the following criteria are met:
- a. The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - b. Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
 - c. Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

(Ord. No. 50, § 9.7, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 1-16-2007(4), § 1; Ord. of 7-22-2008(2), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-389. Permits required.

- (a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except as specifically excluded by this ordinance.
- (b) A permit shall be issued by the zoning administrator only if the proposed sign meets all requirements of this article, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.
- (c) When a sign permit has been issued by the township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval of the zoning administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the township.
- (d) The application for a sign shall be made by the owner or the tenant of the property on which the sign is located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on the forms furnished by the township and shall be signed by the applicant. A processing fee as determined by resolution of the township board of trustees, as amended from time to time, shall be submitted with the application.
- (e) The application for a sign permit shall be accompanied by the following plans and other information:
 - (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - (2) The location by street address of the proposed sign structure.
 - (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.

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- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be use.
 - (5) Application for, and required information for such application, an electrical permit for all electrical signs if the person building the sign to make the electrical connection.
 - (6) A statement of valuation.

(Ord. No. 50, § 9.8, 11-17-1992; Ord. of 7-27-2004, § II; Ord. of 7-22-2008(2), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-390. Inspections, maintenance and removal.

- (a) *Inspections.* Signs for which a permit is required may be inspected periodically by the zoning administrator for compliance with this section and with other ordinances of the township.
- (b) *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (c) *Removal.* The zoning administrator may order the removal of any sign and its supporting structure erected or maintained in violation of this section. Thirty days' notice shall be provided in writing to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign and its supporting structure or bring it into compliance. The township may remove a sign and its supporting structure immediately and without notice if the condition of the sign and its supporting structure is such as to present an immediate threat to the safety of the public. The cost of such removal shall be assessed against the owner of such sign or the owner of the building, structure or premises.
- (d) *Abandoned signs.* An abandoned sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the property owner or lessee fails to remove it within 60 days of the date the business becomes inactive, the zoning administrator may give the property owner 30 days' written notice to remove it. Upon failure to comply with this notice, the township may remove the sign and its supporting structure at cost to the property owner. In case of a violation of this section, the sign owner, owner of the property, and any other party having control over such sign may be prosecuted. Where a successor to an inactive business agrees, within 30 days of the date of written notice by the zoning administrator to maintain the sign as provided by this section, this removal requirement shall not apply, provided that the existing sign and structure meets all current sign requirements.

(Ord. of 7-27-2004, § II; Ord. of 7-22-2008(2), § 1; Ord. of 9-19-2018(1), § 1)

Sec. 32-391. Nonconforming signs.

Any sign which was of record on the effective date of the ordinance from which this article derives that could not be established under the terms of this article may be continued so long as it remains otherwise lawful.

Nonconforming signs, however, shall not:

- (1) Be reestablished after the activity, business or use to which it relates has been discontinued for 90 days or longer.
- (2) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign. This shall not preclude the general maintenance and repair of nonconforming signs to keep them in a safe condition and in good repair.
- (3) Be reestablished after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined by the zoning administrator.

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- (4) Include signs prohibited in all districts. All of such signs shall be removed within one year of the effective date of this chapter by the owner or lessee, or the township shall cause the removal of such signs and assess the owners and/or lessees of such signs and/or the owners of the property on which such signs are located, the costs of removal.

(Ord. of 7-27-2004, § II; Ord. of 9-19-2018(1), § 1)

Sec. 32-392. Costs of enforcement.

Any costs or expenses incurred by the township in enforcing this article shall be paid by the owner of the sign found to be in violation of this article, or upon default thereof, by the owner of the property upon which the sign is located, if different from the owner of the sign. Upon failure of the owner of the sign or the owner to reimburse the township for costs and expenses incurred in such enforcement, the owner of the property shall be billed for such cost and expenses in the same manner as other taxes.

(Ord. of 7-27-2004, § II; Ord. of 9-19-2018(1), § 1)

Sec. 32-393. Waivers.

- (a) *Waivers.* The planning commission shall have the authority to waive or modify any provision of this article, provided that the requested waiver or modification meets the following criteria.
 - (1) The proposed sign is reviewed in conjunction with the site plan review process.
 - (2) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.
 - (3) A sign designed to meet the standards of the ordinance would not adequately serve the purpose desired by the applicant.
- (b) *Application of waiver.* A waiver granted by the planning commission under this section shall apply only to the sign in question and only for the life of the sign. This waiver shall not run with the land, and shall not constitute a variance as understood within the Michigan Zoning Enabling Act of 2008.

(Ord. of 9-19-2018(1), § 1)

Sec. 32-394. Definitions.

The following words and phrases shall have the meanings set forth in this section when they are used in this article:

- (1) *Sign definitions, general.*

Abandoned sign means a sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted. Whether a sign has been abandoned shall be determined by the intent of the owner of the sign and shall be governed by applicable case law and statutory law on abandoned structures.

Alteration means any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.

Awning means a fireproof space frame structure with translucent flexible reinforced vinyl or canvas covering designed in awning form, and extending outward from the building wall.

Building frontage means the length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants is located.

Canopy, attached means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

Canopy, freestanding means a multi-sided overhead structure supported by columns, but not enclosed by a wall.

Grade, sign means the average elevation of an area within a radius (of the sign base) equal to two times the height of the sign, based on the highest and lowest measurements.

Height, maximum shall be measured from grade to the highest edge of the sign surface or its projecting structure.

Height, minimum shall be measured from grade to the lowest edge of the sign surface or its projecting structure.

Marquee. See definition of "Canopy, attached."

Owner means a person, firm, partnership, association, company, or corporation and/or its legal successors, heirs, and assigns.

Premises means a "lot" in the same ownership or control which is not divided by a street.

Sign means a name, message, identification, image, description, display, or illusion which is affixed to, painted, or otherwise located, set upon, or in, a building, bench, structure or land and which directs attention to an object, product, place, activity, person, institution, idea, message, or business and which is visible outdoors. The definition does not include goods orderly displayed in a window.

Sign area means the entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. An awning shall not be deemed to be a sign frame. The area of signage on an awning shall be calculated as provided under section 11.104.

Sign erector means any person engaged in the business of erecting, altering or removing signs on a contractual or hourly basis.

Sign, non-commercial means any sign consisting only of non-commercial content.

Sign, on-premise commercial means a sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale upon the premises where the sign is located. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs, signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.

Sign, off-premise commercial means a sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale off the premises of where the sign is located.

Sign, temporary means a sign, with or without a structural frame, intended for a limited period of display.

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- (2) *Sign definitions, sign types.* The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

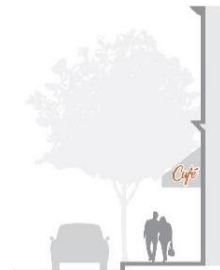
Air-activated signs means a temporary sign that is an air inflated object, which may be of various shapes, is made of flexible fabric, rests on the ground or structure and is equipped with a portable blower motor that provides a constant flow of air into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

Animated sign means a sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or osculating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. This definition does not include changeable-copy signs and Electronic Message Center (EMC) signs that are in compliance with this article.

Awning sign means a permanent projecting sign painted or screen printed on the exterior surface of an awning. Such signs may be internally illuminated pursuant to the requirements of this article. See definition of "Awning" in ["Sign definitions, general" in this section].



Awning Sign



Awning Sign

Balloon sign means a temporary sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

Banner sign means a sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat either to a wall or temporarily to a permanent sign face.

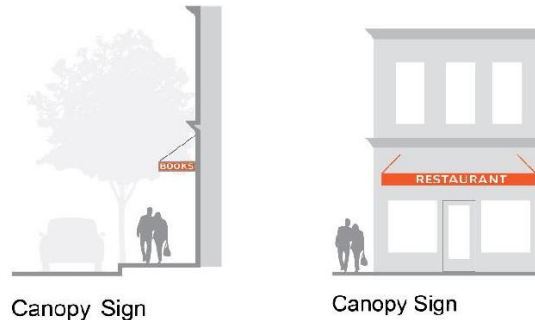


Banner Sign

Bench sign means a sign applied to or affixed to the seat or back of a bench.

Billboard sign (outdoor advertising sign) means a permanent freestanding pole sign erected, maintained, and used in the outdoor environment for the primary purpose of the display of commercial or noncommercial messages unrelated to the business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

Canopy sign means a permanent projecting sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this article. See definitions of "Canopy" in ["Sign definitions, general" in this section].



Changeable-copy sign means a permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (e.g., time and temperature units), or manually through placement of copy and symbols on a panel mounted in or on a track system.

Electronic Message Center (EMC) sign means an electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.

Fascia sign. See definition of "Wall sign."

Festoons means a string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

Flag means a sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.

Freestanding sign means a sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include, but are not limited to, pole signs and monument signs.

Incidental sign means a small sign, usually two square feet or less, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The planning director shall determine whether a sign is an incidental sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other,

and the planning director may deny a incidental sign if it is a sign that is regulated by another standard in this article.

Interior sign means a sign placed within a building, but not including a window sign as defined by this article, that is not visible from any public street, sidewalk, alley, park or public property.

Marquee sign. See definition of "Projecting sign" and "Canopy sign."

Monument sign means a base-mounted, freestanding sign placed in the ground and not attached to any building or other structure. A monument sign shall have a solid supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base. The supporting base shall have a minimum 24-inch vertical height.



Monument Sign

Mural means a wall sign that is painted or drawn on the exterior surface of a structure.

People sign means a portable sign held by a person and displayed for the purposes of expressing a message.

Pole sign means a type of freestanding sign that is elevated above the ground on poles or braces.



Pole Sign

Portable message sign means a sign attached to or pulled by a vehicle that includes a manual and/or electronic changeable copy sign, an electronic graphic display sign, a video display sign, or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "portable message sign" shall not include a "vehicle sign."

Projector-image sign means a sign that is displayed through light by a projector.

Projecting sign means a sign attached to a building or other structure, and extending beyond the attachment surface by more than 18 inches. A "projecting sign" is differentiated from a "wall sign" based on the distance the sign projects from the surface of the building. Projecting signs consist of "awning signs," "canopy signs," and "marquee signs."

Revolving sign means an animated sign that revolves around an external axis driven by wind, or electromechanical devices.

Roof sign means a sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet shall be a "wall sign."

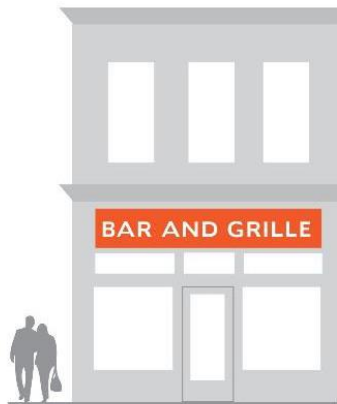
Rotating sign means an animated sign that rotates around an internal axis driven by wind, or electromechanical devices.

Sandwich board sign means a portable temporary sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sidewalk signs," sandwich board signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands. See also "yard sign."

Support pole sign means a temporary sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

Vehicle sign means a sign painted or otherwise attached to a vehicle, including signs on a truck trailer. A "vehicle sign" shall not include a "portable message sign."

Wall sign means a sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than 18 inches from the wall and which may not project above the roof or parapet line. A "wall sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "roof sign."



Wall Sign

Window sign means a sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.



Window Sign

Yard sign means a portable temporary sign or sign board that is freestanding and temporarily anchored or secured to the ground. See also "sandwich board sign."

(Ord. of 9-19-2018(1), § 1)

Secs. 32-395—32-420. Reserved.

ARTICLE XI. OFF-STREET PARKING AND LOADING

Sec. 32-421. Intent and purpose.

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the township or with land uses allowed by this chapter.

(Ord. No. 50, § 10.1, 11-17-1992)

Sec. 32-422. General provisions.

- (a) *Where required.* In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of the ordinance from which this chapter is derived, shall be provided as prescribed in this chapter. Such space shall be maintained and shall not be encroached upon so long as such main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.
- (b) *Existing off-street parking at effective date of chapter.* 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 to less than that required under the terms of this chapter.
- (c) *Required greenbelt and setbacks.* Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with section 32-192(e). 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 side and rear lot lines abutting residentially zoned or used property and a minimum five-foot setback is maintained between off-street parking and the side and rear lot lines of all other properties.

- (d) *Parking duration.* 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 nonresidential off-street parking areas shall prevail, it being the purpose and intention of this subsection that the requirement 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, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junkyard or a nuisance in such areas.
- (e) *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
 - (1) *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, such unit shall mean the gross floor area, except that floor area's within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
 - (2) *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.
 - (3) *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 benches, pews, or similar seating facilities 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.
 - (4) *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.
- (f) *Location of parking.*
 - (1) *One-family and two-family dwellings.* The off-street parking facilities required for one-family and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this article.
 - (2) *Multifamily residential.* The off-street parking facilities for multifamily dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this article. In no event shall any parking space be located nearer than ten feet to any main building.
 - (3) *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 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) *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.
- (g) *Agricultural tourism and seasonal sales supplemental parking area standards.*
 - (1) For seasonal uses permitted by special use, parking facilities may be permitted on grass or gravel areas. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.

- (2) For year-round uses permitted by special use, parking may be either gravel or paved, subject to planning commission approval. Overflow parking areas may be required by the planning commission to accommodate seasonal peak demand.
- (3) All parking areas shall be designed to avoid traffic hazards associated with entering and exiting public roads.
- (4) Paved or unpaved parking areas shall not be located in required setbacks or buffer areas.
- (5) All parking areas must be screened from adjacent residential uses by the standards required in section 32-192(d)(2).

(Ord. No. 50, § 10.2, 11-17-1992; Ord. of 6-22-2020 , § 1)

Sec. 32-423. Off-street parking requirements.

- (a) *Generally.* The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in section 32-424. Parking requirements listed in Section 10.4 shall not include off-street stacking spaces for drive-through facilities set forth in section 32-427.
- (b) *Similar uses and requirements.* When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- (c) *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 section 32-424.

(Ord. No. 50, § 10.3, 11-17-1992)

Sec. 32-424. Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table:

Use		Required Number of Parking Spaces Per Each Unit of Measure as Follows:	
(A)	Residential Uses.		
(1)	Single-family or two-family dwelling	2	Per each dwelling unit
(2)	Multiple-family dwelling	2	Per each dwelling, plus
		1	Per each ten dwelling units
(3)	Senior citizen housing	1	Per each dwelling unit, plus
		1	Per each 10 dwelling units
		1	Per each employee
(B)	Institutional Uses.		
(1)	Churches	1	Per each 3 seats based on maximum seating capacity in the main place of assembly therein.
(2)	Private clubs and lodges	1	Per each 3 individual members allowed within the maximum occupancy load as established by fire and/or building codes

(3)	Hospitals	1	Per each 4 beds, plus
		1	Per staff doctor, plus
		1	Per each employee
(4)	Convalescent homes, homes for the aged, nursing homes, childrens' homes	1	Per each 5 beds, plus
		1	Per each staff doctor, plus
		1	Per each employee
(5)	High schools, trade schools, colleges and universities	1	Per each teacher, plus
		1	Per each ten students, plus
		1	Per each employee
(6)	Elementary and junior high schools	1	Per each teacher, plus
		1	Per each 25 students, plus
		1	Per each employee
(7)	Child care center, day nurseries, or nursery schools	1	Per each 5 students, plus
		1	Per each employee
(8)	Stadiums, sports arenas, and auditoriums	1	Per each 4 seats based on maximum seating capacity
(9)	Libraries and museums	1	Per each 500 square feet of floor area
(C)	General Commercial Uses		
(1)	Retail stores, except as otherwise	1	Per each 100 square feet of floor area specified herein
(2)	Supermarkets, drugstores, and other self-serve retail establishments	1	Per 150 square feet of floor area
(3)	Convenience stores and video stores	1	Per 100 square feet of floor area
(4)	Planned shopping center	1	Per 100 square feet of floor area for the first 15,000 square feet, plus
		1	Per 150 square feet of floor area in excess of 15,000 square feet.
(5)	Furniture, appliances, hardware, household equipment sales	1	Per each 400 square feet of floor area, plus
		1	Per each employee
(6)	Motels and hotels	1	Per each guest bedroom, plus
		1	Per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
(7)	Fast food restaurants	1	Per each 125 square feet of floor area, plus
		1	Per each employee
(8)	Sit-down restaurants	1	Per each three seats, based on maximum seating capacity, plus
		1	Per each employee
(9)	Taverns and cocktail lounges	1	Per each three persons allowed within the (other than fast food restaurants) maximum occupancy load as established by fire and/or building codes, plus
		1	Per each employee

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(10)	Garden stores, building material sales	1	Per each 800 square feet of lot area used for such business provided for herein
(11)	Movie theaters	1	Per each four seats based on the maximum seating capacity, plus
		1	Per each employee
(12)	Wholesale stores, machinery sales, and other similar uses	1	Per each 1,000 square feet of floor area, plus
		1	Per each employee
(D)	Automotive Uses		
(1)	Auto sales	1	Per each 200 square feet of showroom floor area, plus
		1	Per each employee, plus
		1	Per each service stall
(2)	Automotive repair facilities	2	Per each service stall, plus
		1	Per each employee, plus
		1	Per each service vehicle
(3)	Gasoline stations without convenience store	1	Per each pump unit, plus
		2	Per each service stall, plus
		1	Per each employee
(4)	Gasoline stations with convenience store	1	Per each pump unit, plus
		2	Per each service stall, plus
		1	Per each employee, plus
		1	Per each 100 square feet of floor area devoted to retail sales and customer service
(5)	Car washes (self-serve)	1	Per each wash stall, plus
		1	Per each vacuum station, plus
		1	Per each employee
(6)	Car washes (automatic)	1	Per 200 square feet of floor area of customer waiting and service areas, plus
		1	Per each vacuum station, plus
		1	Per each employee
(7)	Collision or bump shops, and other similar uses	2	Per each stall or service area, plus
		1	Per each employee
(E)	Office and Service Uses		
(1)	Medical and dental office	1	Per each 150 square feet of floor area
(2)	Business and professional offices	1	Per each 200 square feet of floor area
(3)	Banks	1	Per each 200 square feet of floor area
(4)	Barber and beauty shops	3	Per each chair
(F)	Recreational Uses		
(1)	Bowling alleys	4	Per bowling lane, plus
		1	per employee, plus
			Amount required for accessory uses such as a restaurant or cocktail lounge

(2)	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
(3)	Golf course, open to the general public	5	Per each hole, plus
		1	Per each employee, plus
			Amount required for accessory uses such as a restaurant or cocktail lounge
(G)	Industrial Uses		
(1)	Industrial or manufacturing or establishments	1	Per each employee, or
		1	Per each 800 square feet of floor area (whichever is greater)
(2)	Warehouses and storage buildings	1	Per each employee, or
		1	Per each 2,000 square feet of floor area (whichever is greater)
(3)	Contractors office	1	Per each employee
(H)	Agricultural Tourism Uses		
	Agricultural tourism and seasonal agriculturally related uses	1	100 square feet of indoor retail area
		1	1,000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
	Taverns, cocktail lounges, and Event Barns	1	Per each three persons allowed within the maximum occupancy load as established by fire and/or building codes, plus
		1	Per each employee

(Ord. No. 50, § 10.4, 11-17-1992; Ord. of 6-22-2020 , § 1)

Sec. 32-425. Off-street parking lot construction and operation.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this chapter and such construction shall be completed and approved by the zoning administrator and the township engineer before actual use of the property as a parking lot and before a certificate of occupancy is issued. Plans for the development of any parking lot must be submitted to the zoning administrator, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.

- (1) All such parking lots, driveways, or loading areas required for uses other than single-family or two-family residential shall be hard-surfaced with asphalt or concrete pavement, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a certificate of occupancy being issued. Drainage for parking lots shall conform to the standards set forth in section 32-200. The planning commission may, in its discretion, waive the requirements of this section provided the following conditions are met:
 - a. Where driveways, loading, turnaround, or storage areas receive only limited use and are not used for employee parking, customer parking, or primary access.

- b. Where gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
 - c. Where hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion, and where it can be demonstrated that certain site restraints prohibit the development of on-site retention/detention facilities to accommodate the increase in stormwater runoff from such hard surfacing.
- (2) All illumination for all such parking lots shall meet the standards set forth in section 32-197. The source of illumination in all parking lots abutting a residential area shall not be more than 16 feet above the parking lot surface.
 - (3) Parking lot landscaping and buffering requirements set forth in section 32-192 shall be met.
 - (4) Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
 - (5) Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided.
 - (6) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

Parking Pattern	Maneuvering Lane Width		Parking Space Width (Feet)	Parking Space Length (Feet)
	One-Way (Feet)	Two-Way (Feet)		
0° Parallel	12	20	9	25
30°—53°	12	20	9	20
54°—74°	15	24	9	20
75°—90°	15	24	9.5	20

(Ord. No. 50, § 10.5, 11-17-1992)

Sec. 32-426. Off-street loading requirements.

On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material 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 street or parking areas.

- (1) *Schedule of loading and unloading spaces.* Such loading and unloading space, unless completely and 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 (Square Feet)	Loading and Unloading Spaces Required in Terms of Square Foot Gross Floor Area
0—2,000	None
2,000—20,000	1 space
20,000—100,000	1 space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000—500,000	5 spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces plus one space for each 80,000 square feet in excess of 500,000 square feet

- (2) *Double count.* Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

(Ord. No. 50, § 10.6, 11-17-1992)

Sec. 32-427. Off-street stacking space for drive-through facilities.

All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:

- (1) Each stacking space shall be computed on the basis of ten feet in width and 20 feet in length. Each stacking lane shall be a minimum of 12 feet in width.
- (2) Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- (3) For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- (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	6
Car washes (self-service):	
Entry	3
Exit	1
Car washes (automatic):	
Entry	6
Exit	2

(Ord. No. 50, § 10.7, 11-17-1992)

Secs. 32-428—32-460. Reserved.

ARTICLE XII. NONCONFORMING USES, STRUCTURES AND LOTS¹⁰

¹⁰Cross reference(s)—Buildings and building regulations, ch. 8Cross reference(s)—.

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

Sec. 32-461. Intent.

Certain existing lots, structures and uses of lots and structures were lawful before the adoption of the ordinance from which this chapter is derived, but have become nonconformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided in this chapter, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

(Ord. No. 50, § 11.1, 11-17-1992)

Sec. 32-462. Nonconforming lots.

In any 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 at the effective date of the ordinance from which this chapter is derived or amendment of this chapter. This section shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

(Ord. No. 50, § 11.2, 11-17-1992)

Sec. 32-463. Nonconforming uses of land.

Where, at the effective date of the ordinance from which this chapter derives or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter derives or amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the ordinance from which this chapter derives or amendment of this chapter.
- (3) If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. No. 50, § 11.3, 11-17-1992)

Sec. 32-464. Nonconforming structures.

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

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.

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- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of replacement value 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 for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 50, § 11.4, 11-17-1992)

Sec. 32-465. Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of the ordinance from which this chapter derives or amendment of this chapter 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 of the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption of the ordinance from which this chapter derives or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed. section 32-464 shall apply to any nonconformity relating to the structure.
- (4) If such nonconforming use of land and structures ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this subsection only so long as seasonal uses shall continue.
- (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.
- (6) If no structural alterations are made, any nonconforming use of a structure, or a structure and premises, may be changed to another nonconforming use of the structure or a structure and premises or a more restricted classification provided that the zoning board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

(Ord. No. 50, § 11.5, 11-17-1992)

Sec. 32-466. Repairs and maintenance.

On any building devoted in whole or in part to any 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 replacement value of the building, provided that the cubic content of the building as it existed at the time of passage of the ordinance from which this chapter is derived or amendment of this chapter shall not be increased.

(Ord. No. 50, § 11.6, 11-17-1992)

Sec. 32-467. Uses allowed as special approval uses, not nonconforming uses.

Any use for which a general exception, condition approval, or special approval is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

(Ord. No. 50, § 11.7, 11-17-1992)

Sec. 32-468. Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this chapter.

(Ord. No. 50, § 11.8, 11-17-1992)

Secs. 32-469—32-500. Reserved.

ARTICLE XIII. ILLUSTRATIONS

Sec. 32-501. Basement and story.

Basement and Story

(Ord. No. 50, app. A-1, 11-17-1992)

Sec. 32-502. Building height.

Building Height

(Ord. No. 50, app. A-2, 11-17-1992)

Sec. 32-503. General lot terms.

General Lot Terms

(Ord. No. 50, app. A-3, 11-17-1992)

Sec. 32-504. Building line.

Building Line

(Ord. No. 50, app. A-4, 11-17-1992)

Sec. 32-505. Corner and double frontage lots.

Corner and Double Frontage Lots

(Ord. No. 50, app. A-5, 11-17-1992)