

Chapter 38 - ZONING⁽¹⁾

Footnotes:

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Cross reference— Any ordinance adopting or amending the master plan saved from repeal, § 1-11(a)(8); any ordinance rezoning property or amending the zoning map saved from repeal, § 1-11(a)(14); buildings and building regulations, ch. 8; land divisions, subdivisions and development, ch. 16; signs, ch. 26; utilities, ch. 34.

State Law reference— Michigan zoning enabling act, MCL 125.3101 et seq.; township planning, MCL 125.321 et seq.

ARTICLE I. - IN GENERAL

Sec. 38-1. - Short title.

This chapter shall be known as and may be cited as the Township of Rose Zoning Ordinance, Oakland County, Michigan.

(Ord. No. 151, § 1.01, 6-13-2007)

Sec. 38-2. - Enactment.

The ordinance from which this chapter is derived is enacted under Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), for the regulation of land development and the establishment of districts which regulate the use of land and structures to meet the needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

(Ord. No. 151, § 1.02, 6-13-2007)

Sec. 38-3. - Conflicting regulations.

Wherever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such law or ordinance shall govern.

(Ord. No. 151, § 1.03, 6-13-2007)

Sec. 38-4. - Scope.

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

(Ord. No. 151, § 1.04, 6-13-2007)

Sec. 38-5. - Rules of construction and usage.

- (a) *Construction.* The following rules of construction apply to 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 or illustration, the text shall control.
 - (3) Words used in a singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
 - (4) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the planning commission, township board, or board of zoning appeals, as indicated.
 - (5) The masculine gender includes the feminine and neuter.
 - (6) All measurements shall be to the nearest integral number, except density and lot measurements.
 - (7) The term "used for" includes "arranged for," "designed for," "intended for" and "maintained for."
 - (8) The term "building" includes the term "structure." The term "build" includes the terms "erect" and "construct."
 - (9) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a "person" under the laws of the state.
 - (10) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- (b) *Usage of conjunction.* Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or," the conjunction shall be interpreted as follows:
- (1) The term "and" indicates that all the connected items, conditions, provisions, or events shall apply;
 - (2) The term "or" indicates the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or");
 - (3) The term "either/or" indicates the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (c) *References to township, county.* References to township herein shall mean Rose Township and references to county herein shall mean Oakland County.

(Ord. No. 151, § 23.01, 6-13-2007)

Sec. 38-6. - 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:

Accessible means having lot frontage on an improved and certified public road or a private road easement that has received final approval by the township and meets the requirements of chapter 16, article IV, pertaining to roads standards. The term "accessible" does not include an unimproved right-of-way or a private easement that does not meet the requirements of chapter 16, article IV, pertaining to roads standards.

Accessory building. See Building, accessory.

Accessory use means a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Activity means any use, operation, development or action involving a change in, on or to uplands or bottomlands caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water; pumping or discharge of surface water; grading; paving; vegetative clearing or excavation; and mining or drilling operations.

Adult care facility means a facility for the care of adults over 18 years of age, as licensed and regulated by the state under Public Act No. 218 of 1979 (MCL 400.701 et seq.), and rules promulgated by the state department of human services. Such organizations shall be defined as follows:

- (1) *Adult foster care large group home* means a facility with the approved capacity to receive from 13 to 20 adults, who shall be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
- (2) *Adult foster care small group home* means a facility with the approved capacity of not more than 12 adults, who shall be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
- (3) *Adult foster care family home* means a private residence with the approved capacity to receive not more than six adults, who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- (4) *Agribusiness* means a use engaged in the sale of farm produce and supplies, and the processing, storage, and distribution of farm commodities that are grown off site on other farms. The term "agribusiness" shall also include retail businesses that are operated on a farm for sale of farm commodities that are grown on site to the general public, such as but not limited to cider mills, wineries, fruit and vegetable processing and sales, processing of agricultural, or farm products and nurseries that provide retail sales to the general public.
- (5) *Alteration* means any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

Adult entertainment facilities includes the following uses and definitions as indicated:

- (1) *Adult bookstore* means an establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- (2) *Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- (3) *Adult mini-motion picture theater* means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- (4) *Adult personal service business* means a business whose activities include a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. The term "adult personal service business" includes, but is not limited to, the following

activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios, and massage studios.

- (5) *Cabaret* means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- (6) *Specified anatomical areas* means:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turbid state, even if completely and opaquely covered.
- (7) *Specified sexual activities*, for the purpose of adult regulated uses, means:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (8) *Partially nude* means a person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breast.

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

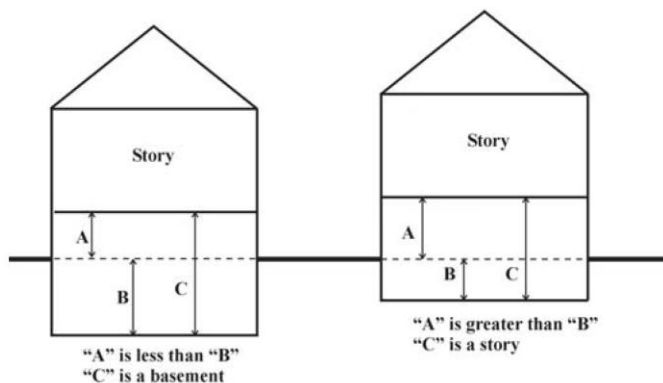
Apartment. See *Dwelling unit, multiple-family*.

Automotive repair establishment, major, means an automotive repair establishment which may conduct, in addition to activities defined below, as minor services, one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crankcase pan, recapping or retreading of tires, steam cleaning and similar activities.

Automotive repair establishment, minor, means an automotive repair establishment that conducts maintenance and minor repair, including one or more of the following: oil change, tire and brake service, exhaust system repair, glass repair and audio, and alarm installation.

Automotive service center means a business that offers the dispensing, sale, or offering for sale of motor fuels, lubricants, and automobile parts directly to users of motor vehicles and where automobile service may be carried out for minor repair and servicing of automobiles.

Barn weddings and receptions mean a seasonal use of an agricultural barn or structure on a farm that is used for private weddings and/or wedding receptions. The agricultural barn or structure was existing at the time of this ordinance.



Basement means that portion of a building that is partly, or wholly, below grade. A basement shall be counted as a first story if more than 50 percent of the wall area is above grade, and in such cases, the second story shall be equal to the basement in outside dimensions.

Bed and breakfast inn means any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall meet the location, design and operation standards of this chapter.

Boardinghouse means a dwelling where meals, or lodging and meals, are provided for compensation for three or more persons by prearrangement for definite periods. A boardinghouse shall be distinguished from a hotel.

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

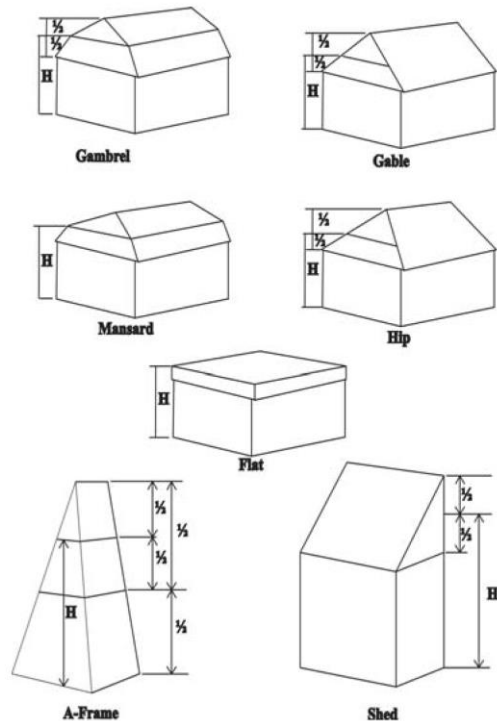
Buildable area means the buildable area of a lot or parcel is the space remaining after yard, parking, or any other requirements of this chapter have been met.

Buildable land area (for density computations). See *Density*.

Buildable site means a lot that is accessible from an improved public road or an approved private road meeting the requirements of chapter 16, article IV, pertaining to roads standards, that can be developed for a permitted use in conformance with the dimensional requirements of the zoning district, that can be developed in accordance with state wetland regulations and meets all county health department requirements for water and sanitary services.

Building means a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall include tents, awnings, or vehicles situated on private property and used for such purposes.

Building, accessory, means a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.



Building height means the vertical distance measured from the established grade at the center of the front (location of main entrance) of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building inspector means the official so designated by the township board.

Building line means a line formed by the face of the building and, for the purpose of this chapter, a building line is the same as a front setback line.

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

Building permit means a written application provided by the building department which is used to record various developmental activities on land parcels within the township.

Camp means a voluntary association of persons under the auspices of public or private organizations, engaging in outdoor activities while living in nonpermanent housing such as tents, trailers, cabins designated for short-term experiences in nature, or specific recreational or educational pursuits. For the purpose of this chapter, the term "camp" shall exclude persons or organizations operating programs involving persons sentenced or assigned to said programs by government agencies or courts of law having statutory authority to detain persons against their will.

Child care facility, state-licensed, means a facility for the care of children under 18 years of age, as licensed and regulated by the state under Public Act No. 116 of 1973 (MCL 722.111 et seq.) and Public Act No. 218 of 1979 (MCL 400.701 et seq.) and the associated rules promulgated by the state department of social services. Definitions for various care organizations are listed as follows:

- (1) *Child care center, day care, or nursery school* means a facility, other than a private residence, receiving more than six children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term "child care center," "day care," or "nursery school" includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. The term "child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (2) *Child caring institution* means a child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. The term "child caring institution" includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. The term "child caring institution" does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- (3) *Foster family home* means a private home in which one to four children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) *Foster family group home* means a private home in which five to six children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (5) *Family day care home* means a private home in which up to seven children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian,

except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- (6) *Group day care home* means a private home in which six to 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

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

Collocation means the location by two or more communication providers of communication towers or communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support communication antennas within the township.

Commercial driveway means any driveway or vehicular access point to a road that provides access to any use other than a single-family dwelling, a two-family dwelling, an agricultural use or an unmanned utility structure.

Commercial kennel means any lot or premises on which five or more dogs six months of age or older are kept. Commercial kennel shall also mean any lot or premises on which three or more dogs or cats six months of age or older are either permanently or temporarily boarded, bred, sold, trained, groomed, kept for daycare purposes, including the selling of pet care products, or related services are rendered either for profit or non-profit. All commercial kennels shall comply with all applicable township, county, and state regulations.

Commercial use relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

Common use riparian access lots (keyholes) means a riparian parcel that is used by persons other than the owner residing thereon or occupant residing thereon for a park, beach, boat launch, picnic area, dockminium or similar use for outdoor waterfront recreation.

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

Community correctional facility means a facility or institution which houses an inmate population under the jurisdiction of the department of corrections as a state correctional facility.

Condominium means a system of separate ownership of individual units and/or multiunit projects according to Public Act No. 59 of 1978 (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners, such as yards, foundations, basements, floors, walls, hallways, stairways, boat basins, elevators and all other related common elements.

Condominium act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium, general common element, means the common elements other than the limited common elements intended for the common use of all co-owners.

Condominium, limited common element means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium plan means the drawings and information prepared in compliance with this chapter which display the proposed site layout, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A

number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.

Condominium project means a plan or project consisting of not less than two condominium units, if established and approved in conformance with the condominium act.

Condominium setbacks shall be measured as described:

- (1) *Front yard setback* means the distance between the public street right-of-way or private road easement line and the foundation of the unit site.
- (2) *Side yard setback* means the distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.
- (3) *Rear yard setback* means the perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or, where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

Condominium site means a condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter.

Condominium unit means the portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use, use as a time-share unit, or any other type of use.

Condominium unit site or site condominium lot means the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. General common elements shall not be considered part of the site condominium lot. The term "condominium unit site" shall be equivalent to the term "lot," for the purpose of determining compliance of a site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio.

Contiguous means any of the following:

- (1) A permanent connection or other direct physical contact with a lake, pond, river or stream, including surface water or groundwater connections.
- (2) A seasonal or intermittent direct water connection with a lake, pond, river or stream, including surface water or groundwater connections.
- (3) Located within 500 feet of the ordinary high-water mark of an inland lake, pond, river or stream.
- (4) Separated only by manmade barriers, such as dikes, roads, berms, or other similar features.

Convalescent home or nursing home means a home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Public Act No. 139 of 1956.

Deck means an unroofed platform, commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

Density means the number of dwelling units permitted for each acre of buildable land within a lot, which shall exclude areas occupied by public road rights-of-way, private road easements, and submerged land below the ordinary high-water mark of a lake or stream and shall discount the area of any regulated wetland, floodplain and MNFI-designated natural area at a 25 percent equivalent of that of buildable areas.

District, zoning, means a portion of the unincorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drainageway means any drainage course, watercourse, drain, pipe, natural stream, creek, or swale which serves to transport stormwater runoff.

Drive-in restaurant. See *Restaurant, drive-in.*

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

Dry hydrant means a permanent piping system, normally a drafting source that provides access to a water source other than a municipal water system.

Dwelling, multiple-family, means a building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

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

Dwelling, two-family, means a building designed exclusively for occupancy by two families, living independently of each other.

Dwelling unit means a building, or a portion thereof, including a mobile home designed for occupancy by one family for residential purposes and having cooking facilities.

Ecological characterization report means a document, including narrative and maps, prepared by a professional qualified in the areas of ecology, botany, wildlife biology, or other relevant discipline describing the presence and ecological functions of waterways, wetlands, floodplains, wildlife habitat, significant native trees and vegetation as identified in a floristic quality assessment, topography, soil conditions and other natural features on a site proposed for site plan, subdivision plat, condominium or private road approval.

Erected means any physical operations on the premises required for the construction or moving on and includes constructions, reconstructions, alteration, building, excavations, fill, drainage, installation of utilities and the like.

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

Excavation means any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Family means one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), or additional persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit, not including relationships of a transitory or seasonal nature.

Farm means the carrying on of any agricultural activity or the maintaining or the raising of livestock, when conducted on at least three acres or more.

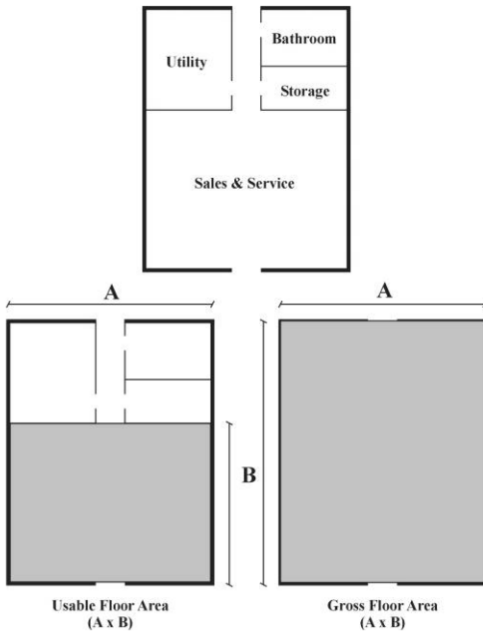
Fence means an unroofed structure of definite height and location to serve as an enclosure in carrying out the requirements of this chapter.

Fence, obscuring, means an unroofed structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

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

Floodplain means that area which would be inundated by storm runoff or floodwater equivalent to that magnitude which would occur with a rainfall or flood of 100-year recurrence frequency.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.



Floor area, when applied to a residential dwelling unit, means the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

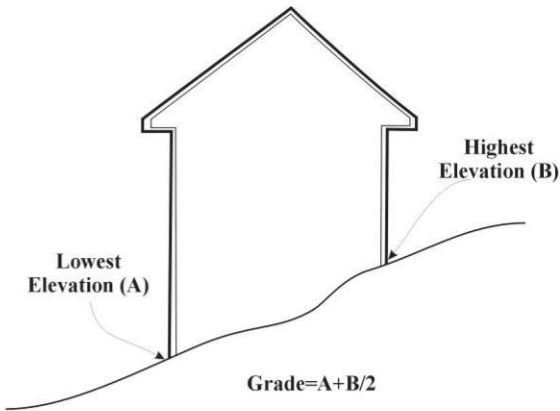
Floor area, usable, means, for the purposes of computing parking, all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. The term "usable floor area" shall not include areas for utility rooms, bathrooms or storage. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Garage, private, means a building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The term "private garage" shall be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle and shall not be construed to include the storage of mobile homes, large construction tractors, backhoes, bulldozers, other construction-type equipment or similar equipment.

Garbage shall be held to include every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Gasoline service station. See *Automotive service center*.

Generally accepted agricultural and management practices (GAAMPs) means the latest agricultural management practices as adopted by the Michigan Agricultural Commission (MAC).



Grade means the highest point of ground contacting any portions of the basement or foundation of a dwelling.

Greenbelt means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.

Gun club means any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms.

Home-based business means an occupation or hobby having traditional acceptance as being one customarily carried on in the home by the inhabitants thereof, such use being clearly incidental to the principal use of the dwelling as a residence.

Hospital means a building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the county health department. The term "state hospital" shall have statutory meaning only.

Hotel and motel means a series of attached, semidetached or detached rental units which provide overnight lodging and are offered to the public for compensation.

Impervious surface means manmade material which covers the surface of land and substantially reduces the infiltration of stormwater to a rate of five percent or less. The term "impervious surface" shall include pavement, buildings, and structures.

Improvement means any addition to the natural state of land which increases its value, utility or habitability. The term "improvement" includes but is not limited to street pavements, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, trees and other appropriate and similar items.

Industrial use means any land or building occupied or used for manufacturing, processing, or the storage of equipment, materials or machinery.

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

Lake means a permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is five acres or more in size.

Livestock means any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llamas, ostriches, chickens, ducks, geese, turkeys and swine.

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 unloading merchandise or materials.

Lot means a parcel of land occupied by, or which could be occupied by, a main building or group of such buildings and accessory buildings, or utilized for the principal use and permitted accessory uses thereto, together with such open spaces as are required under the provisions of this chapter. A lot may consist of either a single lot of record, a portion of a lot of record, a combination of contiguous lots of record that have been combined into one tax ID number, or a parcel of land described by metes and bounds.

Lot area means the total horizontal area within the lot lines of the lot. Lots within a platted subdivision or units within a site condominium shall not include public road rights-of-way, private road easements or submerged land below the ordinary high-water mark of a lake or stream in the calculation of lot area.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street 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.

Lot coverage means the percentage of the lot occupied by buildings, including accessory buildings, structures and paved areas. There are two measurements of lot coverage:

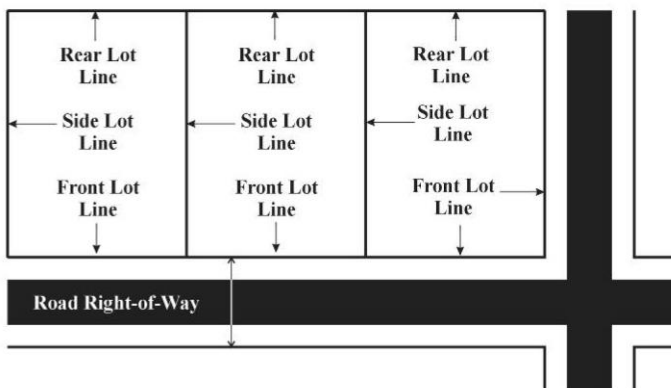
- (1) Percentage of lot area covered by all buildings; and
- (2) Percent of lot covered by impermeable surfaces, including all buildings, structures and paved areas.

Lot depth means the horizontal distance between front and rear lot lines measured along the longest distance between the front and rear lot lines.

Lot, double frontage, means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.

Lot frontage means the horizontal distance between the side lot lines, as measured along a road right-of way or road easement line.

Lot, interior, means any lot other than a corner lot.



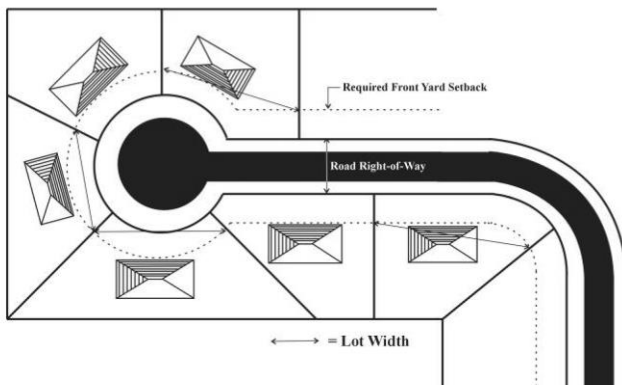
Lot line means the lines bounding a lot, as defined herein:

- (1) *Front lot line* means, in the case of an interior lot, the line separating said lot from the road right-of-way or road easement. In the case of a corner lot, each lot line separating the lot from the road right-of-way or road easement shall be considered a front lot line. The interior lot lines shall be considered side lot lines. In the case of a double frontage lot, both lot lines abutting on road rights-of-way or road easements shall be treated as front lot lines; except in the case of a platted

subdivision or site condominium where the lot is restricted to only having access to an internal street within the development and the frontage on the external public road shall be considered a rear yard.

- (2) *Rear lot line* means the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line* means any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record means parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by township or county officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof and has a valid tax identification number.



Lot width means the horizontal distance between the side lot lines measured at the two points where the building lines or setback intersects the side lot lines for cul-de-sac lots and at the two points where the side lot lines intersect the front lot line on all other lots.

Manufactured (mobile) home. See section 38-228.

Manufactured home park. See section 38-228.

Master plan means the adopted master plan of the township including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Michigan Natural Features Inventory (MNFI) means an organization of environmental professionals that gathers, stores and provides information on the natural features of the state. MNFI was formed in 1979 as a partnership between the state department of natural resources and the Nature Conservancy. In 2000, MNFI became a program of Michigan State University Extension Service. MNFI's comprehensive database tracks the location and status of the state's threatened and endangered species and the array of natural ecosystems. The information is gathered through such methods as aerial analysis, field inventories and from other scientists and naturalists. Natural areas designated MNFI in the township are mapped in the township master plan and in the Shiawassee and Huron Headwaters Resource Preservation Project Report.

Native vegetation, trees, or landscape means plant species that are native to southeastern Michigan and characteristic of a pre-settlement landscape.

Natural areas means areas possessing high-quality natural features, native vegetation and high-quality wildlife habitat which are mapped in the township master plan and in the Shiawassee and Huron Headwaters Resource Preservation Project Report. See also *Michigan Natural Features Inventory (MNFI)*.

Natural features means any one or more of the following: soils, topography, geology, vegetation, woodlands, hedgerow, historic/landmark tree, animal life, endangered species habitat, floodplain, watercourse, lakes, rivers, streams, creeks, ponds, wetland, groundwater, watersheds, aesthetic resources, such as views and microclimate which are influenced by site topography and vegetation.

Needed fire flow (NFF) is the rate of flow considered necessary to control a major fire in a specific building. The NFF is intended to assess the adequacy of a water system or supply source. The NFF reasonably coincides with the actual flow required to suppress a fire in a real-life situation. The NFF shall be calculated based upon the formula created by the Insurance Services Office (ISO) and can be found in the American Water Works Association (AWWA) manual of water supply practices, entitled Distribution System Requirements for Fire Protection, Number AWWA M31, 3rd Edition, or in the fire suppression rating schedule published by the ISO.

Nonconforming building means a building existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, that does not conform to the provisions of this chapter.

Nonconforming lot means a lot of record, lawfully in existence on the effective date of the ordinance from which this chapter is derived, and any amendments thereto, which no longer meets the dimensional requirements of this chapter for the district in which it is located.

Nonconforming site means a development on a site which met chapter requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping, but which does not meet the current site standards of the township.

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

Nurseries and greenhouses means farms or similar sites where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale. Wholesale of plant materials to retailers and landscape contractors shall be permitted as part of a nursery. On-site retail sales to the public shall be regulated as an agribusiness.

Occupancy load means the number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed, or an open area or space enclosed by buildings or fences intended for the gathering of people, such as fairs, carnivals, outdoor spectator events and festivals.

Off-street parking lot means a facility providing vehicular parking spaces, along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

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 markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Park, active, means a park, open to the public, that is owned and operated by a regional agency or department, such as the state, the county, or the township, or an institution or private organization that offers a broad range of active recreational facilities and opportunities such as athletic fields, athletic courts, campgrounds, playground equipment, facilities for recreational vehicles, water parks and ancillary uses such as parking, concessions, rentals, and restrooms.

Park, passive, means a park, open to the public, that is owned and operated by a regional agency or department, such as the state, the county, or the township, or an institution or private organization that has been undisturbed or minimally developed and is limited in use to only passive recreation activities such as nature trails, nature observation/interpretation, picnic areas, canoeing, sailing, fishing, nonmotorized recreational uses and limited parking.

Parking space means an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Person means any individual, partnership, copartnership, limited partnership, firm, corporation, or association and their lessees, trustees or receivers appointed by any court. In the instance of a legal entity, the individuals who are the general partners of a partnership, whether limited or not, the trustee and any beneficiary having the power to appoint or constitute a trustee of a trust, the officers and directors of a corporation and any receiver thereof shall be equally liable with the legal entity for any requirements or penalties provided for in this chapter. In any instance, an agent having the apparent authority to control the use or occupation of such persons having property regulated by this chapter shall be equally liable with his, her or its principal for any requirements or penalties provided in this chapter.

Planned building groups means multiple structures constructed on a parcel of land, excluding farmland, under the ownership, control, or development by an individual, a corporation, a partnership or a firm.

Pole barn means any accessory building of pole-type construction with wood or steel supporting vertical wall members installed below grade.

Pond means a water body that has permanent open water with a surface area that is less than five acres.

Principal building, structure or use means the main building, structure or use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Private Community Wastewater System (PCWS) means a facility for the transportation, collection, processing or treatment of sanitary sewage, which is owned by a nongovernmental entity and which is proposed to service more than one structure. The PCWS shall include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drainfield and treatment system.

Public service facilities means such uses and services as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses, including essential services.

Public sewer means a facility for the transportation, collection, processing or treatment of sanitary sewage for more than one lot or dwelling unit that is owned and operated by a governmental entity such as the township, a village, city, county or an authority established by a combination of local units of government.

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

Residential lake lot means a residentially zoned riparian lot that has at least one property line along a bank or shore of a lake.

Residential zoning district means any zoning district that permits residential uses, including AG/RP, R-1R, R-1E, R-1A, R-1B, MH and RM districts.

Restaurant means an establishment serving foods and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carryout, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

- (1) *Restaurants with outdoor seating* means a use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, or sidewalk.

- (2) *Carryout restaurant* means a use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption mainly off the premises. A carryout restaurant differs from a drive-through restaurant in that a customer must park and walk up to the restaurant or an employee must exit the restaurant and deliver the food to a customer in a parked car.
- (3) *Drive-in restaurant* means a use that involves delivery of prepared food so as to allow its consumption within a motor vehicle while parked on the premises.
- (4) *Drive-through restaurant* means a use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a passthrough window, for consumption off the premises.
- (5) *Standard restaurant* means a use that involves either of the following:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
- (6) *Bar/lounge/tavern* means a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

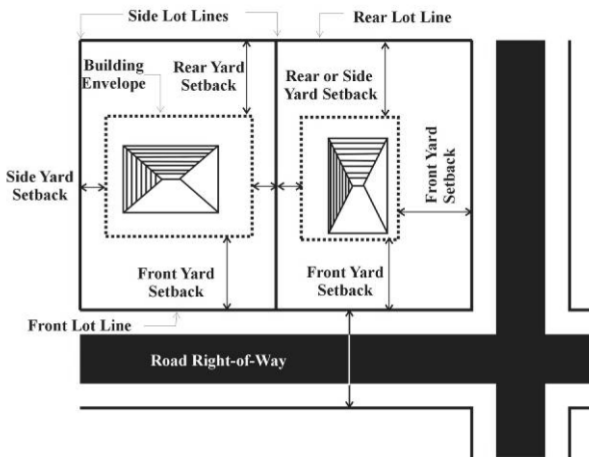
Riding academy or stables means any parcel and structures where horses or other equestrian animals are rented, hired, used for training, display, show, competition, or boarded for compensation, fees, admission, membership or other remuneration.

River. See *Stream*.

Road means a thoroughfare which affords the principal means of access to abutting property.

- (1) *Arterial roadway* means a roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the area. An arterial roadway will typically correspond to a county primary road and will have a master planned right-of-way of 120 feet in width. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the township master plan.
- (2) *Collector road* means a road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. A collector roadway will typically have a master planned right-of-way of at least 86 feet in width. Collector streets are classified in the township master plan.
- (3) *Local or minor road* means a road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of 25 mph or less, with numerous driveways and on-street parking permitted.
- (4) *Major thoroughfare* means a road that carries a relatively high volume of through traffic, including all county primary roads and all roads meeting the definition of an arterial roadway or collector road, or designated as such in the master plan.
- (5) *Private road* means any road for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by a municipality or the road commission for county, but which meets the requirements of the roads standards outlined in chapter 16, or has been approved as a private road by the township under any prior ordinance.
- (6) *Public street* means any road or portion of a road which has been dedicated to and accepted for maintenance by a municipality or the road commission for the county.
- (7) *Roadside stands* means the temporary use of property or facilities for the selling of produce, such as fruits and vegetables, which are grown on the property from which they are sold.

Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.



Sanitary landfill means any operation which involves the piling, placing, storing, dumping or depositing, in a hole or trench, any material in the form of rubbish and/or waste materials.

Senior apartments means multiple-family dwelling units occupied by persons 55 years of age or older that offers independent living accommodations with individual apartments or semi-independent accommodations containing congregate kitchen, dining, and living areas. Such facilities could provide special support services, such as organized programming, transportation and limited medical care.

Service drive means an access drive which parallels the public right-of-way in front of or behind a building, or may be aligned perpendicular to the street between buildings, which provides shared access between two or more lots or uses.

Setback means the distance required to comply with front, side or rear yard open space provisions of this chapter.

Shoreline. See *Ordinary high-water mark*.

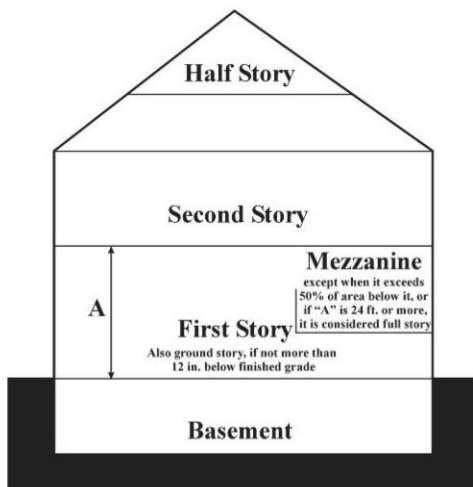
Sign. See article VI of this chapter.

Solar energy systems. The following definitions are associated with solar energy systems:

- (1) *Solar energy systems* means any mechanism that converts solar radiation to electricity.
- (2) *Private solar energy system* means a solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- (3) *Commercial solar energy system* means a solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- (4) *Roof or building mounted solar energy system* means a solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.
- (5) *Ground mounted solar energy system* means a solar energy system that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- (6) *Building integrated photovoltaics (BIPVs)* means a solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Standard kennel means any lot or premises on which five or more dogs, six months of age or older are kept. Standard kennel shall also mean any lot or premises of which three or more dogs or cats six months of age or older are either permanently or temporarily boarded, bred, sold, trained or related services are rendered either for profit or non-profit. All standard kennels shall comply with all applicable township, county, and state regulations.

Steep slope means a naturally occurring land form with a vertical change in elevation of ten feet or more over a length of 50 feet or more measured parallel to the contour lines and a slope of 20 percent or more.



Story means that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Stream means a waterway that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Street. See *Road*.

Structure means anything constructed, or erected and designed for a permanent location on the ground.

Temporary building or use means a structure or use permitted by the board of appeals to exist during periods of construction of the main building or use, or for special events.

Thoroughfares, major. See *Road*.

Tower means a structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure, and that may be fully walled in or of a skeleton framework.

Travel trailer and/or motor home means a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Tree means a woody plant with an erect perennial which, at maturity, is 13 feet or more in height, which has a more or less definite crown of foliage.

Variance, dimensional, means a modification granted by the zoning board of appeals to the dimensional requirements of the zoning district or the other provisions of this chapter when strict enforcement of this chapter would cause practical difficulty owing to circumstances unique to the individual property.

Waste receptacle (i.e., dumpster) means any accessory exterior container used for the temporary storage of rubbish, pending collection, having a capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

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

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

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

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

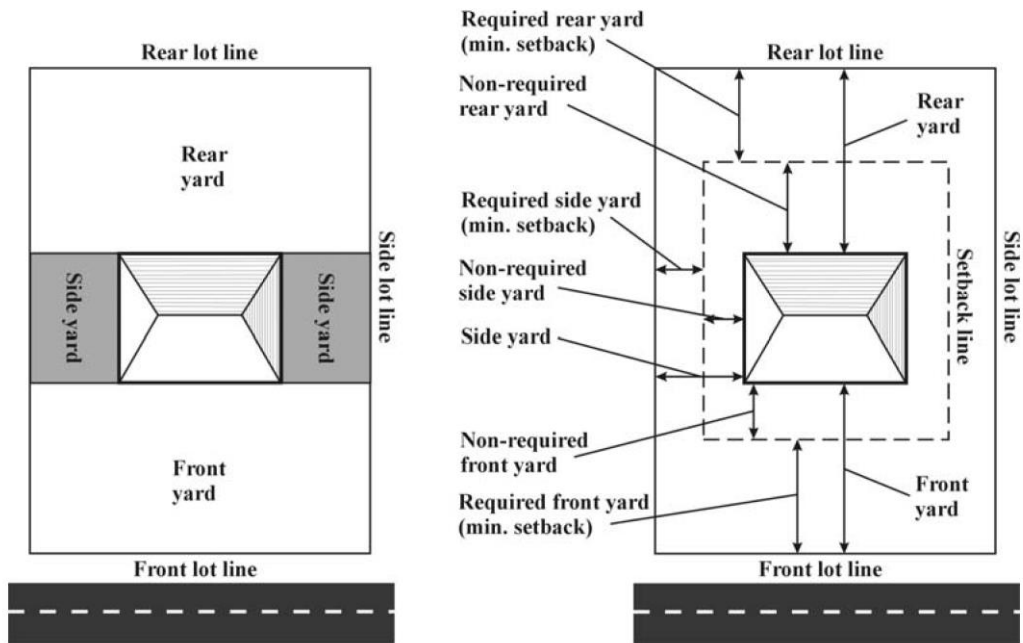
Wetland vegetation means plants, such as trees, shrubs, and grasses, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil. Wetland vegetation is the macrophytic plant life that occurs in areas where the frequency and duration of inundation or saturation produces permanently or periodically saturated conditions of sufficient duration to exert a controlling influence on the plant species present.

Winery, small: An agribusiness, accessory to a farm, that includes processing and/or packaging agricultural produce grown onsite for wholesale and/or retail sales of wine. The building(s) may also include a retail sales area for direct sales of wine to consumers and tasting of wine.

Woodland means a forested area of one-half acre or more containing 20 trees per one-half acre greater than eight inches in diameter at breast height (DBH). The critical root zone of all trees on the perimeter of the forested area defines the area of a woodland. A tree nursery or farm where trees have been planted for harvesting or transplant would not be considered a woodland.

Yard means the open space on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined below.

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Nonrequired yard* means the open space between the minimum setback line and the main building. The nonrequired yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.
- (3) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
- (4) *Required yard* means the open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.
- (5) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



Zero lot line means the location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line, separated only by firewalls.

Zoning act means the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Zoning administrator means the official so designated by the township board.

(Ord. No. 151, § 23.02, 6-13-2007; Ord. of 9-5-2008(1), §§ 6, 7; ; [Ord. of 5-11-2016](#); [Ord. No. 167](#), 2-14-2018; [Ord. No. 171](#), 5-8-2019; [Ord. No. 176](#), 3-18-2020)

Cross reference— Definitions generally, § 1-2.

Sec. 38-7. - Vested right.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

(Ord. No. 151, § 24.01, 6-13-2007; Ord. of 9-5-2008(1), § 8)

Sec. 38-8. - Severability.

Sections of this chapter shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. No. 151, § 24.02, 6-13-2007)

Secs. 38-9—38-34. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 38-35. - Enforcement.

The provisions of this chapter shall be administered and enforced by the building inspector and other officials as appointed by the township board.

(Ord. No. 151, § 21.01, 6-13-2007)

Sec. 38-36. - Duties of building inspector.

- (a) The official appointed by the township board shall have the power to grant zoning compliance permits. Building permits, occupancy permits and inspections of buildings or premises necessary to carry out the duties in the enforcement of this chapter shall be the duty of the building inspector. It shall be unlawful for the building inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this chapter.
- (b) Under no circumstances is the building inspector permitted to make changes in this chapter or to vary the terms of this chapter in carrying out his duties as building inspector.
- (c) The building inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Ord. No. 151, § 21.02, 6-13-2007)

Sec. 38-37. - Application.

The building inspector shall require that all applications for building permits be accompanied by plans and specifications, including construction, manufacturing, assembly, setup or engineering plans of adequate detail to ensure compliance with the requirements of all applicable codes and requirements of this chapter, including the following:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- (3) The location and purpose of any easement for utilities, driveways, drainage or other purpose.
- (4) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (5) Plans for drainage of existing and future surface waters during and after construction, including stormwater runoff to provide for safe on-site retention or off-site drainage which mitigates the

impact on soil erosion and adjoining parcels and rights-of-way as well as natural features including lakes and streams.

- (6) Plans and provisions for a stable off-road (non-right-of-way) safe parking surface or driveway for vehicles and equipment during and after construction. Failure to supply adequate information as required in this section shall in the sole judgment of the building inspector be sufficient means to withhold issuance of a building permit.
- (7) If the building inspector deems it necessary that a survey is done by a professional surveyor or engineer for property at issue in order to ensure that all requirements of this chapter will be met, such survey and related information may be required by the building inspector and shall be paid for and provided by the property owner or applicant and no building permit or other township permit shall be issued or approved until and unless such survey and related information has been provided to the township.
- (8) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 151, § 21.03, 6-13-2007)

Sec. 38-38. - Building permits.

- (a) A building permit must be obtained for any construction subject to the state construction code and housing law prior to the building or structure being erected, altered, moved or repaired. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the state construction code, Michigan housing law (MCL 125.401 et seq.), or this chapter, except for minor repairs or changes not involving any of the aforesaid features. Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the township engineer, shall also accompany an application for a building permit, when required by the township.
- (b) In addition to the state construction code requirements, an application for a building permit shall also be in conformity with this chapter and all of the following requirements shall be met:
 - (1) The use shall be permitted within the zoning district.
 - (2) For uses that require site plan or special land use approval from the planning commission, such approval shall be obtained prior to issuance of a zoning compliance permit and all site plan conditions complied with.
 - (3) The lot shall conform to the requirements of the zoning district in which it is located and have been approved by the township through a land division, subdivision or site condominium or be a nonconforming lot of record that complies with the nonconforming lot provisions of article X of this chapter, pertaining to nonconforming lots, structures, and uses.
 - (4) All structures shall comply with the dimensional requirements of the zoning district in which the lot is located.
 - (5) Any single-family dwelling shall comply with section 38-402, pertaining to requirements for single-family homes.
 - (6) All accessory structures shall comply with the requirements of article IV of this chapter, pertaining to supplemental regulations.
 - (7) Any associated private road shall have final approval from the township board under the provisions of chapter 16, article IV, pertaining to road standards.
 - (8) Copies of permits from the county health department shall be provided for any proposed well or sanitary drainfield.

- (9) Copies of permits from the road commission for the county shall be provided for any proposed driveway approach.
 - (10) Applications involving nonconforming structures or lots shall be subject to compliance with article X of this chapter, pertaining to nonconforming lots, structures, and uses.
- (c) While certain structures do not require a building permit under the state construction code or a permit under this chapter, they shall still be required to comply with all requirements of this chapter, such as use, setbacks, height and yard location.

(Ord. No. 151, § 21.04, 6-13-2007)

Cross reference— Buildings and building regulations, ch. 8.

Sec. 38-39. - Certificates of occupancy.

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

- (1) *Vacant land.* No land heretofore vacant shall hereafter be used or an existing use of land shall be hereafter changed to a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.
- (2) *Uses of different class or type.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.
- (3) *When not issued.* No certificate of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this chapter.
- (4) *Required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure. Where an addition is being added to an existing building, the restriction on occupancy shall only apply to the portion of the building being modified.
- (5) *Certificates, including zoning.* Certificates of occupancy as required by the state construction code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (6) *Existing buildings, structures.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- (7) *Records.* A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (8) *Accessory buildings, structures.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- (9) *Application.* Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by him and such certificates shall be issued within five days after receipt of such application if it is found that the building or structures, or part thereof, or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause,

the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

(Ord. No. 151, § 21.05, 6-13-2007)

Sec. 38-40. - Final inspection.

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the building inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

(Ord. No. 151, § 21.06, 6-13-2007)

Sec. 38-41. - Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter must be collected by the township in advance of issuance. The amount of such fees shall be established by resolution of the township board and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. No. 151, § 21.07, 6-13-2007)

Sec. 38-42. - Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than this chapter, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Ord. No. 151, § 21.08, 6-13-2007)

Sec. 38-43. - Planning commission approval.

In cases where the planning commission is empowered to approve certain uses of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said commission for the proper consideration of the matter. An application to the planning commission shall be accompanied by a fee. The amount of such fee shall be set by resolution of the township board and shall be paid to the township to defray the expense of reviewing the application and conducting any necessary public hearings. The planning commission shall investigate the circumstances of each such case and shall notify such parties, who may be affected thereby, as required by state law.

(Ord. No. 151, § 21.09, 6-13-2007)

Sec. 38-44. - Performance guarantee.

In the interest of ensuring compliance with this chapter and 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 board, planning commission or zoning board of appeals, as a condition of approval of the proposed use, may require the applicant to deposit a performance guarantee as set forth herein to ensure completion of improvements connected with the proposed use required by this chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- (1) The term "performance guarantee," as used herein, shall mean a cash deposit or certified check in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the township.
- (2) Where the township requires a performance guarantee, said performance guarantee shall be deposited with the township prior to the issuance of a zoning compliance permit by 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 and the township clerk shall thereafter retain said deposit; however, if said deposit is in the form of cash or certified check, then it shall be transferred to the township treasurer for deposit in an interest-bearing account.
- (3) Where a performance guarantee is required by the planning commission as a condition of approval for a proposed use, the planning commission shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
- (4) In the event the performance guarantee deposited is a cash deposit or certified check, the township shall rebate to the applicant amounts of money in reasonable proportions to the ratio of the work completed on the improvements by the applicant as confirmed by the township engineer, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project. The township shall retain a portion of the guarantee after granting final approval to ensure final pavement wearing course is complete and that landscaping is established.
- (5) Upon the satisfactory completion, as determined by the township, of the improvement for which the performance guarantee was required, the clerk shall notify the treasurer of the township to return to the applicant the performance guarantee deposited. The township may retain up to ten percent to cover any administrative or consultant costs directly associated with review and inspection of the improvements.
- (6) In the event 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 thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- (7) In the event the applicant defaults in making the improvements and 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 to the township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

(Ord. No. 151, § 21.10, 6-13-2007)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 38-45. - Amendments and rezonings.

- (a) *Procedure.* The township board may from time to time, on recommendation from the planning commission, on its own motion, or on petition, amend, supplement or change this chapter in accordance with the procedure established by state law. Amendments to the provisions of this chapter (i.e., chapter text amendment) may be initiated by the township board, the planning commission or by petition from one or more residents or property owners of the township. An amendment to the official

zoning map (i.e., rezoning) may be initiated by the township board, the planning commission or by the owner of the land that is the subject of the proposed amendment. All proposed amendments to the provisions of this chapter or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the township board, prior to consideration thereof by the township board pursuant to the authority and procedure established in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

- (b) *Application.* An amendment to this chapter text or the official zoning map shall be initiated by submission of a completed application on a form, including an application fee. The amount of the fee shall be set by resolution of the township board and shall be paid to the township to defray the expense of publishing the required notices of public hearings and the expenses of said public hearing. Amendments initiated by the township board or planning commission do not require an application or fee.
- (c) *Rezoning.* In the case of an amendment to the official zoning map, the application shall be accompanied by the following:
 - (1) The name and address of the owner of the subject property, the signature of the owner on the application notarized or an affidavit notarized assigning authority to act on behalf of the owner or the applicant.
 - (2) The street address of subject property if appropriate, the tax identification number and the nearest intersection.
 - (3) A written response to subsection (e) of this section, pertaining to criteria for amendment of the official zoning map (rezoning). Said response should address all 12 criteria and address each one individually.
 - (4) Existing and intended use of the property.
 - (5) An aerial photograph of subject property with adjacent properties and an aerial photograph of subject property with Michigan Natural Features Inventory (MNFI) overlay, which may be obtained from the township.
 - (6) A site analysis plan that includes all of the following information for the site and all adjacent parcels, which may be obtained from the township:
 - a. Existing zoning;
 - b. Master plan future land use designation;
 - c. Five-foot contours; and
 - d. Names of all streets abutting the subject property.
 - (7) An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "zoning agreement"). The offer for a zoning agreement shall be submitted at the time the rezoning application is filed or in response to comments received at the public hearing. An election to file a rezoning with a zoning agreement shall be in writing and shall be pursuant to the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and subsection (e) of this section. When necessary, the zoning agreement shall also include and incorporate, by reference, a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval as outlined in article II, division 3 of this chapter, which shall be conducted following the township board's approval of the rezoning. The township may voluntarily accept the offer for a zoning agreement, but shall not be obligated to accept such offer. If the applicant offers conditions as part of the rezoning application, the applicant will be responsible for the costs incurred by the township in reviewing the offer and developing language for the zoning agreement.
 - (8) The applicant may provide any additional information they feel would be of benefit in their rezoning request.
- (d) *Public hearing and notice.*

- (1) Upon submittal of a complete application for amendment to the township, the item shall be scheduled before the planning commission for a public hearing.
- (2) If an individual property or ten or fewer adjacent properties are proposed for rezoning, the township shall give a notice of the proposed rezoning in the same manner as required under section 38-46.
- (3) If eleven or more properties are proposed for rezoning, or if an amendment is proposed to the text of the ordinance, the township shall give a notice of the proposed rezoning in the same manner as required under section 38-46, except for the individual property notices required by section 38-46(2)b, and (2)c and except that no individual addresses of properties are required to be listed under section 38-46(1)b.
- (4) Where the applicant has offered a zoning agreement, the zoning agreement may be offered or amended in response to comments raised during the public hearing; provided that any amended or additional agreements are voluntarily offered by the applicant and they are in direct response to discussion at the public hearing. Should the petitioner offer substantial revisions to a zoning agreement or offer a new zoning agreement after the public hearing, the planning commission shall have the option to hold another public hearing on the zoning agreement if the planning commission determines that the new zoning agreement will have a significant effect on the conditions and ultimate use of the land. The petitioner shall be responsible for paying the cost of any additional public hearings.
- (5) Following the public hearing, the planning commission shall identify and evaluate factors relevant to the petition and the criteria in this article and shall make its recommendation to the township board. In the case of a rezoning, the application shall be forwarded to the county planning and economic development services for their review and recommendation, where the site borders another community.
- (6) A copy of the application, the planning commission's recommendation, minutes of the public hearing and the county's recommendation shall be provided to the township board to be placed on the agenda of the next regularly scheduled meeting of the township board to consider the proposed amendment.
- (7) The zoning agreement shall be reviewed by the township attorney prior to township board consideration of the rezoning application. The township attorney shall determine that the zoning agreement conforms to the requirements of subsection (e) of this section and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and shall confirm that the zoning agreement is in a form acceptable for recording with the county register of deeds.
- (8) Following the submission of the planning commission recommendation, the township board may hold additional hearings if the township board considers it necessary. Pursuant to the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the township board may by majority vote of its membership:
 - a. Adopt the proposed amendment, including any agreement provided for in subsection (d)(9) of this section;
 - b. Reject the proposed amendment; or
 - c. Refer the proposed amendment back to the planning commission for further recommendation. Thereafter, the township board may either adopt the amendment with or without the recommended revisions, or reject it.
- (9) If a zoning agreement has been offered by the applicant and recommended for approval by the planning commission, the township board may approve the zoning agreement if it meets all requirements of subsection (e) of this section. If an applicant proposes a zoning agreement after the planning commission has made a recommendation on the rezoning request, the township board shall first remand the application to the planning commission to hold another public hearing on the rezoning and proposed zoning agreement and resubmit a recommendation to the township board. The zoning agreement shall be incorporated by attachment or otherwise as an inseparable

part of the ordinance adopted by the township board to accomplish the requested rezoning. All of the following shall apply to a rezoning that was approved along with a zoning agreement:

- a. The zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the zoning agreement. The zoning map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a zoning agreement (i.e., R-1A-a).
 - b. The township clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request. The approved zoning agreement shall be recorded by the applicant with the county register of deeds.
 - c. Unless extended by the township board for good cause, the zoning agreement and associated rezoning shall expire two years after adoption of the rezoning and zoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the township commences within the two-year period and proceeds diligently towards completion.
 - d. In the event that substantial construction on the approved development has not commenced within two years, the zoning agreement shall be void and of no effect.
 - e. Notwithstanding the above, if the property owner applies in writing for an extension of the zoning agreement at least 50 days prior to the expiration date, the township board may, after recommendation by the planning commission, grant an extension of up to one year. No further extensions may be granted.
 - f. Should the zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the township is taken to bring the property into compliance with the zoning agreement, the township may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - g. If the rezoning and zoning agreement become void as outlined in this section, then the land shall revert back to its original zoning classification as set forth in section 405(2) of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3405(2)). Such reversion shall be initiated by the township board with notice and hearing as required for rezonings by the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and this chapter.
 - h. Any amendment to the zoning agreement following the original approval by the township board shall require a public hearing by the planning commission and a recommendation to the township board, in the same manner as was prescribed for the original rezoning.
- (e) *Criteria for amendment of the official zoning map (rezoning).* In considering any petition for an amendment to the official zoning map, the planning commission and township board shall consider the following criteria in making its findings, recommendations and decision:
- (1) Consistency with the goals, policies and future land use map of the township master plan. Change of zoning districts should be gradual and be based upon the township master plan. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
 - (2) Appropriate timing for the zoning change in consideration of any infrastructural improvements necessary to support the zoning.
 - (3) Compatibility of the site's physical, geological, hydrological and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
 - (4) Compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic

impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.

- (5) Capacity of the public infrastructure and services to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the township.
 - (6) Capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - (7) Demonstrated demand for the types of uses permitted in the requested zoning district in the township, and surrounding area, in relation to the amount of land in the township, and surrounding area, currently zoned and available to accommodate the demand.
 - (8) Ability of the site to meet the dimensional regulations for the requested zoning district.
 - (9) The requested rezoning will not create an isolated and unplanned spot zone.
 - (10) If a rezoning is appropriate, the requested zoning district shall be more appropriate from the township's perspective than another zoning district.
 - (11) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
 - (12) Other criteria as determined by the planning commission or township board which would protect the health and safety of the public, protect public and private investment in the township, and enhance the overall quality of life in the township.
- (f) *Zoning agreement.* An applicant for a rezoning may voluntarily offer a zoning agreement along with an application for rezoning. An election to file a rezoning with a zoning agreement shall be pursuant to the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and this article. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the township and recorded with the county register of deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in division 3 of this article. The zoning agreement must be voluntarily offered by the applicant and the township shall not have the authority to require a petitioner for rezoning to offer such agreement and shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided that the township shall not enter into a zoning agreement that is not found acceptable to the township board.
- (1) The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:
 - a. Serve the intended use of the property such as extension of or improvements to roadways, utilities or other infrastructure serving the site;
 - b. Minimize the impact of the development on surrounding properties; and
 - c. Preserve natural features, historic resources and open space.
 - (2) Content of agreement. In addition to any limitations on use or development of the site, preservation of site features or improvements described in subsection (f)(1) of this section, the zoning agreement shall also include the following:

- a. Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the township relied upon the agreement and may not grant the rezoning but for the terms spelled out in the zoning agreement.
 - b. Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.
 - c. Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.
 - d. Agreement and understanding that the approval of the rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the township, and also their respective heirs, successors, assigns, receivers or transferees.
 - e. Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued, unless and until a new zoning district classification for the property has been established.
 - f. Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.
 - g. A legal description of the land to which the agreement pertains.
 - h. Any other provisions as are agreed upon by the parties.
- (3) Any uses proposed as part of a zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of division 3 of this article and article IX of this chapter.
 - (4) Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the township from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
 - (5) Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this chapter, and further use of the property may be subject to legal remedies available to the township.

(Ord. No. 151, § 21.11, 6-13-2007)

Sec. 38-46. - Public hearings.

In instances where a public hearing is required under this chapter with the planning commission or the zoning board of appeals, written notice of the public hearing shall be as follows:

- (1) The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (2) Notice shall be published and delivered not less than 15 days before the date of the public hearing, as follows:

- a. Notice of the request shall be published in a newspaper of general circulation in the township.
 - b. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - c. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- (3) Public hearings for an amendment to the zoning chapter, or the zoning map that affects 11 or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under subsection (1)b of this section, and notice shall not be required to be mailed to individual properties under subsections (2)b and c of this section.
- (4) Public hearings for ordinance interpretations and appeals of administrative decisions by the zoning board of appeals shall only require notice in a newspaper, as required in subsection (2)a of this subsection and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in subsection (2)b of this section.

(Ord. No. 151, § 21.12, 6-13-2007)

Sec. 38-47. - Violations.

Any person violating any of the provisions of this chapter shall be responsible for committing a municipal civil infraction and subject to the penalties set forth in chapter 18, article III, pertaining to municipal civil infraction.

(Ord. No. 151, § 21.13, 6-13-2007)

Sec. 38-48. - Public nuisance declared.

Any building or structure which is erected, altered or converted, or any use of premises of 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 thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. No. 151, § 21.14, 6-13-2007)

Sec. 38-49. - Fines, imprisonment.

The owner of any building, structure, or premises or part thereof where any condition in violation of this chapter shall exist or shall be created, and who assisted knowingly in the commission of such violation, shall be responsible for a separate offense and, upon conviction thereof, shall be liable to the sanctions herein provided.

(Ord. No. 151, § 21.15, 6-13-2007)

Sec. 38-50. - Each day a separate offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Ord. No. 151, § 21.16, 6-13-2007)

Sec. 38-51. - Rights and remedies are cumulative.

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

(Ord. No. 151, § 21.17, 6-13-2007)

Secs. 38-52—38-75. - Reserved.

DIVISION 2. - ZONING BOARD OF APPEALS^[3]

Footnotes:

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Cross reference— Boards and commissions, § 2-101 et seq.

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

Sec. 38-76. - Creation and membership.

- (a) *Established; membership.* There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and in such way that the objectives of this chapter shall be observed, public safety and welfare secured and substantial justice done. The membership of the board of appeals shall be in accordance with the requirements of Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The total number of board members shall be five. The first regular member of the zoning board of appeals shall be a member of the planning commission. The remaining members shall be selected from the electors of the township. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the township board may not serve as a member of the zoning board of appeals.
- (b) *Alternate members.* The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. The alternate members may be called upon as specified herein to sit as regular members of the zoning board of appeals in the absence of a regular member if a regular member is absent from or unable to attend two or more consecutive meetings of the zoning board of appeals for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of 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 having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the zoning board of appeals.
- (c) *Terms.* Terms shall be for three years, except for members serving because of their membership on the planning commission, or township board, whose terms shall be limited to the time they are members of the planning commission, or township board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

(Ord. No. 151, § 22.01, 6-13-2007)

Sec. 38-77. - Meetings.

All meetings of the zoning board of appeals shall be held at the call of the chairman and at such times as such zoning board of appeals may determine. All meetings conducted by the zoning board of appeals shall be open to the public. The zoning board of appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearing and other official action. The zoning board of appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. No. 151, § 22.02, 6-13-2007)

Sec. 38-78. - Appeal.

- (a) *Procedure.* An appeal may be taken to the zoning board of appeals by any person or by any officer, department, board or bureau affected by the requirements of this chapter or a decision of the building inspector, zoning administrator or other official, or board charged with the administering of this chapter. An appeal from any decision or action shall be filed not later than 30 calendar days after the decision or action being appealed has been taken. Where an appeal has been filed, the zoning administrator shall transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the zoning board of appeals after notice of appeal has been filed with him that by reason of facts stated in the certificates a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record. The zoning board of appeals shall select a reasonable time and place for the consideration of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify before the zoning board of appeals, either in person or by duly authorized agent or attorney.
- (b) *Fee.* A fee shall be paid to the township at the time the notice of appeal is filed. The fees to be charged for appeals shall be set by resolution of the township board.

(Ord. No. 151, § 22.03, 6-13-2007)

Sec. 38-79. - Notice.

Prior to the zoning board of appeals making a decision in a specific case, the zoning board of appeals shall conduct a hearing. Written notice of the public hearing shall be in accordance with section 38-46.

(Ord. No. 151, § 22.04, 6-13-2007)

Sec. 38-80. - Powers, duties and authority.

The zoning board of appeals shall have the following powers:

- (1) *Hearing and deciding.* To hear and decide on all matters referred to it upon which it is required to pass under this chapter.
- (2) *Appeals.* To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building inspector, zoning administrator, or

the planning commission in the enforcement of this chapter. In exercising this power, the zoning board of appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken. The zoning board of appeals may reverse an order of an administrative official or the planning commission only if it finds that the action or decision appealed meets one or more of the following requirements:

- a. Was arbitrary or capricious.
 - b. Was based on an erroneous finding of a material fact.
 - c. Constituted an abuse of discretion.
 - d. Was based on erroneous interpretation of this chapter or zoning law.
- (3) *Dimensional variances.* Where, owing to special conditions, a literal enforcement of the provisions of this chapter would involve practical difficulties, within the meaning of this chapter, the zoning board of appeals shall have power to authorize such variation or modification of the provisions of this chapter with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this chapter and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this chapter shall be granted unless reasonable evidence on the record indicates all the following facts and conditions exist:
- a. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property.
 - b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
 - c. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 - d. The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 - e. The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.
- (4) *Use variances not permitted.* The zoning board of appeals shall not have the power to permit any use in a district in which it is not permitted.
- (5) *Interpretations.* The zoning board of appeals has the authority to:
- a. Interpret the location of district boundaries on the zoning map where said boundaries are unclear due to scale or legibility of the zoning map.
 - b. Interpret the provisions of the chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - c. Determine which zoning district permits a use not specifically addressed in any zoning district.
- (6) *Temporary permits.* The zoning board of appeals shall have the authority to permit temporary uses not otherwise permitted in any district, not to exceed 12 months with the granting of 12-month extensions being permissible, and uses which do not require the erection of any capital improvement of a structural nature. The zoning board of appeals in granting permits for the above temporary uses, shall do so as near as possible to the following conditions:

- a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted. The use shall not be a temporary use permitted by right and not a special land use, which would require planning commission approval.
 - b. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township, shall be made at the discretion of the zoning board of appeals.
 - d. In classifying uses as not requiring capital improvements, the zoning board of appeals shall determine that they are either de-mountable structures related to the permitted use of the land; recreation developments such as, but not limited to, golf-driving ranges, and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
 - e. The use shall be in harmony with the general character of the district.
 - f. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in section 38-79.
- (7) *Conditions.* In consideration of all appeals and all proposed variations to this chapter, the zoning board of appeals shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the township. The concurring vote of a majority of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the building inspector, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.
- a. The zoning board of appeals may attach conditions to the granting of all variances allowed under this section.
 - b. The requirements of section 38-582 shall apply to all conditions imposed by the zoning board of appeals under this section.

(Ord. No. 151, § 22.05, 6-13-2007)

Sec. 38-81. - Limitation on powers.

- (a) The zoning board of appeals may grant dimensional or other site plan related variances for special land uses; however, the zoning board of appeals shall not have the power to reverse or modify the planning commission's decision to approve or deny a special land use permit, nor grant variances to any conditions placed on special land use approval.
- (b) The zoning board of appeals shall not have the authority to reverse the decision of the township board on a PUD site plan, change any conditions placed by the planning commission, or township board or grant variances to the PUD regulations. The zoning board of appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances following final approval of the PUD, provided the variance does not impact any required common open space or natural area shown on the PUD site plan or violate any of the requirements of the PUD regulations.
- (c) The zoning board of appeals shall not have the power to permit any use in a district in which it is not permitted.

- (d) Nothing herein contained shall be construed to give or grant to the zoning board of appeals the power of authority to alter or change this chapter or the official zoning map, such power and authority being reserved to the township board in the manner hereinafter provided by law.

(Ord. No. 151, § 22.06, 6-13-2007)

Sec. 38-82. - Official record; findings of fact.

Minutes shall be kept of each meeting. The zoning board of appeals shall record into the minutes all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, and all of its official actions. To this end the zoning board of appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:

- (1) The relevant administrative records and orders issued relating to the appeal.
- (2) The notice of the appeal.
- (3) Such documents, exhibits, photographs or written reports as may be submitted to the zoning board of appeals for its consideration.
- (4) The findings of the zoning board of appeals, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching such a decision.

(Ord. No. 151, § 22.07, 6-13-2007)

Sec. 38-83. - Validity of orders; reapplication.

- (a) No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (b) 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 where such use permitted is dependent upon the erection or alteration of a building permit for said 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.
- (c) When any application made under the provisions of this chapter shall have been denied by the zoning board of appeals, not less than one year must intervene before a new application of the same tenor, and relating to the same property or proposed use, may be accepted or acted upon by the building inspector, zoning administrator or by any other township employee or authority, unless a positive finding is made by the building inspector that the facts of the case have substantially changed since its previous consideration.
- (d) The decision of the zoning board of appeals shall be final. Appeals from decisions of the zoning board of appeals shall be to the circuit court, as provided by law, and shall be filed within 45 days of approval of the official minutes of the zoning board of appeals.

(Ord. No. 151, § 22.08, 6-13-2007)

Secs. 38-84—38-109. - Reserved.

DIVISION 3. - SITE PLAN REVIEW⁴¹

Footnotes:

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Editor's note— Ord. No. 155, § 1, adopted Dec. 9, 2009, amended Div. 3 in its entirety to read as herein set out. Former Div. 3, §§ 38-110—38-115, pertained to similar subject matter, and derived from Ord. No. 151, §§ 16.01—16.06, adopted June 13, 2007.

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

Sec. 38-110. - Intent.

The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this chapter, other applicable local ordinances, standard engineering practices, and state and federal laws. The procedures set forth herein are further intended to:

- (1) Achieve efficient use of the land;
- (2) Protect natural resources both on the site and in the vicinity of the site, including priority resource protection areas as identified by Rose Township and the Shiawassee and Huron Headwaters Resource Preservation Project;
- (3) Minimize adverse impacts on adjoining or nearby properties;
- (4) Provide a mechanism for review of new development as well as redevelopment of existing sites and, to bring existing development into compliance with current standards; and,
- (5) Encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives.

(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-111. - Scope of application.

Site plan review and approval shall be required for the following list of proposed types of construction or improvement. The level of approval varies between the township board (TB), planning commission (PC) and administrative (Admin) approval depending upon the extent of construction proposed. Site plans shall include all detailed engineering drawings. Sketch plans are less detailed. Items that are exempt from site/sketch plan approval still require a land use permit. All construction or building modification is subject to building permit requirements.

Table 38-111			
Site Plan and Sketch Plan Review Requirements			
	Site Plan	Sketch Plan	Land Use Permit
New construction:			

Construction of any building or structure in any zoning district for a non-residential use, except a farm	PC		
Construction of any building or structure for a non-residential use that is determined by the zoning administrator to have limited potential to create impacts, because of factors or characteristics such as but not limited to: its size, its intended use, anticipated traffic volumes generated by the use, anticipated noise, and its location relative to neighboring properties.		PC	
Construction of any building or structure containing three or more dwelling units in any zoning district	PC		
Public or essential service buildings or structures including: public utility buildings and structures, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, natural gas distribution or storage facilities and transmission towers	PC		
Establishment of a new special land use (see article IX of this chapter)	PC		
Establishment of a new special land use that is determined by the zoning administrator to have limited potential to create impacts, because of factors or characteristics such as: its size, its intended use and its location relative to neighboring properties.		PC	
Planned unit development (see article VII of this chapter)	TB		
Establishment of a condominium (see article VIII of this chapter)	TB		
Construction, reconstruction, erection or expansion of a single-family or two-family dwelling on a single lot or parcel			Admin
Construction or extension of a public or private road (see chapter 16, article IV, pertaining to roads standards)	TB		
Expansion/Modification To Existing Building:			
A cumulative expansion of more than 10% from the original site plan of the square footage of the non-residential building, provided that any previous minor expansions be considered in making the determination	PC		

A cumulative expansion of no more than 10% from the original site plan of the square footage of the building		PC	
Construction solely on the building interior that does not increase usable floor area			Admin
Upgrades to building façade to meet architectural standards of section 38-440			Admin
Expansion of an existing special land use (see article IX of this chapter)	Sec. 38- 581		
Change in use:			
Any change of use in land or building to a more intensive use that may involve substantial change in such features as parking, traffic flow, hours of operation, public services, effluent discharge, that may entail substantial alteration of an important physical aspect of the site	PC		
Change in use to a special land use (see article IX of this chapter)	PC		
Reuse of an existing building where no building expansion is proposed only if the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts		Admin	
Family day care and foster care family homes in any zoning district			Admin
Accessory structures, site improvements and other misc.:			
Non-residential accessory structures		PC	
Construction, reconstruction, or modification to a structure for a caretaker's residence		PC	
Construction of a new parking lot or addition to an existing parking lot that results in more than 5 new spaces	PC		
Paving or expansion to an existing parking lot that results in 5 or fewer new spaces		Admin	

Construction or erection of signs, retaining walls, fences, buffer walls, refuse storage stations, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment			Admin
Permitted accessory buildings and structures which are accessory to a single family or two-family dwelling in any zoning district			Admin
Establishment of a common use riparian access lot (keyhole)	PC		

Key:

Admin = Administrative approval

PC = Planning commission approval

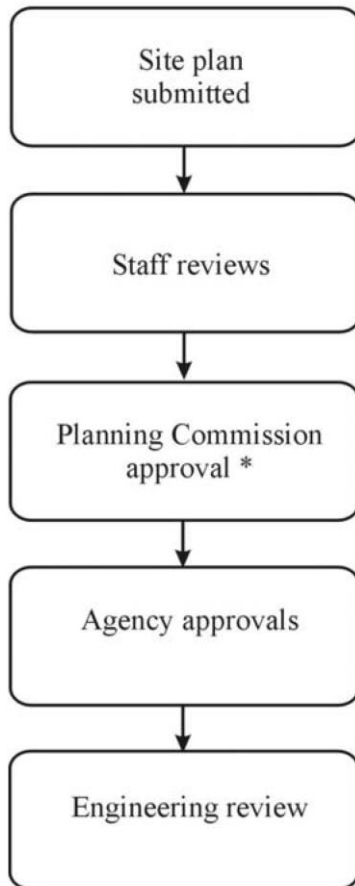
TB = Township board approval based upon PC recommendation

(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-112. - Site plan and sketch plan review procedures and requirements.

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

Site Plan Review Process



* Township Board final approval based upon PC recommendation required for: PUD's, condominiums and private roads

- (1) *Applicant attendance:* The application shall be submitted by the owner of an interest in the land for which site plan or sketch plan approval is sought, or the designated agent of said owner, provided in writing. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation.

The township zoning administrator shall determine whether the application is required to include a site plan or a sketch plan.

- (2) *Site plan submittal:* The applicant shall submit ten copies of the following to the township. The application shall not be placed on the planning commission agenda until all application materials are complete.
 - a. A complete application form supplied by the township;
 - b. A written description of the proposed project or use;
 - c. A complete site plan or sketch plan that includes the information listed in section 38-113.

- (3) *Technical (staff) reviews:* The application and site plan(s) or sketch plan shall be forwarded to the township planner, township engineer and fire department serving Rose Township for review. The petitioner may submit revised plans in response to technical reviews, which shall be re-reviewed prior to the planning commission meeting.
- (4) *Planning commission consideration:* Once the site plan or sketch plan has been reviewed and determined to be complete, it shall be placed on the agenda of the planning commission. Incomplete or deficient submittals shall not be placed on a planning commission agenda. The planning commission shall not consider material that has not been submitted for review by the township staff, planner and engineer. The planning commission shall review the application for site plan or sketch plan review, together with the reports and recommendations from the township staff, planner, engineer, fire department serving Rose Township, and other reviewing agencies, as appropriate. The planning commission is authorized to table, grant approval, approval subject to revisions, or denial as follows:
 - a. *Table:* The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the review, an ordinance interpretation or variance is needed from the zoning board of appeals, or that revisions are necessary to bring the site plan or sketch plan into compliance with applicable standards and regulations. The planning commission shall direct the applicant to prepare additional information or revise the site plan or sketch plan. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, and revised site plans must be certified by the applicant's design professional. Amended plans or other material that show a diligent effort to address all reasons for tabling shall be placed on the agenda of the planning commission for further review and action.
 - b. *Approval:* Upon determination that a site plan or sketch plan is in compliance with the standards of section 38-114 and requirements of this division and other applicable ordinances and laws, approval shall be granted.
 - c. *Approval subject to conditions:* Upon determination that a site plan or sketch plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the plan prior to applying for a building permit. The applicant shall re-submit the revised plan, accompanied by a complete list of all changes, and revised site plans must be certified by the applicant's design professional, for final approval by township staff, engineer and planning consultants.
 - d. *Denial:* Upon determination that a plan does not comply with the standards of section 38-114 and requirements of this division or the applicant has not satisfactorily addressed all reasons for plan tabling, site plan approval shall be denied. The applicant must revise the plans and submit a new application if the applicant is still interested in pursuing the project. A re-submittal shall be considered a new site plan or sketch plan and be required to re-initiate the full plan review process. Any person aggrieved by the decision of the planning commission in denial of a site plan shall have the right to appeal the decision to the zoning board of appeals.
- (5) *Agency approvals:* The applicant shall be required to obtain all other necessary agency permits from the Michigan Department of Environmental Quality, the Road Commission for Oakland County, the Oakland County Drain Commission and the Oakland County Health Department. The planning commission may approve a site plan or sketch plan conditioned on obtaining necessary permits.
- (6) *Township board approval:* For projects that require township board approval, the planning commission shall recommend approval, approval subject to changes or denial to the township board. Where the site plan is recommended for approval subject to changes, the changes shall be made to the site plan and seven copies of the revised site plan shall be submitted to the township prior to being placed on the agenda for a township board meeting. The township board shall then grant approval or denial based upon the recommendation of the planning commission, the standards of section 38-114 and the requirements of this division.

- (7) *Recording of site plan review action:* Each action taken with reference to a site plan or sketch plan review shall be duly recorded in the minutes of the planning commission's meeting, and the township board where applicable. The grounds for action taken upon each plan shall also be recorded in the minutes. After action has been taken, copies of the application and plans, signed by the secretary of the planning commission or designee, shall be maintained on file at the township, with a copy provided to the applicant.
- (8) *Engineering review:* Following planning commission approval of a site plan or sketch plan if applicable, the township engineer shall make a full review of the engineering plans. A building permit shall not be issued until the township engineer issues final approval of the engineering plans. Approval shall only be granted upon determination that the engineering plans comply with township engineering standards and are consistent with the site plan approved by the planning commission. If the township engineer determines that the engineering plans do not comply with township engineering standards and would require revision to the extent that the basic site plan configuration approved by the planning commission would be altered, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan or sketch plan to the planning commission for review and approval as an amended plan.
- (9) *Completion of site design:*
- a. Following final approval of the site plan or sketch plan and final approval of the engineering plans by the township engineer and building official, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable county, or state permits prior to issuance of a building permit.
 - b. If construction has not commenced within one year of site plan or sketch plan approval, approval becomes null and void and a new application for site plan or sketch plan review shall be required. The applicant may request a one-year extension by the planning commission or board as applicable, provided a written request is received before the expiration date and the site plan complies with current standards (i.e. any amendments to the zoning chapter since the site plan was approved).
 - c. It shall be the responsibility of the owner of a property for which site plan or sketch plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Any property owner who fails to maintain an approved site design shall be deemed in violation of the applicable use provisions of this chapter and shall be subject to penalties.
 - d. Minor changes to the approved final site plan or sketch plan may be approved by the zoning administrator without requiring a resubmittal to the planning commission or township board, as applicable, provided that the applicant or property owner notifies the zoning administrator of any proposed amendment to such approved site plan or sketch plan prior to making said change on the site and the zoning administrator determines the proposed minor revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan and does not impact any natural feature that was proposed to be preserved. Where the modifications are not determined to be minor, then the plan shall require resubmittal to the planning commission or township board, as applicable, for approval as a site plan or sketch plan amendment.

The zoning administrator may consider the following to be minor changes:

1. Change in size of residential buildings containing three or more dwelling units by up to five percent, provided that the overall density of units does not increase.
2. Change in square footage of non-residential buildings by up to five percent or 1,000 square feet, whichever is smaller.
3. Movement of a building or buildings by no more than ten feet.

4. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar effect on a one-to-one (1:1) or greater basis.
5. Changes of building materials to another of higher quality, as determined by the zoning administrator.
6. Changes in floor plans which do not alter the character of the use.
7. Slight modification of sign placement or reduction of size.
8. Relocation of sidewalks and/or refuse storage stations.
9. Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent or alter access locations or design.
10. Changes required or requested by the township for safety reasons.

(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-113. - Submittal requirements.

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review. At the discretion and direction of the zoning administrator, certain data may not be required for any building, structure or use that is determined to have limited potential to create impacts, because of factors or characteristics such as: size, intended use and location relative to neighboring properties. Where any of the following data is not provided, the applicant shall advise the planning commission on the reasons for not requiring certain data to be provided.

Site Plan Data		Required for	
		Site Plan	Sketch Plan
A.	Application Form: The application form shall contain the following:		
	Name and address of the applicant and property owner	X	X
	Address and common description of property and legal description	X	X
	Total acreage	X	X
	Zoning of the site	X	X
	Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
	Name and address of firm or individual who prepared the plan	X	X

	Notarized evidence of property ownership or written power of attorney when the applicant is acting as an agent of the property owner	X	X
B.	Site plan descriptive and identification data:		
	Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be at least 24 x 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included	X	-
	Sketch plan drawn to a scale of not less than 1 inch =100 feet. Sheet size shall be at least 12 x 24 inches.		X
	Title block with sheet number/title name, address and telephone number of the applicant and firm or individual who prepared the plans and date(s) of submission and any revisions (month, day, year)	X	
	Scale and north-point	X	X
	Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile	X	-
	Legal and common description of property	X	X
	Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings	X	-
	Zoning classification of petitioner's parcel and all abutting parcels	X	X
	Proximity to section corner and major thoroughfares	X	-
	Net acreage (minus rights-of-way) and total acreage	X	X
C.	Site data:		
	Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	X	X

	Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark	X	-
	Site conditions plan showing location of existing drainage courses, floodplains, lakes, streams, wetlands and woodlands	X	X
	Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site	X	X
	All existing and proposed easements	X	X
D.	Building and structure details:		
	Location, height, and outside dimensions of all proposed buildings or structures	X	X
	Building floor plans and total floor area	X	-
	Details on accessory structures and any screening	X	-
	Size, height and method of shielding for all site and building lighting	X	-
	Location, size, height, and lighting of all proposed site and wall signs	X	X
	Location, size, height and material of construction for all obscuring wall(s) or berm(s)	X	X
	Building facade elevations for all sides, drawn at an appropriate scale	X	-
	Description of exterior building materials and colors (samples may be required)	X	-
E.	Access and circulation:		
	Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	X	X
	Dimensions of acceleration, deceleration, and passing lanes	X	-
	Opposing driveways and intersections within 250 feet of site	X	-

	Cross section details of proposed roads, driveways, parking lots, and non-motorized paths illustrating materials and thickness	X	-
	Dimensions of parking spaces, islands, circulation aisles and loading zones	X	X
	Calculations for required number of parking and loading spaces	X	-
	Designation of fire lanes	X	X
	Traffic regulatory signs and pavement markings	X	-
	Location of existing and proposed sidewalks/pathways within the site or right-of-way	X	X
	Location, height, and outside dimensions of all storage areas and facilities.	X	X
F.	Landscape Plans:		
	General location and canopy outline of all existing woodlands, with an identification of materials to be removed and materials to be preserved	X	X
	Description of methods to preserve existing landscaping	X	-
	Location of existing and proposed lawns and landscaped areas	X	X
	Landscape plan, including location and type of all proposed shrubs, trees, and other live plant material	X	-
	Planting list for proposed landscape materials with caliper size or height of material, botanical and common names, and quantity	X	-
G.	Information concerning utilities, drainage and related issues:		
	Location of existing and proposed septic systems or sanitary sewers	X	-
	Location and size of existing and proposed well sites, water service and fire suppression systems	X	-
	Fire service feature	X	X

	Stormwater drainage and retention/detention calculations	X	-
	Site grading, drainage patterns and other stormwater management measures	X	-
	Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls	X	-
	Location and size of underground storm sewers and drains	X	X
	Location of above and below ground gas, electric and telephone lines, existing and proposed	X	-
	Location of transformers and utility boxes	X	-
	Site lighting, including locations and details for lighting fixtures	X	
	Waste receptacle enclosure location and details	X	
	Locations and storage containment details for any hazardous materials or chemicals, if applicable	X	-
H.	Additional information required for residential development		
	The number and location of each type of residential unit	X	-
	Density calculations by type of residential unit (dwelling units per acre)	X	-
	Garage and/or carport locations and details, if proposed	X	-
	Mailbox clusters	X	-
	Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	-
	Location and size of recreation and open space areas and an indication of type of recreation facilities proposed for recreation area	X	-
	Common use riparian access lots (keyholes) including any easements for lake access	X	

Other information required by the planning commission to demonstrate compliance with this division	X	X
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(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-114. - Standards for site plan or sketch plan approval.

- (a) *Approval conditional on compliance.* Site plan or sketch plan approval shall be granted only if the site plan or sketch plan meets all applicable standards set forth in this division as outlined below:
- (1) *Adequacy of information:* The site plan or sketch plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).
 - (2) *Site design characteristics:* All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter. The site shall be designed to conform to all provisions of the zoning ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of the zoning ordinance which are relative to and proportionate to the extent of redevelopment, as determine by the planning commission.
- (b) *Project design.* Projects 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. Landscape plans for proposed developments shall incorporate native plant materials to create native landscapes. Signage may be incorporated to identify protected natural areas, wildlife movement corridors, buffer strips and waterways. Signs must be designed to meet township standards and be constructed of natural materials to be compatible with the rural character of the site.
- (1) *Buildings:* Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all standards for which a variance has not been obtained. Building architecture shall comply with the standards of article 13.
 - (2) *Preservation of natural areas:* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
 - a. *Protective fencing:* Prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance adjacent to priority protection areas identified in the Michigan Natural Features Inventory. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until the township authorizes the developer to remove the fencing. No filling, excavating or storage of materials, debris or equipment shall take place within the fenced area, except where permitted by the planning commission.
 - b. *Connections:* If the development site contains high quality natural areas that connect to other off-site areas of a similar nature, the development plan shall preserve such connections. Such connections shall be maintained 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. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.

- c. *Lakes, ponds and streams:* If the development site contains a lake, pond or stream, the development plan shall include such enhancements and restoration as are necessary to provide wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave or stream-bank 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, pond or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- (3) *Privacy:* The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- (4) *Emergency vehicle access:* All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles. The fire service features required by section 13.08 shall be provided.
- (5) *Ingress and egress:* Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets in accordance with section 12.12 and standards of the Road Commission for Oakland County. Safe and efficient traffic access to the site shall be provided in a manner that does not conflict with existing or future access to adjacent property.
- (6) *Vehicular and pedestrian circulation layout:* The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry. The pedestrian circulation system shall be insulated as completely as is reasonably possible from the vehicular circulation system
- (7) *Drainage and soil erosion control:* All stormwater drainage and erosion control plans shall meet all generally accepted best management practices as reviewed and approved by the Township Engineer for design and construction.

Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and shall not substantially reduce or 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 the site. Where feasible, nonstructural control techniques shall be utilized, 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; and,
 - e. *Use of infiltration devices.*
- (8) *Exterior lighting:* Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets. Lighting shall be directed downward and confined to the site to minimize impact on the night sky.
 - (9) *Public services:* The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the township or other public agency including, but not limited to, fire and police protection, stormwater management, utilities, traffic control and administrative services.

- (10) *Traffic impact*: The expected volume of traffic to be generated by the proposed use shall not adversely impact the capacity or safety of existing roads. The site plan or sketch plan complies with the thoroughfare plan contained in the master plan.
- (11) *Hazardous materials*: Sites which include storage of hazardous materials or waste, fuels, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Such sites shall be designed to meet all applicable state and federal regulations and shall be approved by the fire department that serves the township.

(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-115. - Residential developments.

- (a) Where a private road or new public road is proposed in conjunction with a residential development, through land division, subdivision or condominium, the township shall consider the overall development with the review of the site plan for the road. The site plan for the road shall meet all requirements of chapter 16, article IV, pertaining to road standards, and all lots proposed in conjunction with the road shall meet all applicable requirements of this chapter. The township shall also consider other site improvements that are associated with the road and development of the overall site, including tree removal, grading and drainage. The township may attach conditions to the approval of the road site plan related to development of the overall site to ensure compliance with the requirements of this chapter and minimize impact of the proposed development on wetlands, woodlands, topography, vulnerable aquifers, threatened or endangered flora, or fauna, surface water, drainage or other environmental concerns.
- (b) Approval of the site plan for the road shall not be construed to have the effect of approving the proposed lots, which shall instead be subject to final approval under chapter 16, pertaining to land division and subdivision or the condominium regulations of article VIII of this chapter, as applicable. Lots shall not be considered accessible until the road is constructed and receives final approval from the township or is accepted by the road commission, in accordance with chapter 16, article IV, pertaining to road standards.

(Ord. No. 155, § 1, 12-9-2009)

Sec. 38-116. - Hazardous waste sites.

Any proposed land disturbance adjacent to or part of a confirmed, suspected or discovered during environmental due diligence of hazardous waste site shall:

- (1) Provide an indication of the construction type and method to insure that action will not create/disturb existing hazardous waste.
- (2) Including a plan for disposal of any contaminants found on site and process for handling said materials within pertinent local, state, and national standards.
- (3) Prepare an environmental review/site assessment report prepared by a recognized professional environmental firm showing that the location of the construction will not adversely affect the site or surrounding areas.
- (4) Document any approvals or clearances required for the action to be taken on or near any hazardous waste site.
- (5) Provide safeguards for soil erosion on site in regards to containing hazardous waste to location.

([Ord. No. 170](#), 2-14-2018)

Secs. 38-117—38-143. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 38-144. - Districts.

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

- (1) AG/RP agricultural and rural preserve.
- (2) R-1R rural residential.
- (3) R-1E estate residential.
- (4) R-1A single-family residential.
- (5) R-1B single-family residential.
- (6) RM multiple-family residential.
- (7) MH manufactured housing.
- (8) RPS recreation, public and semipublic overlay.
- (9) C-1 local business.
- (10) C-2 general business.
- (11) M-1 industrial.
- (12) CCOD communication corridor overlay district.

(Ord. No. 151, § 2.01, 6-13-2007)

Sec. 38-145. - Boundaries.

The boundaries of the districts enumerated in section 38-144 are hereby established as shown on the official zoning map of the township zoning ordinance, which accompanies this chapter, and which, with all notations, references, and other information shown thereon, shall be as much a part of this chapter as is fully described herein.

- (1) Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the township. Zoning districts shall extend to the center of all lakes, streams, ponds and wetlands; and all bottomland, islands, shoreline accretions, fill, and structures extended over the water shall be subject to the zoning district requirements of the adjacent shoreline.
- (2) Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the zoning board of appeals.

(Ord. No. 151, § 2.02, 6-13-2007)

Sec. 38-146. - Zoning of vacated areas.

Whenever 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 the land formerly within such vacated street, alley or public way, such street alley or other public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this chapter for such adjoining lands.

(Ord. No. 151, § 2.03, 6-13-2007)

Sec. 38-147. - District requirements.

(a) *Zoning districts generally.* Uses allowed within each zoning district and all uses, buildings, and structures shall be subject to the requirements of the zoning district of the subject site in accordance with the following articles:

Zoning District	Location in this Chapter
AG/RP agricultural and rural preserve	Article III, division 2, agricultural and single-family residential districts
R-1R rural residential	
R-1E estate residential	
R-1A single-family residential	
R-1B single-family residential	
RM multiple-family residential	Article III, division 3, multiple-family residential district
MH manufactured housing	Article III, division 4, manufactured housing district
RPS recreation, public and semipublic overlay	Article III, division 5, recreation, public and semipublic overlay district
C-1 local business	Article III, division 6, business districts
C-2 general business	
M-1 industrial	Article III, division 7, industrial district

CCOD communication corridor overlay district	Article III, division 8, communication corridor overlay district
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- (b) *Additional provisions.* In addition to the requirements of the zoning district, sites shall comply with the provisions of division 9 of this article, pertaining to general exceptions; article IV of this chapter, pertaining to supplemental regulations; article V of this chapter, pertaining to development regulations; and article VI of this chapter, pertaining to signs.
- (c) *Planned unit development.* Development options are provided for planned unit developments in all districts, which shall meet the requirements and obtain necessary approvals contained in article VII of this chapter.
- (d) *Review and approval.* Prior to initiating construction, expansion, or modification of any building, or structure or the establishment of any use, all necessary approvals shall be obtained as required by article II, division 3 of this chapter, pertaining to site plan review. Prior to establishing a condominium, all necessary approvals shall be obtained as required by article VIII of this chapter, pertaining to condominium regulations.
- (e) *Special land uses.* All requirements of article IX of this chapter, pertaining to special land uses, shall be met with prior to establishing or expanding a use which is allowed only after special land use approval.

(Ord. No. 151, § 2.04, 6-13-2007)

Secs. 38-148—38-177. - Reserved.

DIVISION 2. - AGRICULTURAL AND SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 38-178. - Intent.

- (a) *AG/RP agricultural and rural preserve district.* The AG/RP agricultural and rural preserve district is intended to preserve areas best suited for agriculture rural preservation from the encroachment of incompatible uses including overly dense residential development. Areas designated in this district may include areas identified as unsuitable for septic disposal systems or land otherwise determined to be undesirable for development due to soils conditions or slopes. The AG/RP district has two general applications; to provide for agricultural operations and to preserve the rural areas of the township with sensitive natural features. These are more specifically described as follows:
 - (1) The AG/RP district is intended to preserve lands best suited for agricultural use from the encroachment of incompatible uses and to preserve agricultural land. Vacant land, fallow land and wooded areas also are included where such areas are interspersed among farms. Certain resource-based land uses are also listed as principal or special land uses and require large land areas to serve the use and buffer from residential development. Extractive land uses may be permitted as a special land use to the extent that such uses are found to be compatible with surrounding land uses and preserve natural features of township-wide importance. Some areas zoned for the AG/RP district may be planned for eventual development in other uses, pending proper timing, provision of utilities, streets and other necessary facilities; however, change of

zoning districts should be gradual based upon a demonstrated need for additional residential land, relative to supply and in accordance with the recommendations of the township master plan.

- (2) The AG/RP district is also intended to preserve areas of the township with sensitive natural features. These areas generally encompass high quality natural sites identified by the Michigan Natural Features Inventory and the Shiawassee and Huron Headwaters Resource Preservation Project, some of which have been identified as being among the highest quality natural feature areas within the county. These areas contain major wetland complexes and high-quality upland habitat. Areas designated as AG/RP are also intended to preserve areas which aid the minimization of potential threats to public health by preserving groundwater recharge areas and wetland natural features which minimize potential flooding threats.
- (b) *R-1R rural residential district.* The R-1R rural residential district is intended to provide a suitable environment for residential development at a low density. Areas designated R-1R may be characterized by sites of environmental sensitivity, marginal soils for development, septic suitability or where denser concentrations could compromise the goals, objectives or policies of the township master plan. The district is also intended to permit agricultural activities, while remaining compatible with adjacent single-family uses. This district is intended to encourage continued farming, but also a low density rural residential development with large lot sizes to help maintain adequate setbacks between residences and adjacent farming operations and sensitive natural areas.
- (c) *R-1E estate residential district.* The R-1E estate residential district is intended to provide a suitable environment for residential development at a low density in circumstances where natural conditions could be impacted by more intense development, and which will promote the most desirable use of land in accordance with the goals, objectives and policies of the township master plan. The district is intended to serve as a transition between the rural areas of the township and the smaller lot single-family residential development. This district is also intended to serve as a transitional district between predominantly residential areas and adjacent farming operations and areas with sensitive natural features.
- (d) *R-1A single-family residential district.* The R-1A single-family residential district is intended to encourage a suitable environment for families typically with children. To this end, uses are basically limited to single-family dwellings, together with certain other uses such as schools, fire stations, parks and recreation areas which provide a neighborhood environment. Commercial and other uses which tend to be incompatible with the intent are prohibited.
- (e) *R-1B single-family residential district.* The R-1B single-family residential district is intended to maintain the character of existing, older neighborhoods along lakes and within other developed areas of the township. This district is intended to allow continuation of these neighborhoods and allow limited infill development where it is compatible with the established neighborhood character. This district is not intended for development of new subdivisions.
- (f) *Use of planned unit developments.* It is further the intent of this chapter to encourage innovation in design with new residential development where clustered planned unit developments (PUDs) can be used to minimize impact on natural features, adjacent land uses and the rural character of the township. To achieve this goal, the township encourages all new development proposals to consider use of the incentives offered by the PUD regulations of article VII of this chapter to realize the benefits of this form of development for the community.

(Ord. No. 151, § 3.01, 6-13-2007)

Sec. 38-179. - Schedule of uses.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-179 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of table 38-179 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific

standards of article IX of this chapter, pertaining to special land uses. A notation of "N" indicates that the use is not allowed within the district. The "Other Standards" column indicates additional requirements or conditions applicable to the use.

TABLE 38-179						
SCHEDULE OF USES						
P = permitted, S = special land use, N = not allowed						
Use	AG/RP	R-1R	R-1E	R-1A	R-1B	Other Standards
<i>Agricultural uses:</i>						
Farms	P	P	P	P	P	Note A
Keeping of horses and livestock	P	P	P	P	P	Note B
Agribusiness uses and farms with accessory retail components such as fruit and vegetable processing, and retail sales or nurseries with retail sales to the general public	S	S	S	S	S	38-582(4)
Roadside stands	P	P	P	P	P	
Commercial riding academies and stables	S	S	S	N	N	38-582(12)
Nurseries and greenhouses without retail sales to the general public	P	P	S	S	S	
Standard kennels	S	S	N	N	N	38-582(18)
Veterinary hospitals and clinics	S	S	N	N	N	38-582(17)
Mining, extraction and soil removal	S	S	S	N	N	38-582(21)
<i>Residential:</i>						

Single family residential dwellings	P	P	P	P	P	
Farm tenant dwelling for farm labor	S	N	N	N	N	38-582(28)
<i>Care facilities:</i>						
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	
Adult foster care small group home (7 to 12 adults)	S	S	S	S	S	38-582(2)
Foster family home (4 or fewer children 24 hours per day)	P	P	P	P	P	
Foster family group home (5 to 6 children 24 hours per day)	P	P	P	P	P	
Day care home, family (6 or fewer children less than 24 hours per day)	P	P	P	P	P	
Day care home, group (7 to 12 children less than 24 hours per day)	S	S	S	S	S	38-582(23)
Nursery schools, day nurseries and child care centers	S	N	N	N	N	38-582(23)
<i>Institutional uses:</i>						
Airports	S	N	N	N	N	38-582(5)
Cemeteries	S	S	S	S	S	38-582(8)
Churches and other places of worship	S	S	S	S	S	38-582(9)
Public buildings, including township governmental buildings, fire, and emergency service facilities and other governmental agencies	P	P	P	P	P	38-582(9)
Colleges and universities (public and private)	S	S	N	N	N	38-582(10)
Schools, (public and private) charter schools, preschools, parochial schools and non-profit schools	S	S	S	S	S	38-582(9)

Utility, emergency and essential public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. The following are excluded from this use: buildings, treatment plants, substations, pump stations storage yards or towers, transportation pipelines for gas, petroleum, and other materials and high tension electrical transmission lines	P	P	P	P	P	
Utility and essential public service substations and pump stations when operational requirements necessitate their being located in the district to serve uses in the immediate vicinity	S	S	S	S	S	38-582(29)
Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors, subject to the Electric Transmission Line Certification Act, 1995 PA 30, MCL 460.561 to 460.575	S	S	S	S	S	
<i>Recreational uses:</i>						
Golf courses, not including driving ranges or miniature golf courses	S	S	S	S	S	38-582(16)
Public parks and non-commercial private neighborhood parks areas	P	P	P	P	P	
Nature preserve	P	P	P	P	P	
<i>Accessory uses:</i>						
Accessory buildings and uses customarily incidental to any of the above	P	P	P	P	P	
Home occupation	P	P	P	P	P	38-403
Bed and breakfast inns	S	S	S	N	N	38-582(7)
Wind generators	S	S	S	S	S	38-582(30)

Ground mounted private solar energy systems	S	S	N	N	N	38-582(33)
Commercial solar energy systems	S	N	N	N	N	38-582(33)
Barn weddings and receptions	S	N	N	N	N	38-582(31)
Winery, small	S	N	N	N	N	38-582(32)

Notes:

A. Farms shall be located on parcels of at least three acres and be operated according to the most recent suggested generally accepted agricultural management practices.

B. The keeping of horses and livestock shall be permitted in all districts as follows:

1. The keeping or boarding of horses shall be permitted as an accessory use to farms or residential uses in all districts. The keeping or boarding of horses shall require at least three acres for the first horse plus one acre for each additional horse. The keeping or boarding of horses permitted in all districts does not include lessons, exhibitions rental/sale of equestrian products or other services, which are considered under the commercial riding academies and stables use and regulated under section 38-582(11).
2. The raising of livestock shall be permitted as part of a farm, when conducted on at least three acres or more. Nothing in this ordinance shall prohibit a family from raising livestock on a residential lot for the utilization by the family. Keeping of livestock shall be in accordance with the most recent suggested generally accepted agricultural management practices.

(Ord. No. 151, § 3.02, 6-13-2007; Ord. of 9-5-2008(1), § 1; [Ord. No. 169](#), 2-14-2018; [Ord. No. 171](#), 5-8-2019; [Ord. No. 176](#), 3-18-2020)

Sec. 38-180. - Area and bulk requirements.

All lots, buildings, and structures shall comply with the area height and bulk requirements in table 38-180.

<i>Table 38-180</i>
<i>Schedule of Regulations^(A, B, C, D)</i>

Use District		Lot Area in Acres ^(E)	Lot Width	Max. Height of Structures		Minimum Yard Setback Per Lot				Minimum Floor Area Per Unit (in sq. ft.) ^(G)	Maximum % of Lot Area Covered by All Buildings
				Stories	Feet	Front yard	Side Side (Least Side)	Side Yard (Total of Two)	Rear Yard		
AG/RP agricultural and rural preserve		10	330'	2½	30' ^(F)	50'	20'	50'	50'	1,200	20% ^(F)
R1R rural residential		5	250'	2½	30'	50'	20'	40'	50'	1,200	20%
R-1E estate residential		3	200'	2½	30'	50'	10'	20'	50'	1,300	20%
R-1A single-family residential	No water or sewer	1.5	165'	2½	30'	50'	10'	20'	50'	1,300	30%
	Public sewer	1.0	110'	2½	30'	50'	10'	20'	50'	1,300	30%
	Public water and public sewer	0.5	100'	2½	30'	50'	10'	20'	50'	1,300	30%
R-1B single-family residential	No water or sewer	1.5	165'	2½	30'	35'	10'	20'	35'	1,000	30%
	Public sewer	1.0	110'	2½	30'	35'	10'	20'	35'	1,000	30%
	Public water and	0.5	100'	2½	30'	35'	10'	20'	35'	1,000	30%

	public sewer										
	Residential lake lots	1.0	75'	2½	30'	35'	5'	15'	35'	1,000	30%

Footnotes to table 38-180:

- A. Lots: References to lot in this section and throughout this chapter also refer to parcels and building sites. All lots shall be required to meet the accessibility requirements of section 38-406.
- B. Site condominiums: Design principles for subdivisions and residential condominium projects shall be as stated in chapter 16, pertaining to land divisions and subdivisions.
- C. Corner/double frontage lot driveway access: Any lot, parcel or building site that is a corner lot or a through/double frontage lot and has frontage on both an existing public road and a new private road or new public road, access to all lots, parcels or building sites shall be required from the new public or private road.
- D. Recreational area: All residential development containing 20 or more dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide recreation space in a ratio of 1,000 square feet of play area per dwelling unit. Said recreational area shall be usable upland, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association. Such recreation space shall be maintained by the homeowner's association or management so as to provide adequate, healthful recreation for residents living in the development.
- E. Conventional developments and planned unit developments (PUD):
 - 1. Applications for approval of a tentative preliminary plat, a tentative preliminary site condominium or a PUD shall be reviewed by the planning commission at a public hearing. Notice of the public hearing shall be provided in accordance with section 38-46.
 - 2. If the development is being proposed as a PUD, then the public hearing under this section shall be the same hearing as required under article VII of this chapter. With the PUD, the number of dwelling units allowable within a PUD project shall be determined through preparation of a parallel plan under article VII of this chapter. Modifications to dimensional requirements may be permitted by the township under article VII of this chapter. If the development will not be a PUD, then the lot size requirements of this section shall be complied with.
- F. AG/RP building height and lot coverage: Agricultural buildings, such as barns, silos and the like, may exceed the maximum height limitation in the AG/RP district provided any building exceeding the height limit shall be set back a minimum of 100 feet from all property lines. Maximum lot coverage shall not apply to agricultural buildings located on a farm in the AG/RP district.
- G. Residential floor area: The minimum first floor area of any single-family two-story dwelling shall be no less than 700 square feet of living area. Such living area shall be exclusive of floor area dedicated to garages, utilities, closets and other storage. For the purpose of this section, a basement shall not be considered a first floor. Where a single-family home is constructed without a basement, an additional 50 square feet shall be added to the minimum required first floor area requirement.
- H. R-1-A lakefront lots: Residential lakefront lots in the R-1A district in existence as a lot of record before June 13, 2007, shall be required to have a minimum side yard setback of five feet on the least of the

two sides with a total combined minimum setback of fifteen feet on both side yards (i.e., five feet on one side and ten feet on the other).

(Ord. No. 151, § 3.03, 6-13-2007; Ord. of 9-5-2008(1), § 2)

Secs. 38-181—38-198. - Reserved.

DIVISION 3. - MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 38-199. - Intent.

While the township is a rural community that is primarily occupied by farms and single-family residences on larger lots, it is recognized that there is a limited need in the community for other forms of housing to meet the needs of different age groups and family sizes. The RM multiple-family residential district is intended to serve the need for the apartment type of units or attached condominium units in an otherwise single-family residential community. The RM district is also intended for the development of a planned complex of buildings on acreage parcels; however, the density and extent of multiple-family development in the township will be limited by the lack of public water or sewer to serve this type of housing. The RM district is designed to provide sites for multiple-family dwellings with height restrictions compatible with single-family residential districts.

(Ord. No. 151, § 4.01, 6-13-2007)

Sec. 38-200. - Schedule of uses.

- (a) No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-200 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of table 38-200 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of article IX of this chapter, pertaining to special land uses.
- (b) The "Other Standards" column indicates additional requirements or conditions applicable to the use. Some uses permitted by right in the multiple-family district have other standards that are applicable to the use. These uses are permitted by right, but they must still comply with the use specific standards noted.

Table 38-200		
Schedule of Uses		
P = Permitted, S = Special Land Use, N = Not Allowed		
Use	RM	Other Standards
<i>Agricultural uses:</i>		

Farms operated according to the most recent suggested generally accepted agricultural management practices	P	
<i>Residential:</i>		
Two-family dwellings	P	
Multiple-family dwellings	P	
Senior apartments	P	
<i>Care facilities:</i>		
Adult foster care family home (6 or fewer adults)	P	
Adult foster care small group home (7 to 12 adults)	S	38-582(2)
Adult foster care large group home (13 to 20 adults)	S	38-582(2)
Foster family home (4 or fewer children 24 hours per day)	P	
Foster family group home (5 to 6 children 24 hours per day)	P	
Day care home, family (6 or fewer children less than 24 hours per day)	P	
Day care home, group (7 to 12 children less than 24 hours per day)	P	38-582(23)
Nursery schools, day nurseries and child care centers	S	38-582(23)
<i>Institutional uses:</i>		
Cemeteries	S	38-582(7)
Churches and other places of worship	S	38-582(9)
Community correctional facilities	S	38-582(13)

Public buildings, including township governmental buildings, fire stations and other governmental agencies	P	38-582(9)
Colleges and universities (public and private)	S	38-582(10)
Schools, (public and private) charter schools, preschools, parochial schools and nonprofit schools	S	38-582(9)
Utility, emergency and essential public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. The following are excluded from this use: buildings, treatment plants, substations, pump stations storage yards or towers, transportation pipelines for gas, petroleum, and other materials and high tension electrical transmission lines	P	
Utility and essential public service substations and pump stations when operational requirements necessitate their being located in the district to serve uses in the immediate vicinity	S	38-582(29)
Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors, subject to the electric transmission line certification act, Public Act No. 30 of 1995 (MCL 460.561 et seq.)	S	
<i>Recreational uses:</i>		
Golf courses, not including driving ranges or miniature golf courses	S	38-582(16)
Public parks and noncommercial private neighborhood parks areas	P	
Nature preserve	P	
<i>Accessory uses:</i>		
Accessory buildings and uses customarily incidental to any of the above	P	
Home occupation	P	38-403

Wind generators	S	38-582(30)
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(Ord. No. 151, § 4.02, 6-13-2007)

Sec. 38-201. - Area and bulk requirements.

All lots, buildings, and structures shall comply with the area height and bulk requirements in table 38-201.

Table 38-201								
RM Multiple-family Residential Schedule of Regulations ^(A, B, C, D, E)								
Min. Lot Area/Max. Density ^(E)	Min. Lot Width (in feet)	Max. Height of Structures		Min. Yard Setback ^(F)			Min. Floor Area Per Unit in Sq. Ft.	Max. % of Lot Area Covered by All Buildings
		Stories	Feet	Front Yard	Side Yard	Rear Yard		
2.5 acres/6 units per acre	200'	2	30'	40'	20'	35'	^(G)	25%

Footnotes to table 38-201:

- A. Lots: References to lot in this section and throughout this chapter also refer to parcels and building sites. All lots shall be required to meet the accessibility requirements of section 38-406.
- B. Condominiums: Design principles for subdivisions and residential condominium projects shall be as stated in chapter 16, pertaining to subdivisions.
- C. Corner/double frontage lot driveway access: Any lot, parcel or building site that is a corner lot or a through/double frontage lot and has frontage on both an existing public road and a new private road or new public road, access to all lots, parcels or building sites shall be required from the new public or private road.
- D. Recreational area: All residential development containing 20 or more dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide recreation space in a ratio of 1,000 square feet of play area per dwelling unit. Said recreational area shall be usable upland, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association. Such recreation space shall be maintained by the homeowner's association or

management so as to provide adequate, healthful recreation for residents living in the development.

- E. Planned unit development (PUD): The number of dwelling units allowable within a PUD shall be determined through preparation of a parallel plan under article VII of this chapter. Modifications to dimensional requirements may be permitted by the township under article VII of this chapter, pertaining to planned unit development.
- F. RM setbacks: For the purpose of yard regulations, multiple-family dwellings shall be considered as one building occupying one lot. The setbacks in table 38-201 shall be from the perimeter of the site. Front, side and rear yards related to the spacing between buildings within a development shall have the following minimum overall dimensions:

Building Relationship	Overall Distance Between Buildings (Exclusive of Park)
Front to side	45 feet
Front to front	50 feet
Front to rear	60 feet
Rear to rear	60 feet
Rear to side	45 feet
Side to side	20 feet
Corner to corner	15 feet
Building to parking lot	15 feet ⁽¹⁾
Building to internal private road	20 feet ⁽²⁾

Footnotes:

- 1. Where dwellings have individual garages, the setback shall not apply to individual driveways.
- 2. Where a sidewalk is provided along a road, garages shall be set back a minimum of 20 feet from the sidewalk.

- G. RM minimum floor areas: Minimum floor areas for apartments shall be as follows:

- 1. One-bedroom and efficiency/studio units: Any dwelling unit consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities shall contain a minimum floor area of at least 600 square feet per unit.

- ² Two-bedroom or more units: Any dwelling unit consisting of three or more rooms in addition to the kitchen, dining, and necessary sanitary facilities shall contain a minimum floor area of at least 750 square feet per unit, plus an additional 150 square feet for each bedroom in excess of two.

(Ord. No. 151, § 4.03, 6-13-2007)

Secs. 38-202—38-225. - Reserved.

DIVISION 4. - MANUFACTURED HOUSING DISTRICT

Sec. 38-226. - Intent.

- (a) The intent of the MH manufactured housing district is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the township. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the township. All manufactured home parks shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.). However, some standards of this chapter are more stringent than the typical standards promoted by the manufactured housing commission. These more strict standards reflect the overall nature of the township, in contrast with some other areas of the state where the universal rules of the manufactured housing commission may be appropriate. These adopted standards are designed to foster and encourage development that complements and protects the investment on adjacent properties, and promotes preservation of important natural features.
- (b) Since the characteristics, densities and impacts of a manufactured housing development typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems that intercept the local street system and utility systems, manufactured housing parks are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured housing developments are intended to be located in areas of the township where these public services can be provided and serve as a transition from higher intensity land uses. Public sewer systems shall be required in a manufactured home development, if available within 200 feet at the time of preliminary approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

(Ord. No. 151, § 5.01, 6-13-2007)

Sec. 38-227. - Statutory provisions.

Regulations established by Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and the state manufactured housing commission rules shall govern all manufactured home communities in the township. When regulations and standards in this section exceed said Public Act or the rules of the state manufactured housing commission, the higher standards and regulations set forth in this chapter shall govern. The higher standards and regulations established in this chapter are intended to ensure that manufactured home communities meet the development and site plan standards established for comparable residential developments. They are also established to promote the health, safety and the welfare of all township residents.

(Ord. No. 151, § 5.02, 6-13-2007)

Sec. 38-228. - Definitions.

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

Manufactured housing community, manufactured home park means a parcel of land that is subdivided into rental lots for the placement of manufactured housing units and regulated by the state manufactured housing commission.

Manufactured housing unit, manufactured home unit means a structure, transported in one or more sections, built on a chassis and designed as a dwelling when connected to the required utilities (gas and electric and sanitary and water) and includes the plumbing, mechanical and electric systems contained in the unit.

On-site water source means:

- (1) A cistern (type I-30,000 gallon, type II-20,000 gallon) with proper piping coupling, and an approved method of refill, constructed to National Fire Protection Association (NFPA) standards.
- (2) A dry hydrant capable of supplying a flow of 250 gallons of water per minute, constructed to NFPA standards.
- (3) A driven well or water-jetted well constructed to state, local and NFPA standards, producing a minimum 250 gallons of water per minute for two hours at 50 pounds of pressure.
- (4) Other on-site water systems as reviewed and approved by the local fire authority and meeting the standards of NFPA.

(Ord. No. 151, § 5.03, 6-13-2007)

Cross reference— Definitions generally, § 1-2.

Sec. 38-229. - Schedule of uses.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-229 may be used for the purposes denoted by a "P." Land and/or buildings in the districts indicated at the top of table 38-229 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of article IX of this chapter, pertaining to special land uses. A notation of "-" indicates that the use is not permitted within the district. The "Other Standards" column indicates additional requirements or conditions applicable to the use.

Table 38-229		
Schedule of Uses		
P = Permitted, S = Special Land Use, N = Not Allowed		
Use	MH	Other Standards
Single-family dwelling units	P	
Manufactured home dwelling units	P	

Accessory buildings and uses customarily incidental to the above permitted uses	P	
Home occupation	P	38-403
Manufactured housing communities (manufactured home parks)	P	
Community accessory uses, buildings and structures including one management office building, utility/laundry buildings, auxiliary storage space for manufactured housing development tenants, community buildings for use by the tenants, recreation areas and playgrounds	P	
State licensed adult and child care facilities in a residence, which are permitted in the single-family zoning districts, subject to approval of the development management	P	
Utility, emergency and public service facilities and uses. The following are excluded from this use: storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity	S	38-582(29)

(Ord. No. 151, § 5.04, 6-13-2007)

Sec. 38-230. - Manufactured housing park standards.

Manufactured housing communities shall be designed and maintained in accordance with the following regulations:

- (1) *Park area.* The minimum manufactured housing park area shall be 15 acres.
- (2) *Manufactured home sites.*
 - a. *Lot area.* Each manufactured home lot, exclusive of streets, shall have a minimum area of 5,500 square feet and this may be reduced by up to 20 percent, provided that the individual site shall be equal to at least 4,400 square feet and for each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
 - b. *One home per lot.* No more than one manufactured home shall be parked on any one lot.
 - c. *Required distances between homes and other structures.*
 1. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - i. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.

- ii. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - iii. Ten feet from either of the following:
 - (a) A parking space on an adjacent home site.
 - (b) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - iv. Fifty feet from permanent community-owned structures, such as either of the following:
 - (a) Clubhouses.
 - (b) Maintenance and storage facilities.
 - v. One hundred feet from a baseball or softball field.
 - vi. Twenty-five feet from the fence of a swimming pool.
 - vii. Attached or detached structures or accessories that are not used for living space shall be a minimum distance of ten feet from an adjacent home or its adjacent attached or detached structures.
2. Any part of an accessory, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances:
 - i. Ten feet from the edge of an internal road.
 - ii. Seven feet from a parking bay off a home site.
 - iii. Seven feet from a common sidewalk.
 - iv. Twenty-five feet from a natural or manmade lake or waterway.
 3. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - i. Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
 - ii. Roof overhangs shall be set back two feet or more from the edge of the internal road.
 4. Steps and their attachments shall not encroach into parking areas more than 3½ feet.
 5. The length of a home site may vary depending on community design and layout and the home to be installed; however, the minimum standards pertaining to the distance between homes shall be complied with.
 6. The dividing line between an existing community and an expansion of the community shall be treated as a property line for the purpose of siting homes adjacent to the dividing line.
- d. *Setbacks from property boundary lines.*
1. Homes, permanent buildings and facilities, and other structures shall not be located closer than ten feet from the property boundary line of the community or home condominium and shall not be required by a local ordinance, unless approved by the commission, to be more than ten feet from the property boundary line.
 2. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the

boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. In addition, the homes, permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to roads dedicated for public use.

- e. *Manufactured unit.* All manufactured housing units shall be in compliance with the construction standards promulgated by the United States Department of Housing and Urban Development, 24 CFR 1700 et seq., and CFR 3280 and 3282, under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 USC 601 et seq. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- f. *Skirting and anchoring.* Each unit shall be installed in compliance with the standards established in R125.1602, Rule 602 of the manufactured housing commission's general rules. All areas between the manufactured home and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant and in conformity with the requirements under R125.1604, Rule 604 of the Manufactured Housing Commission's General Rules. A home anchoring system shall be provided that is designed and constructed in compliance with the United States Department of Housing and Urban Development standards entitled Manufactured Home Construction and Safety Standards and shall be installed in compliance with its manufacturer's specifications.
- g. *Occupancy.* No manufactured housing unit shall be occupied without first being connected to a permanent sanitary system and water source, and in accordance with part 2 of the MDEQ Mobile Home Park Standards.

(3) *Access and circulation and parking.*

- a. *Interior street widths.* Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Parking	Direction	Minimum Street Width
No on-street parking	One-way	13 feet
	Two-way	21 feet
Parallel parking, one side	One-way	23 feet
	Two-way	31 feet
Parallel parking, both sides	One-way	31 feet
	Two-way	41 feet

- b. *Street construction.* All streets within the manufactured home park shall be of concrete or bituminous aggregate meeting American Association of State Highway and Transportation Officials (AASHTO) street construction specifications, and may be provided with concrete

curbing. Streets shall be crowned with drainage directed to the outside edges. Interior roads shall be required to end in a 60-foot in diameter cul-de-sac. Stop signs shall be located at ingress and egress and all intersections of interior streets. The location of speed limit signs will be so located to promote safety for all occupants and visitors to the park.

- c. *Access.* The manufactured housing community shall provide for egress and ingress off of a public road.
- d. *Signage.* All road signs (name and traffic control) shall be installed and maintained by the community in accordance with the state manual of uniform traffic control devices.
- e. *Sidewalks.* Concrete walkways are to be at least 36 inches wide. If a developer provides sidewalks, the sidewalks are to be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to public sidewalks outside the community. Individual sidewalks shall be constructed between at least one entrance or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.
- f. *Unit parking.* Each site shall provide paved off-street and/or on-street parking that will accommodate a minimum of two vehicles.
- g. *Visitor parking.* Parking for visitors shall be provided at a ratio of one space per three unit lots.

(4) *Landscaping.*

- a. A landscape plan shall be incorporated in the preliminary plans submitted for site plan review. The plan shall indicate the type, number and size of landscape plantings to be completed in the proposed manufactured housing development.
- b. All areas of circulation, parking, recreation facilities, open space areas, buildings for service and areas of storage shall be completely and permanently landscaped and maintained in good condition.
- c. One shade tree shall be provided for every two lots.
- d. If a manufactured home park district abuts residentially zoned land, the district shall be required to provide screening along the boundary abutting the residentially zoned land. In all cases a district shall provide screening along the boundary abutting a public right-of-way.
- e. The required screening shall consist of evergreen trees or shrubs, at least 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 manufactured home development as effectively as the required landscaping described in this subsection.
- f. The manufactured home park shall have a 50-foot minimum setback from any public right-of-way exterior to the development, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park. A landscape berm measuring 2½ to three feet in height shall be constructed along the public right-of-way on which the manufactured housing development fronts. The berm shall be constructed with slopes no steeper than one foot vertical rise for each four feet horizontal run. A minimum of one deciduous shade tree, one evergreen tree and four shrubs shall be planted for each 30 lineal feet, or portion thereof, of required greenbelt length. At time of planting, canopy trees shall have a minimum caliper size of three inches and evergreen trees shall have a minimum height of six feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees four inches or greater in diameter (DBH) within the greenbelt shall be preserved, except where their removal is necessary to install access points.
- g. Dead, damaged or diseased landscaping shall be replaced, within one year, so as to maintain the approved screening originally approved.

- (5) *Waste receptacles.* A location for the storage and removal of daily waste shall be established and maintained by the park.
- a. A storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.
 - b. Rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they shall be placed on a paved area that shall extend a minimum of two feet in all directions from the dumpster. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.
 - c. A storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.
 - d. The storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.
 - e. Garbage and rubbish shall be removed from the mobile home park at least once a week or more often if necessary.
- (6) *Utilities and fire protection.*
- a. *Health department approval.* The local health department shall grant preliminary approval, under the guidance of the department of public health, for on-site water and sewerage service and general site suitability.
 - b. *Utilities.* Each manufactured housing unit shall be equipped with utilities that comply with the HUD code, or the ANSI code for homes built prior to June 15, 1976. The sanitary sewer and water system of the manufactured housing community shall comply with MDEQ and local health department specifications.
 - c. *Utility installation.* All utilities, including telephone, cable, electric and, where available, water and sewer service, shall be placed underground throughout the community in accordance with R125.1932 to R125.1940 of the manufactured housing commission's general rules.
 - d. *Fire protection.* The manufactured housing community shall provide on site water sources for fire protection. Fire protection shall comply with Rule R125.1702a, MDEQ Rule 1105(2) and section 3280 of the HUD Manufactured Home Construction and Safety Standards. Each on-site water source shall be so located to provide the optimal area of coverage, as determined by review and approval of the fire department. The community management shall notify each resident, upon occupancy, of all of the following:
 1. The home site shall be kept free of fire hazards, including combustible materials under the home.
 2. On-street parking is prohibited within 15 feet of a fire hydrant.
 3. Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.
 4. Each home is to be provided with at least one fire extinguisher approved by the national fire protection association and one smoke detector approved by the state construction code authority.
- (7) *Accessory buildings and uses.*
- a. *Accessory buildings.* Site-built buildings within a manufactured housing development shall be constructed in compliance with the state construction code and shall require all applicable permits. Any addition to a manufactured housing unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes shall comply with the state construction codes. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds, carports and

0.5	100'	2 ½	25'	25'	5'	15'	30'	1,000	40%
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Footnotes to table 38-232:

- A. Lots: References to lot in this section and throughout the zoning chapter also refer to parcels and building sites. All lots shall be required to meet the accessibility requirements of section 38-406.
- B. Site condominiums: Design principles for subdivisions and residential condominium projects shall be as stated in chapter 16, pertaining to subdivisions.
- C. Corner/double frontage lot driveway access: Any lot, parcel or building site that is a corner lot or a through/double frontage lot and has frontage on both an existing public road and a new private road or new public road, access to all lots, parcels or building sites shall be required from the new public or private road.
- D. Recreational area: All residential development containing 20 or more dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide recreation space in a ratio of 1,000 square feet of play area per dwelling unit. Said recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings and the location shall be approved by the planning commission. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association. Such recreation space shall be maintained by the homeowner's association or management so as to provide adequate, healthful recreation for residents living in the development.
- E. Planned unit development (PUD): The number of dwelling units allowable within a PUD project shall be determined through preparation of a parallel plan under article VII of this chapter, pertaining to planned unit development. Modifications to dimensional requirements may be permitted by the township under article VII of this chapter.

(Ord. No. 151, § 5.07, 6-13-2007)

Secs. 38-233—38-257. - Reserved.

DIVISION 5. - RECREATIONAL, PUBLIC AND SEMIPUBLIC OVERLAY DISTRICT⁽⁵⁾

Footnotes:

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Cross reference— Parks and recreation, ch. 24.

Sec. 38-258. - Intent.

The RPS recreation, public and semipublic overlay district is intended to provide areas for the development of recreational facilities and outdoor recreational uses. Maximum preservation of the land in its natural state through the protection and preservation of open spaces in the development of permitted uses is a further intent of the RPS zoning district. Areas designated for this zoning district should be consistent with the goals, objectives, policies and recommended future land use pattern of the township land use plan. The RPS is an overlay district which is applied to the AG/RP agricultural and rural preserve

district. For parcels zoned RPS that are no longer used for a use permitted in the district or where a change in use is desired by the property owner, the RPS overlay district may be removed following the procedures for amending the zoning map, thereby reverting to the underlying AG/RP district.

(Ord. No. 151, § 6.01, 6-13-2007)

Sec. 38-259. - Schedule of uses.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-259 may be used for the purposes denoted by a "P." Land and/or buildings in the districts indicated at the top of table 38-259 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of article IX of this chapter, pertaining to special land uses. The "Other Standards" column indicates additional requirements or conditions applicable to the use.

Table 38-259		
Schedule of Uses		
P = Permitted, S = Special Land Use, N = Not Allowed		
Use	RPS	Other Standards
<i>Recreational:</i>		
Township parks	P	
Historical sites and monuments	P	
Education facilities such as: zoological gardens, botanical gardens, wildlife sanctuaries, arboretum, nature centers, farms	S	
Camps and similar noncommercial recreation uses such as boy scout/girl scout camps	S	38-582(20)
Large-scale commercial recreation such as but not limited to, camper/RV/tent parks, golf courses, and driving ranges	S	38-582(20)
Commercial riding academies and stables with a minimum size of 40 acres	S	
Private noncommercial recreation areas, uses and facilities, including country clubs, tennis and racquetball clubs, swimming pools, beaches, golf courses, driving ranges,	S	

hunting and gun clubs, and archery ranges; provided that any structure on such parcel is at least 200 feet from a lot line of any adjacent residential district		
Travel trailer camp sites, travel trailer parks and similar uses provided said use is developed on a site of 40 acres or more	S	
Active parks county, regional and state parks and facilities	S	38-582(25)
Passive parks county, regional and state parks and facilities	S	38-582(26)
Nature preserve	P	
<i>Public and institutional:</i>		
Cemeteries	S	38-582(8)
Public buildings, including township governmental buildings, fire stations and other governmental agencies	P	38-582(9)
<i>Utilities:</i>		
Towers	S	Article III, division 8
Utility, emergency and essential public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. The following are excluded from this use: buildings, treatment plants, substations, pump stations storage yards or towers, transportation pipelines for gas, petroleum, and other materials and high tension electrical transmission lines	P	
Utility and essential public service substations and pump stations when operational requirements necessitate their being located in the district to serve uses in the immediate vicinity, subject to the electric transmission line certification act, Public Act No. 30 of 1995 (MCL 460.561 et seq.)	S	38-582(29)
Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors	S	

(Ord. No. 151, § 6.02, 6-13-2007)

Sec. 38-260. - Area and bulk requirements.

All lots, buildings, and structures shall comply with the area height and bulk requirements in table 38-260.

Table 38-260							
RPS Recreation, Public, Semipublic Schedule of Regulations ^(A, B)							
Lot Area in acres ^(C)	Lot Width in feet ^(C)	Max. Height of Structures		Minimum Yard Setback, Per Lot			Maximum % of Lot Area Covered by all Buildings
		Stories	Feet	Front Yard ^(D)	Side Yard	Rear Yard	
3.0	200'	2	35'	50	20'	30'	20%

Footnotes to table 38-260:

A. Lots: References to lot in this section and throughout the zoning chapter also refer to parcels and building sites.

B. Corner/double frontage lot driveway access: Any lot, parcel or building site that is a corner lot or a through/double frontage lot and has frontage on both an existing public road and a new private road or new public road, access to all lots, parcels or building sites shall be required from the new public or private road.

C. Lot dimensions: In the RPS recreation, public and semipublic district the minimum lot area and width requirements may be waived where a lot is being dedicated for conservation, or recreational purposes only and there will be no buildings placed on the lot. Such restriction on use and buildings shall be recorded as a deed restriction.

D. Parking location: Parking may be provided in the front yard after approval of the parking plan layout and points of access by the township board after review by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(Ord. No. 151, § 6.03, 6-13-2007)

Secs. 38-261—38-283. - Reserved.

DIVISION 6. - BUSINESS DISTRICTS

Sec. 38-284. - Intent.

- (a) *C-1 local business district.* The C-1 local business district is designed to give the township a business district that is more restrictive than a general business district, and to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are primarily compatible with, and of service to, township residential uses. The township encourages the use of architectural treatment on buildings in C-1 districts which promote a rural small-town character in accordance with the master plan.
- (b) *C-2 general business district.* The C-2 general business district is designed to provide for more diversified business types and serves a larger geographic area than the immediate neighborhood. It is also the intent of this district to allow for mixed-use development with office or residential on the second floor above commercial uses. This district is intended to create mixed-use nodes of activity consistent with the desired small-town character in accordance with the master plan.

(Ord. No. 151, § 8.01, 6-13-2007)

Sec. 38-285. - Schedule of uses.

- (a) No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-285 may be used for the purposes denoted by a "P." Land and/or buildings in the districts indicated at the top of table 38-285 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of article IX of this chapter, pertaining to special land uses. A notation of "N" indicates that the use is not allowed within the district. The "Other Standards" column indicates additional requirements or conditions applicable to the use.

Table 38-285			
Schedule of Uses			
P = Permitted, S = Special Land Use, N = Not Allowed			
Uses	C-1	C-2	Other Standards
<i>Retail:</i>			
Retail business which supplies such commodities as: bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and	P	P	

software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere			
New or used sales or showroom for automobiles, boats, recreational vehicles and farm implements	N	S	38-582(22)
Wholesale uses and storage uses when in a completely enclosed building, except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area	N	P	
<i>Services:</i>			
Automotive service center/gasoline service station	N	S	38-582(15)
Automotive repair establishment, minor	N	S	38-582(15)
Automobile wash, automatic or self serve	N	S	
Funeral homes	P	P	
Commercial kennels	S	S	38-582(18)
Personal service establishment which performs services such as, but not limited to: shoe repair, tailor shops, beauty parlors, barbershops, tanning salons, interior decorators, photographers, dry cleaner drop-off, self-service laundries, copy centers and mailing centers	P	P	
Restaurants, including standard sit-down restaurants, bar/lounge/taverns, carryout restaurants and restaurants with outdoor seating, but not including restaurants with drive-in or drive-through service	P	P	
Restaurants, with accessory drive-in or drive-through service	N	S	38-582(3)
Tool and equipment rental	P	P	
Vehicle rental, including automobiles and trucks	N	S	
<i>Office services:</i>			
Banks and financial institutions	P	P	

Clinics and residential treatment facilities	N	S	
Commercial printing	N	P	
Governmental facilities for public utilities, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities	N	P	38-582(9)
Hospitals	S	S	38-582(17)
Medical or dental offices, centers and clinics but not for the care and boarding of a person overnight and medical or dental laboratories	P	P	
Newspaper offices	P	P	
Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices	P	P	
Veterinary hospitals and clinics	N	S	
<i>Institutional:</i>			
Churches and other places of worship	P	P	
Nursery schools, day nurseries and child care centers	P	P	38-582(23)
Business schools or private schools	P	P	
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc.	N	P	
Training or education centers for training at the business, technical and/or professional level, but not to the public at large	N	P	
<i>Recreational/entertainment:</i>			
Adult entertainment facilities	N	S	38-582(1)
Health clubs, fitness centers, gyms and aerobic clubs	P	P	
Indoor recreation such as bowling alleys, skating rinks and arcades	N	P	

Commercial outdoor recreation	N	S	38-582(11)
Places of assembly			
Private clubs and lodge halls	P	P	
Theaters, assembly halls and similar places of assembly when conducted completely within enclosed buildings	P	P	38-582(9)
<i>Residential:</i>			
Residential as part of a mixed use development that also contains a retail, service or office use permitted in the district	PUD	PUD	Article VII of this chapter
Convalescent and nursing homes	S		
Senior apartments	P		38-287
<i>Utilities:</i>			
Utility, emergency and essential public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. The following are excluded from this use: buildings, treatment plants, substations, pump stations storage yards or towers, transportation pipelines for gas, petroleum, and other materials and high tension electrical transmission lines	P	P	
Utility and essential public service substations, including pump stations and transformer substations when operational requirements necessitate their being located in the district to serve uses in the immediate vicinity	S	S	38-582(29)
Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors, subject to the electric transmission line certification act, Public Act No. 30 of 1995 (MCL 460.561 et seq.)	S	S	
<i>Accessory uses:</i>			
Accessory buildings and uses customarily incident to the above uses	P	P	

Any of the above permitted uses with accessory drive-in or drive-through service	S	S	38-582(3)
Temporary outdoor sales and display accessory to a permitted retail use	P	P	38-285(b)(3)
Limited permanent outdoor sales and display accessory to a permitted retail use	P	P	38-285(b)(4)
Permanent outdoor sales and display accessory to a permitted retail use that exceeds the limitations of section 38-285(b)(4)	S	S	38-582(24)

(b) All uses shall be subject to the following limitations:

- (1) All business establishments shall be in retail or service establishments dealing directly with consumers. Limited production of goods, such as crafts or artwork, may be permitted accessory to a retail use, provided all goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, except as provided in subsections (b)(3), (4) and (5) of this section.
- (3) Outdoor sales shall be allowed on a temporary basis as an accessory use to a principal permitted business use on the site. Outdoor sales will require a temporary use permit approved by the township. Temporary use permits will be effective for each calendar year and will allow a maximum of 14 days for the temporary use.
- (4) The planning commission may approve a limited permanent outdoor storage and sales area accessory to a permitted retail use as part of site plan approval under article II, division 3 of this chapter, pertaining to site plan approval requirements. Merchandise displayed shall be accessory to the retail business conducted within the building and shall be owned and operated by the same merchant within the building. Outdoor display areas shall be limited to the paved area within ten feet of the building and the area shall not exceed ten percent of the footprint of the principal building. Display areas shall not consume required parking nor block vehicular or pedestrian accessibility or circulation through the site.
- (5) The planning commission may approve a permanent outdoor storage and sales area exceeding the limitations allowed in subsections (b)(3) and (4) of this section only by special land use approval in accordance with the general standards of article IX, division 7 of this chapter, pertaining to special land uses and specific requirements of section 38-582(24).

(Ord. No. 151, § 8.02, 6-13-2007; Ord. No. 161, 5-11-2011; [Ord. No. 176](#), 3-18-2020)

Sec. 38-286. - Area and bulk requirements.

All lots, buildings, and structures shall comply with the area height and bulk requirements in table 38-286.

Table 38-286

Business Districts Schedule of Regulations ^(H)

Use District	Min. Lot Area in acres ^(A, B)	Min. Lot Width in feet ^(B)	Max. Height of Structures ^(C)		Min. Yard Setback, Per Lot			Max. % of Lot Area Covered by	
			Stories	Feet	Front Yard ^(D, E)	Side Yard ^(F)	Rear Yard ^(G)	Buildings	Impervious Surface
C-1	3.0	300'	1	25'	25'	10'	25'	35%	70%
C-2	4.0	350'	2	35'	0'	10'	25'	45%	80%

Footnotes to table 38-286:

A. Lots: References to lot in this section and throughout this chapter also refer to parcels and building sites. All lots shall be required to meet the accessibility requirements of section 38-406.

B. Lot sizes: The lot area and lot width in commercial and industrial districts may be reduced to the amounts indicated in the table below where the lot has a recorded easement for a shared driveway and service drive connecting the lot to all adjacent lots zoned or master planned for commercial.

District	Minimum Lot Area	Minimum Lot Width
C-1 local business	1.5 acres	150 feet
C-2 general business	2.0 acres	175 feet

In order to qualify for the above lot area and width reductions, the shared driveway must meet the following requirements:

1. The centerline of the shared driveway shall be located a minimum of 200 feet from the centerline of the intersection of two public roads.
2. The centerline of the shared driveway shall be directly aligned with any commercial driveway or private road on the opposing side of the road or offset a minimum of 200 feet.
3. The centerline of the shared driveway shall be located a minimum of 200 feet from the centerline of any other commercial driveway or private road on the same side of the road.

4. The shared drive and service drive shall be constructed on each lot to the property lines as a condition of granting site plan approval for each respective lot.
- C. Building height: Planned developments involving three acres or more under one ownership or providing for a mixture of uses with residential on upper floors above commercial shall be subject to the approval of the township board after review by the planning commission regarding modifications with respect to height regulations in C-1 and C-2 districts. The township board may attach conditions necessary to minimize any visual impacts on adjoining uses.
- D. Parking: Parking shall be provided in the rear or side yard of a site. Parking may be provided in the front yard after approval of the parking plan layout and points of access by the planning commission; provided, a 20-foot greenbelt is maintained along the lot frontage. Parking lots, including all circulation aisles loading areas and other paved areas, shall be setback a minimum of ten feet from all side and rear lot lines, provided the planning commission may reduce the parking setback where shared access or service drive connections are provided with adjoining sites.
- E. C-2 front build-to line: Buildings shall be required to be built close to the front lot line with a front yard setback between zero and 15 feet. The planning commission may allow a larger setback where parking is located in the front yard; provided the site shall be designed to provide convenient and safe pedestrian access and a 20-foot-wide landscape greenbelt shall be provided between the parking lot and the front lot line.
- F. Side yard: No side yards are required along the interior side lot lines, except as otherwise specified in an applicable state construction code
- G. Loading: Loading space shall be provided in accordance with article V of this chapter in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley. Loading area locations shall not conflict with access to parking spaces and shall not be visible from the street.
- H. Planned unit development: Mixed use development with residential units on the same site as business uses may be allowed under the PUD regulations contained in article VII of this chapter.

(Ord. No. 151, § 8.03, 6-13-2007)

Sec. 38-287. - Senior apartments.

Table 38-287								
Business District C-1 Schedule of Regulations for Senior Apartments								
Min. Lot Area/Max. Density	Min. Lot Width (in feet)	Max. Height of Structures		Min. Yard Setback			Min. Floor Area Per Unit in Sq. Ft.	Max. % of Lot Area Covered by All Buildings
		Stories	Feet	Front Yard	Side Yard	Rear Yard		
2.5 acres/8 units per acre	200'	2	30'	40'	20'	35'	(A)	25%

Footnotes to table 38-287:

A. RM minimum floor areas: Minimum floor areas for Senior Apartments shall be as follows:

1. Efficiency/studio units: Any dwelling unit consisting of not more than two rooms in addition to a kitchen, dining area and necessary sanitary facilities shall contain a minimum floor area of at least 350 square feet per unit.
2. One-bedroom: Any dwelling unit consisting of not more than two rooms in addition to a kitchen, dining area and necessary sanitary facilities shall contain a minimum floor area of at least 440 square feet per unit.

(Ord. No. 161, 5-11-2011)

Secs. 38-288—38-305. - Reserved.

DIVISION 7. - INDUSTRIAL DISTRICT

Sec. 38-306. - Intent.

The M-1 industrial district is designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district, and in no manner affect in a detrimental way any of the surrounding districts. The M-1 district is so structured as to permit along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. As the township is a rural residential community, this district is further intended to permit only industrial uses that are compatible with surrounding residential uses, will have minimal impact on natural features and are within the capacity of the limited land areas set aside for industrial use.

(Ord. No. 151, § 9.01, 6-13-2007)

Sec. 38-307. - Schedule of uses.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of table 38-307 may be used for the purposes denoted by a "P." Land and/or buildings in the districts indicated at the top of table 38-307 may be used for the purposes denoted by "S" after special land use approval in accordance with the general and specific standards of article IX of this chapter, pertaining to special land uses. A notation of "N" indicates that the use is not permitted within the district. The "Other Standards" column indicates additional requirements or conditions applicable to the use.

Table 38-307
Schedule of Uses
P = Permitted, S = Special Land Use, N = Not Allowed

Uses	M-1	Other Standards
Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure	P	
Bottling and packaging of food products	P	
Cement, concrete, gypsum, plaster and nonmetallic mineral products manufacturing, including cement and concrete product or ready mix operations, and asphalt batch plants	S	
Central dry cleaning plants or laundries subject to the provision of self contained sanitary disposal system or connection to a public sanitary sewer system	P	
Chemicals, plastics and allied products manufacturing	S	
Communications towers	S	Article III, division 10
Contractors offices, buildings and yards, including outdoor storage of building materials, sand gravel, stone, lumber, or storage of contractor's equipment and supplies	P	
Primary metal industries	S	
Laboratories experimental, film, or testing	P	
Landfills and composting centers	S	38-582(19)
Automotive repair establishment, major	S	38-582(15)
Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, except for specific manufacturing uses listed as special land uses	P	
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like	P	

Mining, extraction and soil removal	S	38-582(21)
Paper and allied products manufacturing	S	
Petroleum facilities	S	
Outdoor storage	S	
Railroad transfer and storage tracks	S	
Recycling facility recycling operations, and salvage yards, including tire recycling, storage and processing	S	38-582(27)
Self-storage warehouses	P	
Storage of forest products, lumber exceeding 50,000 board feet, ties, timbers and pallets	S	
Tool, die, gauge, and machining shops	P	
Utility, emergency and essential public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity. The following are excluded from this use: buildings, treatment plants, substations, pump stations storage yards or towers, transportation pipelines for gas, petroleum, and other materials and high tension electrical transmission lines	P	
Utility and essential public services, including substations, pump stations, transformer stations, transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility facilities, subject to the electric transmission line certification act, Public Act No. 30 of 1995 (MCL 460.561 et seq.)	S	38-582(29)
Public sewage treatment plants, public water plants, power plants, transmission substations, essential public service buildings, public works garages, storage yards and similar uses	S	38-582(29)
Warehousing, wholesale establishments and trucking facilities	S	
Accessory buildings and uses customarily incident to the above uses	P	

Commercial solar energy systems	S	38-582(33)
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(Ord. No. 151, § 9.02, 6-13-2007; [Ord. No. 171](#), 5-8-2019)

Sec. 38-308. - Area and bulk requirements.

All lots, buildings, and structures shall comply with the area height and bulk requirements in table 38-308.

Table 38-308								
M-1 Industrial Schedule of Regulations								
Lot Area in Acres ^(A, B)	Lot Width in feet ^(B)	Max. Height of Structures		Minimum Yard Setback, Per Lot ^(C,D)			Max. % of Lot Area Covered by	
		Stories	Feet	Front Yard	Side Yard	Rear Yard ^(E)	Buildings	Impervious Surface
4.0	300'	2'	35"	50'	20'	30'	45%	75%

Footnotes to table 38-308:

- A. Lots: References to lot in this section and throughout this chapter also refer to parcels and building sites. All lots shall be required to meet the accessibility requirements of section 38-406.
- B. Lot sizes: The lot area and lot width in commercial and industrial districts may be reduced to two acres in area and 175 feet in width where the lot has a recorded easement for a shared driveway and service drive connecting the lot to all adjacent lots zoned or master planned for industrial or commercial. In order to qualify for the above lot area and width reductions, the shared driveway must meet the following requirements:
 1. The centerline of the shared driveway shall be located a minimum of 200 feet from the centerline of the intersection of two public roads.
 2. The centerline of the shared driveway shall be directly aligned with any commercial driveway or private road on the opposing side of the road or offset a minimum of 200 feet.
 3. The centerline of the shared driveway shall be located a minimum of 200 feet from the centerline of any other commercial or industrial driveway or private road on the same side of the road.
 4. The shared drive and service drive shall be constructed on each lot to the property lines as a condition of granting site plan approval for each respective lot.

- C. Parking: Parking, loading and other paved areas shall be setback a minimum of 20 feet from the front lot line and ten feet from any side or rear lot line.
- D. M-1 setback: No building shall be closer than 50 feet to the outer perimeter (property line) of such M-1 district when said property line abuts any residential district.
- E. Loading: Loading space shall be provided in accordance with article V of this chapter in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley. Loading area locations shall not conflict with access to parking spaces and shall not be visible from the street.

(Ord. No. 151, § 9.03, 6-13-2007)

Secs. 38-309—38-334. - Reserved.

DIVISION 8. - COMMUNICATION CORRIDOR OVERLAY DISTRICT⁶¹

Footnotes:

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Cross reference— Telecommunications, ch. 30.

Sec. 38-335. - Intent.

The purpose of the communication corridor overlay district (CCOD) is to provide for expanded accommodation for communications facilities (especially cellular communication facilities). The overlay district establishes procedures to enable the applicant and planning commission to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources.

(Ord. No. 151, § 10.01, 6-13-2007)

Sec. 38-336. - Applicability.

- (a) The communication corridor overlay zone shall apply to all land areas located within the RPS recreation, public and semipublic overlay district, and the M-1 industrial district and all parcels in existence at the effective date of the ordinance from which this chapter provision is derived, which are wholly contained within the boundaries of an existing Michigan Public Service Commission (MPSC) regulated electric power corridors.
- (b) The regulations of this section shall apply to commercial wireless communication facilities such as cellular antenna and commercial broadcasting antenna and shall not apply to radio or television antennas that are accessory to the principal permitted use of the lot, including satellite dishes and television, radio, and shortwave radio antennas.

(Ord. No. 151, § 10.02, 6-13-2007)

Sec. 38-337. - Permitted wireless communication facilities.

Wireless communication facilities that are collocated on existing structures or a new tower shall be permitted in the communication corridor overlay district (CCOD) based upon the underlying zoning as follows:

Type/Location of Wireless Communication Facility	Underlying Districts where Permitted	Approval Procedure
Attached antennas to existing structures:		
Attached to an existing building that will not be materially altered or changed in appearance	RPS and M-1 districts and MPSC regulated electric power corridors through other districts	Site plan approval
Attached to an existing utility structure that will not be modified or materially altered	RPS and M-1 districts and MPSC regulated electric power corridors through other districts	Site plan approval
Collocation upon an attached wireless communication facility	RPS and M-1 districts	Site plan approval
New communication towers:		
Monopole tower	RPS and M-1 districts	Special land use and site plan approval
Lattice tower or other type of tower that is not a monopole only where it can be demonstrated that a monopole is not feasible	RPS and M-1 districts	Special land use and site plan approval

(Ord. No. 151, § 10.03, 6-13-2007)

Sec. 38-338. - Required regulations and conditions.

The following site and development requirements shall apply to communication towers and collocation of antennas on existing structures within the communication corridor overlay district (CCOD).

(1) *Lot area.*

- a. The parcel size lot width or frontage requirements of the underlying zoning district shall apply to any lot created for a wireless communication facilities within the CCOD.
- b. Leased areas for communication antennae and equipment shelters within the CCOD shall not be subject to the provisions of chapter 16, pertaining to land division.

(2) *Setbacks.*

- a. Communication towers must be set back from all property lines a distance equal to its height. This setback may be reduced to one-half the tower height from a nonresidential property line

where a professional engineer licensed by the state has certified that the structure is designed as a self-collapsing device and the area in which the proposed structure will fall in the event of damage (i.e., fall zone) can be accommodated within the setback area.

- b. Accessory structures including guyed wire bases, are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.
- c. The use of guyed wires is strictly prohibited within 1,000 feet of an existing residential zoning district.

(3) *Height of communication towers.*

- a. The height of a communication tower shall not exceed 175 feet from grade if located within 1,000 feet of an existing residential zoning district; and shall not exceed the minimum height necessary to meet documented need in any event.
- b. Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.

(4) *Landscaping, accessory building and signs.*

- a. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- b. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. Where the property is within 1,000 feet of any existing residential zoning district, the developer shall plan two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter fenced enclosure of the tower and related structures. In no case shall the evergreen be any closer than ten feet to any structure.
- c. Accessory structures shall not exceed 600 square feet of gross building area. Where the property is within 1,000 feet of any existing residential zoning district or is visible from a public road, the accessory buildings shall be constructed of brick with a pitched shingled roof.
- d. There shall not be a displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

(5) *Access.*

- a. The base of the tower and wire cable supports shall be fenced with a minimum six-foot-high chainlink fence.
- b. An access exclusive to the communication tower shall be required and shall be gated to prevent unauthorized entry by unauthorized vehicles.
- c. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- d. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- e. There shall be no employees located on the site on a permanent basis to service or maintain the tower and antenna. Occasional or temporary repair and service activities are excluded from this restriction.

(6) *Collocation.*

- a. To the extent possible, towers shall be constructed to facilitate collocation. Collocation shall be required unless an applicant demonstrates that collocation is not feasible. Collocation shall be deemed feasible for the purpose of this section where all of the following are met:

1. The wireless communication provider or property owner where collocation is proposed will accept market rent or other market compensation for collocation.
 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 3. The collocation being considered is technically reasonable (e.g., the collocation will not result in unreasonable interference with the structure, existing antennas or other similar facilities).
- b. All applications to construct new towers shall be accompanied by a written demonstration of need (including height) at the proposed location and why collocation on an existing structure is not feasible. A permit for the construction and use of a new wireless communication tower shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs. This shall include a map that illustrates existing and known proposed wireless communication facilities within the township and adjacent communities, which are relevant in terms of potential collocation or to demonstrate the need for the proposed facility. Any such information which is trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(l)(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.
- c. All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement to allow such collocation in a format approved by the township attorney.
- (7) *Engineering standards for new towers.* Engineering standards for new towers shall be as follows:
- a. The plans of the tower construction shall be certified by a registered structural engineer. The applicant shall incur all costs associated with township engineering review.
 - b. The demonstrated need, tower height and type (monopole, skeleton framework, guyed wire) and any other technical claims shall be subject to independent verification at the applicant's cost.
 - c. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 - d. Towers with antennas shall be designed to withstand uniform wind loading, as prescribed in the state construction code.
 - e. Antennas and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations, and standards.
 - f. Periodic verification of tower structural integrity may be required.
- (8) *Engineering standards for antenna collocation.* Engineering standards for collocation shall be as follows:
- a. The antenna shall be treated to match the exterior treatment of the tower. The chosen scheme should be designed to minimize off-site visibility of the antenna.
 - b. The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (9) *Expiration of special land use.*
- a. Special land uses shall be limited in duration to the active use of the subject antennae and any associated accessory building.

- b. The tower shall be removed by the property owner or lessee within six months of being abandoned and the site shall be restored, including removal of all accessory structures.
- c. A performance guarantee, bond or satisfactory financial surety at the discretion of the planning commission shall be required to provide for tower removal and site reclamation.

(10) *Federal requirements.*

- a. All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
- b. Towers shall not be artificially lighted except as required by the FAA. Any aviation hazard lighting required by the FAA shall be detailed on the site plan.
- c. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. Towers and antennas shall be located and operated so that they do not interfere with receptions in nearby residential areas.

(11) *Variances.* The zoning board of appeals may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

- a. The applicant has demonstrated the standards of this section will not allow the facility to reasonably meet the coverage or capacity needs.
- b. A feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility or that collocation would result in unreasonable interference.
- c. The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the township, and special design of the facility and site.
- d. The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.
- e. In addition to subsections (11)(a) through (d) of this section, for a setback variance, the applicant has provided engineering information that documents the tower is self-collapsing and the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- f. In addition to subsections (11)(a) through (d) of this section, for a height variance, the height requested is due to signal interference due to topography, or other obstructions, or would reduce the number of towers to the benefit of the township.

(Ord. No. 151, § 10.03, 6-13-2007)

Secs. 38-339—38-364. - Reserved.

DIVISION 9. - GENERAL EXCEPTIONS, AREA, HEIGHT AND USE

Sec. 38-365. - Essential services.

Essential services shall be permitted as authorized under any franchise in effect within the township, subject to regulation as provided in any law of the state or in any ordinance of the township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this chapter, wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or township ordinance. In the absence of such conflict, this chapter shall

prevail. This chapter will treat essential public services under a hierarchy of facilities, in terms of how they are allowed in the various zoning districts:

- (1) Utility distribution facilities such as water mains, sewer mains, electrical, gas, telephone and cable television distribution lines and associated structures that are designed to serve the immediate vicinity are permitted in all districts to serve individual uses, subject to any franchise agreement with the township. With new developments, utility easements will be approved as part of the subdivision plat, condominium plans or site plan.
- (2) Substations, including pump stations and transformer substations that are necessary to serve the immediate vicinity are permitted in all districts, subject to site plan and special land use approval.
- (3) Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors that pass through the township and serve a larger geographic area are permitted in all districts, subject to site plan and special land use approval.
- (4) Public sewage treatment plants, public water plants, power plants, transmission substations, essential public service buildings, public works garages, storage yards and similar uses are only permitted in the M-1 industrial district, subject to site plan and special land use approval.

(Ord. No. 151, § 11.01, 6-13-2007)

Sec. 38-366. - Voting places.

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

(Ord. No. 151, § 11.02, 6-13-2007)

Sec. 38-367. - Height limit.

The following kinds of structural appurtenances may be permitted to exceed the height limitations set forth in the zoning district regulations:

- (1) Schools, churches and other institutional buildings may be erected to a height not exceeding 60 feet; provided the front, side and rear yards shall not be less than the height of the building wall facing that yard.
- (2) Chimneys, church spires, towers, water tanks, monuments may be erected to a height that is 25 percent greater than the building height. Flagpoles may be up to 40 feet tall. The township shall be provided with sufficient evidence to ensure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.
- (3) Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following standards:
 - a. All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is constructed of the same material and compatible in appearance with the principal building.
 - b. Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.
- (4) The height limitations of this chapter shall not apply to farm buildings.

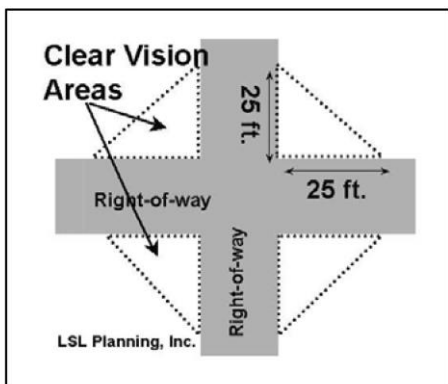
(Ord. No. 151, § 11.03, 6-13-2007)

Sec. 38-368. - Access drives permitted through required yards.

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine inches above grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

(Ord. No. 151, § 11.04, 6-13-2007)

Sec. 38-369. - Corner clearance.



In all districts, no fence, wall shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines or private road easements by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

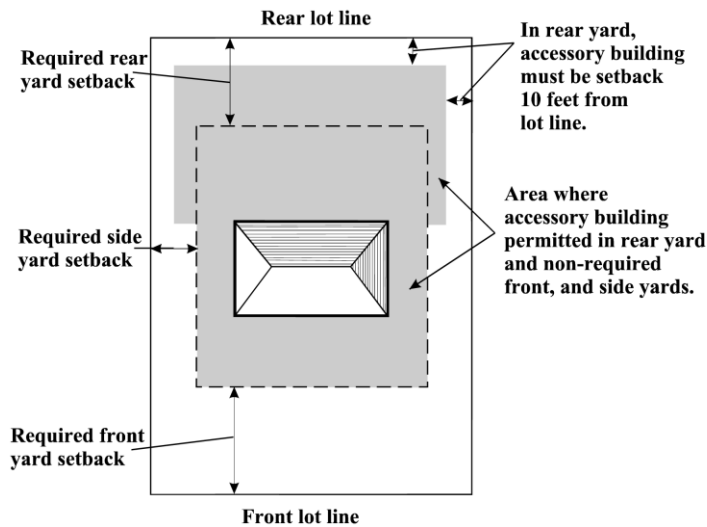
(Ord. No. 151, § 11.05, 6-13-2007)

Secs. 38-370—38-396. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 38-397. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:



- (1) *Location.* Detached accessory buildings shall only be located as follows:
 - a. Buildings accessory to residential buildings shall not be erected in any required yard space, except when located in the rear yard. Accessory buildings in the front or side yard shall meet both front and side yard setbacks for the district (sections 38-180, 38-201 and 38-232). Accessory buildings in a rear yard that are up to 200 square feet in area must be setback at least ten feet from any side or rear lot line. Accessory buildings greater than 200 square feet in area meet the rear setback required for the district (sections 38-180, 38-201 and 38-232).
 - b. Within platted residential subdivisions and residential site condominiums, buildings accessory to residential buildings may occupy not more than 35 percent of a required rear yard.
 - c. When a building accessory to a residential building is located on a corner lot, the accessory building shall not be located closer to either street frontage than the required front yard setback.
2. *Height.* Detached accessory buildings up to 200 square feet in area shall not exceed one story and 15 feet in height. Those buildings greater than 200 square feet are subject to the height requirements of the district (Sections 38-180, 38-201 and 38-232).
- (3) *Floor area.* Within platted residential subdivisions and residential site condominiums, accessory buildings shall not exceed the ground floor area of the main building.
- (4) *Attached accessory buildings.* Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings except minimum floor area.
- (5) *Principal structure required.* No accessory building may be constructed and/or used until such time as a building permit for the principal building is issued. If a principal building is already in place on the subject property, accessory buildings may be constructed in accordance with this chapter and the state construction code.
- (6) *Accessory dwelling.* One attached dwelling unit may be considered accessory to the principal dwelling subject to issuance of a special land use permit in accordance with article IX of this chapter. The term "attached" means structurally an integral part of the principal structure.
- (7) *Basement and garage dwellings prohibited.* Buildings erected after the effective date of the ordinance from which this chapter is derived as garages or accessory buildings shall not be

occupied for dwelling purposes. Basements or cellars shall not be used or occupied for dwelling purposes at any time.

(Ord. No. 151, § 12.01, 6-13-2007; [Ord. No. 175](#), 2-12-2020)

Sec. 38-398. - Private swimming pools.

- (a) Private swimming pools may be permitted provided a building permit is obtained. Plans and construction shall meet the requirements of the state health department. Swimming pools shall not be constructed or placed nearer to the street than the established front building line. In-ground pools shall be securely fenced with a chainlink or other nonclimbable fence and have self-closing fence gates which shall be kept locked when the pool is not in use. Aboveground pools shall have swing up steps or a similar method of controlling entry to the pool which shall be kept locked when the pool is not in use.
- (b) All electrical installation or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

(Ord. No. 151, § 12.02, 6-13-2007)

Sec. 38-399. - Fences.

- (a) Fences and walls shall be permitted in all yards. When located in required yards (i.e., between lot line and minimum setback) fence heights shall be as follows:

District	Required Front Yard	Required Side and Rear Yard
Platted lot in any residential district	Permitted up to a max. height of 4 feet.	Permitted up to a maximum height of 6 feet.
Unplatted lot in any residential district	Permitted up to a max. height of 6 feet.	Permitted up to a maximum height of 8 feet.
All nonresidential districts	Not permitted.	Permitted up to a maximum height of 10 feet.

- (b) Farms in any zoning district and all lots located in the AG/RP district shall be exempt from the fence regulations of this section.
- (c) Fences located in the front yard of any residential lot shall be at least 50 percent opaque.

(Ord. No. 151, § 12.03, 6-13-2007)

Sec. 38-400. - Recreational vehicle storage.

In all residential districts, recreational vehicles shall be permitted in the side and rear yard areas of any zoning lot. Recreational vehicles shall not be stored in the required side yard setback area (i.e., between the side lot line and minimum side yard setback). Recreational vehicles shall not be permitted to be stored in the front yard. Any recreational vehicle or boat stored on a residential lot shall be titled to the occupant of the residential dwelling on that lot.

(Ord. No. 151, § 12.04, 6-13-2007)

Sec. 38-401. - Temporary structure and use permits.

- (a) The granting of a permit for a temporary structure shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary structure is permitted.
- (b) Temporary structure permits for use during construction shall be issued in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the structure at the termination of said temporary structure permit.

(1) *Temporary dwelling regulations.* Regulations for temporary dwellings shall be as follows:

- a. No person shall place or occupy a temporary dwelling without first obtaining a permit for such placement or occupation from the township. The township may permit the placement and occupancy of a temporary dwelling unit anywhere in the township on a temporary basis for a period of not exceeding one year during the time that the occupant of the temporary dwelling is constructing, with intent to occupy, a permanent dwelling on the same premises. Prior to issuance of a permit, the township building official or his designee must determine that the placement and occupancy of such dwelling does not constitute a threat to the general health, safety and welfare of the occupants of the property or the occupants of surrounding properties.
- b. The conditions under which a permit for a temporary dwelling must comply are as follows:
 - 1. To guarantee removal of the temporary dwelling and compliance with this chapter, a cash bond must be posted with the township, in an amount to be determined by the township board. The township board may waive this requirement upon written request.
 - 2. Temporary dwelling permits shall be for a period not to exceed one year from the date of approval by the building official or his designee and may be renewed for a period of six months upon approval of the building official or his designee.
 - 3. Temporary dwellings must be served by and properly connected to an approved public or private sewage, water system and electrical service.

(2) *Nonresidential temporary structure regulations.* Regulations for nonresidential temporary structures shall be as follows:

- a. No person shall place or utilize a nonresidential temporary structure without first obtaining a permit for such placement or use from the township building official or his designee. The township may permit the placement and use of a nonresidential structure anywhere in the township on a temporary basis for a period not in excess of one year; provided that said building official or his designee determines that the placement and use of such structure does not constitute a threat to the general health, safety and welfare of the occupants of the property or the occupants of surrounding properties.
- b. The conditions under which a permit for a nonresidential temporary structure may be issued are as follows:
 - 1. Nonresidential temporary structures are permitted exclusively for the storage of equipment and materials associated with construction. Such nonresidential temporary

structures and uses shall be limited to the period of construction and be located on the construction site.

2. Nonresidential temporary structures shall not be used until a permit has been issued and the building official or his designee has conducted an inspection and approved use of the building for storage of equipment and materials associated with construction.
 3. To guarantee removal of the temporary structure and compliance with this chapter, a cash bond must be posted with the township in an amount to be determined by the township board. The township board may waive this requirement upon written request.
- (3) *Application.* A person or entity seeking a temporary structure or temporary use permit in the township must first file an application, provided by the township, with the township building official or his designee. Said application shall contain the following:
- a. The name and address of the property owner and occupant if different from the property owner.
 - b. The property identification number.
 - c. A plot plan showing the proposed placement of the temporary structure or dwelling and the location of the septic and well that will serve the dwelling, if applicable.
 - d. The reason for requesting a permit.
 - e. Permission for township officials to enter upon the property for inspection purposes.
 - f. An affidavit signed by the property owner confirming that the information provided is true and correct and that the conditions of issuing a permit are understood by the signer/applicant.
 - g. All fees required by order of the township board.

(Ord. No. 151, § 12.05, 6-13-2007)

Sec. 38-402. - Requirements for single-family homes.

- (a) The purpose of this section is to provide reasonable standards which ensure that all single-family homes regardless of construction type (e.g., site-built or factory built) are compatible and compare aesthetically within the same residential zone.
- (b) Sufficient evidence must be submitted to the township building inspector to ensure that the following standards are met by single-family homes prior to location on a site in the township:
 - (1) All homes permitted under this section shall meet all requirements imposed under the zoning district in which the lot is located.
 - (2) All manufactured homes shall be manufactured after January 1, 1978, and be in compliance with all state and federal laws and regulations pertaining to mobile home construction as well as plumbing and fire codes.
 - (3) All homes shall be firmly attached to their foundations in compliance with the provisions of the state construction code and state law. No skirting shall be permitted for homes permitted under this section.
 - (4) All homes shall be connected to public sewer and water facilities when these utilities are available within 300 feet.
 - (5) Any accessory uses involving the construction of accessory buildings and/or additions to the home shall meet the requirements of this chapter and the state construction code.
 - (6) All homes permitted under this section shall be aesthetically compatible in design and appearance with homes within the area, including a roof with compatible pitch and overhang, appropriate siding or exterior finishes, front and rear or front and/or exterior doors, permanently

attached steps or porch areas constructed in a manner consistent with the design of other homes within the area.

- (7) All homes shall have a minimum width of 20 feet as measured across any front, side, and rear elevation.
- (8) The standards contained in this section do not apply to mobile homes located in a mobile home park or manufactured housing community approved by the state manufactured housing commission.
- (9) The standards do not allow or permit the placement or construction of a home in those areas where deed restrictions or other covenants prevent it.

(Ord. No. 151, § 12.06, 6-13-2007)

State Law reference— Standards for mobile homes to be compatible with site-built homes, MCL 125.2307.

Sec. 38-403. - Home occupation.

It is the intent of this section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all residential districts in the township. Home occupations shall be permitted subject to the following conditions:

- (1) No more than 20 percent of the usable floor area of the principal and accessory buildings shall be dedicated to the occupation.
- (2) There shall be no significant traffic volume increase associated with the occupation.
- (3) No storage of materials, goods, supplies or equipment related to the occupation shall be visible from the outside of any structure located on the premises or adjacent premises.
- (4) There shall be no change in the outside appearance of the building or premises, no structural alterations, or visible evidence of the conduct of such occupation.
- (5) No equipment or process shall be used in such occupation, which creates noise, vibration, glare, fumes, toxic/hazardous substances, odors, or electrical interference. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (6) No more than two clients or customers shall visit the premises at any one time.
- (7) Any need for parking shall be met off the street and in other than the front yard.
- (8) There shall be no exterior advertising.
- (9) These regulations shall not apply to farms or other nonresidential uses allowed in the district.

(Ord. No. 151, § 12.07, 6-13-2007)

State Law reference— Single-family residence, instruction in craft or fine art as home occupation, MCL 125.3204.

Sec. 38-404. - Use restriction.

No portion of a lot or parcel once used in complying with the provisions of this chapter for yards, lot area per family, density as for a development in the multiple-family district, or percent rate of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of

the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

(Ord. No. 151, § 12.08, 6-13-2007)

Sec. 38-405. - Lot limitations.

No lot, parcel or building site shall be occupied by more than one principal building, and in the case of condominium projects, each building site shall be limited to one principal building. This restriction shall not apply to multifamily projects, commercial shopping centers, and office/industrial parks with multiple buildings.

(Ord. No. 151, § 12.09, 6-13-2007; Ord. of 9-5-2008(1), § 3)

Sec. 38-406. - Access requirements.

- (a) All uses in every use district shall abut and have direct access to a certified and improved public street or an approved private road that meets the requirements of chapter 16, pertaining to road standards. Private road access may include lots that front on a conforming private road or a class A nonconforming private road, in accordance with chapter 16. Developments shall provide multiple points of access/egress where required by chapter 16, article IV. Projects which have (or could have according to the land division act or condominium act) 25 parcels or building sites shall be required to have direct access which adjoins a major thoroughfare.
- (b) Two adjacent residential lots that both have frontage along the same paved county primary road may be accessed by a single shared driveway meeting the following standards:
 - (1) The driveway surface shall be a minimum of 16 feet wide. The shared portion of the driveway shall not exceed a length of 50 feet.
 - (2) The driveway shall be constructed of materials suitable to accommodate emergency vehicles.
 - (3) There is a recorded shared access agreement and easement that is a minimum of 33 feet wide. This easement may be included in the calculation for minimum lot area and width.
 - (4) Both lots shall have the minimum required frontage on the same road and a shared driveway shall not be used to access flag lots or stacked lots.

(Ord. No. 151, § 12.10, 6-13-2007)

Sec. 38-407. - Access management for commercial driveways.

The intent of this section is to establish standards for the number and spacing of commercial driveways for application during the site plan review process. The standards of this section are intended to promote safe and efficient travel within the township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access. The following regulations shall apply to commercial driveways serving nonresidential uses, including retail businesses, industrial uses and institutional uses. These regulations shall not apply to residential or agricultural driveways.

- (1) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway. Access shall be provided for each

separately owned parcel; provided that this access may be an individual driveway, shared driveway or a service drive. Additional driveways may be permitted for property only as follows:

- a. One additional driveway may be allowed for properties with a continuous frontage of over 300 feet, and one additional driveway for each additional 300 feet of frontage.
 - b. The planning commission may determine that an additional access is justified if it will not compromise traffic operations along the public street.
- (2) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (3) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than the distances listed in this section. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Table 38-407(3)		
Minimum Commercial Driveway Spacing from Street Intersections		
Location of Driveway	Minimum Spacing for a Full Movement Driveway (in feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along major thoroughfare, intersecting street is a major thoroughfare	250	125
Along major thoroughfare, intersecting street is not a major thoroughfare	200	125
Along other roads that are not major	75	50
>Major thoroughfares shall include all county primary roads and all roads designated as arterial or collector in the master plan.		

- (4) Minimum spacing between commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated as follows is measured from centerline to centerline.

Table 38-407(4)
Minimum Commercial Driveway Spacing from Street Intersections

Posted Speed Limit (mph)	Minimum Driveway Spacing (in feet)
25	125
30	155
35	185
40	225
45 and higher	300

- (5) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 250 feet along arterial streets and 150 feet along collector and local streets from those on the opposite side of the roadway. These standards may be reduced by the planning commission if approved by the road commission for the county.
- (6) For sites with insufficient street frontage to meet the requirements of this section, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, access by a service road or construction of a driveway along the property line farthest from the intersection or nearest adjacent driveway.
- (7) Where a driveway is shared between two adjacent sites, a shared access easement and maintenance agreement shall be provided between the lots having access to the driveway.
- (8) Where the planning commission determines during site plan review that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more commercial properties or uses shall be required. In particular, service drives shall be required along major thoroughfares with high traffic volumes and along segments with a relatively high number of crashes, or limited sight distance.
 - a. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide.
 - b. Service roads shall have a base, pavement and curb with gutter in accordance the road commission for the county standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.
 - c. Each property owner shall be responsible for maintenance of the easement and service drive within their respective lot.

(Ord. No. 151, § 12.11, 6-13-2007)

Sec. 38-408. - Private road standards and procedures.

All roads required to provide for access or development pursuant to this chapter shall comply with chapter 16, article IV, pertaining to road standards.

(Ord. No. 151, § 12.12, 6-13-2007)

Sec. 38-409. - Common use riparian access lots.

- (a) The use of any waters, streams, ponds, and drainageways of all types shall be restricted to that right of use enjoyed by the owner or occupant of a riparian parcel which is contiguous to the water and has riparian rights as of the effective date of the ordinance from which this chapter is derived. If a riparian parcel is proposed to be used by persons other than the owner residing thereon or occupant residing thereon, for boat launching, docking or mooring, dockminium or similar access for boating, then a special land use permit shall be required as provided for in article IX of this chapter. Where a riparian lot is proposed to be developed as a multiple-family use with more then one dwelling unit for boat launching, docking or mooring, the establishment of the lake access shall require a special land use permit. An easement over a residential riparian lot utilized to provide boat access or docking for an individual who is not a resident of such residential riparian lot shall also be subject to the special land use permit requirements.
- (b) Common use riparian access lots shall meet the requirements of sections 38-579 and 38-582(13).
- (c) Existing common use riparian lots (keyholes) that existed prior to the effective date of the ordinance from which this chapter is derived and were improved with facilities to provide common use access to a water body may continue to provide such riparian access. Any improvements to the keyhole that increases the number of boats be moored or docked shall be subject to the special land use requirements of sections 38-579 and 38-582(13).

(Ord. No. 151, § 12.13, 6-13-2007)

Sec. 38-410. - 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, which standards are hereby established as minimum requirements to be maintained within said area:

- (1) *Smoke, dust, dirt and fly ash.* It shall be unlawful for any person to engage in any use or operation which causes the emission of smoke, fumes, airborne solids and the like in excess of the maximum allowable limit as regulated by all applicable state and federal laws and regulations.
- (2) *Open storage.* The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six feet in height.
- (3) *Fire and explosive hazards.* The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with all applicable state laws and regulations.
- (4) *Wastes.* No wastewater shall be discharged in the public sewer system or any public or private storm drainage facilities or to the ground that is dangerous to the public health and safety.
- (5) *Noise.* Objectionable sounds, including those of intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses, said noise level not to exceed 80 decibels as measured with appropriate scientific equipment at the property line.

- (6) *Vibration.* All machinery shall be so mounted and operated as to prevent transmission of ground vibration beyond the property line.

(Ord. No. 151, § 12.14, 6-13-2007)

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

Sec. 38-411. - Groundwater contamination prevention.

Any principal use or special land use which, in the determination of the planning commission, involves the use of substances in large quantities potentially harmful to groundwater may be subject to a requirement for submission and approval of a materials management plan for the safe use, recycling and disposal of such substances. In addition to any other requirements, such uses shall be required to obtain a special land use permit prior to receiving a building permit, zoning compliance permit or occupancy permit. Any use that involves fuel services and use or storage of large quantities of hazardous materials shall comply with the following requirements:

- (1) *Secondary containment.* Establishments using, storing or handling hazardous material shall provide secondary containment facilities and documentation of compliance with state and federal regulations, as required. Underground storage tanks shall be provided with noncorrosive double linings and leak detection systems.
- (2) *Materials management plan.* A materials management plan shall be submitted that provides documentation for the following, with appropriate correspondence from the Michigan Department of Environmental Quality (MDEQ), state police fire marshal, local fire department, and the county health department:
 - a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater;
 - b. Description of storage of any potentially hazardous materials, including common name, name of chemical components, material safety data sheets, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling;
 - c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2,200 pounds per month;
 - d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures;
 - e. Name and phone number of person responsible for materials and available 24 hours, in case of detected spill.
- (3) *Permits.* Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the MDEQ surface water quality division. Any discharge of liquids, sludge, wastewater and/or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the MDEQ waste management division. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the state police fire marshal division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the state department of agriculture, pesticide and plant pest division.

(Ord. No. 151, § 12.15, 6-13-2007)

State Law reference— Water resources protection, MCL 324.3101 et seq.

Sec. 38-412. - Sewer and septic systems.

- (a) *Requirement for water and sanitary facilities.* No permit shall be issued for the construction of a building that is to have drinking water and sanitary facilities unless such facility is connected to a public sanitary sewer system approved by the township, a septic system approved by the county health department, or a common community sanitary drainfield approved by the township.
- (b) *Reservation of alternative drainfield.* For sites with individual septic systems or private community wastewater system, an area of land shall be designated on the site plan as reserved as an alternate location for a septic disposal system to provide for the possible failure of a septic disposal system.

(Ord. No. 151, § 12.16, 6-13-2007)

State Law reference— Sewage disposal, MCL 324.4101 et seq.

Sec. 38-413. - Special assessment districts for privately owned systems.

The township may require the establishment of a special assessment district for any development that has some form of privately owned infrastructure, such as a private road, private utilities, private sewage system, private stormwater system or other similar private facility that is commonly owned by the residents or property owners in the development. The developer shall also be required to prepare a maintenance agreement assigning responsibility of maintaining the private system or infrastructure with the owners of the development.

- (1) Prior to the township granting final approval for the development, the applicant shall petition the township board to establish a special assessment district for the development. The purpose of the special assessment district shall be to provide for assessment of the units, lots or parcels in each development by the township for the costs of inspection, monitoring, maintenance, repair, operation or replacement of the private system or infrastructure in the event the association shall fail to properly perform such work. The township may elect to collect all costs it may incur in connection with the private system through the special assessment.
- (2) The private system maintenance agreement shall be in the form approved by the township attorney and shall be recorded at the office of the county register of deeds after approval by the township. The maintenance agreement shall not be changed without township approval and shall contain language to that effect.
- (3) The provisions of the maintenance agreement and special assessment district shall be included in a separate disclosure document and shall be delivered to the prospective purchaser of a unit, lot or parcel served by a private system prior to the execution of a purchase agreement.
- (4) A permanent and irrevocable easement shall be granted by the applicant, owner and association to the township and its employees, agents, and assigns authorizing the township to enter on the development upon which the private system is located for the purpose of inspections.

(Ord. No. 151, § 12.17, 6-13-2007)

Cross reference— Any ordinance levying or imposing any special assessment saved from repeal, § 1-11(a) (12).

Secs. 38-414—38-439. - Reserved.

ARTICLE V. - DEVELOPMENTAL REGULATIONS

Sec. 38-440. - Off-street parking—Requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or buildings uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

- (1) Off-street parking may be located within any nonrequired yard and within the rear yard setback, unless otherwise provided in this chapter. Off-street parking shall not be permitted in a required front or side yard setback, unless otherwise provided in this chapter.
- (2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (3) Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises it is intended to serve. Detached garages shall be subject to the requirements of section 38-397.
- (4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of the ordinance from which this chapter is derived, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately, unless otherwise approved by the planning commission. The planning commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. If shared parking is approved pedestrian and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the county register of deeds and the township.
- (7) Where an applicant demonstrates the parking requirements for a proposed use would be excessive, the planning commission may defer some of the parking, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet chapter requirements, if constructed, and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the township, based on parking needs or observation, and shall require administrative approval of an amended site plan. A performance guarantee meeting the requirements of section 38-44 shall be provided to the township prior to issuance of a building permit for the cost of constructing the deferred parking. The performance guarantee shall be refunded to the applicant one year following issuance of a certificate of occupancy if the township determines that the deferred parking is not required or upon construction of the parking lot if the township determines within the first year that the deferred parking is needed.
- (8) The storage of merchandise, motor vehicles for sale, trucks, or repair of vehicles is prohibited within or on any off-street parking area.
- (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- (10) When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, the fraction shall require one parking space.

- (11) For the purpose of computing the number parking spaces required, the definition of the term "usable floor area," as specified in section 38-6, shall govern.
- (12) In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than 20 percent shall require approval by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- (13) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Minimum Number of Parking Spaces per Unit of Measure
<i>Residential:</i>	
Residential, one-family and two-family	Two for each dwelling unit
Residential, multiple-family	Two for each dwelling unit
Senior apartments	One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided
Bed and breakfast dwellings	Two for the owner and or operator and one for each leasable room
<i>Institutional:</i>	
Churches and other places of worship	One for each three seats or six feet of pews in the main unit of worship
Hospitals	Two for each one bed
Convalescent and nursing homes	One for each two employees plus one for each four persons in residence
Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements for auditorium or stadium
Senior high schools, colleges, and universities, and other school/training facilities	One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium or stadium, whichever seats more

Private clubs, or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
Library, museum or post office	One for each 150 square feet of usable floor area
Group day care home	Two plus one for each caregiver
<i>Offices:</i>	
Banks	One for each 200 square feet of usable floor area, plus three for each walkup ATM. Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window
Business offices or professional offices except medical offices	One for each 250 square feet of usable floor area
Professional offices of doctors, veterinarians, dentists or similar professions	One for each 200 square feet of usable floor area
<i>Retail uses:</i>	
Retail stores, except as otherwise specified herein	One for each 250 square feet of usable floor area
Shopping centers with multiple tenants	One for each 250 square feet of usable retail floor area. Nonretail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each 800 square feet of usable floor area. (for that floor area used in processing, one additional space shall be provided for each two persons employed therein)
Grocery store/supermarket	One space per 200 square feet usable floor area

New or used sales or showroom for automobiles, boats and recreational vehicles	One for each 400 square feet of usable floor area of sales room and one for each auto service stall in the service room
Outdoor commercial display and sales	One for each 500 square feet of land area being used for display, plus one for each employee
Roadside stands	Four
Agribusiness uses, such as cider mills, fruit and vegetable processing and sales, processing of agricultural or farm products, and the like	One for each 200 square feet of usable retail floor area. A minimum of five customer parking spaces shall be provided for all uses of 1,000 square feet or less
<i>Restaurants/food and beverage:</i>	
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	One per each 75 square feet of useable floor area or one per two seats, whichever is greater
Drive-in restaurant	One for each employee and one for each 75 square feet of usable floor area
Drive-through restaurant	One for each employee, one for each 85 square feet of dining area and five stacking spaces for each drive-through window or station
Carryout restaurant (with no eating on premises)	Six per service or counter station, plus one for each employee
Open front restaurants such as, but not limited to: dairy bars and fruit, and vegetable stands	Ten plus one per employee
Standard sit-down restaurants without liquor license	One for each 100 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater

Standard sit-down restaurants with liquor license	One for each 75 square feet of usable floor area or one for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater
<i>Service uses:</i>	
Automotive service center/gasoline service stations	One for each employee plus one for each 100 square feet of floor area used for cashier, office or retail sale of food, beverages and other products in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than three spaces for cashier's and office use. Facilities providing a carwash shall provide additional off-street parking spaces based upon the requirements for such uses
Automotive service establishment, major or minor	Two for each service stall, plus one for each employee
Automobile quick oil change	Two stacking spaces for each service stall, rack or pit plus one for each employee
Autowash	One for each one employee. In addition, stacking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each washline by 24
Autowash (self-service or coin-operated)	Two stacking spaces for each washing stall in addition to the stall itself plus one for each drying space
Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair
Dry cleaners	One per 500 square feet of useable floor area
Kennel	One for each employee, plus an additional five for visitors

Laundromats and coin-operated dry cleaners	One for each two washing and/or dry cleaning machines
Mortuary establishments	One for each 50 square feet of usable floor area in assembly rooms, parlors and slumber rooms
Motel, hotel or other commercial lodging establishments	One for each one occupancy unit plus one for each employee plus spaces as required for accessory uses such as a bar, restaurant, meeting rooms, etc.
Self-storage miniwarehouse	One for each 20 storage units plus two for manager's residence
Video rental establishments	One per 250 square feet of useable floor area
<i>Recreation uses:</i>	
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one per employee. In those instances where memberships are provided for, not less than one per each five memberships shall be provided plus one per employee or one for each two clothing lockers plus one per employee whichever is the larger
Amusement arcade	One for each one game table and one for each amusement device
Bowling alleys	Five for each one bowling lane plus spaces required for accessory uses such as a bar or restaurant
Commercial outdoor recreation facilities (such as archery ranges, batting cages, etc.)	Two for each batting cage, archery range or similar activity
Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or one for each 200 square feet of usable floor area, whichever is greater

Golf courses, open to the general public, except miniature or "par-three" courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use such as a restaurant or bar
Golf driving range	Two for each driving tee plus three spaces for employees
Ice skating or roller rink	One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is the greater
Large-scale commercial recreation	One for every two users at maximum capacity plus one space for each employee
Miniature or par-three golf courses	Two for each one hole plus one for each one employee
Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar
Stadium, sports arenas, or similar place of outdoor assembly with or without seating	One for each three seats or six feet of benches; for outdoor assembly the occupancy load will equal one person per 15 square feet (one parking space for each three occupants shall be required)
Tennis club, paddleball club, racquetball club and other similar uses	Six per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants, plus one per employee
Theaters and auditoriums	One for each three seats plus one for each two employees
<i>Industrial:</i>	
Industrial or research establishments and related accessory offices	Five plus one for every 1½ employees in the largest working shift or one for each 500 square feet of usable floor area in those instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction
Warehouses and wholesale establishments and related accessory offices	Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor area, whichever is the greater

(Ord. No. 151, § 13.01, 6-13-2007)

Sec. 38-441. - Same—Space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in section 38-440 require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed until a permit is issued by the building inspector or official. Applications for a permit shall be submitted in such form as may be determined by the building inspector or official, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° parallel parking	12'	8'	23'	20'	28'
30°—53° parallel parking	12'	8'6"	18'	32'	52'
54°—74° parallel parking	15'	8'6"	18'	36'6"	58'
75°—90° parallel parking	24'	9'	18'	44'	64'

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- (5) All maneuvering lane widths shall permit one way traffic movement, except that the 90-degree pattern may permit two-way movement.

- (6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distance from any adjacent property located in any single-family residential district.
- (7) Where an off-street parking lot abuts a residential zoning district, a continuous and obscuring wall not less than four feet six inches in height, measured from the surface of the parking area, shall be provided between the parking lot and all adjacent residential districts. Variations from the requirement of a masonry wall may be permitted by the planning commission in accordance with section 38-443.
- (8) In all cases where a wall extends to any alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (9) When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (10) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the township board. However, it is the intent of this chapter to minimize the amount of impermeable paved surface; therefore the planning commission may approve alternative paving materials, such as permeable/grass pavers, based upon the review and recommendation of the township engineer. The parking area shall be surfaced prior to the issuance of a certificate of occupancy, or, in case of seasonal difficulties, a performance guarantee shall be provided in accordance with section 38-44.
- (11) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall be approved by the township engineer.
- (12) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and shall comply with the requirements of section 38-445.

(Ord. No. 151, § 13.02, 6-13-2007)

Sec. 38-442. - Same—Loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for dedicated right-of-way. Such space shall be provided as follows: standing, loading and unloading in order to avoid interference with public use of dedicated right-of-way. Such space shall be provided as follows:

- (1) Loading areas shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (in square feet)	Loading and Unloading Space Required in Terms of Usable Floor Area (in square feet)
0—1,400	None
1,401—20,000	One space

20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

- (2) All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.
- (3) The planning commission may modify the required size of loading spaces for uses that will involve smaller delivery trucks, such as offices.

(Ord. No. 151, § 13.03, 6-13-2007)

Sec. 38-443. - Greenbelt landscaping and plant materials.

This section is intended to establish minimum standards for the design, installation, and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts. It is also the intent of the township to preserve existing plant material, in accordance with the township master plan and to achieve the goals of this section through the preservation of existing plant material to the maximum extent practical.

- (1) *Preservation of existing plant material.* All site plans shall be required to identify the canopy outline of existing stands of woodlands, existing tree lines and the location of any individual landmark trees. The design of the site plan shall consider the location of trees on the site and preserve these trees to the maximum extent practical. Prior to any development or site clearing, tree protection fencing shall be installed around the dripline of any woodlands to be preserved. Tree protection fencing shall be a minimum of four feet in height and shall remain in place in good condition until the township authorizes the developer to remove the fencing. No filling, excavating or storage of materials, debris or equipment shall take place within the tree protection area. Existing vegetation that is preserved may be credited towards the landscaping requirements of this chapter.
- (2) *Nonresidential greenbelt along street frontage.* For all nonresidential uses subject to site plan approval, a 20-foot-wide greenbelt shall be planted along each public street right-of-way, including the equivalent of one canopy tree, rounded upward, for every 40 linear feet of frontage, which shall be arranged in natural groupings. The planning commission may approve substitution of evergreen trees for up to 50 percent of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massings. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities.
- (3) *Residential greenbelts and street trees.* For all subdivision plats, condominiums and multiple-family residential site plans, a 25-foot-wide greenbelt shall be planted along each public street right-of-way, including the equivalent of one canopy tree, one evergreen tree and four shrubs, rounded upward, for every 40 linear feet of frontage. Within the development, two canopy street

trees shall be provided along a public street or private road for each residential unit. The trees may be located along the road or in the front yard on each lot. The planning commission may allow existing trees with a three-inch caliper or greater, preserved in good condition, to be counted towards this requirement. Where the installation of trees is deferred until after construction of housing units, the township shall require a performance guarantee for tree planting. The planning commission may also require landscaping within culs-de-sac, road medians, and at site entrances.

- (4) *Required buffer zones.* The following buffer zones shall be required where a proposed use shares a common lot line with an adjacent use as required in the following table:

Proposed Use	Adjacent Zoning District			
	Single-Family Residential	Multifamily Residential	Commercial	Recreational
Agricultural	None	None	None	None
Single-family residential	None	None	None	None
Two-family residential	None	None	None	None
Multiple-family residential	B	None	None	None
Manufactured home park	B	C	None	None
Commercial	B	B	None	C
Industrial	A	A	B	A

Description of Required Buffer Zones

Buffer Zone	Minimum Width	Wall/Berm ^a	Minimum Plant Materials ^{b,c,d}
A	50 feet	4-foot 6-inch-high continuous wall or 4-foot-high berm	1 canopy tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward

B	20 feet	4-foot 6-inch-high continuous wall or 3-foot-high berm	1 canopy tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward
C	10 feet	None required	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward

Note: The planning commission may waive or reduce the above requirement if equivalent screening is provided by existing woodlands on the lot, topographic or other natural conditions. The planning commission may also permit the substitution of evergreen and deciduous tree requirements. Existing quality trees (hickory, oak, maple) that will be preserved may be credited towards the above requirements at a rate of one new tree credit for each eight inches of existing tree caliper being preserved.

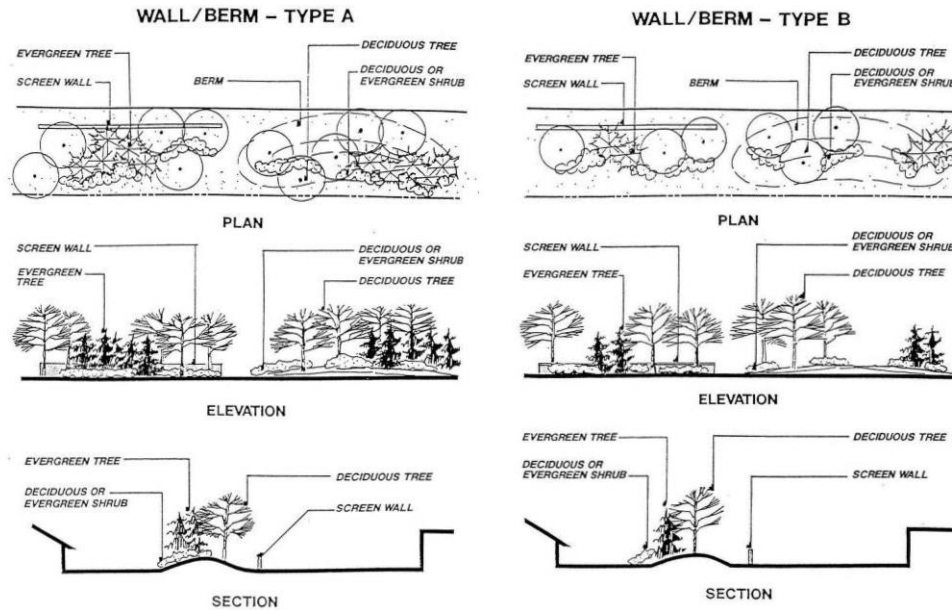
Footnotes:

^A Berms shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four feet wide.

^B Canopy trees shall have a minimum caliper of 2.5 inches at time of planting.

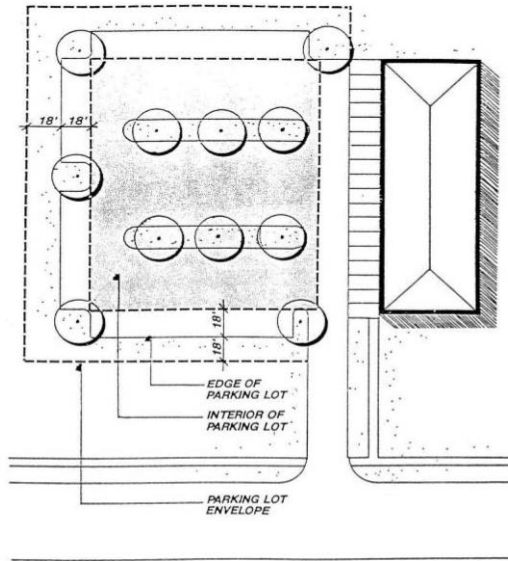
^C Evergreens shall have a minimum height of six feet at time of planting.

^D At least 50 percent of the shrubs shall be 24 inches tall at planting, with the remainder over 18 inches.



(5) Required parking area landscaping.

LANDSCAPING REQUIRED IN PARKING AREA



- a. Off-street parking areas containing ten or more parking spaces shall be provided with landscaping at the rate of one tree for every ten parking spaces. A minimum of one-third of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot within 18 feet.
- b. Where off-street parking areas are located within the front yard, a hedge row or berm shall be provided between the parking spaces and the roadway. The hedge row shall be planted with two foot tall evergreen or deciduous shrubs, 2½ feet on center.
- c. Where a parking lot is located on a site that is adjacent to a residential zoning district, a screening wall shall be required between the parking lot and the residential property line. The wall shall be high-quality masonry material compatible with the material used on the main building. The planning commission may substitute the screening wall requirement for a 20-foot-wide greenbelt landscaped with one evergreen tree for every ten feet of greenbelt length.
- d. In no case shall any buffer zones or greenbelts be calculated toward meeting the required parking area landscaping.
- e. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- f. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement.
- g. All landscaped areas shall be protected by a raised standard or rolled concrete curb, except where landscape islands are being utilized as part of a stormwater detention or conveyance system.
- h. The minimum standards for landscaped islands are provided as follows:

Minimum size	100 square feet
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Minimum width	Ten feet; at least half of the islands shall be 20 feet wide in parking lots with over 200 spaces
Required depth	Two feet shorter than adjacent parking space to improve maneuvering
Required radii	Minimum ten feet at ends facing main aisles, 15 feet preferred. One foot for radii not adjacent to main circulation aisles
Tree location	Located so as not to be damaged by maneuvers or door swing of any surrounding vehicle

- (6) *Detention/retention pond landscaping.* Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.
- a. Detention ponds shall not be located adjacent to an existing county road right-of-way unless it is not feasible to locate the pond in another area of the site due to topography.
 - b. Where possible, ponds or basins shall be freeform following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one foot vertical for every five feet horizontal.
 - c. One deciduous shade or evergreen tree and ten shrubs shall be planted for every 50 lineal feet of pond perimeter as measured along the top of the bank elevation. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank, where the plant species is adapted to saturated soil conditions.
 - d. Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.
- (7) *Accessory structure landscaping.* The planning commission may require accessory structures and utility structures such as waste receptacle enclosures, air conditioning units, transformers, utility substations and clustered mailboxes that are in a visible location on the site to be landscaped with shrubs.
- (8) *Plant material standards.* All plant material shall be of a species that is native to the county. Plant material shall be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- (9) *Minimum sizes.* Minimum plant sizes at time of installation shall be according to the following:

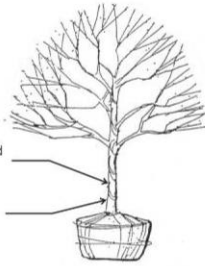
Plant Material Measurements

Deciduous Canopy Tree

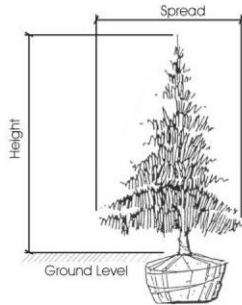
Tree Caliper Measurements-
For new trees only, see Woodland
Protection Ordinance for measurement
of existing trees

Take measurement 12" above ground
level if tree caliper is 4" or more

Take measurement 6" above ground
level if tree caliper is less than 4"



Tree or Shrub Height



- a. Deciduous canopy tree: 2½-inch caliper.
 - b. Deciduous ornamental tree: two-inch caliper.
 - c. Evergreen tree: six-inch height.
 - d. Deciduous shrub: two-inch height.
 - e. Evergreen shrub (upright): two-inch height.
 - f. Evergreen shrub (spreading): 18 to 24-inch spread.
- (10) *Mixing of species.* The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- (11) *Prohibited species.* The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Ash	Fraxinus americana
Box elder	Acer negundo
Ginkgo	Ginkgo biloba (female only)
Honey locust	Gleditsia triacanthos (with thorns)

Mulberry	Morus species
Poplars	Liriodendron tulipifera
Black locust	Robinia pseudoacacia
Willows	Salix nigra
American elm	Ulmus americana
Siberian elm	Ulmus pumila
Slippery elm; Red elm	Ulmus rubra
Chinese elm	Ulmus parvifolia
Autumn olive	Elaeagnus umbellata
Russian olive	Elaeagnus angustifolia

- (12) *Installation and maintenance provisions.* All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six months. Landscaped areas shall be covered by grass or other living ground cover. Irrigation shall be provided for all landscaped areas. Trees required on the site plan must be maintained so long as they remain healthy and shall not be removed unless approved by the planning commission as a site plan amendment.
- (13) *Screening wall requirements.* Where required by this chapter, obscuring walls shall be subject to the following regulations:
- a. Required obscuring walls shall be placed on the lot line, except where underground utilities interfere with placement of the wall on the property line. Where located adjacent to a side street, the wall shall be set back eight feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth in subsection (4) of this section.
 - b. Required obscuring walls shall be continuous with no interruptions, except for vehicular and pedestrian access.
 - c. Required obscuring walls shall be a minimum of four feet, six inches in height or taller if necessary to screen storage of vehicles, and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the principal structure on the site. The maximum height of a screening wall shall be eight feet unless the planning commission determines that a taller wall is necessary for screening purposes.
 - d. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches and shall not be less than four inches wider than the wall to be erected.

- e. The planning commission may permit the substitution of a wood screening fence a minimum of four feet six inches tall.
- (14) *Performance guarantee.* The planning commission may require a performance guarantee of sufficient amount to ensure the installation of all required landscaping. The township may hold the performance guarantee for up to one year following installation of landscaping to ensure the survival of all plant material during the first growing season.
- (15) *Waiver from landscaping and screening requirements.* The planning commission during site plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The planning commission may also determine dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the planning commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
- a. Existing natural vegetation;
 - b. Topography;
 - c. Existing wetland, floodplain and poor soils areas;
 - d. Existing and proposed building placement;
 - e. Building heights;
 - f. Adjacent land uses;
 - g. Distance between land uses;
 - h. Dimensional conditions unique to the parcel;
 - i. Traffic sight distances;
 - j. Traffic operational characteristics on and off site;
 - k. Visual, noise and air pollution levels;
 - l. Health, safety and welfare of the township.

(Ord. No. 151, § 13.04, 6-13-2007)

Sec. 38-444. - Commercial, office, industrial and multiple-family architecture.

- (a) *Intent.* The intent of this section is to provide exterior building wall material standards that enhance the visual environment of the township. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the township's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All proposed commercial development shall utilize quality architecture to ensure that a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the township.
- (b) *Applicability.* This section shall apply to all new construction for all exterior building walls and shall consist of those materials and combinations of materials as set forth in this section. This section shall also apply to major expansion or renovation to existing buildings that require site plan approval by the planning commission. Architecture shall be reviewed by the planning commission as a part of site plan review under the requirements of this section. This section shall not apply to single-family residential and agricultural structures.
- (c) *Wall materials.* The use of exterior wall materials on walls that face a public road shall be in compliance with the maximum percentages permitted in the following schedule:

Schedule of Regulating Front Building Wall Materials

Building Materials	Maximum Percent of Front Wall That may be Covered by Certain Building Materials by Zoning District ⁽¹⁾		
	Multiple-Family Residential	Business Districts ⁽³⁾	Industrial District
Brick, face brick or stone	100%	100%	100%
Scored or split-face block	0%	75%	100%
Plain concrete block	0% ⁽²⁾	25%	25%
Wood siding, vinyl siding or fiber cement siding	100%	100%	0%
Metal	0%	25%	25%
Finishes ⁽⁴⁾	25%	50%	75%
Precast concrete, tilt-up panels or concrete formed in place	0%	Permitted with planning commission approval	

⁽¹⁾ Does not include areas of front facade consisting of doors and windows.

⁽²⁾ For multiple-family dwellings, concrete block shall not be visible from the public street, provided the foundation may be concrete block if it is screened with foundation plantings.

⁽³⁾ Within business districts, the facade facing the public street shall be a minimum of 25 percent brick or stone.

⁽⁴⁾ Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.

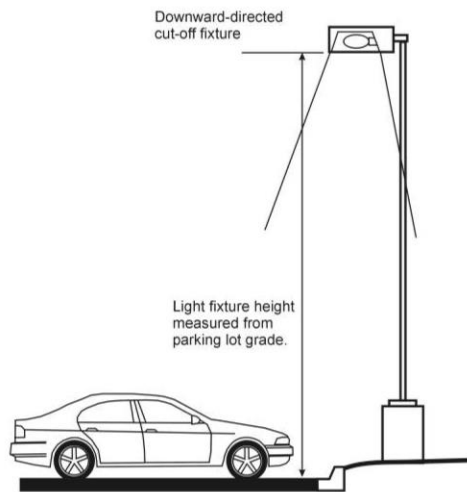
- (d) *Allowance for other materials.* When a particular building design and the materials or combinations of materials proposed to be used are found by the planning commission to be in keeping with the intent and purpose of this section, in consideration of the character of surrounding uses and the design recommendations of the master plan, but which may differ from the strict application of the schedule regulating materials use (e.g., use of new materials not covered in the building wall materials schedule), the planning commission may waive the requirements of this section pertaining to materials.
- (e) *Existing buildings.* Where additions or remodeling of existing buildings is proposed, the planning commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.

- (f) *Compatible design.* Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Commercial architecture shall incorporate traditional architecture and be consistent with the recommendations of the master plan in creating a rural, small-town environment. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings. Subtle earth tone colors shall be used for building and roofing material.
- (g) *Design standards.* Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked rooflines or towers. Building walls over 100 feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place. Building rear facades shall be constructed to a finished quality comparable to the front facade.

(Ord. No. 151, § 13.05, 6-13-2007)

Sec. 38-445. - Exterior lighting.

- (a) *Purpose.* The purpose of this section is to permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce while minimizing the impact of excessive or uncontrolled light to:
 - (1) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary.
 - (2) Minimize light pollution and light trespass from light sources onto adjacent properties.
 - (3) Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.
 - (4) Curtail and reverse the degradation of the nighttime environment and the night sky.
 - (5) Preserve the dark night sky for astronomy.
 - (6) Conserve energy and resources to the greatest extent possible.
- (b) *Light levels.* All outdoor lighting in all nonresidential districts used to light the general area of a specific site shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts or adjacent residences. Light shall not exceed more than 0.1 footcandle at a residential lot line. Light shall not exceed more than 1.0 footcandle at a nonresidential lot line, except along the road frontage. The maximum light level on the site shall be ten footcandles. All lamps shall be metal halide, or other light type approved by the planning commission.



- (c) *Light fixtures.* Outdoor lighting in all nonresidential zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section. Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight-type fixtures shall not be permitted except for building accent and sign lighting.
- (d) *Fixture height.* Light fixtures shall have a maximum height of 20 feet.
- (e) *Ornamental lighting.* The requirement for downward directed may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the planning commission.
- (f) *Floodlighting prohibited.* The use of floodlighting for external illumination of buildings to feature said buildings or to illuminate a signs, shall be prohibited.
- (g) *Sign lighting.* Illumination of signs shall comply with the requirements of article VI of this chapter, pertaining to signs. Internally illuminated signs shall be permitted and light fixtures directed at a sign may be permitted where the fixtures are downward directed and shielded so not to cause visible glare to persons on adjacent roadways or adjacent property.
- (h) *Photometric plan.* For sites adjacent to a residential district, the planning commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and footcandles of the site lighting. The evaluation of the photometric is intended to permit the planning commission to determine potential adverse effects the site lighting may have on adjoining properties and motorists. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review:
 - (1) Lighting plan showing light fixture locations and type designations;
 - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels;
 - (3) Lighting equipment specifications and data sheets; and
 - (4) Any other presentations required to convey the intent of the design.

(Ord. No. 151, § 13.06, 6-13-2007)

Sec. 38-446. - Waste receptacles.

Large waste receptacles, such as dumpsters and trash compactors, shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in dumpster location or size shall require modification to the enclosure, as warranted by this section.

- (1) *Location.* Waste receptacles shall be located in the rear yard or nonrequired side yard, unless otherwise approved by the planning commission. For commercial and industrial sites adjoining residential district, the waste receptacle enclosure shall be as far as practical, and in no case be less than 20 feet from any adjacent residential district.
- (2) *Access.* Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
- (3) *Base.* The waste receptacle base shall be at least nine feet by nine feet, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle. Where grease disposal receptacles are used, curbing shall be provided around the enclosure base to contain any spillage.
- (4) *Screening.* Waste receptacles shall be enclosed on three sides by a screening wall with a wood gate on the fourth side. The enclosure shall be constructed of brick or decorative concrete material with a maximum height of six feet or at least one foot higher than the dumpster and spaced at least three feet from the dumpster. A berm may also be used as part of the enclosure. The planning commission may approve a wooden enclosure provided the lumber is determined to be durable and suitable for outdoor use. Waste receptacles shall have an enclosing lid or cover.
- (5) *Other waste receptacles.* The planning commission may require small waste receptacles at entrances to commercial buildings for use by customers.

(Ord. No. 151, § 13.07, 6-13-2007)

Sec. 38-447. - Fire service feature.

- (a) Firefighting resources are limited in terms of manpower and adequate water availability for firefighting due to the rural character of the township and the township desire to maintain this character, as reflected in the descriptions of zoning districts. Because of this, many of the infrastructure items developers are accustomed to in fully developed areas are absent in the township, making compliance with the International Fire Code adopted by the township more difficult or expensive than may first appear. To provide for the safety, health and welfare of residents, no alteration to the land, as contained in section 38-4 will be made without submitting to the board and the fire department a plan on how the required fire protection features contained in the International Fire Code, including appendices B, C and D, will be met.
- (b) Special attention is brought to the following and shall be reflected in and site plan, private road or development application to the township:
 - (1) The minimum water supply requirement for firefighting must meet the requirements of the currently adopted fire code and related regulations.
 - (2) In areas without a water supply system, such as a municipal water system, community well system, or private systems, NFPA 1142 will be the primary guide.
 - (3) In areas with a proposed water supply system such as a municipal water system, community well system, or private system, the fire flows should be based on appendix B and the ISO method contained in the American Water Works Association Manual of Water Supply Practices AWWA 31.
- (c) Regardless of the method used above, in no case shall the available water supply be less than an approved source, supplying 250 gpm for two hours. Approved methods are as follows:

- (1) A six-inch-minimum diameter well capable of sustaining a flow of 250 gpm for two hours.
 - (2) A combination cistern and well capable of sustaining a flow of 250 gpm for two hours.
 - (3) This requirement applies to all occupancies and use groups, except single/double family residential located outside of a subdivision or PUD.
- (d) Where chapter 5 of the International Fire Code needs additional clarification concerning site design and layout, appendices C and D along with NFPA 1141 Standard for Fire Protection in Planned Building Groups, 2003 edition, will be used.

(Ord. No. 151, § 13.08, 6-13-2007)

State Law reference— State fire prevention code, MCL 29.1 et seq.

Secs. 38-448—38-477. - Reserved.

ARTICLE VI. - SIGNS^[7]

Footnotes:

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Editor's note— [Ord. No. 172](#), adopted Jan. 9, 2019, amended art. VI in its entirety to read as herein set out. Former art. VI, §§ 38-478—38-485 pertained to similar subject matter and derived from Ord. No. 151, §§ 14.01—14.08, adopted June 13, 2007.

Cross reference— Signs, ch. 26.

State Law reference— Highway advertising act of 1972, MCL 252.301 et seq.

Sec. 38-478. - Purpose and intent.

The intent of this article is to provide for adequate and content-neutral regulations for all signs as defined by the zoning ordinance. Control of signs is necessary to allow for reasonable means by which to communicate messages and information while maintaining a safe, well-maintained, aesthetically pleasing, and attractive community. The objectives of this article are as follows:

- (1) To protect the public health, safety, and welfare of the township;
- (2) To control the abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility;
- (3) To protect the right to free speech as guaranteed by the First Amendment of the United States Constitution by allowing signs as a means of communication;
- (4) To promote public convenience and effective communication of information on a sign to its intended audience;
- (5) To protect motorists, passengers, and pedestrians from injury and property damage that may result from unregulated signage, including by prohibiting or removing signs that are structurally unsafe or poorly maintained;
- (6) To preserve property values;
- (7) To enhance the aesthetic appearance of the township, including the preservation of its historic and cultural resources and scenic areas; and

- (8) To have standards and administrative review procedures that are simply understood and followed by property owners, tenants, and sign installers.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-479. - Definitions.

For the purposes of this article, the following definitions shall apply:

Address sign means a sign showing the address numbers of a building, being essential for the delivery of government services. All address signs shall comply with the Rose Township Building Numbering Ordinance.

Animated sign means a sign that has any visible moving part or member by means other than wind, either constantly or at intervals, including any part that emits a sound.

Damaged sign means a sign which becomes structurally unsafe and/or endangers the public health, safety, and welfare of neighboring properties, including any sign structures that no longer support a sign, abandoned signs, and signs with torn or crumbling material.

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 or sign face.

Freestanding sign means a sign erected upon or supported by the ground. Freestanding signs include monument signs, which are self-supporting base-mounted signs consisting of two or more sides extending up from the base, and pole signs, which are elevated on poles or braces above the ground and not attached to any other building or structure.

Historical marker means a sign identifying a site listed on the National Register of Historic Places, a historic designation from the State of Michigan, or similar sign.

Incidental sign means a small sign, emblem, or decal, usually two square feet or less, that is designed and located to be read only by people within the site and generally not visible or legible from offsite. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating the hours of business, no smoking signs, no trespassing signs, signs for bathrooms, and signs on vending machines, gas pumps, or ice containers. Signs legible from offsite, or small signs arranged in such a manner to appear as one sign that is legible from offsite, shall not be considered incidental signs.

Memorial sign means a sign or tablet forming an integral part of the building architecture and which typically indicates the building name, date of erection, or similar information.

Nameplate means a non-electric on-premises wall sign giving only the name, address, and/or occupation of an occupant or group of occupants and used to simplify identification.

Neighborhood entry sign means a freestanding sign placed at the entry to a residential development as an architectural feature identifying the neighborhood.

Non-residential use sign means a sign for any use other than a residential dwelling within a residential zoning district including a house of worship, school, or similar use.

On-premises sign means a sign with a message related to a business or profession conducted or to a commodity, service, or activity offered on the premises where the sign is located.

Off-premises sign means a sign with a commercial message related to a business or profession conducted or to a commercial commodity, service, or activity offered off the premises where the sign is located, including billboards. Such signs are also called non-point of sale signs.

Portable sign means a sign designed to be easily movable from one location to another. This includes hot air and gas filled balloons, air-activated signs, pennants, streamers, ribbons, pinwheels, and any signs mounted on a portable structure, including those with wheels. This definition does not include vehicle signs or yard signs.

Public sign means a sign erected in the public interest by or upon orders from a local, state, or federal public official, including legal notices, traffic control signs in compliance with the Michigan Manual of Uniform Traffic Control Devices, safety signs, signs warning of any hazard or danger, any sign required to be placed by law, and other similar signs.

Roof sign means a sign erected above the roof line of a building. The roofline shall mean the top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections. The roofline is 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.

Sign means any device, structure, fixture, or placard using words, numbers, figures, graphic designs, logos or trademarks to advertise, inform, or otherwise attract the attention of persons, including any interior and exterior signs visible from any public street, sidewalk, alley, park, or public property. For purposes of this article, the definition of "sign" shall not include any of the following:

- Signs primarily directed at persons within the site upon which the sign is located.
- Decorations that are not displayed in a manner that promotes commercial activity including holiday lights, lawn ornaments, balloons, and miniature flags.
- Any decorations or symbols that do not constitute a readily discernible message.

Sign copy means any words, numbers, figures, graphic designs, logos or trademarks which constitute the message of the sign.

Temporary sign means any sign intended to be displayed in one location for a limited period not to exceed two consecutive months. Any sign located in the same place for longer than two consecutive months shall be considered a permanent sign. Temporary signs shall include portable signs and yard signs.

Vehicle sign means a sign painted or otherwise attached to a vehicle, including signs on a truck trailer, where the intended primary purpose of the vehicle is for its use as a sign, as determined by the zoning administrator. Any vehicle with signage parked in the same location for more than 48 consecutive hours or for more than two days per month, including inoperable vehicles, shall be considered a vehicle sign.

Wall sign means a sign attached parallel to and extending not more than 12 inches from a building wall. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.

Window sign means a sign located on the inside of a window which is intended to be viewed from the outside. Signs placed on the outside of a window shall be considered wall signs.

Yard sign means a temporary sign designed for a limited display period typically in the front yard of a parcel and often constructed with cardboard, plastic, wood, or similar materials.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-480. - Table of sign regulations.

Signs shall be permitted according to the following table:

Sign Type	Zoning Districts Permitted	Sign Permit Required	Max. Number of Signs	Max. Sign Height (feet)	Max. Sign Area (sq. ft.)	Other Regulations

Address sign	All districts	No	-	-	2	
Flag	All districts	No	2	20	16 (each)	
Freestanding sign	C-1; C-2; M-1	Yes	1	16	100	Min. setback from front lot line: 15 ft. Min. setback from residential district: 100 ft.
Historical marker	All districts	No	-	-	-	
Incidental sign	All districts	No	-	-	2	
Memorial sign	All districts	No	-	-	-	
Nameplate	All districts	No	-	-	2	
Neighborhood entry sign	R-1R; R-1E; R-1A; R-1B; R-M	Yes	1 per entry	6	50	Min. setback from public right-of-way: 50 ft. Min. setback from any residential lot line that is not part of the development: 100 ft.
Non-residential use sign	AG/RP; R-1R; R-1E; R-1A; R-1B; R-M; RPS	Yes	1 per use	6	16	Shall be a freestanding sign or wall sign.
Portable sign	C-1; C-2; M-1	Yes	2	Height of primary building on the lot	16	Min. setback from front lot line: 10 ft. Min. setback from residential district: 100 ft. Max. time in one location: 2 months
Public sign	All districts	No	-	-	-	

Wall sign	C-1; C-2; M-1	Yes	2	Height of wall	100 (total per building)	Max. projection or overhang beyond wall or permanent architectural feature: 1 ft. No projection above or beyond the roofline.
Window sign	All districts	No	-	-	25% of window area	
Yard sign	All districts	No	-	6	9 (each)	Max. time in one location: 2 months

([Ord. No. 172](#), 1-9-2019)

Sec. 38-481. - Prohibited signs.

The following signs shall be prohibited in any zoning district in the township:

- (1) Animated signs.
- (2) Roof signs.
- (3) Vehicle signs.
- (4) Signs attached to utility poles or trees.
- (5) Any off-premises sign which contains a commercial message unless expressly permitted elsewhere in this article or by another jurisdiction, except incidental signs.
- (6) Portable signs used as permanent signs, unless otherwise provided for in this article.
- (7) Signs with illumination that is distracting or dangerous to the public safety including high intensity lights, flashing or oscillating lights, glaring or undiffused lights or bulbs, lasers, bare and unshaded bulbs, and flames.
- (8) Signs that obstruct or impair the vision of roadway users at any intersection, driveway, within a parking lot, or loading area.
- (9) Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals.
- (10) Any sign which obstructs a window, door or other opening used for a fire escape.
- (11) Any sign containing obscene or indecent matters.
- (12) Any sign not expressly permitted by this article.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-482. - Measurement of sign area.

- (a) Sign area shall be measured by enclosing the most protruding points or edges of a sign face within a parallelogram or rectangle including any frame. For monument signs, the base structure shall not be included in the sign area measurement.
- (b) Where a sign has two or more faces, the area of only the larger sign face shall be considered when calculating the maximum size, provided all faces are part of the same structure, back-to-back, and are separated by no more than two feet.
- (c) Wall sign area shall be determined by enclosing the portion of the wall containing the sign copy within a parallelogram or rectangle. Signs placed on canopies shall count towards the allowable wall sign area.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-483. - General sign provisions.

The following conditions and procedures shall apply to all signs erected or located in any use district:

- (1) *Requirements.* All signs shall conform to the Rose Township Sign Ordinance, including obtaining required sign permits, posting of bonds, and inspections.
- (2) *Existing signs.* All existing signs in place at the time of adoption of this article, and that are properly maintained, shall be considered as existing nonconforming signs and shall be permitted to continue. Such signs shall not require a sign permit.
- (3) *Accessory to a permitted use.* Signs shall only be permitted as an accessory structure located on a lot occupied by a principal permitted use.
- (4) *Corner clearance area.* All signs shall be placed outside of the corner clearance area as described in section 38-369. A greater clearance area may be required by the Oakland County Road Commission. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices, or street signs. The zoning administrator is authorized to remove signs in violation of this provision and shall retain the removed signs for ten days to allow for pick-up by the owner.
- (5) *Illumination.* Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to the sign. External lights directed at the sign shall be shielded to prevent glare and light pollution onto all adjoining properties and thoroughfares. Sign lighting shall comply with exterior lighting requirements in section 38-445. Underground wiring shall be required for all illuminated signs not attached to buildings.
- (6) *Maintenance.* All signs shall be constructed and maintained in a manner consistent with the building code provisions and shall always be maintained in good structural condition. Signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. The township shall notify the property owner of any damaged signs, and the property owner shall remedy such condition by repairing or removing the signs. Any sign which is not properly maintained, damaged, and/or not repaired upon notification of the property owner, shall be considered as abandoned. The township may remove and dispose of an abandoned sign and hold the property owner liable for any costs incurred by the township in the removal of such sign.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-484. - Applications and permit requirements.

The following conditions and procedures shall apply to all signs which require a sign permit:

- (1) Prior to the installation of any sign, the owner of the property upon which the sign is to be located and the person installing the sign shall complete a sign permit application and submit it to the township. Upon completion of an application, the township shall issue a sign permit upon payment of all fees and receipt of the required cash performance bond.
- (2) Any sign not installed by the property owner shall require written authorization from the owner of the property upon which the sign is to be placed and such authorization must be provided to the township upon request.
- (3) All sign permits shall be issued by the township and shall be valid for four years from the date of issuance. At any time within 30 days prior to the expiration date of such permit, the permit may be renewed upon the written completion of a sign permit application properly filed with the township. The township shall issue a renewal sign permit upon payment of all fees and receipt of the required cash performance bond.
- (4) Any sign which costs more than \$500.00 to construct shall require a cash performance bond equal to 50 percent of the construction cost. There shall be a written agreement by the owner and the occupant of the property upon which the sign is to be located, along with the person erecting the sign, that they will abide by all regulations within this article and upon termination of the sign permit or any reason will remove the sign at their own cost. If any party defaults in such agreement, the township may cancel the sign permit and the applicant may forfeit the cash performance bond, and if the sign is not removed, the township may remove and dispose of the sign without liability to the township.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-485. - Inspections.

The following conditions and procedures shall apply to all signs which require a sign permit:

- (1) Upon completion of construction of any sign in accordance with these provisions, there shall be a required inspection conducted by the zoning administrator after the expiration of four years and every four-year anniversary thereafter. Said inspection shall be undertaken by the zoning administrator when his records show that the time has elapsed requiring the same. Upon inspection and certification of the given sign as to its safety and adequate maintenance, based on the requirements of the state construction code, the zoning administrator shall issue a certificate of compliance for the sign. This certificate would be issued after inspection, certification and payment of the inspection fee.
- (2) The zoning administrator shall, as necessary to protect the health, safety, and welfare of the township, or upon complaint to his office, voluntarily inspect any sign which may be in violation of this chapter. If a violation is found, then the zoning administrator shall notify the owners of said violation by certified mail and designate a reasonable time for the correction of the same. The zoning administrator shall charge an inspection fee for all inspections incurred when a violation is found to exist. No fee shall be charged if upon inspection of the sign, there is no violation. The amount of the inspection fee shall be set by the township board.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-486. - Violations and penalties.

Any person violating any of the provisions of this chapter shall be responsible for committing a municipal civil infraction and subject to penalties set forth in chapter 18, article III, pertaining to municipal civil infractions. Each day that a violation occurs shall be deemed a separate offense.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-487. - Substitution clause.

Any sign permitted to contain commercial messaging, including advertising structures under the Highway Advertising Act, MCL 252.301, is permitted to substitute a non-commercial message for a commercial message. This clause is intended to prevent any inadvertent favoring of commercial speech over non-commercial speech that may be implied by any other part of this article.

([Ord. No. 172](#), 1-9-2019)

Sec. 38-488. - Waivers and modifications.

The planning commission shall have the ability to waive or modify any of the above standards, provided that the criteria below are met. A waiver granted under this section shall apply only for the lifespan of the sign in question and shall not be transferable to any other sign or premises; however, nothing in this section shall prevent an applicant from exercising their right to appeal for a variance from the zoning board of appeals.

- (1) The applicant provides all requested information and pays all applicable application and review fees.
- (2) The proposed sign does not endanger the general health, safety, and welfare of the public by being distracting to drivers, obscuring vision, being unnecessarily bright, being poorly designed or constructed, or in any other way.
- (3) The sign does not detract from the character of the surrounding area.
- (4) The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.
- (5) The sign will not be a nuisance to any residential uses.
- (6) A sign designed to meet the standards of this article would not adequately serve the purpose desired by the applicant.

([Ord. No. 172](#), 1-9-2019)

Secs. 38-489—38-508. - Reserved.

ARTICLE VII. - PLANNED UNIT DEVELOPMENT⁽⁸⁾

Footnotes:

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State Law reference— Planned unit development, MCL 125.3503.

Sec. 38-509. - Regulatory purpose.

- (a) The planned unit development (PUD) option is intended to permit clustered development that will preserve natural features and the rural character of the township. It is the intent of this section to offer an alternative to conventional development through the use of PUD as authorized by section 503 of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3503) for the following purposes:
 - (1) Encouraging the use of land in accordance with its character and adaptability;

- (2) Ensuring the permanent preservation of open space, agricultural lands, and natural resources;
 - (3) Providing recreational facilities within a reasonable distance of all residents of the PUD;
 - (4) Allowing innovation and greater flexibility in the design of residential developments;
 - (5) Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - (6) Ensuring compatibility of design and use between neighboring properties; and
 - (7) Discouraging sprawling forms of development, thus preserving open space as undeveloped land.
- (b) The regulations of this article are further intended to preserve a traditional rural character to the land use pattern in the township through the creation of small residential areas with open space and less intensive land uses. This article is not intended as a device for avoiding this chapter, the standards set forth therein, nor the planning concepts, upon which this chapter has been based, nor the goals, objectives and strategies of the township master land use plan.
- (c) It is further the intent of this chapter to encourage innovation in design with all new residential development where clustered PUDs can be used to minimize impact on natural features, adjacent land uses and the rural character of the township. To achieve this goal, the township encourages all new development proposals to consider use of the incentives offered by the PUD regulations to realize the benefits of this form of development for the community. These regulations are intended to result in a specific development substantially consistent with the standards of this chapter, yet allow for modifications from the general standards to ensure appropriate, fair, and consistent decision making.

(Ord. No. 151, § 15.01, 6-13-2007)

Sec. 38-510. - Definitions.

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

Parallel plan means a plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site with a conventional subdivision plan that meets the dimensional requirements of the zoning district, as may be modified in this article, identifies adequate area for stormwater detention, septic drainfield and reserve area and complies with the township's subdivision design standards set forth in chapter 16.

Planned unit development (PUD) means a predominately single-family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.

Site area means the total horizontal land area within the lot lines of the original parcel, exclusive of any abutting public street right-of-way, or the submerged area of any lake, stream or pond (below the ordinary high-water mark of a permanent body of water).

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural uses; open space; or a similar use or condition. The term "undeveloped state" could also include a recreational trail, picnic area, children's play area or linear park.

(Ord. No. 151, § 15.02, 6-13-2007)

Cross reference— Definitions generally, § 1-2.

Sec. 38-511. - Criteria for eligibility.

To be eligible for PUD consideration, the applicant must present a proposal for residential development that meets each of the following:

- (1) *Project benefit.* The project shall demonstrate that benefits can be provided through site design elements in excess of the requirements of this chapter, such as extensive landscaping, provide transition areas from adjacent residential land uses, unique site design features, unified access (minimize number of access points to public roads), preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands.
- (2) *Project minimum acreage.* The minimum size of a PUD shall be five acres of contiguous land.
- (3) *Benefit of open space.* The proposed development shall provide at least one of the following open space benefits:
 - a. *Natural features.* The site contains significant natural assets such as woodlands, individual trees over eight inch diameter, measured at breast height, rolling topography with grades exceeding 15 percent, significant views, natural drainageways, water bodies, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the township to preserve and which might be negatively impacted by conventional residential development. If animal or plant habitats of significant value exist on the site, the planning commission, as a condition of approval, may require that the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
 - b. *Facilities for recreation.* If the site lacks natural features, the site can qualify if the development will preserve an existing recreation facility or provide usable recreation areas to which all residents of the development shall have reasonable access. Such recreation facilities may include a neighborhood park, passive recreational facilities such as trails, soccer fields, ball fields, bike paths or similar facilities which provide a feature of communitywide significance and enhance residential development, but excluding golf courses.
 - c. *Woodland features.* If the site lacks existing natural features, the site can also qualify if the development will create significant woodland features. The creation of significant woodland features shall be considered such as providing perimeter buffer plantings and interior street tree plantings at a rate of twice what is required by this chapter.
- (4) *Open space assurance.* The applicant shall guarantee to the satisfaction of the township planning commission that all open space portions of the development will be maintained in the manner approved. Such guarantees of open space shall be provided through conservation easements or other legally binding mechanisms found acceptable to the township. Documents shall be presented that bind all successors and future owners in fee title to commitment made as a part of the proposal. This provision 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 PUD plan.
- (5) *Neighborhood concept.* The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the PUD. Where a PUD is adjacent to another PUD or public recreation area, open space connections shall be provided between the adjoining open space areas.
- (6) *Control.* The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- (7) *Density impact.* The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in comparison

to the intensity of use that would otherwise be permitted by this chapter, as depicted in the parallel plan, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

- (8) *Master plan implementation.* The proposed development shall be consistent with and further the implementation of the township master plan.

(Ord. No. 151, § 15.03, 6-13-2007)

Sec. 38-512. - Location, uses.

- (a) *Location.* Clustered PUDs and lot averaging PUDs may be approved within any zoning district that allows single-family residential. A mixed-use PUD shall only be permitted as an overlay of a site that is zoned C-1 local business district or C-2 general business district.
- (b) *Uses.* A PUD is restricted to principal and special land uses allowed in the zoning district. Special land uses are required to follow the requirements and procedures of article IX of this chapter.

(Ord. No. 151, § 15.04, 6-13-2007)

Sec. 38-513. - Density determination.

The number of dwelling units allowable within a PUD project shall be determined through preparation of a parallel plan. The parallel plan is intended only to illustrate the allowable density for a site based upon the reduced lot sizes listed in the table following subsection (1)b of this section, which are intended as an incentive to utilization of the clustered PUD option. Once the density is determined, then the same number of units shall be incorporated into a site plan for a cluster or lot averaging PUD.

- (1) The applicant shall prepare, and present to the planning commission for review, a parallel design for the project that is consistent with state, county, and township requirements and design criteria for a tentative preliminary plat or a land division under the Michigan land division act (MCL 560.101 et seq.). The parallel plan shall provide a buildable area for each lot that meets all dimensional standards of the underlying zoning district with sufficient area for septic drainfield and reserve area, provide sufficient right-of-way for roadways, and contain an area which conceptually would provide sufficient area for stormwater detention.
 - a. Where the lot averaging PUD option is proposed, the minimum lot area and width on the parallel plan for the purpose of determining residential density shall be as normally required under article III of this chapter.
 - b. Where the clustered open space PUD option is proposed, the minimum lot area and width on the parallel plan for the purpose of determining residential density shall be as shown in the following table:

Zoning District	Parallel Plan Lot Size
AG/RP agriculture and rural preserve	5.0 acres 250' width
R1R rural estate residential	3.0 acres 200' width
R1E estate residential	2.0 acres 200' width

R1A and R1B single-family residential	No water or sewer	1.5 acres 165' width
	Public water or sewer	1.0 acre 110' width
	Public water and sewer	0.5 acre 100' width
	R1B lake lots	1.0 acre 75' width

- c. For the purpose of calculating lot area on the parallel plan, land areas occupied by regulated wetlands and areas designated in the township master plan as natural areas by the Michigan Natural Features Inventory (MNFI) shall be discounted at 50 percent (e.g., two acres of wetland equals one buildable acre). Lots in the parallel plan shall provide sufficient building envelope size without impacting regulated wetlands and areas designated in the township master plan as natural areas under the MNFI. The buildable upland area of each lot on the parallel plan shall be a minimum of one acre or 75 percent of the above minimum lot area requirement, whichever is less.
 - d. For a mixed-use PUD, a parallel plan shall not be required and the density and dimensional standards shall be as provided for in section 38-518.
- (2) The parallel plan is only used to determine allowable density for a PUD. Allowable density is not necessarily the maximum density in the underlying zoning district. The planning commission reserves the right to alter the allowable density based upon the presence of natural features and sufficiency of the plan to mitigate impact upon such natural features and any design features which further the purposes of the township master land use goals, objectives and policies.
 - (3) The planning commission shall review the design and determine the number of lots that could be feasibly constructed according to the objectives of the township master plan and purposes of this chapter. This number, as determined by the planning commission, shall be the maximum number of dwelling units allowable for the PUD project.
 - (4) In computing the number (density) of single-family residential lots, building sites or condominium units, or dwelling units in a PUD, land under water shall not be used for computation purposes.

(Ord. No. 151, § 15.05, 6-13-2007)

Sec. 38-514. - Regulatory flexibility.

- (a) *Base zoning regulations.* Unless modified by the planning commission, according to the PUD standards, all requirements of this chapter for the zoning district shall remain in full force.
- (b) *Authority of planning commission.* To encourage flexibility and creativity consistent with the PUD concept, the planning commission may grant specific departures from the requirements of this chapter as a part of the approval process for the following:
 - (1) Yard, lot width, and bulk standards may be modified, provided that such modifications result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features.
 - (2) Standards that apply to entryway features such as decorative gates (nonclosable), walls and signs may be modified, provided that the overall entranceway design is reviewed by the planning

commission and found to be consistent with the proposed PUD and the character of the surrounding area in terms of size, materials, color, lighting, and landscaping.

- (c) *Approval of modifications.* Any regulatory modification shall be approved through a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the zoning board of appeals. No part of a PUD plan may be appealed to the zoning board of appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan or the requirements of the article.
- (d) *Table of modifications.* A table shall be provided on the site plan which specifically details all deviations from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, subdivision (or condominium) regulations or other provisions of this chapter which would otherwise be applicable to the uses and development proposed in the absence of this article. This specification should include chapter provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this chapter and the township master land use plan shall be considered.

(Ord. No. 151, § 15.06, 6-13-2007)

Sec. 38-515. - Development options.

PUDs may be developed under one of the following three options:

- (1) *Cluster PUD.* A clustered open space PUD may be allowed where the number of dwelling units that could otherwise be developed on the overall parcel is clustered on 50 percent of the land with the remaining 50 percent of the land area preserved as open space, remaining in an undeveloped state in perpetuity. The requirements for this option are provided for under section 38-516.
- (2) *Lot averaging.* A lot averaging PUD may be allowed where lot areas and lot widths are varied such that the average lot area is equal to that required in the underlying zoning district for the respective zoning district. The requirements for this option are provided for under section 38-517.
- (3) *Mixed-use PUD.* A mixed use PUD shall be permitted as an overlay of any site that is zoned C-1 local business district or C-2 general business district. The intent is to facilitate the development of a traditional, pedestrian-oriented hamlet with mixed-use buildings containing retail and service uses on the first floor and residential on upper floors, complemented by surrounding residential following traditional neighborhood design principles. The requirements for this option are provided for under section 38-518.

(Ord. No. 151, § 15.07, 6-13-2007)

Sec. 38-516. - Open space cluster.

- (a) *Standards.* A clustered open space PUD that proposes to preserve a minimum of 50 percent of the site area as open space, remaining in an undeveloped state in perpetuity by means of a conservation easement, plat dedication, restriction covenant, or by other legal means, shall meet the following standards:
 - (1) *Modifications.* Yard, lot width, and bulk standards may be modified, provided that such modifications results in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features.
 - (2) *Lot area and width.* Lot area and width may be reduced below the minimum requirement of article III of this chapter; provided that the area of lot reduction shall be set aside as common open

space. All lots shall meet requirements of the county health department for well and septic. Lots with both well and septic shall not be reduced to less than one acre; provided however, the township board may permit lots no less than 35,000 square feet where the petitioner submits with the preliminary site plan a letter from the county health department stating that soils are suitable for septic systems and that the lots are adequate for primary and reserve drainfields and well-septic separation. Such documentation shall be provided prior to the township board consideration of the preliminary site plan.

- (3) *Open space.* All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.
 - (4) *Areas not considered open space.* The following land areas are not included as dedicated open space for the purposes of meeting the requirements of this section:
 - a. Area proposed as single-family residential lots or site condominiums;
 - b. Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings;
 - c. The area of any road right-of-way or private road easement;
 - d. Area occupied by a golf course; and
 - e. Any submerged land area of a pond, lake or stream, located below the ordinary high-water mark, as defined by part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.) on inland lakes and streams.
- (b) *Wetlands and stormwater ponds.* Protected wetlands and stormwater ponds designed to appear and function similar to a natural wetland may be counted as open space, provided at least 50 percent of the minimum required open space shall be in the form of usable park area or upland nature preserves.
- (1) *Open space location.* Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland, link with adjacent open space or recreation land or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
 - a. The open space along the exterior public roads shall have a depth parallel to the right-of-way of at least 100 feet, either landscaped or preserved in a natural wooded condition meeting the requirements of section 38-521.
 - b. Open space shall be situated to maximize the preservation of any existing site woodlands.
 - c. The master deed shall specify that within all open space areas, a minimum 25-foot-wide undisturbed setback shall be maintained from the edge of any lake, stream or wetland. The township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
 - d. Where adjacent land includes open space or public land, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.
 - (2) *Open space protection.* The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the township. The conservation easement shall ensure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement shall provide the following:
 - a. Allowable use of the dedicated open space shall be indicated. The township may require the inclusion of open space restrictions that prohibit the following:
 1. Dumping or storing of any material or refuse;

2. Activity that may cause risk of soil erosion or threaten any living plant material;
 3. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 4. Use of motorized off-road vehicles;
 5. Cutting, filling or removal of vegetation from wetland areas;
 6. Use of pesticides, herbicides or fertilizers within open space.
- b. The dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The township shall be permitted to conduct inspections of the open space and may require restoration of any damage to natural features by parties who have an ownership interest in the open space. The conservation easement shall provide for maintenance to be undertaken by the township in the event that the open space is not adequately maintained, or is determined by the township to be a public nuisance, with the assessment of costs upon the owners of the open space.
 - c. The dedicated open space shall forever remain open space, subject only to uses approved by the township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require township board approval, based upon a recommendation by the planning commission and shall not diminish compliance with the requirements of this chapter.
 - d. The open space or a conservation easement for the open space may be conveyed to a conservation organization or to a public agency for recreational or conservation use.

(Ord. No. 151, § 15.08, 6-13-2007)

Sec. 38-517. - Lot averaging.

- (a) The township recognizes that certain parcels provide wildlife habitat, plant life and/or other natural characteristics (e.g., slopes, wetlands, woodlots) in need of preservation and protection and that varying lot sizes may assist in preserving these priority resources. These characteristics must be the basis for lot averaging. The intent of this section is to permit the applicant to vary lot sizes and lot widths so as to average the minimum size of lot per building site as required in the schedule of regulations of the underlying district. However, lot averaging shall not create an attendant increase in the number of lots or building sites otherwise provided under the terms of this chapter.
- (b) To the maximum extent feasible, any PUD proposed for lot averaging shall be designed and arranged to ensure that disturbance to any priority resource protection area as a result of development will be minimal. Negative impacts and disturbances to such areas and the plant and animal life of such areas shall be minimized through the use of natural buffer areas, conservation easements, deed restrictions, restrictive covenants, creative lot arrangements or other means acceptable to the township board.
 - (1) In order to meet the average minimum lot size, lot area or width shall be reduced by not more than 25 percent below the area or width otherwise required by the underlying zoning district.
 - (2) All computations which are used in determining lot area and the average resulting through this technique shall be indicated on the drawing which accompanies the PUD application.
 - (3) Approval of a PUD lot averaging under this section shall be conditioned upon recordation with the county register of deeds, an appropriate conservation easement and/or other instruments for the purpose of providing for longterm maintenance of any private roads, drainage features and/or fire suppression features and preservation of open space areas, wooded areas, natural features and/or other priority resource protection areas to be preserved on the property proposed for

division or for creation of building sites. Such instrumentation shall be in a form and content approved by the township.

- (4) The existence of natural features and priority resource protection areas are subject to verification and acceptance by the planning commission.
- (5) Use of lot averaging may be required by the planning commission for building sites, in order to meet the purposes of this subsection (b).

(Ord. No. 151, § 15.09, 6-13-2007)

Sec. 38-518. - Mixed-use PUD.

A mixed-use PUD shall be permitted as an overlay of a C-1 local business district or C-2 general business district zoned site meeting all of the following requirements:

- (1) *Uses.* The planning commission shall determine the appropriate mixture of uses based upon compatibility with surrounding land uses and the intent of creating a pedestrian-oriented, fully integrated, mixed-use development. The PUD may include all permitted uses in the underlying business district and all special land uses; except automobile, and recreational vehicle sales, and rental, drive-in restaurants, automotive repair establishments and autowashes. Single-family residential dwellings and multiple-family dwellings shall be permitted at a density of up to six dwelling units per acre, subject to meeting state and county health department requirements.
- (2) *Dimensional standards.* The dimensional standards of the underlying zoning district shall apply, except as follows:

Use	Minimum Setbacks ⁽¹⁾			Maximum Building Height	
	Front	Side	Rear	Feet	Stories
Single-family residential	20 ft.	5 ft. one side; 15 ft. total both sides	30 ft.	35	2
Multiple-family residential	5 ft. ⁽²⁾	0 ft. ⁽⁵⁾	30 ft.	35	3
Commercial, office, mixed use	0 ft. ^{(3), (4)}	0 ft. ⁽⁵⁾	30 ft.	35	3

⁽¹⁾ Where the side or rear perimeter of a mixed use PUD side abuts a residential zoning district, a 50-foot setback and buffer zone B shall be provided in accordance with article V of this chapter.

⁽²⁾ An unroofed stoop and steps shall be allowed to project into the front yard setback up to the front lot line.

⁽³⁾ Nonresidential and mixed use buildings shall be required to be built to the front lot line. Awnings may encroach upon the frontage line and sidewalk, but shall provide at least eight feet of clearance above the sidewalk, be set back a minimum of three feet from the road curb and not interfere with street trees.

- (4) Parking shall not be permitted between the front of the building containing the pedestrian entrance and the front lot line. Parking shall be to the side or rear of the building. Where side yard parking is visible from the street, a streetwall shall be provided consisting of a picket fence, ornamental wrought iron fence, a brick wall or a continuous evergreen hedge.
- (5) A zero side setback may be permitted where a firewall is provided along the side lot line. Where a firewall is not provided, buildings shall be set back a minimum of ten feet.
- (3) *Open space.* The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction.
- a. A minimum of 25 percent of the site shall be set aside for open space, which shall contain some form of active recreational facility such as plazas, common greens or parks.
 - b. The common open space shall be located to preserve significant natural features, central to the residents of the development and to connect open spaces throughout the development.
- (4) *Design standards.* All uses shall be designed in keeping with traditional neighborhood design principles and shall comply with the following:
- a. Residential buildings shall utilize high-quality traditional architectural styles characteristic of the midwestern United States. All residential units shall provide a pedestrian door facing the front lot line. The front facade of all residential units shall be at least 15 percent windows or doors, excluding garage doors. All dwellings shall include a front porch or front stoop with steps. Townhouses shall be designed with the front door at least three feet above the grade of the sidewalk in front of the dwelling and at grade from the rear; provided that garage doors and basement entrances shall be permitted below this grade. The planning commission may permit a portion of the units to have front entrances at grade.
 - b. Residential facades shall not be dominated by garages, but shall instead utilize recessed garages, attached rear-entry garages, garages that are accessed via a rear service drive or detached garages located in the rear yard. Garages facing towards the front lot line may be permitted where both of the following requirements are met:
 1. The length of the garage wall facing the street is less than 50 percent of the length of the street-facing building facade; and
 2. The front of the garage is set back at least five feet behind the front building line of the living portion of the dwelling.
 - c. Nonresidential buildings shall be designed with traditional styles of architecture, consistent with a rural, small-town environment and consistent with the recommendations of the master plan. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.
 - d. All buildings shall utilize high-quality building materials, which shall be approved by the planning commission as part of an architectural design pattern book. Residential buildings shall utilize building materials that are in keeping with traditional architectural styles. Nonresidential architecture shall comply with the requirement of article V of this chapter, except all facades that face a street shall utilize brick or stone as the primary building material.
 - e. An interconnected street network shall be provided:
 1. Roads shall meet the minimum requirements of the road commission for county. Private roads shall be permitted, provided they meet the requirements of chapter 16, article IV, pertaining to roads standards for a type I private road, and provided that the township may require wider roads to accommodate on-street parking.
 2. Rear alleys shall be permitted to be a minimum of 20 feet wide.

3. Culs-de-sac and other dead-end streets shall be discouraged. Where it is not possible or desirable to provide a through street, the planning commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least 20 feet wide and the central green shall be no less than 20 feet at its narrowest dimension and be landscaped.
- f. A continuous pedestrian circulation system shall be provided throughout the PUD. Minimum four-foot-wide concrete sidewalks shall be required along all residential streets within the PUD. Minimum eight-foot-wide concrete sidewalks shall be required along all commercial frontages in the PUD and where designated in the pathways plan in the township master plan.
- g. All site design requirements of article V of this chapter shall be met, provided that the planning commission may modify the landscape greenbelt and buffer zone requirements or article V of this chapter and section 38-521(b) where consistent with the intent to create a mixed use development with a traditional small-town/hamlet streetscape. For commercial lots, frontage greenbelt canopy tree requirements may be met by planting street trees within the street right-of-way. Buffer zone requirements between commercial parking lots and residential uses within the PUD may be satisfied through the provision of brick screening walls a minimum of four feet six inches tall.
- h. The conceptual PUD plan shall include specifications and standards for overall design features, including architecture, lighting, street furniture, landscaping, signs and other site features to be approved by the planning commission. These standards shall be included in a design pattern book that is provided as an exhibit to the site plan.

(Ord. No. 151, § 15.10, 6-13-2007)

Sec. 38-519. - Roads.

- (a) Private roads in PUDs shall meet the minimum requirements and specifications of a class I, II or III road, or combination thereof, based on criteria set forth in chapter 16, article IV, pertaining to road standards.
- (b) Public roads shall comply with the requirements of the road commission for the county.

(Ord. No. 151, § 15.11, 6-13-2007)

Sec. 38-520. - Natural features.

- (a) *Limits of tree clearing.* The development shall be designed so as to preserve natural resources. Every effort shall be made to preserve high-quality woodland areas with native trees such as native species of birch, apple, aspen, basswood, beech, birch, box-elder, cherry, chestnut, cottonwood, dogwood, elm, fir, hackberry, hemlock, hickory, larch, linden, maple, oak, pine, poplar, spruce, sumac, sycamore, tamarack, and walnut. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat. The planning commission may require a woodland inventory for areas near proposed roads and other construction areas.
- (b) *Wetlands.* All site wetlands shall be preserved to the maximum extent possible, as determined by the planning commission. Stormwater drainage may be direct to wetlands provided that there shall not be significant disturbance to wetland and proper detention and sedimentation is provided to maintain a natural flow to wetlands.
- (c) *Animal or plant habitats.* If animal or plant habitats that are characteristic of presettlement habitat exist on the site, the township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

(Ord. No. 151, § 15.12, 6-13-2007)

State Law reference— Natural resources management, MCL 324.30101 et seq.

Sec. 38-521. - Landscaping.

The following landscaping requirements shall be met in addition to other landscaping requirements contained in this chapter:

- (1) *Street trees.* Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy tree shall be provided on each side for every 40 feet of road. Existing trees to be preserved within ten feet of the road right-of-way or easement may be credited towards meeting this requirement.
- (2) *Frontage greenbelt.* A minimum 100-foot-deep greenbelt shall be maintained along the exterior public roads. This greenbelt shall be landscaped with the plant material required for a residential greenbelt under article V of this chapter arranged in natural groupings. Preservation of existing trees within the greenbelt may be credited towards meeting the landscaping requirement, provided that such trees are inventoried and preservation methods are detailed on the site plan.
- (3) *Natural landscaping.* Landscaping shall be designed to provide a natural appearance and plant materials shall be native to the state.

(Ord. No. 151, § 15.13, 6-13-2007)

Sec. 38-522. - Stormwater management.

- (a) All ponds and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance. The overall stormwater drainage for the site shall be designed to minimize the impact of site drainage on adjacent land and the hydrology of adjacent watercourses and wetlands. Wet ponds/constructed wetlands and retention ponds should be used wherever possible. The use of on-site retention is encouraged except in instances where natural water flow from the site must be maintained to preserve the natural hydrology of an adjacent stream or wetland.
- (b) Landscaping shall be provided around the perimeter of stormwater ponds to create the appearance of a natural pond or wetland. Landscaping shall include a combination of canopy trees, shrubs and grasses that are adapted to saturated soil conditions and native to the state. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the stormwater pond.
- (c) Stormwater ponds shall be designed with shallow side slopes that do not require fencing.
- (d) The development agreement shall provide for longterm maintenance of the stormwater ponds by the homeowner's association.

(Ord. No. 151, § 15.14, 6-13-2007)

Cross reference— Stormwater management, § 12-86 et seq.

State Law reference— Soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.

Sec. 38-523. - Pedestrian circulation.

- (a) A pedestrian trail system shall be provided within the open space to allow for passive recreation and shall provide pedestrian connections to any existing or future planned trail.
- (b) Where the site fronts on a road designated for a pathway in the township master plan's pathways plan, an eight-foot-wide asphalt pathway shall be required within the master planned right-of-way for the road; provided that the township board may, based upon the recommendation of the planning commission, permit an alternative surface for uses such as equestrian trails. Pathways in the road right-of-way shall be permitted with approval from the road commission for the county.

(Ord. No. 151, § 15.15, 6-13-2007)

Sec. 38-524. - Development agreement.

The applicant shall submit an agreement stating the conditions upon which approval is based, for review and approval by the township attorney. The agreement, after review by the planning commission and approval by the township board, shall be entered into between the township and the applicant and be recorded with the county register of deeds. Approval shall be effective upon township board approval and subsequent recording. The agreement shall provide:

- (1) A survey of the acreage comprising the proposed development.
- (2) The manner of ownership of the developed land.
- (3) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- (4) Provision ensuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The township may require conveyances or other documents to be placed in escrow to accomplish this.
- (5) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is ensured by a means satisfactory to the township board.
- (6) The cost of installing and maintaining all streets and the necessary utilities has been ensured by a means satisfactory to the township board.
- (7) Provisions to ensure adequate protection of natural features as required by section 38-520.

The preliminary site plan shall be incorporated by reference and attached as an exhibit.

(Ord. No. 151, § 15.16, 6-13-2007)

Sec. 38-525. - Review and approval procedures.

- (a) *Review process.* A PUD may be approved by the township board, based upon a recommendation by the planning commission following the review procedures and approval standards of this article and chapter 16, pertaining to land divisions and subdivisions, where a land division or a subdivision is being proposed; article VIII of this chapter, where a condominium is being proposed; or the site plan review regulations, where a private road is being proposed.
- (b) *Preliminary PUD site plan submittal.* The preliminary PUD site plan submittal shall include all of the following information:

<i>Existing Site Conditions</i>

An overall area map at a scale of not less than one inch equals 2,000 feet showing the relationship of the PUD to its surroundings such as section lines and/or major streets or collector streets

Physical development plan prepared at a minimum scale of one inch equals 100 feet

Boundaries of proposed PUD, section or corporation lines within or adjacent to the tract, and overall property dimensions

Property lines of adjacent tracts of subdivided and un-subdivided land shown in relation to the PUD site, including those of areas across abutting roads

Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the PUD site, including those located across abutting roads

Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PUD site
Topography drawn as contours with a two-foot contour interval. Topography to be based on USGS datum and be extended a minimum distance of 200 feet outside the PUD boundaries

Proposed Development Features

Parallel plan consistent with state, county and township requirements and design criteria for a tentative preliminary plat that shows the number of dwelling unit that could be developed on the site with a conventional subdivision

Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining roads, and also the widths and location of easements, and public walkways

Layout, numbers, and dimensions of one-family lots, including building setback lines

Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces
outline and depiction of major wooded areas and description of means to be employed to preserve them

An indication of ownership, and existing and proposed use of any parcels identified, as excepted

An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the county drain commissioner. Storm drainage must be provided to an approved outlet or retention

Conceptual site grading plan and conceptual landscaping plan, including pedestrian circulation system
Depiction of proposed development phases
Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements
<i>Tabulations</i>
Total site acreage and percent of total project in various uses, including developed and undeveloped open space
Total site density and density of one-family and multiple-family dwellings and percent of ground area covered by buildings Acreage and numbers of single-family lots and multiple-family dwellings to be included in development phases
<i>Supporting Materials</i>
Legal description of the total site
Draft of the development agreement required by section 38-524
Statement of developer's interest in the land proposed for development
Statement regarding the manner in which open space is to be maintained
Statement regarding the developers intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units, and recreational facilities
Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the use of the land and structures
Statement of required modifications to the regulations which are otherwise applicable to the site
Schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed

- (c) *Public hearing.* The commission shall conduct at least one public hearing for the purpose of receiving public comments on the proposed PUD. Notice of the public hearing shall be provided in accordance

with section 38-46. At the public hearing, the planning commission shall review both the PUD preliminary site plan and the parallel plan. Upon conclusion of the public hearing the planning commission shall direct the applicant to revise the PUD to address public comments.

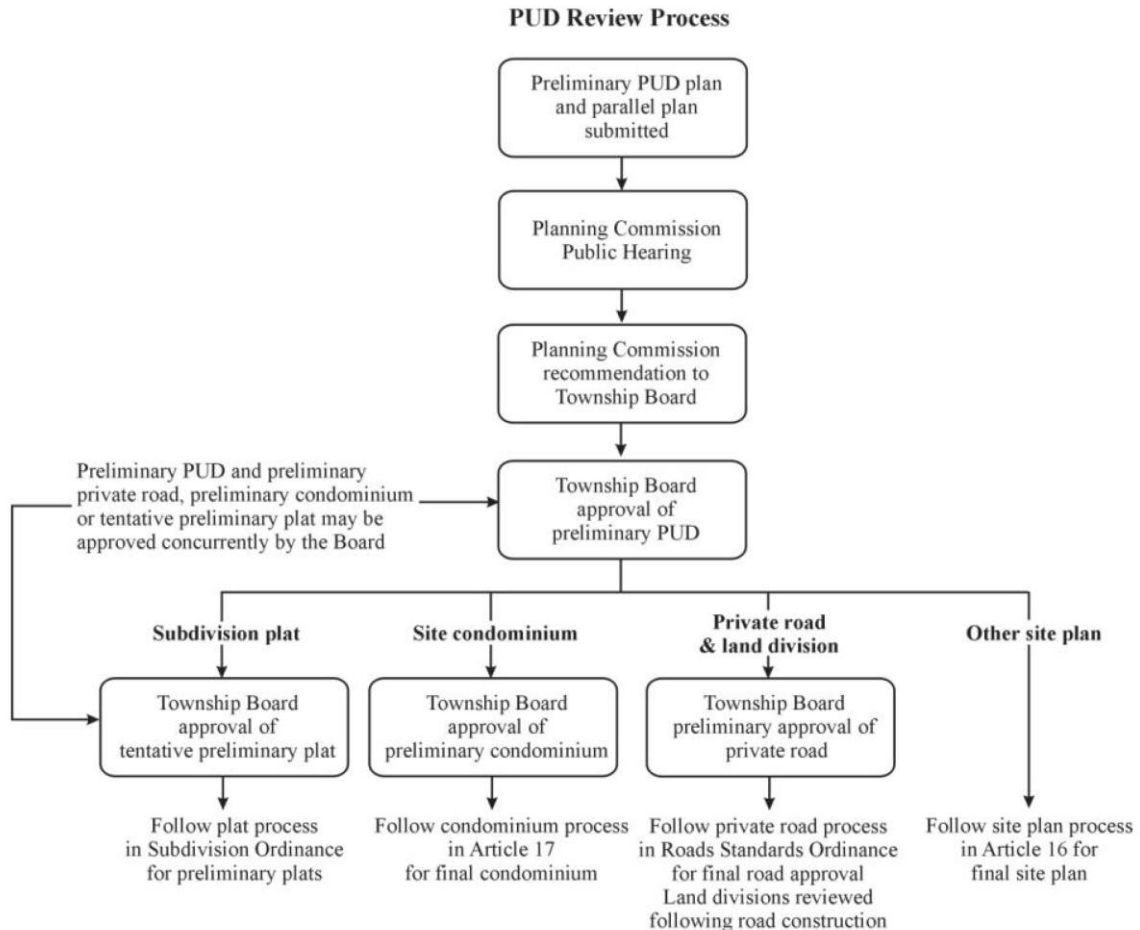
- (d) *Planning commission recommendation to the township board.* Following the public hearing, the commission shall review both the PUD preliminary site plan and the parallel plan and make a recommendation to the board for approval, denial, or approval with conditions, based upon the following:
- (1) The PUD shall satisfy the eligibility criteria of section 38-511.
 - (2) The PUD shall comply with the requirements of this article, other applicable sections of this chapter and the land division, subdivision or condominium standards of the township, as applicable.
 - (3) The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.
 - (4) The PUD shall meet all requirements of the county health department for well and septic systems. The PUD shall not have an adverse impact on the quality and quantity of groundwater.
 - (5) The proposed PUD shall be adequately served by essential public facilities and services, such as roads, pedestrian facilities, police and fire protection, drainage systems and schools. The design shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.
 - (6) The proposed PUD shall not result an adverse effect on the quality of the natural environment in comparison to the impacts associated with a conventional development.

The commission shall state its reasons for such recommendation. The minutes containing the record of the public hearing and the commission's recommendation shall be forwarded to the board and to the applicant prior to the board's consideration of the PUD. The planning commission shall also concurrently make a recommendation to the township board regarding the tentative preliminary plat or preliminary site plan, as applicable. The township board shall consider the planning commission's recommendation at a public hearing to approve, deny, or approve the PUD with conditions. The preliminary approval shall be valid for one year. If final site plans or subdivision plats for at least the first phase of the project are not submitted and approved within the one-year period, the right to develop under the approved preliminary planned unit site plan shall terminate and a new application must then be filed and processed.

- (e) *Conditions.* Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased demand caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the township master plan.
- (f) *Final approvals.*
- (1) Following preliminary approval, the application shall follow the procedures and requirements for final approvals, following the land division, subdivision, condominium or site plan review process, as applicable. Final site plans shall meet all requirements of article II, division 3 of this chapter. Final condominiums shall meet all requirements of article VIII of this chapter. Final preliminary plats shall meet all requirements of chapter 16, pertaining to subdivisions. Final land divisions shall be approved by the land division committee following the procedures and requirements of chapter 16, pertaining to land division.
 - (2) All final site plans or final preliminary plats subsequently submitted shall conform with the preliminary PUD plan, all conditions attached to preliminary approval and the requirements of this chapter. Where changes to the final site plan or final preliminary plat significantly deviate from the preliminary PUD plan, the planning commission shall conduct another public hearing and review

the plan as an amended resubmission of the preliminary site plan under the standards of this article.

- (3) A zoning compliance permit may be obtained following approval of all engineering plans by the township engineer. If construction has not commenced within 24 months of final approval, all township approvals become null and void. Any property owner who fails to maintain the approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to penalties for such violation. The planning commission may require that a performance guarantee be deposited with the township to ensure completion of improvements.



(Ord. No. 151, § 15.17, 6-13-2007)

Secs. 38-526—38-543. - Reserved.

ARTICLE VIII. - CONDOMINIUM REGULATIONS^[9]

Footnotes:

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State Law reference— Condominium act, MCL 559.101 et seq.

Sec. 38-544. - Intent.

This article is intended to provide for condominium projects within the township, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within this chapter and chapter 16, pertaining to subdivisions, and to establish development standards and required information to ensure adequate compliance within the purposes of this chapter, including:

- (1) Orderly growth and harmonious development of the community as planned for in the township master plan;
- (2) Securing adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities;
- (3) Providing for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the township;
- (4) Securing adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes; and
- (5) Providing for an environmental assessment and when necessary to evaluate the impact of proposed developments to ensure minimum impact of the natural environment, including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

(Ord. No. 151, § 17.01, 6-13-2007)

Sec. 38-545. - Definitions.

In addition to the terms defined in section 38-6, the terms defined in the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and chapter 16, pertaining to subdivisions, shall have the meanings as defined therein and are incorporated by reference.

(Ord. No. 151, § 17.02, 6-13-2007; Ord. of 9-5-2008(1), § 4)

Cross reference— Definitions generally, § 1-2.

Sec. 38-546. - Required information.

Concurrently with notice required to be given the township pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171), a person intending to develop a condominium project shall provide the following information with the preliminary site plan:

- (1) The name, address and telephone number of:
 - a. Ownership of record in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - b. The engineer who prepared the site plan, attorney who prepared the master deed and other professionals associated with the project.
 - c. The developer or proprietor of the condominium project.
- (2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- (3) The acreage content of the land on which the condominium project will be developed.

- (4) The purpose of the project (e.g., residential, commercial, industrial, etc.).
- (5) Number of condominium units to be developed on the subject parcel.
- (6) Whether or not a community water system is contemplated.
- (7) Whether or not a community septic system is contemplated.
- (8) A site plan meeting the requirements of article II, division 3 of this chapter for any project proposing new construction or additions, or renovations to existing sites.
- (9) All plans and materials required to demonstrate compliance with chapter 16, pertaining to road standards and other applicable township ordinances.
- (10) A draft of the master deed and bylaws shall be submitted with the final preliminary site plan.

(Ord. No. 151, § 17.03, 6-13-2007)

Sec. 38-547. - Current information.

All information shall be furnished to the township and shall be kept updated until such time as a certificate of occupancy has been issued.

(Ord. No. 151, § 17.04, 6-13-2007)

Sec. 38-548. - Site plans, new projects, engineering and inspections, etc.

- (a) Prior to recording of the master deed required by section 72 of the Michigan condominium act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval under the requirements of article II, division 3 of this chapter, this section and chapter 16, pertaining to road standards. In addition, the township shall require appropriate engineering plans and inspection prior to the issuance of any certificate of occupancy. Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval. Fees for these reviews shall be established by resolution of the township board in addition to those otherwise required by township ordinances.
- (b) All condominium plans shall be reviewed under the following procedure:
 - (1) *Tentative preliminary approval.*

Condominium Review Process



- a. A full site plan, meeting the requirements of article II, division 3 of this chapter, and a preliminary road plan shall be submitted for preliminary condominium site plan approval by the township board, based upon a recommendation by the planning commission. Plans shall be reviewed by the township staff and consultants to provide written recommendations to the planning commission. The planning commission shall review the site plan following the procedures of article II, division 3 of this chapter at a public hearing required under section 38-46 and make a recommendation to the township board to approve, approve with

conditions or deny. If a condominium site plan is incomplete, the planning commission may table the request and direct the applicant to prepare additional information or revise the plan.

- b. Based upon the recommendation of the planning commission, the township board may tentatively approve the preliminary site plan. An application for final preliminary condominium site plan must be submitted within one year after the date of tentative approval preliminary condominium site plan by the township board, or such tentative preliminary approval shall be deemed null and void. The proprietor may be granted one six-month extension with approval from the township board.
- c. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final preliminary condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.
 1. *Agency reviews.* Upon receipt of tentative preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local, county and state regulations. Approvals shall be obtained from the road commission, drain commissioner, and health department. Where streams, regulated wetlands or floodplains are proposed to be impacted, MDEQ approval shall also be obtained.
 2. *Final preliminary approval.* The following information shall be submitted for final preliminary condominium site plan approval by the township board, based upon a recommendation by the planning commission. Plans shall be reviewed by the township staff, engineer, and planner and the fire authority to provide written recommendations to the planning commission. The planning commission shall review the site plan following the procedures of article II, division 3 of this chapter and make a recommendation to the township board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the planning commission may table the request and direct the applicant to prepare additional information or revise the plan.
 - (i) Full site plan meeting the requirements of article II, division 3 of this chapter. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.
 - (ii) A final preliminary road plan meeting the requirements of chapter 16, pertaining to road standards.
 - (iii) County and state approvals applicable to the development.
 - (iv) Condominium master deed and bylaws.
- (2) *Construction plan approval.* Following final preliminary site plan approval by the township board, detailed construction plans shall be submitted for review and approval by the township engineer. Site clearing, grading or construction shall not commence until the township engineer has approved the construction plans.
- (3) *Final approval of master deed, restrictive covenants and as-built survey.* The condominium project developer or proprietor shall furnish the township with the following: one copy of the finalized draft of the master deed, one copy of all restrictive covenants and two copies of an as-built survey. The as-built survey shall be reviewed by the township engineer for engineering aspects and the township planner for compliance with township ordinances. The master deed, restrictive covenants and as-built survey shall be approved by the township board. The master deed shall be recorded with the county register of deeds following final approval by the township board.

(Ord. No. 151, § 17.05, 6-13-2007)

Sec. 38-549. - Monuments required—For site condominium projects.

All condominium projects which consist in whole or in part of condominium units that are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this section.

- (1) Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- (2) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.
- (4) If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof are clearly indicated on the plans and referenced to the true point.
- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (6) All required monuments shall be placed flush with the ground where practicable.
- (7) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
- (8) The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the township clerk cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount set by resolution of the township board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. No. 151, § 17.06, 6-13-2007)

Sec. 38-550. - Same—For all condominium projects.

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of section 38-549.

(Ord. No. 151, § 17.07, 6-13-2007)

Sec. 38-551. - Compliance with area, height and bulk requirements.

The areas and setbacks required for condominium buildings shall be based on the density provisions contained in the schedule of regulations of the zoning district. The submerged area of a lake or stream shall not be included in the unit area of a site condominium lot, but shall be recorded as general common element.

(Ord. No. 151, § 17.08, 6-13-2007)

Sec. 38-552. - Site condominium design standards.

All condominium subdivisions or site condominium projects shall comply with the design standards contained in chapter 16, pertaining to subdivisions, and are herein incorporated by reference. The intent of this section is to require that condominium subdivisions (site condominiums) meet design standards similar to those required for projects developed as a subdivision plat.

(Ord. No. 151, § 17.09, 6-13-2007)

Sec. 38-553. - Street standards, site plan submittal, inspections.

- (a) All streets located within a condominium project shall be constructed and paved in accordance with the standards and specifications of the county road commission, chapter 16, pertaining to road standards and subdivisions for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the master deed. The master deed shall contain a clause approved by the township board, which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a Mylar sheet 24 by 36 inches with an image not to exceed 8½ by 14 inches.
- (b) Prior to issuance of a final certificate of occupancy by the township, the township engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable township ordinances and requirements. Where a private road is being constructed as part of the condominium project, the final private road plan shall be approved by the township board in accordance with chapter 16, article IV, pertaining to road standards.

(Ord. No. 151, § 17.10, 6-13-2007)

Sec. 38-554. - Compliance with federal, state and local law.

All condominium projects shall comply with federal and state statutes and local ordinances.

(Ord. No. 151, § 17.11, 6-13-2007)

Sec. 38-555. - State and county approval.

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

(Ord. No. 151, § 17.12, 6-13-2007)

Sec. 38-556. - Temporary occupancy.

The township may allow occupancy of the condominium project before all improvements required by this chapter are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.

(Ord. No. 151, § 17.13, 6-13-2007)

Secs. 38-557—38-575. - Reserved.

ARTICLE IX. - SPECIAL LAND USES⁽¹⁰⁾

Footnotes:

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

Sec. 38-576. - Intent.

Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. The procedures and standards set forth herein are intended to:

- (1) Accommodate uses which are needed and beneficial to the township but need to be carefully located due to their potential impacts;
- (2) Provide a consistent and uniform method for review of proposed special land uses;
- (3) Provide a mechanism for public input on decisions involving more intense land uses;
- (4) Ensure full compliance with the standards contained in this chapter and other applicable local ordinances, and state and federal laws;
- (5) Regulate the use of land operations and site design based on the characteristics of a particular use;
- (6) Achieve efficient use of the land;
- (7) Ensure impacts associated with a specific use can be accommodated within the environmental capacities of the impacted area;
- (8) Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties;
- (9) Establish procedures for expansion or change in use of a special land use for both uses which have received special land use approval and those which existed prior to the adoption of special land use review procedures.

These provisions encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located.

(Ord. No. 151, § 18.01, 6-13-2007)

Sec. 38-577. - Application submittal.

The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall submit 15 copies of the following to the zoning administrator:

- (1) A complete application form supplied by the township;
- (2) Township review fee;
- (3) Written information describing the special land use;

- (4) A written description regarding compliance with the standards of section 38-579, pertaining to discretionary review criteria;
- (5) A complete site plan meeting the requirements of article II, division 3 of this chapter, pertaining to site plan review.

(Ord. No. 151, § 18.02, 6-13-2007)

Sec. 38-578. - Hearings.

The planning commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing in accordance with section 38-46.

(Ord. No. 151, § 18.03, 6-13-2007)

Sec. 38-579. - Discretionary review criteria.

The planning commission shall have sole power to approve or disapprove all special land uses, except for certain uses that require township board approval, as noted in section 38-582. If the plans meet the required standards of this chapter, article and applicable section and indicate no adverse effects, which, in the opinion of the planning commission, cause injury to the residents, users or adjoining property, or the township as a whole, the planning commission shall approve the use. In consideration of all applications for special land use approval, the planning commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth in the following subsections:

- (1) The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the township's master plan and shall promote the intent and purpose of this chapter.
- (2) The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- (3) The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child vehicle interfacing. The planning commission may require submittal of a traffic impact study to ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional. The township may require mitigation to maintain the preexisting traffic operations.
- (4) The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The planning commission may require a quantitative comparison of the impacts of typical permitted uses and the special use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the requested use (i.e., ensure the end result is at least similar to the preexisting conditions).
- (5) The proposed special land use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating

therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

- (6) The proposed special land use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district. The proposed use shall be such that the proposed location and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (7) The proposed special land use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
- (8) The proposed special land use shall be designated, located, planned and be operated so that the public health, safety and welfare will be protected.

(Ord. No. 151, § 18.04, 6-13-2007; Ord. of 9-5-2008(2), § 1)

Sec. 38-580. - Planning commission action.

Following the public hearing, the planning commission shall take action on the special land use application as follows:

- (1) *Approval.* If the planning commission determines that the particular special land use should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon that the particular officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the township not later than one year from the date of approval, or such approval shall automatically be revoked; provided, however, the planning commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six months as it shall determine to be necessary and appropriate.
- (2) *Denial.* If the planning commission shall determine that the particular special land use requested does not meet the standards of this chapter or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- (3) *Table.* The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies or revisions are necessary to bring the proposal into compliance with applicable standards and regulations. The planning commission shall direct the applicant to prepare additional information on the special land use or revise the site plan. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified by the applicant's design professional. Amended plans or other material that show a diligent effort to address all reasons for tabling shall be placed on the agenda of the planning commission for further review and action.
- (4) *Conditions.* The planning commission may impose such conditions or limitations in granting approval as may be permitted by state law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use 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 do all the following:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as 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.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- c. 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.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The planning commission shall maintain a record of changes granted in conditions.

- (5) *Record.* The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- (6) *Township board approval.* Certain special land uses require township board approval, as noted in section 38-582, including landfills, composting centers, mining, extraction, and soil removal, recycling facilities, recycling operations, salvage yards and tire shredding/processing/storage. In addition to complying with all of the requirements of this ordinance, these uses are subject to the licensing requirements of article VI of chapter 12. These uses shall be reviewed by the planning commission in accordance with the process noted above, except the final authority for approving the special land use shall be with the township board as follows:
 - a. The planning commission will conduct a public hearing on the special land use and make a recommendation to the township board to approve, approve with conditions or deny the special land use and the license application.
 - b. The planning commission shall also take action to approve the site plan, conditioned on the township board's approval of the license, and the special land use or table the site plan pending the township board's action.
 - c. The township board shall review the applications along with the recommendation of the planning commission and approve, approve with conditions or deny the special land use as provided for in this section, and the license application in accordance with article VI of chapter 12.

(Ord. No. 151, § 18.05, 6-13-2007; Ord. of 9-5-2008(2), § 2)

Sec. 38-581. - Amendments, expansions and change in use.

- (a) *Major amendments.* The property owner shall notify the zoning administrator of any change in an existing special land use. Any major amendment to an approved special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article. Amendments to the site plan shall bring the site into compliance with all zoning chapter requirements determined to be reasonable by the planning commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The zoning administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the total cumulative expansion since the original special land use approval as follows:
 - (1) Changes increase the buildings usable floor area by more than 25 percent;
 - (2) Parking lots are expanded by more than 25 percent;

- (3) The occupancy, capacity or membership of the use is increased by more than 25 percent;
 - (4) The use is expanded to occupy an additional 25 percent or more land area; or
 - (5) The expansion will result in a 25 percent or more increase in traffic generation, based upon the latest edition of the Institute of Traffic Engineers Trip Generation Manual.
- (b) *Minor amendment.* Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but shall still be subject to the requirements of section 38-111.
- (c) *Change in use.* Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article.

(Ord. No. 151, § 18.06, 6-13-2007)

Sec. 38-582. - Specific use standards.

The following special land uses may be allowed within the zoning districts where they are listed as a special land use, subject to all applicable requirements of this chapter, the approval requirements of this article and the specific standards, as follows:

(1) *Adult entertainment facilities.*

- a. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., more than two such uses within 1,000 feet of each other would create such adverse effects). Uses subject to these controls are as follows:
 - 1. Adult bookstore;
 - 2. Adult motion picture theater;
 - 3. Adult mini-motion picture theater;
 - 4. Adult personal service business;
 - 5. Cabaret.
- b. Any adult regulated use/building shall be at least 1,000 feet from any of the following, except as otherwise provided by subsection (1)c of this section:
 - 1. Another existing adult regulated use;
 - 2. Public, charter, private or parochial school;
 - 3. Library;
 - 4. Park, playground or other recreation facility which admits minors;
 - 5. Day care center or nursery schools;
 - 6. Church, convent, monastery, synagogue or other similar place of worship;
 - 7. Any establishment licensed by the state liquor control commission;
 - 8. Pool or billiard halls;
 - 9. Pawnshops;

10. Hotels or motels;
 11. Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers.
- c. The planning commission may waive the locational provision of subsection (1)b of this section for adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, cabarets, if the following findings are made:
1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.
 2. The proposed use will not enlarge or encourage the development of a skid row area.
 3. All applicable regulations of this chapter will be observed.
- d. It shall be unlawful to hereafter establish any adult bookstore, adult motion picture theater, adult mini-motion picture theater or cabaret within 500 feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the planning commission a petition which indicated approval of the proposed regulated use by 51 percent of the persons owning, residing or doing business within a radius of 500 feet of the location of the proposed use, the petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made.
- e. The township building department shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the township and the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

The planning commission shall not consider the waiver of locational requirements set forth in this subsection (1), until the above-described petition shall have been filed and verified.

- (2) *Adult foster care group home.* Adult foster care small and large group homes, pursuant to Public Act No. 218 of 1979 (MCL 400.701 et seq.), are subject to the following conditions. The conditions are to protect the neighboring uses from adverse impact, maintain and protect residential character, ensure the compatibility of foster care uses with other uses permitted in residential districts, and ensure that foster care uses remain clearly incidental to the permitted residential uses. Adult foster care small and large group homes may be authorized by a special use permit in accordance with this article, provided the following conditions, principles and requirements are met:
- a. There shall not be more than one residential dwelling unit per site.
 - b. Site location principles. The following principles shall be utilized to evaluate the proposed location for any adult foster care small and large group homes within a permitted district. These principles shall be applied by the planning commission to help in assessing the impact upon the district in which the use is proposed.
 1. The site shall be located no closer than 1,500 feet to any of the following:
 - i. Another licensed group day care home.
 - ii. Another adult foster care family home, adult foster care small group home and adult foster care large group home licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq.).
 - iii. A facility offering substance abuse treatment and rehabilitation services to seven or more individuals licensed under article 6 of the public health code, Public Act No. 368 of 1978 (MCL 333.6101 et seq.).

- iv. The distance specified shall be measured along a street, road or place maintained by the state, county or township and generally opened to the use of the public as a matter of right for the purpose of vehicle traffic, not including alleys.
 - c. Development requirements. The following requirements for site development together with any other applicable requirements of this chapter shall be complied with:
 1. License. Adult foster care small group home shall obtain and maintain a valid license from the state department of human services and provide a copy of that license to the township along with each renewal of that license every two years.
 2. Permitted structure. Activities associated with adult foster care small or large group home shall not be permitted in any building, structure, or attached or detached garage other than the principal dwelling unit.
 3. Uses. Foster care uses shall not generate noise, odor, vibration, or electrical interference beyond that level normally associated with residential land uses.
 4. Parking shall be provided so there is one parking space for each employee during the maximum employment hours, plus six additional parking spaces for visitors and guests for an adult foster care group home. All parking areas are to be paved with asphalt or concrete.
 5. There may be one non-illuminated sign which is four square feet in area or less, it must be attached to the principal structure, and the sign may only display the name and address of the foster care facility.
 6. The property must be maintained consistent with the visible characteristics of the neighborhood. There shall not be any type of equipment or recreation items located in the front yard.
 7. The applicant will provide to the township a certification from the county health department approving the water and the sewage disposal system as being adequate for the number of occupants and employees of the facility.
 8. A solid waste dumpster of at least five cubic yard capacity shall be properly maintained and serviced on site.
 9. Parking areas shall be properly lighted with lighting confined to the site.
 10. Adult foster group homes shall be subject to site plan review.
 11. Emergency egress and fire suppression system of satisfactory design as approved by the fire department shall be provided.
- (3) *Accessory drive-in or drive-through service.* Use standards for accessory drive-in or drive-through service are as follows:
 - a. The service, including any lighting associated therewith, shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of the adjacent residential land use.
 - b. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
 - c. Each facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The planning commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
 - d. There shall be a minimum of ten stacking spaces for drive-through restaurants and three stacking spaces for other uses.

- e. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.
 - f. The number of on-site directional signage shall be limited to two signs.
 - g. There shall be no more than one driveway to a single public street.
- (4) *Agribusiness uses.* Use standards for agribusiness uses are as follows:
- a. The site shall have a minimum area of ten acres.
 - b. Retail floor area for agribusiness uses shall not exceed 3,000 square feet.
 - c. Retail sales to the general public shall be limited to products that are grown on the property from which they are sold or other customary agricultural products.
 - d. 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.
- (5) *Airports.* Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations shall be subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the township. All aircraft approach lanes, as established by appropriate aviation authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies, in considering an airport use.
- (6) *Yard and placement requirements.* Yard and placement requirements are as follows:
- a. No building or structure or part thereof shall be erected closer than 60 feet from any property line.
 - b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.
 - c. Performance requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.
 - d. Prohibited uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than 30 days from the date of the accident.
- (7) *Bed and breakfast inn.* A private residence, owned by the innkeeper, may be operated as a bed and breakfast that offers sleeping accommodations to transient tenants in five or fewer rooms for rent, and is the residence in which the innkeeper resides while renting the rooms to transient tenants and in which the innkeeper serves breakfast at no extra cost to the transient tenants. Such a use may be allowed in districts where such a use is listed as a special land use pursuant to a special land use permit provided that:
- a. It is operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential-type garage.
 - b. It is only conducted by the persons who own and occupy the premises.
 - c. It has no exterior evidence other than a permitted sign to indicate that the same is being utilized for any purpose other than that of a dwelling.
 - d. It does not involve alteration or construction not customarily found in residential dwellings; except such modifications as recommended by the fire department and accepted by the planning commission such as fire protection and fire suppression equipment.
 - e. It is clearly incidental and subordinate to the one use of the premises for residential purposes.

- f. It does not constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or unreasonable traffic to the premises.
 - g. It does not utilize more than five transient sleeping units with a minimum square footage for each unit of 100 square feet for two lodgers and 50 square feet for each additional lodger to a maximum of four occupants per room.
 - h. Guests are not allowed to stay longer than 14 consecutive days or 30 days in any one calendar year at any bed and breakfast location.
 - i. 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 building inspector or his designee.
 - j. All bed and breakfast permit holders shall be reviewed on an annual basis and shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations.
 - k. No building or structure either on the premises of the bed and breakfast inn or on property adjacent thereto shall be removed in order to provide parking for the bed and breakfast inn.
 - l. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses in such form and manner as may be required by the planning commission.
 - m. No bed and breakfast inn shall have on its premises any restaurant which is open to the general public or any gift shop, store or public meeting room or other sales, lease or rental operations.
 - n. Sufficient off-street parking shall be required as for commercial lodging establishments.
 - o. All requirements of initial fire department recommendations as adopted by the planning commission and compliance with and subsequent fire safety inspection reports shall be complied with.
 - p. All developments shall be subject to site plan review and approval procedures as specified in article II, division 3 of this chapter.
- (8) *Cemeteries*. Use regulations for cemeteries are as follows:
- a. The site shall have a minimum area of 20 acres.
 - b. The area to be occupied by the cemetery shall not have more than 51 percent of its land area in recorded plots.
 - c. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access to and from such areas.
 - d. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.
 - e. All sides of the cemetery shall be screened from any residential views by providing a continuous and completely obscuring wall or fence, four feet six inches in height, measured from the surface of the ground. The planning commission may permit a chainlink-type fence adequately screened with deciduous and evergreen material.
 - f. Approval shall be given contingent on a satisfactory drainage plan approved by the township engineer and the county health department.
 - g. A cemetery trust fund shall be established and approved by the state cemetery commissioner, where required by Public Act No. 251 of 1968 (MCL 456.521 et seq.).
- (9) *Churches and other places of worship; schools; and public buildings*. Use regulations for churches and other places of worship; schools; and public buildings are as follows:

- a. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.
 - b. No off-street parking shall be permitted in the front yard.
- (10) *Colleges and universities (public and private)*. Use regulations for public and private colleges and universities are as follows:
- a. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.
 - b. No building other than a structure for residential purposes shall be closer than 75 feet to any property line.
 - c. Height of residential buildings in excess of the minimum requirements may be allowed, provided that minimum yard setbacks, where yards abut land zoned for residential purposes, are increased by not less than 30 feet for each yard, for each 12 feet or fraction thereof by which the building exceeds the maximum height requirements of the zone.
 - d. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
- (11) *Commercial, outdoor recreation*. Use regulations for commercial, outdoor recreation are as follows:
- a. Children's amusement parks must be fenced on all sides with a four-foot, six-inch wall or fence that is at least 50 percent opaque.
 - b. No loudspeaker or public address system shall be used, except by the written consent of the township board, wherein it is deemed that no public nuisance or disturbance will be established.
- (12) *Commercial riding academy or stables*. Use regulations for commercial riding academies or stables are as follows:
- a. The minimum site size shall be 20 acres where all riding will take place within an arena building and 40 acres where riding will occur in open areas outdoors.
 - b. Where riding is intended outdoors the applicant may be required to submit a trail plan for approval to the township planning commission showing the general location of intended riding trails.
 - c. All areas for stockpiling manure shall be screened from view, shall not be located closer than 250 feet to any property line, creek, or stream, and shall not be allowed to become a nuisance.
 - d. Adequate off-street parking shall be provided for customers in the ratio of one space for every two horse boarding stalls. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determined by the planning commission to be appropriate and subject to the provisions of article V of this chapter.
 - e. Off-street parking shall be provided in accordance with the standards set forth in article V of this chapter, except that the requirements for hard surfacing may be modified by the township to include a durable, dustless, water permeable surface.
 - f. Horse trailers shall be stored within a building, a screened enclosure or behind a building so that they are not visible from the road right-of-way.
 - g. At least one unisex/handicap access restroom must be made available for public use.

- h. The style and size of the structures shall be subject to the planning commission's review and approval to determine that the project will be compatible and consistent with the surrounding residential areas, if applicable.
- i. A manure management plan must be submitted to the planning commission for approval and shall be a condition of any special land use permit approval. The riding academy shall be operated according to the plan as approved or modified by the planning commission. Such guidelines shall be developed by rule by the planning commission.
- j. The maximum number of horses/equestrian animals which may be kept on the premises shall be subject to the special land use permit conditions.
- k. The size and location of any and all signs associated with the stable/riding academy shall be subject to planning commission approval.
- l. Any sale of goods from the premises shall be specifically approved as a condition of special land use permit approval.
- m. Outdoor lighting for nighttime riding shall be directed in a manner that prevents off-site glare or light sources to be visible from adjacent residential areas.
- n. Hay, straw, bedding and other combustibles material shall be limited to one day's supply in the main stable arena area. Storage exceeding one day's supply must be stored in a detached building located at least 100 feet from the main structure. Details of this arrangement shall be shown on the site plan.
- o. NFPA 150, Standard on Fire and Life Safety in Animal Housing Facilities, 2007 Edition, should be used as a guide in planning and constructing facilities.
- p. Second floor viewing areas must meet NFPA 101, Life Safety Code, with specific methods of achieving compliance outlined in the site plan.
- q. Caretaker's residence. Caretakers' residences shall comply with the following:
 - 1. A caretaker's residence, where such residence is accessory to a permitted use, may be allowed at the discretion of the planning commission.
 - 2. A caretaker's residence may not be occupied prior to a permanent residence being occupied on the same parcel.
 - 3. A caretaker's residence may not be used for rental purposes at any time.
 - 4. A caretaker's residence must meet sanitary regulations as set forth by the county health department.
 - 5. A caretaker's residence may be used as an office or storage space directly related to the riding academy or stable. Any use other than the approved use must be submitted for approval to the planning commission.
 - 6. A caretaker's residence may be located within or attached to any approved building; provided that no grooms' quarters or other living facilities are allowed within 100 feet of the stable/arena building.
 - 7. When a caretaker's residence is detached from any existing or approved building, it must meet all requirements of this subsection, excluding subsection (18)e of this section.
 - 8. A caretaker's residence must meet the current state construction code adopted by the township.
 - 9. A caretaker's residence must be occupied by the principals or employees directly engaged in the maintenance and supervision of the premises.

(13) *Common use riparian access lots.* Use regulations for common use riparian access lots are as follows:

- a. This subsection (13) shall apply to the creation of a common use riparian lot or keyhole or expansion to an existing facility that increases the number of boats that may be moored.
- b. The proposed construction or use, because of its intensive nature or proposed location, shall not pose substantial environmental hazards, and all other factors considered in light of the proposed use and the specific characteristics of the property and the surroundings are favorable towards the proposed use.
- c. No use shall be made of any land or water for boat liveries or public or commercial beaches or recreational use operated for profit.
- d. Any dredging and/or filling of regulated wetland or water area shall be permitted only after review and approval from the state department of environmental quality, or the county drain commissioner, as applicable.
- e. Where the lot is to be used for the mooring of boats, it shall conform to the following minimum requirements:
 - 1. The riparian lot shall have a minimum of 50 feet of riparian frontage for each nonriparian lot or dwelling unit that is permitted to moor a boat. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage. The riparian frontage shall also have a minimum depth of 50 feet between the shoreline and the lot line that is opposite and parallel to the shoreline.
 - 2. The deed to such lot or parcel shall specify the nonriparian lots, parcels or dwelling units that shall have rights to its use.
 - 3. Any boat dock facility within a common use riparian lot for more than three boats must obtain a permit for marina operation from the MDEQ in accordance with administrative rules of Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.) on inland lakes and streams. Design for a boat dock facility shall meet all of the MDEQ standards for marinas.

(14) *Correctional facilities.* Use regulations for correctional facilities are as follows:

- a. Such facilities shall not exceed the maximum residential land use density for the RM district.
- b. All such uses shall be located on a parcel of not less than ten acres.
- c. All buildings and/or structures used or related to the community correctional facilities shall not be located closer than 250 feet to any property boundary of an abutting residential and/or agricultural zoning district.
- d. Any buildings proposed shall be architecturally compatible with surrounding buildings and dwellings.
- e. Security fencing shall be provided around the entire perimeter of the site.
- f. Such facilities shall be in accordance with PA 232 of 1953.

(15) *Automotive service center, gasoline service station, etc.* Use regulations for automotive service centers, gasoline service stations, etc., are as follows:

- a. There shall be a minimum lot area of one acre and minimum lot frontage of 250 feet.
- b. Pump islands shall be a minimum of 20 feet from any public right-of-way or lot line, and at least 40 feet from any residential lot line.
- c. A maximum of two driveways shall be permitted and the maximum width of driveways shall be 35 feet. All driveways shall comply with the access standards of section 38-407.
- d. All repair work shall be conducted completely within an enclosed building.

- e. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan approved by the planning commission and which extends no more than ten feet beyond the building.
- f. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one week. Storage of wrecked, partially dismantled, or other derelict vehicles that are not undergoing current repair or maintenance is prohibited.
- g. The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logos or identifying paint scheme on the canopy shall be reviewed by the planning commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property. Canopy lighting shall be recessed such that the light source cannot be seen from off site.
- h. The applicant shall submit a pollution incidence protection plan (PIPP) as part of the site plan application. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special checkvalves, drain back catchbasins and automatic shutoff valves.

(16) *Golf courses.* Use regulations for golf courses are as follows:

- a. Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may not be located closer than 75 feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
- b. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.
- c. Whenever included, swimming pools shall be provided with a protective fence not less than six feet in height that is at least 50 percent opaque, and entry shall be provided by means of a controlled gate or turnstile.

(17) *Hospitals.* Use regulations for hospitals are as follows:

- a. All such hospitals shall be developed on sites consisting of at least five acres in area for the first 100 beds or less plus one acre for each additional 25 beds.
- b. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.
- c. The site plan shall show that a proper relationship exists between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- d. All the development features, including the principal building and any accessory buildings, open spaces, and all service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

(18) *Kennels.* Regulations for kennels are as follows:

- a. *Purpose.* The purpose of this subsection (18) is to provide for the construction and maintenance of both standard and commercial kennels within the township so as to protect the general health, safety, and welfare of residents and property owners and to preclude any harmful effects of such land use form occurring in any zoning district where such use may be permitted.

- b. *Applicability.* This chapter is intended to prohibit any premises being used contrary hereto. Kennels are defined in section 38-6 under commercial kennels and standard kennels. All kennels shall comply with all applicable township, county, and state regulations. Any person, firm, corporation, partnership, association, for profit, non-profit or user of lands violating this chapter shall be guilty as herein defined. A kennel shall consist of a kennel building, dog runs, fencing, noise shielding, refuse disposal, and necessary parking and shall be located on the lot.
- c. *Regulations.* The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of this Code and the ordinances of the township. In addition, all kennels shall be regulated by the rules of the county animal shelter and dog pound and Public Act No. 195 of 1969 (MCL 287.262 et seq.).
- d. *Inside enclosures.* The minimum size of the enclosures within the required kennel building shall be not less than three feet by three feet square and four feet high. There shall be a door or gate to each enclosure which allows easy access for inserting or removing the dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one enclosure for any dog over 18 inches long or over 14 inches high.
- e. *Outside runs.* The exterior runs shall be a minimum of three feet wide and ten feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. Dogs shall be kept in the kennel building from 9:00 p.m. to 9:00 a.m. All exterior runs shall be paved and constructed with a slope to facilitate drainage. No more than three dogs shall be allowed in the outdoor runs or exercise areas at any one time.
- f. *Enclosure fences.* The outside enclosures such as runs, etc., shall all have fencing a minimum of six feet high, of commercial cyclone quality or woven type of equal quality. The gates to these enclosures shall be self-latching and each shall be equipped with a lock. The gate shall be locked at all times when not being used.
- g. *Noise and view fence.* The dog runs, exercise yards and any places where the dogs are kept either fulltime or parttime must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. This fence shall allow air to pass through and may be constructed of masonry with sound baffles, or may be of a wood louver or other similar type. The fence and/or earth berm shall also be no less than six feet or more than eight feet high and no closer than three feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines.
- h. *Setbacks.* Any activities associated with a standard kennel including but not limited to the kennel building, dog runs, exercise yards and any other place where dogs are kept outside, must be set back a minimum of 100 feet from any/all property lines, wetlands and ponds.
- i. *Dog nuisance barking.* "the term "dog nuisance barking" shall mean barking which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The barking must be continuously audible for ten minutes or intermittently audible for 30 minutes within a three-hour period.
- j. The minimum lot size for a standard kennel shall be 20 acres.
- k. The total number of dogs and/or cats allowed shall not exceed 12 in a standard kennel or 20 in a commercial kennel at any one time.
- l. Unannounced inspection based on complaints received from citizens can and will be conducted to determine any action needed to resolve issues. Refusal to allow such an inspection may lead to the loss of kennel approval.
- m. Yearly inspection shall be required to confirm compliance with the above standards, including the number of animals. An annual inspection shall be conducted by Rose Township

to confirm compliance, with above standards, as well as manure management plans and the number of animals. An inspection shall also be conducted by North Oakland County Fire Authority (NOCF) regarding fire safety.

- n. *Manure management plans.* A plan shall be submitted for the kennel building and any outside runs. The plans must be submitted for approval and shall be a condition of any special land use approval. The kennel shall be operated according to the plans as approved or modified by the planning commission.
 - o. The parcel must be owned, operated and occupied by the owner/operator of the standard kennel.
- (19) *Landfill and composting center.* Use regulations for landfills and composting centers are as follows:
- a. Disposal area activity shall only be allowed as a special land use activity within zoning districts specified in this chapter and subject to the provisions of this article. The purpose of these procedures is to provide for the use of lands as disposal areas and to regulate and control the use for the preservation of public health, safety and welfare. Disposal areas are considered to be a temporary use of land only; therefore, the further intent of these provisions is to ensure that such operations are conducive to and result in the reclamation of the land for other purposes. The requirements of this subsection shall be in addition to the requirement of all applicable state laws.
 - b. The location of all disposal areas shall be sufficiently distant from preexisting development so as not to be injurious to the public health, safety and welfare.
 - c. License required. All landfills and composting centers shall be required to obtain a special land use and an annual license issued by the township board. All performance standards and requirements of article VI of chapter 12 must be met prior to issuance of the special land use and the annual operating license. The requirements of article VI of chapter 12 are incorporated herein by reference.
 - d. Approval procedures. The petitioner shall be required to submit a site plan with all of the information required by division 3 of article II of this chapter, a special land use application with all of the information required by this article, and a license application with all of the information required by article VI of chapter 12. Once a complete application is submitted, the application shall be reviewed as follows:
 - 1. The planning commission will conduct a public hearing on the special land use following the procedures of this article and make a recommendation to the township board to approve, approve with conditions or deny the special land use and the license application.
 - 2. The planning commission shall also take action to approve the site plan, conditioned on the township board's approval of the license, and the special land use or table the site plan pending the township board's action.
 - 3. The township board shall review the applications along with the recommendation of the planning commission and approve, approve with conditions or deny the special land use, and the license application.
- (20) *Large-scale commercial recreation and camps.* Regulations for large-scale commercial recreation and camps are as follows:
- a. *Site requirements.*
 - 1. All approved uses shall be on a contiguous parcel of 20 acres or more in area.
 - 2. All ingress and egress shall be directly to a public road having an existing or planned right-of-way of not less than 86 feet or designated as a major thoroughfare (arterial or collector) on the township's adopted master plan.

3. Review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- b. *Yard and placement requirements.*
1. All development features including the principal building related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public right-of-way; provided that where topography conditions are such that the building would be screened from view, this requirement may be modified.
 2. No activity shall take place within 30 feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective fence or greenbelt.
 3. Related accessory commercial uses may be permitted in conjunction with recreation use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
 4. Permitted accessory uses which are generally of a commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in separate building.
 5. No buildings shall be located in a floodplain area.
- c. *Other requirements.*
1. Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate or turnstile.
 2. When a gun club is proposed it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.
- (21) *Mining, extraction and soil removal.* Use requirements for mining, extraction and soil removal shall be as follows:
- a. *Intent.* The intent of this subsection (21) is to regulate the activities and impacts which are associated with a mining, extraction and soil removal operation. These regulations are intended to provide for the preservation of the public health safety and welfare as well as the natural environment. Furthermore, in addition to the licensing and regulation of mining, extraction and soil removal, the township intends to monitor and inspect such operations to assure minimization of any and all pollution or impairment of the natural environment, including groundwater, surface water, air, flora, fauna and the roadside environment.
 - b. *License required.* All mining, extraction and soil removal shall be required to obtain a special land use and an annual license issued by the township board. All performance standards and requirements of article VI of chapter 12 must be met prior to issuance of the special land use and the annual operating license. The requirements of article VI of chapter 12 are incorporated herein by reference.
 - c. *Approval procedures.* The petitioner shall be required to submit a site plan with all of the information required by division 3 of article II of this chapter, a special land use application with all of the information required by this article, and a license application with all of the information required by article VI of chapter 12. Once a complete application is submitted, the application shall be reviewed as follows:
 1. The planning commission will conduct a public hearing on the special land use following the procedures of this article and make a recommendation to the township board to

approve, approve with conditions or deny the special land use and the license application.

2. The planning commission shall also take action to approve the site plan, conditioned on the township board's approval of the license, and the special land use or table the site plan pending the township board's action.
3. The township board shall review the applications along with the recommendation of the planning commission and approve, approve with conditions or deny the special land use, and the license application.

(22) *New or used sales or showroom for automobiles, boats and recreational vehicles.* Use regulations for new or used sales or showrooms for automobiles, boats and recreational vehicles shall be as follows:

- a. All lighting shall be shielded from adjacent uses in such a manner that it does not project beyond the property line.
- b. Ingress and egress to the site shall be at least 50 feet from a street intersection or adjacent residential district.
- c. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring masonry wall four feet six inches in height along the abutting residential district.
- d. There shall be no strings of flags or bare lightbulbs, or flashing illumination of any kind anywhere on the site.

(23) *Nursery schools, day nurseries, child care centers, group day care homes.* Nursery schools, day nurseries, child care centers, and group day care homes shall be permitted if all of the following standards are met:

- a. If located in a residential district, is located not closer than 1,500 feet to any of the following:
 1. Another licensed group day care home.
 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Public Health Code, Public Act No. 368 of 1978 (MCL 333.6101 et seq.).
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b. Has appropriate fencing for the safety of the children, as determined by the township.
- c. Maintains the property consistent with the visible characteristics of the neighborhood.
- d. If located in a residential district, does not exceed 16 hours of operation during a 24-hour period.
- e. Meets sign regulations contained in article VI of this chapter.
- f. Meets parking regulations contained in article V of this chapter.

(24) *Permanent outdoor sales and display accessory to a permitted retail use.* Permanent commercial outdoor display, sales or storage including sales or storage of building/lumber supply, contractor's yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, mowing equipment, construction equipment and similar materials or equipment shall comply with the following requirements:

- a. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impact adjacent

property. The township may approve a gravel surface for all or part of the display or storage area, upon a finding that neighboring properties and the environment will not be negatively impacted.

- b. No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located.
 - c. All outdoor storage area property lines adjacent to a residential district shall provide a six-foot-tall screening fence.
 - d. The height of all material stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence, except where such stored materials or equipment is located more than 100 feet from the screening.
 - e. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent blowing of materials.
 - f. The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the use.
- (25) *Parks—Active.* Active parks shall be subject to the following requirements:
- a. All county roads which service such facilities shall be already paved or be paved to a distance of three miles from any public access to such park and/or facility.
 - b. The perimeter of the park must be entirely fenced, except over bodies of water, and there must be demonstrated that there will be security when not in use or operation.
- (26) *Same—Passive, county, regional and state facilities.* In order for a facility or park to qualify as a passive facility, the park/facility shall meet the following requirements:
- a. A site plan submitted pursuant to article II, division 3 of this chapter which contains the following:
 - 1. Location of all facilities on the property.
 - 2. Proposed or planned future construction.
 - 3. Sanitary facilities.
 - 4. Potable water supply.
 - 5. First aid station and type of equipment available.
 - b. All newly constructed structures shall have a sprinkler system when recommended by the township's fire authority, which is approved by the fire authority or as required by applicable state construction codes as adopted by the township.
 - c. There shall be no off-road use of motorized vehicles such as mopeds, dirt bikes (motorized), motorcycles, three wheelers, four wheelers, snowmobiles or other similar types of vehicles except those utilized by disabled park users, except as provided for in the site plan review.
 - d. There shall be no hunting of any kind or use of motor-powered boats, except as provided for in the site plan review.
 - e. All activities inside such facility shall be user-oriented, which means no rentals of paddleboats or other commercially related activities. However, rowboats brought to the site for use on lakes or ponds totally within such facility is permissible, except as provided for in the site plan review.
 - f. No team sports/recreation activities (e.g., football, baseball, soccer, softball) shall be permitted, except as provided for in the site plan review.
- (27) *Recycling facility, recycling operations, salvage yards and tire shredding/processing/storage.* Recycling facilities, recycling operations and salvage yard tire shredding/processing and tire storage shall be subject to the following regulations:

- a. *Intent.* The intent of this subsection (27) is to regulate the activities and impacts which are associated with a recycling facility. These regulations are intended to provide for the preservation of the public health safety and welfare as well as the natural environment. Furthermore, in addition to the licensing and regulation of recycling operations, the township intends to monitor and inspect such operations to ensure minimization of any and all pollution or impairment of the natural environment including groundwater, surface water, air, flora, fauna and the roadside environment.
- b. *License required.* All mining, extraction and soil removal shall be required to obtain a special land use and an annual license issued by the township board. All performance standards and requirements of article VI of chapter 12 must be met prior to issuance of the special land use and the annual operating license. The requirements of article VI of chapter 12 are incorporated herein by reference.
- c. *Approval procedures.* The petitioner shall be required to submit a site plan with all of the information required by division 3 of article II of this chapter, a special land use application with all of the information required by this article, and a license application with all of the information required by article VI of chapter 12. Once a complete application is submitted, the application shall be reviewed as follows:
 - 1. The planning commission will conduct a public hearing on the special land use following the procedures of this article and make a recommendation to the township board to approve, approve with conditions or deny the special land use and the license application.
 - 2. The planning commission shall also take action to approve the site plan, conditioned on the township board's approval of the license, and the special land use or table the site plan pending the township board's action.
 - 3. The township board shall review the applications along with the recommendation of the planning commission and approve, approve with conditions or deny the special land use, and the license application.

(28) *Farm tenant dwelling.* Farm tenant dwellings shall be subject to the following regulations:

- a. One farm tenant dwelling, in addition to the property owner's residence, may be allowed in the AG/RP district as a part of an agribusiness.
- b. There shall be at least one acre of land devoted to the exclusive use of the farm tenant dwelling.
- c. All front, side and rear setbacks required in the AG/RP district shall be met.
- d. The farm tenant dwelling shall not be required to meet the minimum floor area requirement of the AG/RP district. The tenant dwelling must have a minimum floor area of at least 400 square feet.
- e. The farm tenant dwelling may be occupied no more than 180 days per calendar year.
- f. The farm tenant dwelling water and sanitary facilities shall meet the requirements of the county health department.

(29) *Utility and essential service substations and pump stations; and public plants, garages, and storage yards.* Utility and essential service substations and pump stations, and public plants, garages and storage yards shall be subject to the following regulations:

- a. All such uses shall be completely enclosed and the site fenced with a suitable chainlink fence not less than six feet in height.
- b. The entire site shall be landscaped according to the standards of article V of this chapter and the plant materials properly maintained in a healthy and growing condition.
- c. All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.

- d. All parking and driveway areas shall be constructed according to the standards of this chapter.
- (30) *Wind generators.* Wind generators shall be subject to the following requirements:
- a. All towers used to support the wind-generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
 - b. All towers shall be set back a distance at least equal to the height of the tower from all property lines. The height shall be measured to the top of the blade at its highest point. This setback may be reduced to one-half the tower height from a nonresidential property line where a professional engineer licensed by the state has certified that the structure is designed as a self-collapsing device and the area in which the proposed structure will fall in the event of damage (i.e., fall zone) can be accommodated within the setback area.
- (31) *Barn weddings and receptions.*
- a. This specific use shall be clearly incidental to a principal farm use as permitted in the AG district.
 - b. The site shall have a minimum area of 20 acres identified by a single property (parcel) ID.
 - c. A paved parking area shall not be required per the standards of section 38-440 to maintain the agricultural character of the district. However, the applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow on the public right-of-way. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determined by the planning commission to be appropriate.
 - d. The applicant must demonstrate fire code compliance and receive fire and building department approval prior to hosting any events. There shall be no smoking or cooking within the facility. Areas for smoking must be designated and be a minimum of 50 feet from any structure, be shielded from adjoining properties and be approved by local fire authority.
 - e. The applicant must secure all necessary permits from the Oakland County Health Department, township building department, Oakland County Road Commission, as applicable, and must comply with all government regulations.
 - f. Sanitary facilities, that may consist of portable stations, must be properly maintained and located within a side or rear yard and screened from public view.
 - g. 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.
 - h. Hours of operation for visitors must be no earlier than 10:00 a.m. and no later than 11:00 p.m.
 - i. A maximum of one event per week and a maximum of 15 per calendar year shall be permitted during the months of May through the first full weekend of October.
 - j. The number of persons allowed at any event shall not exceed the limit as established by the township fire department based on the maximum occupancy load of the building.
 - k. Food and drink may be served, but shall be provided by caterers.
 - l. Barn weddings and receptions must be conducted by persons who own and occupy the premises.
 - m. Licenses, insurance certificate, permits, and event dates must be submitted to township administration annually for review and approval, by January 30 of each calendar year.
 - n. The noise ordinance (Ord. No. 156, section 1-4) standards must be met. No outdoor speakers allowed.
- (32) *Winery, small.*

- a. This specific use shall be clearly incidental to a principal farm use as permitted in the AG district.
- b. The site shall have a minimum area of 20 acres identified by a single property (parcel) ID.
- c. The parcel must be owned, operated, and occupied by the owner/operator of the winery.
- d. The total floor area above finished grade of the processing facility, including retail space, shall be no larger than 3,000 square feet. The retail space must only comprise 25 percent or less of the total floor area.
- e. A paved parking area shall not be required per the standards of section 38-440. However, the applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disrupting normal traffic flow on the public right-of-way, and should strive to maintain compatibility with the agricultural character of the surrounding area. If the applicant proposes paved parking, the lot must comply with the standards of section 38-440.
- f. 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. Disposal of processing waste must be done in accordance to state and local regulations and for preserving natural resources. No process shall be used to create toxic/hazardous substances or unpleasant odors.
- g. Hours of operation for visitors must be no earlier than 10:00 a.m. and no later than 8:00 p.m.
- h. The applicant must secure all necessary permits from the Oakland County Health Department, township building department, Oakland County Road Commission, liquor control commission, Michigan Department of Agriculture, North Oakland County Fire Department, and others as applicable, and must comply with all government regulations.
- i. A small wine maker may offer free or may include a charge for wine samples to consumers for on premises tastings. The samples must be of products manufactured and sold under the minimum small wine maker license requirements of the Michigan Liquor Control Commission.
- j. A small wine maker may offer free or may include a charge for food samples to consumers for on premises consumption. Food sampling must meet minimum requirements of the Michigan Liquor Control Commission rules and related Michigan Department of Agriculture permits including but not limited to Oakland County Health Department License regarding the sales of limited food items for on-premises consumption.
- k. A majority of all of the agricultural produce sold fresh or processed shall be grown on site. In the event of a natural disaster resulting in a shortage of produce, the land owner may appeal to the township staff for approval of a larger proportion of produce grown off the site.
- l. Any building improvements onsite must be designed to be compatible and harmonious with the agricultural character of the surrounding area.

(33) *Solar energy systems.*

- a. *Intent.* The intent of this section is to allow for the use of solar energy systems in the township and to promote clean energy, economic viability, and environmental protection, while providing a consistent set of regulations on the use of solar energy systems to protect the rural character, health, safety, and welfare of the township.
- b. *General requirements.* All solar energy systems are subject to the following general requirements:
 1. Solar energy systems must conform to the provisions of this ordinance and county, state, and federal regulations, safety requirements, and applicable industry standards.
 2. Solar energy systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.

3. All roof or building mounted solar energy systems, including BIPVs, shall be exempt from special land use approval requirements.
 4. Solar energy systems shall be subject to all applicable local, county, state and federal construction and safety regulations, including those of the Michigan Building Code.
- c. *Ground mounted private solar energy systems.* The following standards shall apply to ground mounted private solar energy systems:
1. Ground mounted private solar energy systems shall be located on parcels of land no less than five acres in size.
 2. The ground mounted private solar energy systems shall meet the minimum front, side, and rear yard setbacks of the zoning district in which it is located, as well as maximum height requirements for accessory buildings.
 3. Landscaping and/or fencing shall be placed to mitigate the effects of glare and to screen the system from view on all sides.
 4. The area covered by any ground mounted private solar energy system shall be included in calculations for overall lot coverage.
 5. All ground mounted private solar energy systems shall be maintained in good condition. Upon removal, the land shall be restored to its condition prior to the construction of the system, including replacement of any prime soils and topsoil. The property owner of the system is responsible for the proper removal of the system.
- d. *Commercial solar energy systems.* Commercial solar energy systems are only allowed in the AG/RP agricultural and rural preserve district and M-I industrial district as a special land use and shall meet all requirements for special land use approval by the planning commission and the township board. Such systems shall not be considered as agricultural buildings. Additionally, commercial solar energy systems shall be ground mounted and are subject to the following:
1. The property owner or applicant for such system shall provide the planning commission with proof of ownership of the subject site, a copy of any lease and operations agreements, which shall set forth the operations parameters, the name and contact information for the certified operator, inspection protocol, emergency procedures, and general safety documentation.
 2. Commercial solar energy systems shall be located on parcels of land no less than 20 acres in size.
 3. Commercial solar energy systems shall cover no more than 25 percent of the lot. The area covered by such system shall be included in the calculations for overall lot coverage.
 4. The commercial solar energy system shall meet all minimum front, side, and rear yard setback requirements and shall have a maximum height of 15 feet.
 5. Such system shall be designed and placed so that any adjacent properties will not be impacted by surface water runoff.
 6. Existing natural features on the site shall be maintained. Any trees removed to allow installation of such system shall be replaced with the equivalent number and/or size of those removed; however, clear cutting to accommodate such system shall be prohibited.
 7. Items used in maintenance, including soap or detergent, shall not impact the surrounding environment, natural resources, or wellheads, and the system elements shall discourage the spread of invasive species.
 8. Landscaping and/or decorative fencing shall be placed to mitigate the effects of glare and to screen the system from view on all sides.

9. No commercial solar energy system shall be installed until evidence has been given to the planning commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement; such agreement shall be furnished to the planning commission.
10. No overhead wires shall be permitted. All connections to utilities shall be located underground.
11. After the lease expires, all equipment shall be removed, and the land shall be restored to its condition prior to the construction of the solar energy system, including replacement of any prime soils and topsoil. The licensed operator of the system is responsible for the proper removal of the system.
12. Commercial solar energy systems shall be maintained in good condition. Upon removal, the applicant shall perform decommissioning and removal of the system and its components. The applicant shall prepare and submit a decommissioning plan to the planning commission for review. The plan shall ensure that all system materials shall be properly removed, and the land shall be restored to its condition prior to the construction of the system, including replacement of prime soils and topsoil. The decommissioning plan shall include a performance bond to cover the estimated cost of removal and may include a provision for inflationary cost adjustments.
13. If the owner of the facility or the property owner fails to remove or repair a defective or abandoned system, the township, in addition to any other remedy under this ordinance, may pursue legal action to abate the violation by seeking to remove the system and recover any and all costs, including attorney fees.

(Ord. No. 151, § 18.07, 6-13-2007; Ord. of 9-5-2008(1), § 5; Ord. of 9-5-2008(2), §§ 3—5; [Ord. No. 02-2016](#), 6-19-2016; [Ord. No. 166](#), 2-14-2018; [Ord. No. 168](#), 2-14-2018; [Ord. No. 171](#), 5-8-2019; [Ord. No. 176](#), 3-18-2020)

Secs. 38-583—38-612. - Reserved.

ARTICLE X. - NONCONFORMING LOTS, STRUCTURES AND USES^[11]

Footnotes:

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

Sec. 38-613. - Intent.

- (a) It is the intent of this article to provide regulations governing lots, buildings, structures and the uses thereof, which were lawful prior to the enactment of the ordinance from which this chapter is derived, or amendments thereto, but which are prohibited, regulated or restricted under the provisions of this chapter. It is the intent of this article to permit legal nonconforming lots, structures or uses to continue until they are removed. Because such nonconforming lots, structures and uses prevent the full realization of the goals and objectives of this chapter, the spirit of this article is to reduce such nonconformance over time.
- (b) It is recognized that there exist within the districts established by this chapter uses which were lawful before the ordinance from which this chapter is derived was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such uses

are declared by this article to be incompatible uses in the districts involved. It is further the intent of this article:

- (1) That nonconforming uses shall not be enlarged upon, expanded, reconfigured or extended, nor be used as grounds for adding other structures, land or uses prohibited elsewhere in the same district or in violation of this prohibition on expansion.
- (2) To permit legal nonconforming buildings and structures to be maintained until they are brought into compliance or removed.
- (3) To encourage the upgrade of residential neighborhoods through bringing nonconforming residential structures more into compliance with this chapter.
- (4) To encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which were developed in compliance with the standards at the time of their construction, but which do not meet the site standards of this chapter and its amendments.
- (5) To encourage the combination of contiguous nonconforming lots of record that have been owned as a single track of land to create lots which conform to current standards, are compatible with other lots in the zoning districts, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

(Ord. No. 151, § 19.01, 6-13-2007)

Sec. 38-614. - Lots.

Where an existing lot of record fails to meet the requirements of this chapter for minimum lot area, minimum lot width, or both, of the zoning district in which it is located, such lot may be used for the permitted uses of the zoning district including permitted accessory uses, provided that other requirements of the zoning district in which such lot is located are met. Said lot shall be a lot of record created prior to the effective date of the ordinance from which this chapter is derived or the amendment that created the nonconforming lot and may be continued subject to the following provisions:

- (1) *Use of lots.* A principal building and customary accessory buildings for a permitted use may be erected or expanded on any single lot of record at the effective date of the ordinance from which this chapter is derived, provided that all setbacks and other requirements of this chapter are met. This provision 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 the lot is in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which it is located.
- (2) *Accessibility.* Construction of a new principal building on a nonconforming lot shall only be permitted where the lot has access to a certified and improved public road or an approved private road that meets the requirements of chapter 16, article IV, pertaining to road standards.
- (3) *Variance to area and dimensional requirements.* If the use of a nonconforming lot requires a variation in minimum floor area and dimensional (minimum setback and maximum height) standards, then such use shall be permitted only if a variance is granted by the zoning board of appeals.

(Ord. No. 151, § 19.02, 6-13-2007)

Sec. 38-615. - Buildings and structures.

Buildings and structures which are existing and lawful prior to the effective date of the ordinance from which this chapter is derived, or amendments thereto, may be continued even though such structure

does not conform with the provisions of this chapter or amendments thereto, subject to the following provisions:

- (1) *Restrictions on alteration or modification.* Nonconforming structures devoted to a conforming use shall not be enlarged nor altered in a way which increases its nonconformity within the provisions of this article. If a nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.
- (2) *Repairs, improvements and modernization.* Repairs, improvements, or modernization of nonconforming buildings or structures shall be permitted, provided that such repairs or improvements do not exceed 50 percent of the value of the building or structure during any period of 12 consecutive months. This cost/value calculation shall be as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, not including any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet state construction code requirements. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- (3) *Safety repairs.* Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure or part thereof, declared to be unsafe by the building official.
- (4) *Damage by fire or disaster.*
 - a. In the event a nonconforming single residential structure is damaged by fire or natural disaster, a residential structure may be reconstructed on the existing foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence.
 - b. In the event that a nonconforming structure, other than a single-family residence, is damaged by fire or natural disaster to the extent the cost of reconstruction or restoration exceeds 50 percent of the value of the structure, as described in subsection (2) of this section, prior to the damaging occurrence, reconstruction or restoration shall only be permitted where the structure is brought into conformity with the provisions of this chapter. In the event that a nonconforming structure is damaged to the extent the cost of reconstruction or restoration is equal to or less than 50 percent of the value of the structure, reconstruction or restoration shall be permitted provided a building permit for such reconstruction or restoration is issued within one year of the occurrence of such damage.
- (5) *Expansion of a nonconforming residential building.* A residential nonconforming building may be expanded provided the expansion will be within required setbacks and other dimensional and state construction code requirements are met. For example, a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded.
- (6) *Permitted expansion of nonresidential nonconforming buildings.* Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the zoning board of appeals.

(Ord. No. 151, § 19.03, 6-13-2007)

Sec. 38-616. - Uses of buildings and structures.

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

- (1) *Structural expansion.* 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) *Expansions within building.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.
- (3) *Repairs and maintenance to structure housing nonconforming use.* 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 value of such structure, as described in section 38-615(2); provided that the cubic content of the building as it existed at the time of passage or amendment of the ordinance from which this chapter is derived shall not be increased.
- (4) *Safety repairs.* Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the building official.
- (5) *Discontinuance or termination of nonconforming use of structure.* When a nonconforming use of a structure or premises is discontinued or ceases to exist for six consecutive months, with intent to abandon the use, the structure or premises shall not thereafter be used, except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision. A determination that a nonconforming use has ceased shall be made by the township based upon any one or more of the following:
 - a. Township or county government records, such as inspection reports, dated photographs/aerial photographs or notarized statements, provide clear evidence that the nonconforming use of land has ceased.
 - b. Changes to listings in telephone directories provide clear evidence that the nonconforming use has ceased.
 - c. Changes to utility records provide clear evidence that the nonconforming use has ceased.
 - d. Dated advertising or other information published in a newspaper or magazine, such as a going-out-of-business sale, moving sale, or grand opening event at a new location, provides clear evidence that the nonconforming use of land has ceased.
- (6) *Prohibition on re-establishment of abandoned nonconforming use.* 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.
- (7) *Change in use, residential district.* In any residential district, a nonconforming use of a structure, or structure and land, may only be changed to a permitted use.
- (8) *Change of nonconforming use to another nonconforming use.* For a nonconforming use that is not in a residential district, the nonconforming use may be changed to another nonconforming use, subject to the approval of the zoning board of appeals (ZBA). The ZBA may approve such change only if it complies with all of the following standards:
 - a. The proposed use does not substantially differ from the existing use in terms of compatibility with the character of the area in which it is located;
 - b. The proposed use does not increase the degree of nonconformity existing prior to such change of use; and
 - c. No structural alteration of the existing structure will be required to accommodate the new use.

- (9) *Change of tenancy or ownership.* There may be a change of tenancy, or 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.
- (10) *Illegal uses.* Those alleged nonconforming uses which can not be proved conclusively to have been in existence prior to the date of the enactment or amendment of the ordinance from which this chapter is derived shall be declared illegal uses and shall be discontinued.
- (11) *Manufactured home.* Where nonconforming use status applies to a manufactured housing unit presently located outside a licensed mobile home park, nonconforming use status shall be eliminated if the mobile home, trailer coach or manufactured housing unit is moved off the lot.

(Ord. No. 151, § 19.04, 6-13-2007)

Sec. 38-617. - Uses of land.

Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land outside of a building 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) *Expansions.* No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.
- (2) *Relocations.* 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 adoption or amendment of the ordinance from which this chapter is derived.
- (3) *Discontinuance or abandonment.* If such nonconforming use of land ceases for any reason for a period of more than six months with intent to abandon the use as described in section 38-616(6), any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (4) *Structure and land in combination.* Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. 151, § 19.05, 6-13-2007)

Sec. 38-618. - Sites.

The intent of this section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this chapter. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various zoning ordinance standards for landscaping, paving and other nonsafety site-related items. Improvements or expansions to conforming buildings and uses that require site plan approval may be permitted by the planning commission during site plan review without a complete upgrade of all site elements under the following conditions:

- (1) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
- (2) The applicant has addressed safety-related site issues on the overall site.
- (3) For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a five percent building expansion will provide at least ten percent of the required landscaping).

- (4) The improvements or expansion will not increase noncompliance with site requirements.

(Ord. No. 151, § 19.06, 6-13-2007)

Sec. 38-619. - Right-of-way changes.

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by the road commission, or private road easement required by the township, the building or parking lot may be maintained, improved or expanded without the need to obtain a variance from the zoning board of appeals, provided that the following conditions are met:

- (1) *Conformed prior to right-of-way widening.* The building or parking lot was a conforming structure that complied with the front yard setback prior to the acquisition of the additional road right-of-way, in addition to all other area and bulk requirements.
- (2) *Will not decrease conformity.* Any building or parking lot expansion will not reduce the front yard setback from its current depth.
- (3) *Other requirements met.* The use is a permitted or special land use within the district that it is located, all other requirements of this chapter are complied with and all necessary approvals required under this chapter are obtained.

(Ord. No. 151, § 19.07, 6-13-2007)