

## CHAPTER 155: ZONING

---

### Section

#### *General Provisions*

- 155.001 Title
- 155.002 Purpose and intent
- 155.003 Accessory buildings
- 155.004 Public sanitary sewer connection
- 155.005 Definitions

#### *Supplementary Use Regulations*

- 155.020 Granting permits
- 155.021 Temporary use permits
- 155.022 Prior building permits
- 155.023 Access to a street
- 155.024 Rear dwelling prohibited
- 155.025 Lots along railroad rights-of-way or property
- 155.026 Use of structure for temporary dwelling
- 155.027 Manufactured home dwellings
- 155.028 Attached housing residential development standards
- 155.029 One dwelling per lot
- 155.030 Fences, walls and screens
- 155.031 Inoperative or dismantled cars, trucks or buses
- 155.032 Automobile sales, new and used
- 155.033 Space used once
- 155.034 Use exceptions
- 155.035 Storage of recreational equipment
- 155.036 Heavy vehicles and equipment
- 155.037 Dangerous animals
- 155.038 Storm water management
- 155.039 Garage sales
- 155.040 Storage containers as storage buildings prohibited
- 155.041 Ponds

#### *Supplementary Yard Regulations*

- 155.050 Permitted yard encroachments
- 155.051 Yard exceptions

#### *Supplementary Height Regulations*

- 155.065 Permitted exceptions for structural appurtenances

#### *Parking Requirements*

- 155.080 Purpose and intent
- 155.081 Off-street parking and loading requirements
- 155.082 Off-street parking requirements
- 155.083 Authority to exceed parking maximum
- 155.084 Existing parking exceeding maximum allowed

- 155.085 Shared use of parking
- 155.086 Parking area and circulation design requirements
- 155.087 Landscaping
- 155.088 Internal walkways
- 155.089 Lighting

***Districts***

- 155.100 Division of township
- 155.101 Official zoning map
- 155.102 Interpretation of boundaries
- 155.103 Scope of regulations
- 155.104 District boundary exceptions
- 155.105 Approval of plats
- 155.106 Zoning of plats

***CG-1 Conservation-Greenbelt (Open Land and Floodways)***

- 155.120 Purpose and intent
- 155.121 Uses permitted by right
- 155.122 Uses permitted by special use permit
- 155.123 Dimensional requirements

***A-1 General Agriculture (Food and Fiber, as well as Related Activities)***

- 155.135 Purpose and intent
- 155.136 Uses permitted by right
- 155.137 Uses permitted by special use permit
- 155.138 Dimensional requirements

***R-1A Residential (Low Density Transitional)***

- 155.150 Purpose and intent
- 155.151 Uses permitted by right
- 155.152 Uses permitted by special use permit
- 155.153 Dimensional requirements

***R-1 Residential (One Family-Low Density)***

- 155.165 Purpose and intent
- 155.166 Uses permitted by right
- 155.167 Uses permitted by special use permit
- 155.168 Dimensional requirements

***R-2 Residential (Two Family-Medium Density)***

- 155.180 Purpose and intent
- 155.181 Uses permitted by right
- 155.182 Uses permitted by special use permit
- 155.183 Dimensional requirements

***R-3 Residential (Multiple Family-Intensive)***

- 155.195 Purpose and intent
- 155.196 Uses permitted by right
- 155.197 Uses permitted by special use permit

155.198 Dimensional requirements

***MU-1 Mixed Use District***

155.210 Repeal of district

155.211 Effect upon existing property which is currently zoned as MU-1

155.212 Effect on other provisions of chapter

***B-1 Commercial (Neighborhood Business)***

155.230 Purpose and intent

155.231 Uses permitted by right

155.232 Uses permitted by special use permit

155.233 Dimensional requirements

***B-2 Commercial (Community and Regional Retail)***

155.245 Purpose and intent

155.246 Uses permitted by right

155.247 Uses permitted by special use permit

155.248 Dimensional requirements

***B-3 Commercial (General Intensive Business)***

155.260 Purpose and intent

155.261 Uses permitted by right

155.262 Uses permitted by special use permit

155.263 Dimensional requirements

***M-1 Industrial (Limited Manufacturing)***

155.275 Purpose and intent

155.276 Uses permitted by right

155.277 Uses permitted by special use permit

155.278 General use requirements

155.279 Dimensional requirements

***M-2 Industrial (Heavy Manufacturing)***

155.290 Purpose and intent

155.291 Uses permitted by right

155.292 Uses permitted by special use permit

155.293 General use requirements

155.294 Dimensional requirements

***Special Uses (Special Use Permit Requirements)***

155.305 Intent and purpose

155.306 Permit procedures

155.307 Permit standards

155.308 Facilities/institutional uses

155.309 Golf courses, golf academies, shooting clubs, shooting ranges and country clubs

155.310 Manufactured housing development

155.311 Planned residential unit development

155.312 Planned neighborhood shopping centers

155.313 Planned unit development

- 155.314 Day nursery
- 155.315 Funeral homes and mortuaries
- 155.316 Public utilities and service installations
- 155.317 Automobile service station
- 155.318 Wireless communication
- 155.319 Miscellaneous special uses

***Site Plan Review and Design Guidelines***

- 155.330 Purpose and intent
- 155.331 Site plan review
- 155.332 Design guidelines
- 155.333 Fundamental design guidelines
- 155.334 Administration of the design guidelines
- 155.335 Storm water management design guidelines

***Town and Gown Overlay Districts***

- 155.340 Introduction
- 155.341 Purpose and intent
- 155.342 Principles and standards applicable to both overlay districts
- 155.343 Standards for the Town Overlay District
- 155.344 Standards for the Gown Overlay District
- 155.345 Town and Gown Administrator

***Tittabawassee Road Corridor Overlay District***

- 155.350 Purpose and intent
- 155.351 Arterial street access driveway regulations

***Bay Road Corridor Overlay District***

- 155.365 Purpose and intent
- 155.366 Applicability
- 155.367 M-84 access management plan map
- 155.368 Permanent access for underdeveloped parcels or existing development
- 155.369 Application review, approval and coordination process
- 155.370 Service drives
- 155.371 Standard for construction
- 155.372 Temporary access permits
- 155.373 Non-conforming driveways
- 155.374 Variances

***Administration***

- 155.385 General administration
- 155.385.01 Zoning permits
- 155.386 Enforcement
- 155.387 Amendment
- 155.388 Zoning Board of Appeals
- 155.389 Conflicts with other laws
- 155.390 Repeal

155.391 Effective date

***Conservation Development***

155.405 Purpose and intent

155.406 Applicability

155.407 Principal permitted uses

155.408 Accessory uses

155.409 Conditional uses

155.410 Prohibited uses

155.411 Approval process

155.412 Density and dimensional standards

155.413 Design standards for open space development

155.414 Design standards for common open space

155.415 Landscaping

155.416 Ownership and maintenance of common facilities and open space

155.417 Sewage and water supply facilities

***Non-Conforming Uses***

155.430 Intent

155.431 Authority to continue

155.432 Reconstruction and restoration

155.433 Improvement

155.434 Changing uses

155.435 Prior construction approval

155.436 Non-conforming lots

155.437 Elimination of non-conforming uses

***Wind Energy***

155.450 Purpose and intent

155.451 Definitions

155.452 Accessory uses

155.453 Applicability

155.454 Site plan review required

155.455 Information to be submitted

155.456 Wind turbine/tower height

155.457 Application standards

155.458 Inspections

155.459 Decommissioning

155.460 Applicable construction codes, standards; state and federal regulations

155.999 Penalty

***Cross-reference:***

*Planning Commission: established, duties, see § 31.01*

**GENERAL PROVISIONS**

**§ 155.001 TITLE.**

This chapter shall be known as the "Kochville Township Zoning Ordinance".

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.002 PURPOSE AND INTENT.**

It is the general purpose of this chapter to promote the public safety, health, morals, convenience and general welfare, and further to:

- (A) Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability and suitability for particular uses as identified in a basic plan of land use and population density;
- (B) Protect the character of the community and enhance the social and economic stability of the township and individual zone districts as herein set forth;
- (C) Lessen congestion on the streets and highways and facilitate safe and convenient access appropriate to various uses of land and building throughout the community;
- (D) Form a stable guide for public action to facilitate the adequate provision of sewerage and drainage, water supply distribution and educational, recreational and other public services;
- (E) Conserve life, property and natural resources, and the expenditure of funds for public facilities and services by establishing herein standards to guide physical development and to provide for enforcement of the standards; and
- (F) Adopt provisions for each designated zoning district which shall control the use of land and property; the use, size and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in buildings or structures.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.003 ACCESSORY BUILDINGS.**

(A) *Required yards.*

- (1) *Front yard.* No accessory building (attached or detached) shall project into any front yard.
- (2) *Rear yard.* No accessory building, including attached or detached garages shall be closer than five feet to the rear lot line.
- (3) *Side yard.* No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except if accessory to a single-family residence. In cases where an accessory building is located ten feet or more from the rear of the principal single-family residential building, then the accessory building shall be no closer than eight feet from the side lot line.
- (4) *Corner lot.* No accessory building shall be closer to the side lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet to common lot line.

(B) *Garage entrance.* In no case shall the entrance to a garage be less than 25 feet from a street right-of-way line.

(C) *Detached accessory buildings.* In any R or B district, detached accessory buildings shall comply with the following regulations:

- (1) They shall not be used in any part for dwelling purposes;
- (2) They shall not be more than one story or 20 feet in building height; and
- (3) They shall not occupy more than 30% of the required rear yard area.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

**§ 155.004 PUBLIC SANITARY SEWER CONNECTION.**

When a public sewer is available or becomes available in the street, connection to the public sewer system shall be made within 180 days.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.005 DEFINITIONS.**

(A) *Rules applying to the text.*

- (1) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "structure" includes the word "building".
- (4) The word "lot" includes the word "plot", "tract" or "parcel".
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is discretionary.

(6) The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

(7) The term "he" shall be read as "he or she".

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUT.** To physically touch or border upon; to share a common property line.

**ACCELERATION LANE.** A lane that permits integration and merging of slower moving vehicles into the main vehicular stream.

**ACCESSORY USE (includes accessory building).** An accessory use includes a building or structure and is clearly used incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related. Campers, camping trailers, recreational vehicles whether used for dwelling purposes or for storage and shipping containers or other such similar items are not considered a permitted accessory use. Exception: This section shall not apply to parcels under development with active building permits or to a principal commercial use related to an outdoor seasonal sale for which a temporary use or structure permit has been granted and is in effect.

**ADJACENT.** A lot or parcel of land, which shares all or part of a common lot line with another parcel of land.

**ADULT ARCADE.** The definition of an **ADULT ARCADE** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified as Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT BOOKSTORE or ADULT VIDEO STORE.** The definition of an **ADULT BOOKSTORE** or **ADULT VIDEO STORE** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified as Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT BODY PAINTING STUDIO.** The definition of an **ADULT BODY PAINTING STUDIO** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT CABARET.** The definition of an **ADULT CABARET** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT CAR WASH.** The definition of an **ADULT CAR WASH** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT COMPANIONSHIP ESTABLISHMENT.** The definition of an **ADULT COMPANIONSHIP ESTABLISHMENT** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT ENTERTAINMENT FACILITY.** The definition of an **ADULT ENTERTAINMENT FACILITY** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT ESTABLISHMENT.** The definition of an **ADULT ESTABLISHMENT** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT MASSAGE PARLOR, HEALTH/SPORT CLUB.** The definition of an **ADULT MASSAGE PARLOR, HEALTH/SPORT CLUB** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT MINI-MOTION PICTURE THEATER.** The definition of an **ADULT MINI-MOTION PICTURE THEATER** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT MOTION-PICTURE THEATER.** The definition of an **ADULT MOTION-PICTURE THEATER** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT NOVELTY BUSINESS.** The definition of an **ADULT NOVELTY BUSINESS** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT MOTEL.** The definition of an **ADULT MOTEL** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**ADULT SAUNA/STEAM ROOM/BATHHOUSE.** The definition of an **ADULT SAUNA/STEAM ROOM/BATHHOUSE** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**AGRICULTURAL RETAIL FACILITY OR AREA.** A booth or stand located on a farm from which produce and farm products are sold to the general public.

**ALLEY.** Any dedicated private or public way other than a street which provides only a secondary means of access to abutting

property and is not intended for general traffic circulation.

**ALTERATIONS.** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

**ANIMAL PROTECTION SHELTER.** A facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals (dogs, cats, rabbits, ferrets, hedgehogs, sugar gliders, or any other non-rodent, non-livestock mammals). (See M.C.L.A. Ch. 287)

**APARTMENT.** See **MULTIPLE-FAMILY**.

**APIARIES.** A place where bees are kept for the production of honey or for the pollination of plants.

**ASSEMBLY BUILDING.** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**ASSISTED LIVING.** A residential development designed to assist those that can live on their own with the assistance of staff.

**AUTOMOBILE SALES.** An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks.

**AUTOMOTIVE SHOW ROOM AND SALES.** An establishment/dealership used to display both new and used vehicles for the purpose of selling them at the retail level.

**AUTOMOTIVE/VEHICLE CAR WASH.** An establishment together with the necessary mechanical equipment used for washing vehicles, boats, trailers and the like.

**AUTOMOTIVE/VEHICLE REPAIR SHOP.** An establishment being housed in a building, or a portion thereof, together with the necessary equipment used for the general repair of vehicles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.

**AUTOMOTIVE/VEHICLE SERVICE STATION.** An establishment together with the necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene or motor oil and lubricants or grease and including the sale of minor accessories and the servicing of any minor repair of vehicles. This definition includes oil change and tire sales stores.

**AVIARIES.** A house, large cage or enclosure for keeping and rearing of four or more birds in confinement, except for chickens, turkeys, peacocks, ostriches, emus, rheas or similar domesticated birds normally raised for consumption, but does not include young birds under six months of age.

**BANK.** See **FINANCIAL BUSINESS**.

**BAR.** See **TAVERN**.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this chapter.

**BASEMENT.** A story having part, but not more than one-half, of its height above finished grade. A **BASEMENT** shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**BEAUTY SALON.** See **PERSONAL SERVICE BUSINESS**.

**BERM.** An earthen buffer that obscures sight, traffic and sound.

**BEST MANAGEMENT PRACTICE.** A structural, vegetative or managerial practice that is designed to treat, prevent or reduce degradation of water quality due to storm water runoff and to reduce the amount of storm water runoff. Also referred to as **BMP**.

**BCRC.** Bay County Road Commission

**BMP.** See **BEST MANAGEMENT PRACTICE**.

**BOARDING AND ROOMING HOUSES.** A dwelling used for the business of furnishing accommodations to more to more than two persons or lodgers than allowed under the definition of "family".

**BODY SHOP.** See **AUTOMOTIVE/VEHICLE REPAIR SHOP**.

**BOOTH.** The definition of a **BOOTH** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**BUFFER.** Open green space, landscaped areas, fences, walls, berms or any combination thereof used to physically separate, or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

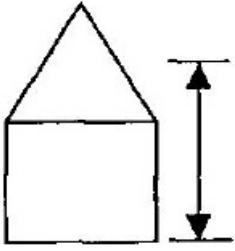
**BUFFER STRIP.** A vegetated area that treats sheet flow and/or interflow by removing sediment and other pollutants. The area may be grass-covered, forested or of mixed vegetative cover, depending on the amount of pollutants to be removed and the size of the **BUFFER STRIP**.

**BUILDING.** Any structure erected on site, a manufactured home or structure, above or below ground, supported by columns or by walls and intended or designed for the shelter, housing or enclosure of persons, animals or property.

**BUILDING, FRONT LINE OF.** The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. The line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.



**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



**BUILDING INSPECTOR.** Issues permits, collects fees, inspects sites, issues enforcement actions.

**BUILDING LINES.** A line defining the minimum front, side or rear yard requirements outside of which no building or structure may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzene, benzol, kerosene or any other liquid (except such as will stand a test of 150°F, closed cup tester) are stored for wholesale purposes only.

**BUSINESS.** Any trade, occupation, profession, work, commerce or other activity owned or operated for profit.

**CAMP.** A place in the country that offers simple group accommodations and organized recreation; a place where tents, campers, recreational vehicles or other temporary shelters are set up.

**CARDINAL SQUARE.** An area of Kochville Township and Saginaw Township roughly defined from Freeland Road to McCarty Road and from Mackinaw Road to Davis Road. This area shall have a unique identify and certain design elements must be met.

**CELLAR.** See **BASEMENT**.

**CEMETERY.** Property used for interring of the dead.

**CHARITABLE ORGANIZATION.** Organizations that have current federal tax exemption status.

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

**CLUBS.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities or that relate in any way to a sexually orientated business; except as required incidentally for the membership and purpose of such club.

**COMMERCIAL SCHOOL.** Any institution which offers instruction in a commercial institution.

**COMMON LAND.** A parcel or parcels of land, together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned development.

**CONDOMINIUM ACT.** Pub. Act 59 of 1978, as amended, being M.C.L.A. §§ 559.101 *et seq.*

**CONDOMINIUM, EXPANDABLE.** A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

**CONDOMINIUM SUBDIVISION.** See **SUBDIVISION**, as defined in this chapter.

**CONDOMINIUM SUBDIVISION PLAN.** The site, survey and utility plans, floor plans and sections, showing the existing and proposed structures and improvements.

**CONDOMINIUM UNIT.** A portion of a building, or group of buildings, designed for separate ownership. Common areas and facilities are owned by all the owners on a proportional, undivided basis. A **CONDOMINIUM** is differentiated from other dwellings types based on ownership and as such is not regulated as a dwelling unit type.

**CONFORMANCE TO ESTABLISHED SETBACKS.** Required front yard setbacks shall conform to existing setbacks as established by existing uses in any district.

**CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

**CONTIGUOUS.** In contact with.

**CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provision in the condominium documents and in accordance with this chapter and the Condominium

Act.

**CONTRACTOR, GENERAL.** General contractors and builders engaged in the construction or maintenance of buildings and grounds, excluding landscape and heavy construction contractors.

**CONTRACTOR, HEAVY.** A person or firm engaged in the mechanical removal or movement of earth material, or contractors engaged in activities such as paving and utility construction.

**CONTRACTOR, LANDSCAPE.** Landscaping includes businesses principally engaged in lawn mowing, yard maintenance, decorative and functional alteration, planting and maintenance of the grounds. **LANDSCAPE CONTRACTOR** includes businesses that apply fertilizers, pesticides and other treatments for plants, trees, grass, irrigation and drainage facilities. This definition also includes tree services and commercial plant maintenance services. A **LANDSCAPE CONTRACTOR** shall not store grass clippings or other compostable material.

**CONTRACTOR, STORAGE YARD.** An enclosed portion of the lot or parcel on which a construction contractor maintains materials necessary for its principal use or business operation. **STORAGE YARDS** are characterized by the lack of a principal structure associated with the business for which storage is taking place, located on the parcel with the storage activity. This area may be used to store and maintain construction equipment materials customarily used in the trade carried on by the contractor.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.

**CONVENIENCE STORE.** A retail operation selling a variety of items, which are primarily grocery products. They include items that may be required by neighborhood residents on a day to day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs and the like.

**CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**CONVERTIBLE AREA.** A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

**CORRECTIONAL INSTITUTION.** A place where individuals are physically confined or interned and usually deprived of a range of personal freedom. The places may include prison, jail, reformatory, detention center, work farm, halfway house or residential community program center.

**COVERAGE, LOT.** The percent of the plot or lot covered by the building area.

**CREMATORIUM.** A building for cremating the deceased.

**CROPS.** A harvestable product, planted, grown and cultivated in the soil. **FIELD CROPS** are generally for sale and not consumed on the premises.

**CROSS ACCESS.** Vehicular access between two or more contiguous sites, designed so that the driver does not have to enter a public or private street.

**CUL DE SAC.** A street with only one outlet, having sufficient space at the closed end to provide a vehicular turning area.

**CURB/CURBING.** A concrete edging along a street or parking lot.

**CURB, SLOTTED.** A concrete edging along a street or parking lot not to exceed three feet in width. A curb constructed at the edge of a parking area that allows storm and flood water to enter a landscaped area/swale/sediment trap that will collect, settle-out and direct the flow of water away from the parking area.

**DAY NURSERY.** A private establishment enrolling children, where tuition, fees or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

**DEPTH.** The distance from a property line to a structure.

**DEQ.** Department of Environmental Quality, an agency dedicated to conservation and protection of natural resources including fossil fuels, minerals and ground water.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling, grading, paving excavation or drilling operations.

**DISTRICT.** Any section within the community for which the regulations contained within this chapter are the same.

**DNR.** Department of Natural Resources, an agency dedicated to outdoor preservation, conservation and recreation including fishing and hunting.

**DOMESTICATED ANIMAL.** An animal that has been housed and fed by a human owner and has learned to depend on human provision so completely that it has little ability to survive if returned to a natural habitat. Typically includes animals like dogs and cats used as pets, and not animals on farms as part of an agricultural or farming operation.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on serving patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. **DRIVE-IN** is also

interpreted to include "fast food" operations, which serve food in disposable containers, and to include restaurants with drive-through facilities.

**DRIVE-IN THEATER.** A theater designed to render its services to persons who drive up and remain seated in their cars to watch a movie with a rating of G, PG, PG-13, R, or NC-17 by the Motion Picture Association of America.

**DRIVEWAY.** A private roadway providing access for vehicles to a parking space or other structure.

**DUMPSTER.** A container used to hold trash, garbage, refuse or rubbish which is designed to be emptied into a garbage collection truck by mechanical means.

**DWELLING.** A building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities, sleeping facilities and sanitation facilities.

**DWELLING, MULTIPLE.** A building or portion thereof containing three or more dwelling units.

**DWELLING, MULTIPLE FAMILY.** A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, and condominiums.

**DWELLING, SINGLE-FAMILY.** A building containing not more than one dwelling unit only, designed for residential use.

**DWELLING, TWO-FAMILY.** A building containing two dwelling units.

**DWELLING UNIT.** One or more rooms including a single kitchen in a dwelling designed for occupancy by one family for living and sleeping purposes and sanitation facilities.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for the systems to furnish an adequate level of public service.

**EXCAVATION.** Removal or recovery by any means of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

**EXOTIC PET or EXOTIC ANIMAL.** An unusual creature kept as a pet, sometimes for the express purpose of having a pet which is unique. Includes any unique- or wild-looking pet, such as common domestic animals like the ferret and the domestic rat. Alligators, wolves and wolf/dog hybrids, wild cat cubs (lions, tigers, ocelots and the like), snakes, tortoises, spiders, scorpions and rare birds are among the species typically considered as exotic pets. The term is also used for a species which is non-indigenous to the owner or prospective owner's locale.

**FAMILY.** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (a) Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
- (b) Four unrelated people;
- (c) Two unrelated people and any children related to either of them; or
- (d) Not more than six persons who are: 1) residing in a State-Licensed Residential Facility per provisions set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), or 2) "handicapped" as defined in the Fair Housing Act.

This definition does not include persons currently illegally using or addicted to a controlled substance. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of criminal offenses.

**FARM.** A tract of land which is directly devoted to agricultural purposes; provided further that, **FARMS** may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping or operating facilities for fur-bearing animals, riding or boarding stables and kennels shall not be considered **FARMS** hereunder unless combined with a bona fide farm operation on the same contiguous tract of land of not less than 20 acres.

**FARM ANIMAL, LARGE.** Any four-footed creature as livestock, which, at maturity, exceeds 100 pounds. This includes, but is not limited to, the following: cattle, horses, sheep, hogs and goats.

**FARM ANIMAL, SMALL.** All farm animals not included in the "farm animal, large" definition that are four-footed, fowl or non-domestic animals.

**FARMING, GENERAL.** The practice of agriculture on a farm, as defined above.

**FAST FOOD RESTAURANT.** See **DRIVE-IN**.

**FENCE.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, decorate or separate areas.

**FINANCIAL BUSINESS.** All uses listed in this item handle the financial preparation of all industries.

**FLOOD PLAIN.** The area which is inundated by the base flood (or a flood having a 1% chance of being equaled or exceeded in any given year) and carries and discharges the flood waters of the base flood, as determined by the Federal Emergency Management Agency

(FEMA) and as indicated in the flood boundary and floodway map.

**FOSTER CARE.** See **HUMAN CARE INSTITUTION.**

**FRONTAGE ROAD.** A public or private street intended to create lot frontage away from the main arterial. Generally, the **FRONTAGE ROAD** is parallel to the main arterial.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE SALE.** A garage sale, also known as a yard sale, rummage sale, lawn sale, moving sale, estate sale, is an informal, irregularly scheduled event for the sale of used goods by private individuals, held entirely on their own property.

**GOLF ACADEMY.** An institution for special instruction and/or training for the advancement of golf. Possibly inclusive of a driving range, an instructional area and a chipping area and green area.

**GOLF COURSE.** A tract of land laid out for at least three holes for playing the game of golf and improved with tees, greens, fairways and hazards. A **GOLF COURSE** may include ancillary uses such as a clubhouse, restaurant, tennis courts, swimming pool, parking lot, driving range and maintenance buildings, any of which may be rented out for events.

**GOLF COURSE, MINIATURE.** See **RECREATIONAL USE, COMMERCIAL.**

**GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet. For the purposes of calculating parking and loading requirements, the **GROSS FLOOR AREA** is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

**HARD SURFACE.** At least four inches of reinforced concrete or two inches of bituminous surface laid over five inches of compacted crushed stone. **PAVED** and **HARD SURFACE** shall have the same meaning for purposes of this chapter.

**HAZARDOUS MATERIALS.** Include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable reactive or water reactive.

**HEIGHT, MEASUREMENT OF.** The height of a building, fence or wall at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

**HOME OCCUPATION.** Any business carried on by one or more members of a family residing on the premises and must comply with the following requirements:

- (a) Be operated in its entirety within the principal dwelling or principal accessory structure;
- (b) Shall not have a separate entrance;
- (c) Shall not involve alteration or construction not customarily found in a principal dwelling or principal accessory structure;
- (d) Shall not use any mechanical equipment, except that which is used normally for purely domestic or household purposes;
- (e) Shall not use more than 25% of the total actual floor area of the principle dwelling or principle accessory structure; and
- (f) Not display or create outside the structure any external evidence of the operation of the home occupation other than allowable signs.

**HORTICULTURE.** The cultivation of a garden or orchard.

**HOSPITAL.** See **INSTITUTION, HUMAN CARE.**

**HOTEL.** See **MOTEL.**

**IMPERVIOUS SURFACE.** Surfaces that do not allow water to infiltrate into the ground. Examples include buildings, pavement and compacted soils within grassed or landscaped areas.

**INCINERATOR.** An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air can be controlled.

**INDIVIDUAL STORAGE FACILITY.** A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

**INSTITUTION, EDUCATIONAL.** A school for pre-kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

**INSTITUTION, HUMAN CARE.** A public or private facility for physical or mental care. A **HUMAN CARE INSTITUTION** may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, mental, physical or substance abuse rehabilitation facilities, day nurseries and the like.

**INSTITUTION, RELIGIOUS.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL.** Any profit or non-profit use or facility in which activities for pleasure or philanthropy are carried out. The institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations.

**JUNK YARD.** A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes wrecking yards dealing with automotive vehicles, tractors and/or construction equipment, and two or more inoperative, unlicensed vehicles or pieces of equipment shall be construed to be a **JUNK YARD**.

**KENNEL.** A facility where dogs, cats or other domestic pets are boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.

**LABORATORIES.** A facility for scientific research or the testing of materials.

**LIVESTOCK.** Domesticated animals that may be kept or raised in pens, houses, pastures or on farms as part of an agricultural or farming operation, whether for commerce or private use.

**LOADING BERTH OR SPACE.** An off-street space at least ten feet wide, 25 feet long and 15 feet high, either within a building or outside on the same lot; provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

**LOT.** A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with the open spaces as are required under the provisions of this chapter.

**LOT AREA.** The total horizontal area within the lot lines of the lot.

**LOT: CORNER, INTERIOR AND THROUGH.**

(a) **CORNER LOT.** A lot, which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than 135 degrees.

(b) **INTERIOR LOT.** A lot other than a corner lot.

(c) **THROUGH LOT.** An interior lot having frontage on two streets, which do not intersect at a point contiguous to the lot.

**LOT LINES.** The lines abutting a lot, as defined herein.

(a) **LOT LINE, FRONT.** In the case of an interior lot, that line separating the lot from the street. In the case of a through lot, that line separating the lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line.

(b) **LOT LINE, REAR.** Lot line, which is opposite the front lot line. In the case of a corner lot, the **REAR LOT LINE** may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot.

(c) **LOT LINE, SIDE.** Any lot line not a front lot line or not a rear lot line.

**LOT OF RECORD.** A 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 county and community officials and which actually exists as shown, or any part of the parcel held in a record ownership separate from that of the remainder thereof.

**LOT, WIDTH OF.** The width measured along the front lot line or street line.

**MANUFACTURED HOME SPACE.** A plot or parcel of land within the manufactured home park designed to accommodate one manufactured home.

**MANUFACTURED HOMES.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

**MANUFACTURING.** An operation in which raw materials or partially finished material is processed. This processing can include stamping, rolling, forging, plating, heat-treating, forming, molding and assembly.

**MASSAGE.** The definition of a **MASSAGE** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**MASSAGE ESTABLISHMENT.** The definition of a **MASSAGE ESTABLISHMENT** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**MASTER DEED.** The condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

**MASTER PLAN.** A comprehensive long-range plan intended to guide the growth and development of a community. The **PLAN** includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community

facilities and future land use.

**MATERIAL.** The definition of a **MATERIAL** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**MERCHANDISE.** The definition of a **MERCHANDISE** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**MDOT.** Michigan Department of Transportation.

**MINING.** The extraction of minerals, including solids, such as coal, ores, liquids, such as crude petroleum and gases such as natural gases. **MINING** also includes quarrying, ground water diversion, soil removal, milling, crushing, screening, washing and flotation of materials, and any other preparation customarily done at the mine site or as part of a mining activity. The following are not considered as **MINING OPERATIONS**:

(a) Excavation approved by a governmental body or competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement;

(b) Excavation of limited scope and duration and which is undertaken for the immediate use and development of the land excavated, pursuant to a valid building permit issued from the township, such as for purposes of building construction, septic tanks or swimming pools; and

(c) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds.

**MINI-STORAGE.** See **INDIVIDUAL STORAGE FACILITY**.

**MINOR.** The definition of a **MINOR** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**MORTUARY.** See **FUNERAL HOME**.

**MOTEL.** A building or group of buildings, whether detached or in connecting units, where individual spaces are offered for occupancy as temporary accommodations on a day-to-day basis, with separate bathroom and toilet facilities. The term **MOTEL** shall include buildings designed as "auto courts", "tourist courts", "motor hotels", and similar uses which are designed as integrated units of individual rooms under common ownership. A **MOTEL** is not considered an "Adult Motel" unless it meets the definition of an "Adult Motel" as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code.

**MULTIPLE-FAMILY.** An building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as the residence of three or more families.

**NATIVE PLANT.** A plant species that has naturally evolved in a certain area over thousands of years under certain soil, hydrologic and other site conditions. Where **NATIVE PLANT** is used in the text, this means a straight species, not a cultivar of a species.

**NATURAL FEATURE.** A watercourse, including a lake, pond, river, stream or creek.

**NEW CONSTRUCTION.** A structure for which the "start of construction" commenced on or after the effective date of this chapter.

**NON-CONFORMITY.** Any use of land or building, any parcel of land, or any building or other structure which does not comply with all of the district regulations for the zoning district in which it is located. Private roads existing at the time of adoption of this chapter are legal non-conforming uses of land.

**NOVELTY.** The definition of a **NOVELTY** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**NUDE MODEL STUDIO.** The definition of a **NUDE MODEL STUDIO** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs, trees and plants for sale.

**OFFICE.** A place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. **OFFICE** activities include, but are not limited to, law, medicine, dentistry, accounting or computer consulting, bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

**OPAQUE.** Not pervious to light.

**OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building. See **COURTS**.

**OUTDOOR COMMERCIAL RECREATION.** An area or structure that offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes, but is not limited to, a golf driving ranges, batting cages, riding arenas and corrals, racquet sports, miniature golf, paint ball, go-kart track, archery range or similar activities. This use may include associated accessory eating and drinking areas, retail sales areas and staff offices.

**PARCEL.** A parcel is a continuous piece of land under uniform ownership, which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every **PARCEL** shall abut upon and have permanent access to a public street. Also **LOT**.

**PARKING SPACE.** An off-street space of at least 162 square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

**PERSONAL SERVICE BUSINESS.** A business that primarily serves needs of individual people or families, including, but not limited to, hair or skin care, grooming, dry cleaning, tanning, health clubs, spas or tailoring, shoe repair and repair of small appliances, watches or jewelry.

**PET GROOMING ESTABLISHMENT.** Personal service establishment that, for a fee, trims, cleans or curries domestic pets such as dogs or cats and which may sell pet supplies as an incidental use. This term does not include establishments which board pets.

**PLACE OF WORSHIP.** The definition of a Place of Worship as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**PLANNED COMMERCIAL UNIT DEVELOPMENT.** A self-contained development in which zoning regulations apply to the entire project rather than to separate lots.

**PLANNED RESIDENTIAL UNIT DEVELOPMENT.** An area of land which allows through a planned reduction, or averaging, of the individual lot area requirements for each zoning district providing the overall density requirements for each district remains the same for each single-family dwelling unit. The averaging or reduction of lot area requirements shall only be permitted when a land owner or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate unrelated lots.

**PLANNED UNIT DEVELOPMENT.** Is a self contained development, usually with a mixture of housing types in which subdivision and zoning regulations apply to the entire project rather than to separate lots. A **PUD** may also include mixed uses and can apply to commercial or office development.

**PLANNING COMMISSION.** The officially designated body of the township enabled under Pub. Act 33 of 2008 with all the duties and powers described therein. By extension, **PLANNING COMMISSION** is construed to include the Township Zoning Board prior to the effective date of Township Board action reorganizing the Zoning Board into a Planning Commission under provisions of Pub. Act 33 of 2008.

**POND.** An artificially or naturally confined body of still water, excluding swimming pools.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PRIVATE ROADS.** Roads approved and constructed in accordance with §§ 91.01 through 91.16 of this code of ordinances.

**PRIVATE STREET.** Streets approved and constructed in accordance with §§ 91.01 through 91.16 of this code of ordinances.

**PUBLIC BUILDING.** Those buildings that are open to the public during normal business hours including:

- (a) Any building which provides facilities or shelter for public assembly or which is used for educational, office or institutional purposes;
- (b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment, which provides services or retail merchandise;
- (c) Any general office space and any portion of an industrial facility used primarily as office space;
- (d) Any building owned by a state or political subdivision thereof, including libraries, museums, schools, hospitals, auditoriums, sport arenas and university buildings; and
- (e) Any public or private non-profit school or hospital.

**PUBLIC LIBRARY.** The definition of a **PUBLIC LIBRARY** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**PUBLIC PARK.** The definition of a **PUBLIC PARK** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**PUBLIC STREET.**

- (a) Any vehicular way which:
  1. Is an existing state, county or municipal roadway;
  2. Is shown upon a plat approved pursuant to law; or
  3. Is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved.
- (b) A public thoroughfare, which affords the principal means of access to abutting property.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water services. Wireless communication facilities are not considered **PUBLIC UTILITIES**.

**QUARRIES.** A place where building stone, marble or slate is excavated.

**RACE TRACKS.** A course prepared for horse, dog racing or cars.

**RECREATIONAL USE, COMMERCIAL.** For profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. **COMMERCIAL RECREATIONAL FACILITIES** include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, miniature or putt-putt golf and the like.

**RECREATION VEHICLE.** A vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses.

**RECREATIONAL USE, PRIVATE.** A recreational use carried out entirely on private land for the property owner and his or her guests' pleasure. **PRIVATE RECREATIONAL USES** are not open to the public or admissible by a fee. Examples of this are Putt Putt golf, go-karts and similar uses.

**RECREATIONAL VEHICLE, EQUIPMENT.** A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include, but are not limited to, campers, travel trailers, truck campers or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off-road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport the vehicles. All described vehicles and/or equipment must have a valid and current license, issued by a state in prominent display to be considered licensed.

**RESTAURANT.** An establishment where food and drink are prepared, served and consumed primarily within the principal buildings.

**RESTAURANT WITH ENTERTAINMENT.** Any restaurant, as defined above, with live presentations of any kind.

**RETAIL.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods.

**RETAIL, FOOD.** Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

**RIGHT-OF-WAY.** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROAD.** See **STREET**.

**ROADSIDE STAND.** A structure for the display of agricultural products, with no space for customers within the structure itself.

**ROW HOUSE.** Identical houses joined along sides by common walls.

**SALES AREA.** Defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms, closets, the thickness of interior walls, columns or other features.

**SAND/GRAVEL PIT.** An area primarily engaged in operating and dredging sand and gravel; washing, screening or otherwise preparing sand and gravel.

**SANITARY LANDFILL.** A tract of land developed, designed and operated to accommodate general types of solid waste including, but not limited to, garbage, rubbish, soils and concrete, but excluding hazardous waste.

**SCHOOL.** The definition of a **SCHOOL** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this code, is hereby adopted by reference hereto and incorporated herein.

**SCRC.** Saginaw County Road Commission.

**S.E.V.** The state equalized valuation of the property in question. This is presumed to be 50% of the property's true cash value.

**SEASONAL USE.** See **TEMPORARY BUILDING USE** and **TEMPORARY OUTDOOR USE**.

**SERVICE AREA.** Anywhere fuel is dispensed or any service of the business is performed.

**SERVICE BUSINESS.** An enterprise, which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the **SERVICE BUSINESS**. See also **FINANCIAL BUSINESS**, **PERSONAL SERVICE BUSINESS**.

**SERVICE DRIVE.** A private drive intended to provide access between and among private properties.

**SERVICE INSTALLATIONS AND PUBLIC UTILITIES.** This includes transformers and pump stations and meters and those aspects of electric, telephone, water and sewer tanks, cable television, gas and other similar services that provide direct service to the ultimate consumer and shall include warehousing, storage yards and similar industrially oriented facilities of utility companies. Certain utilities and services shall be exempt, for the purposes of this chapter, from this definition and the requirements hereof. These include: traffic signals, fire hydrants, telephone booths and pedestals, mailboxes; wires, poles, pipes and meters and similar facilities which provide service connections between primary distribution lines or mains and individual residential, commercial or industrial customers;



railroad tracks, signals, bridges and other similar facilities and equipment located on a railroad right-of-way.

**SETBACK.** A **FRONT SETBACK** is measured from the edge of the right-of-way of any abutting roadway. A **REAR SETBACK** is measured from the rear property line. A **SIDE SETBACK** is measured from any other abutting property line. Corner lots shall require two **FRONT SETBACKS**, but only one rear setback.

**SEXUAL ENCOUNTER CENTER.** The definition of a **SEXUAL ENCOUNTER CENTER** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**SEXUALLY ORIENTED BUSINESS.** The definition of a **SEXUALLY ORIENTED BUSINESS** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**SHOOTING CLUB.** A private association of people who hunt for sport on a parcel of land using firearms such as, though not limited to, shotguns and rifles.

**SHOOTING RANGE.** As defined by Pub. Act 269 of 1989, being M.C.L.A. §§ 691.1541 to 691.1544.

**SIGN.** Please refer to Ch. 153 of this code of ordinances.

**SITE, AREA.** The total area within the property lines excluding street right-of-ways.

**SITE CONDOMINIUM.** The portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or a parcel as those terms are used in this chapter.

**SOIL or SOILS.** Peat, gravel, sand, clay, subsoil, topsoil, earth or other soils.

**SPECIAL ACTIVITIES.** Activities of a one-time or annual nature including but not limited to, auto rallies, concerts, auto shows, revival meetings, carnivals, haunted houses, etc. **SPECIAL ACTIVITIES** do not include any activities as defined in Chapter 114, Sexually Oriented Businesses, even if onetime or annual in nature.

**SPECIAL USE.** The term applied to a use, which may be permitted by the application for and issuance of a special use permit by the Planning Commission. Special procedures and requirements, as outlined in cited sections, must be complied with prior to issuance of the permit.

**SPECIFIED ANATOMICAL AREAS.** The definition of **SPECIFIED ANATOMICAL AREAS** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**SPECIFIED SEXUAL ACTIVITIES.** The definition of **SPECIFIED SEXUAL ACTIVITIES** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire.

**STACKING LANE.** An area for temporary queuing of motor vehicles.

**STATE LICENSED RESIDENTIAL FACILITY.** A private residence licensed by the state to receive not more than six aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision, but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a **STATE LICENSED RESIDENTIAL FACILITY**: a nursing home, home for the aged, or hospital, as defined by Pub. Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*; a hospital for the mentally ill, as defined by Pub. Act 258 of 1974, being M.C.L.A. §§ 333.1100 *et seq.*; a county infirmary, as defined by Pub. Act 280 of 1939, being M.C.L.A. §§ 400.1 *et seq.*; a child caring institution, children's camp, foster family home or group home, as defined by Pub. Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128; a veterans' facility, as defined by Pub. Act 152 of 1885, being M.C.L.A. §§ 36.1 to 36.12; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the state to care for four or fewer minors.

**STATE OF NUDITY OR PUBLIC NUDITY.** The definition of a **STATE OF NUDITY OR PUBLIC NUDITY** as defined in the Kochville Township Sexually Oriented Business Ordinance as codified in Chapter 114 of this Code, is hereby adopted by reference hereto and incorporated herein.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than five feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A **HALF-STORY** containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next floor above. The **HEIGHT** of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**STREET.** A public or private thoroughfare, which affords the principal means of access to abutting property.

**STREET FUNCTION CLASSIFICATION.** Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basis groups include: arterials for primary mobility; collectors for both mobility and land access, and locals for primary land access.

(a) **COLLECTOR.** A public or private collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.

(b) **LOCAL.** A public or private vehicular right-of-way that serves as direct land access to higher systems.

(c) **MINOR ARTERIAL.** Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility.

(d) **PRINCIPAL ARTERIAL.** Serves the major centers of activity of the region and carries the highest traffic volume.

**STRUCTURE.** See **BUILDING.**

**SUBSTANTIAL IMPROVEMENT.**

(a) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

(b) For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local Health, Sanitary or Safety Code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**SUBSTANTIAL PROPERTY RIGHT.** A veritable right to specific material property.

**SWALE.** An open drainage channel or depression, explicitly designed to detain and promote the filtration of storm water runoff into an underlying soil media.

**SWIMMING POOL.** An artificially contained body of water for the purpose of swimming excluding hot tubs. A **SWIMMING POOL** is greater than two feet deep at any point.

**TAPER.** A traffic lane, varying in length, used to move traffic out of or in to its normal path.

**TATTOO AND PIERCING PARLOR.** An establishment whose principle business activity, either in terms of operation or as conveyed to the public, is the practice of one or more of the following:

- (a) Placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or
- (b) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**TAVERN.** An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

**TEMPORARY BUILDING USE.** A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue the use upon the expiration of the time period granted in the special use permit.

**TEMPORARY OUTDOOR USE.** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

**TOWNHOUSE.** Single-family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing wall; such structures are to be of the townhouse type as contrasted to multiple-family dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

**TRUCK GARDEN.** A farm where vegetables are grown for market.

**USE.** The employment or occupation of a building structure or land for service, benefit or enjoyment.

**VARIANCE.** A modification of the literal provisions of this chapter granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals.

**VARIANCE (ACCESS MANAGEMENT).** An adjustment in the application of the specific regulations of the access management ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies the disparity in privileges.

**VEHICLE.** Any mode of transportation that transports people or objects and requires a license, license plate or registration.

**WATERCOURSE.** Any natural or artificial watercourse, stream, channel, creek, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent tracts subject to inundation by reason of overflow of flood water.

**WETLAND.** 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**.

**WHOLESALE, JOBBING, AND DISTRIBUTING.** The sale of goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers, and related subordinated services. Wholesalers frequently physically assemble or sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots.

**WIRELESS COMMUNICATION FACILITIES.** 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 telecommunications signals.

**YARD.** An open space on the same lot with a building, unobstructed from the ground upward, except as otherwise provided herein. The measurement of a **YARD** shall be construed as the minimum horizontal distance between the lot line and the building line.

(a) **YARD, FRONT.** A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and nearest point of the main building or land use.

(b) **YARD, REAR.** An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to the side lines of the lot. The depth of the **REAR YARD** shall be measured between the rear line of the lot, or the centerline of the alley, if there is an alley, and the rear line of the building.

(c) **YARD, SIDE.** An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed as a side line.

**YARD REQUIRED, HOW MEASURED.** Required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.

**ZERO LOT LINE.** The duplex building must be constructed so that each unit will occupy approximately one-half of the original lot. Each unit must have its own driveway and garage on its portion of the original lot. The division line must be through the common wall of the duplex building. An owner's agreement, detailing all items of common concern, must be recorded in the office of the Register of Deeds.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012; Ord. 14-03, passed 4-22-2014; Ord. 16-05, passed 5-16-2016)

## **SUPPLEMENTARY USE REGULATIONS**

### **§ 155.020 GRANTING PERMITS.**

The Zoning Administrator, or his or her designee, shall have the power to grant permits authorizing temporary permits for permanent business within the township for the uses listed in § 155.021.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.021 TEMPORARY USE PERMITS.**

A temporary use permit is required for limited term activities or events, which occur on commercial property within the township that may potentially create off-site impacts to surrounding properties in which it will occur. This includes outdoor sales, tent sales, and sidewalk sales, fireworks sales, seasonal sales for plants, produce, firewood or Christmas trees. Special events for gatherings of people, where under a tent or not or confined within any type of physical barrier, food or beverage is served, is also considered a temporary use requiring a temporary use permit. Township Board approval is required where a special event has entertainment in addition to food or beverage and applications for such events shall be submitted 30 days in advance of the planned event. A temporary use permit is not required for religious institutions, residential uses, agricultural uses, or special events occurring at township parks, such as sporting events or other approved events sanctioned by the township.

(A) *Zoning districts where permitted.* Temporary use permits for outdoor sales, tent sales, sidewalk sales or seasonal sales of plants,, produce, firewood or Christmas trees, shall be permitted only in the B-1, B-2, and B-3 zoning districts.

(B) *Application; fee; submission of site plan.*

(1) Every person, firm or corporation desiring to obtain a temporary permit as required by this chapter shall file a written application with the Zoning Administrator on a form approved by the township, together with an application fee as hereafter provided by resolution of the Township Board.

(2) The application for a temporary use permit shall be accompanied by a site plan, drawn to scale, showing the following:

(a) The shape, location and dimensions of the lot, including the location of buildings on the lot, off-street parking layout, the location of any designated fire lanes and areas for the outdoor sales. An aerial photo may also be used in lieu of a drawn site plan where all details above are included.

(b) Materials to be utilized including structures to be erected, including tents, tables, stands, display racks, stages, barriers, traffic control measures; and

(c) Loss of off-street parking, anticipated number of people for special events.

(C) *Time limitations.*

(1) A temporary permit for a tent or sidewalk sale shall, by its terms, be effective for no longer than 14 days. No more than three temporary permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods.

(2) A temporary permit for the sale of Christmas trees shall by its terms be effective for no longer than 30 days. No more than one temporary permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

(3) A temporary permit for outdoor sales, including, but not limited to, the sale of plants, produce or for the sale of firewood, shall, by its terms, be effective for no longer than one six-month period. No more than two temporary permits for sale of plants, produce or for the sale of firewood shall be issued for any given location within a 12-month period. A temporary permit is effective beginning April 1 and ends on September 30. A temporary permit is also effective beginning October 1 and ends on March 31. A temporary permit can be renewed for another consecutive six-month period. Permits sought between April 1 and September 30 shall expire on September 30 of that same year and permits sought after October 1, but before March 31 shall expire on March 31 of that same year.

(D) *Regulations.*

(1) A temporary permit shall only be granted if the Zoning Administrator or his or her designee determines that the proposed use, including the erection of any temporary building or structure, will:

- (a) Provide adequate light and ventilation in the areas of outdoor sales;
- (b) Provide adequate automobile and pedestrian traffic flow without congestion;
- (c) Provide adequate off-street parking which will not displace required off-street parking for the indoor sales;
- (d) Provide adequate lot access for fire protection purposes;

(e) Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety and general welfare;

(f) Not be incompatible with or otherwise adversely affect the physical character of the community and in particular the surrounding area within a distance of 1,000 feet; and

- (g) Provides space for sidewalk or tent sales adjacent to the primary structure on the premises.

(2) When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area and off-street parking.

(3) No temporary use shall be permitted if it reduces the parking by greater than 25%.

(4) All temporary buildings and structures shall be constructed, used, occupied and maintained so as to be in compliance with the provisions of the State Construction Code, the adopted International Fire Code, and all applicable ordinances of the township.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 17-05, passed 6-19-2017) Penalty, see § 155.999

**§ 155.022 PRIOR BUILDING PERMITS.**

Any building permit issued prior to the effective date of this chapter shall be valid, even though not conforming to the provisions of this chapter; provided that, construction is commenced within 90 days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one year after the issuance of the building permit.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.023 ACCESS TO A STREET.**

Any lot of record, created after the effective date of this chapter, shall have frontage on a street, except as may be approved as a planned unit development in accordance with the provision of this chapter or the Plat Act of 1967, as amended.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.024 REAR DWELLING PROHIBITED.**

No accessory building in the rear of and on the same lot with a principal building shall be used for residential purposes, except for watchpersons, caretakers and domestic employees whose employment functions are related to the function of the principal building; provided that, all other requirements of this chapter are satisfied.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.025 LOTS ALONG RAILROAD RIGHTS-OF-WAY OR PROPERTY.**

Any lot created or recorded that is adjacent to or along a railroad right-of-way shall not be used for any residential purpose unless it has a depth of at least 250 feet. In no case, on a lot created, transferred or recorded after the adoption of this chapter shall any dwelling unit be closer than 125 feet from the railroad right-of-way.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

#### **§ 155.026 USE OF STRUCTURE FOR TEMPORARY DWELLING.**

No structure shall be used for dwelling purposes that do not meet the minimum standards as defined in this chapter, and the requirements of the Building Code. No temporary structure whether of a fixed or portable construction shall be erected for any length of time unless authorized by the issuance by the Building Inspector of a temporary permit.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

#### **§ 155.027 MANUFACTURED HOME DWELLINGS.**

No person or entity shall use, occupy or permit the use or occupation of a manufactured home as a dwelling within the township, not designated as a manufactured home park, unless:

(A) A permit for the placement of a manufactured home has been obtained from the township official authorized by the Township Board to issue the same;

(B) The placement of a manufactured home, and the premises upon which it shall be located shall meet all requirements of this chapter relative to uses, size of premises, floor area, set back, side lot and rear lot requirements specified for the particular zoning district in which the manufactured home is located. Further, a manufactured home occupied as a dwelling, shall have a minimum width across any front, side or rear elevation of 14 feet. Where a manufactured home dwelling is required by law to comply with any federal or state standards or regulations for construction and where the standards or regulations for construction are different than those imposed under the Township Building Code, then, and in that event, the federal or state standard or regulation shall apply;

(C) A manufactured home shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of the materials and type as required in the Township Building Code for other single-family dwellings. The manufactured home dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission, and shall have a perimeter wall as required above. The manufactured home shall be so placed and situated that the wheels shall be removed and the underside or chassis of the manufactured home shall be completely enclosed and connected to the foundation so that the towing mechanism, undercarriage or chassis are not exposed to view;

(D) A manufactured home shall meet or exceed all requirements imposed by the United States Department of Housing and Urban Development mobile home construction and safety standards;

(E) A manufactured home shall contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein;

(F) A manufactured home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; shall have not less than two exterior doors with the second one being in either the rear or side of the mobile home dwelling; shall have steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same; and

(G) The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular manufactured home, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design and appearance of one or more residential dwellings located outside a manufactured home park within 2,000 feet of the subject manufactured home where the area is developed with dwellings to the extent of not less than 20% of the lots situated within the area; or, where the area is not developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. This shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

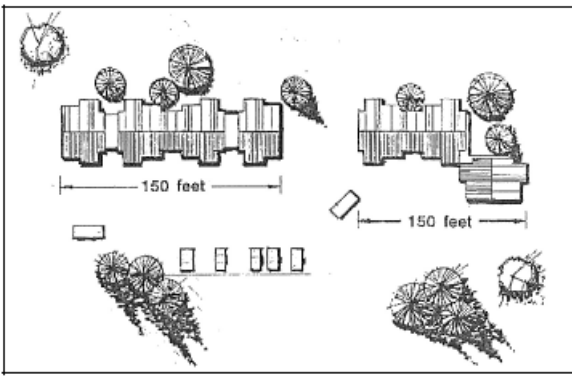
(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

#### **§ 155.028 ATTACHED HOUSING RESIDENTIAL DEVELOPMENT STANDARDS.**

The following site development standards shall apply to attached housing developments, including two-family dwellings, townhome development, and multiple-family dwellings, in all zoning districts in which they are uses permitted by right or by special use permit:

(A) *Building length.*

(1) Attached housing buildings shall not exceed 150 feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration), except that the Planning Commission may approve longer building lengths where the design incorporates attached garages that are off-set from the front facade of a structure and provide a unique style of architectural design.



(2) Horizontal facades longer than 36 feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included (see illustration):

- (a) Distinctive roof and wall forms or elements.
- (b) Changes in materials or patterns.
- (c) Windows (shape, pattern, trims and/or details).
- (d) Color differentiation.
- (e) Recesses, offsets, cantilevers.
- (f) Architectural features (bay or bow windows, chimneys, lower roofs and awnings).



(3) Buildings shall include modulation along the building facades. Special attention shall be given to building faces viewed from the street. Flat blank walls are discouraged.

(B) *Building spacing.* The minimum distance between any two buildings shall be based on the following tables:

<i>Relationship Between Buildings</i>	<i>Minimum Distance Between Buildings</i>
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

(C) *Street address.* The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.

(D) *Access and circulation.* Multiple family developments shall comply with the following requirements for access and circulation (see illustration):

(1) *Access to roads.* Developments in the R-2, R-3, B-1 and B-2 districts shall have direct access to a collector road or major thoroughfare; however, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:

- (a) The property directly across the street from the development under consideration is zoned for multiple family or non-residential use;
- (b) The property directly across the street is developed with permanent uses other than single family residences; or



(c) The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.

(2) *Emergency access.* All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:

(a) All roadways shall be paved and bi-directional, allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of 25 feet in width, and the width of each paved moving lane in each direction is at least 15 feet.

(b) Streets with no outlet shall be terminated with an approved method as determined by the Fire Department, a cul-de-sac, designed in accordance with standards established and periodically updated by the Township Engineer and kept on file in the Community Development Building Department. Such streets with no outlet shall not exceed 150 feet without Fire Department approval.

(c) Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access and must comply with the International Fire Code adopted at the time of site plan submittal.

(3) *Street dimensions.* On-site streets and drives shall comply with the standards in § 155.086, Parking Area and Circulation Design Requirements.

(E) *Sidewalks.* Sidewalks shall be provided within the development, located no less than five feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. Bicycle paths shall be provided along the collector road or thoroughfare on which the development fronts.

(F) *Parking.* In addition to the requirements set forth in §§ 155.080 to 155.089, attached housing developments shall comply with the following requirements:

(1) *Location.* Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking lots and access drives shall not be located closer than 25 feet to a wall of any residential structure which contains windows or doors, nor closer than ten feet to a wall of any residential structure which does not contain openings.

(2) *Distance from dwelling units.* Parking shall be located within 150 feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.

(3) *Parking for community buildings.* Parking shall be provided for community buildings as specified in § 155.082, Off-Street Parking Requirements.

(G) *Lighting.* All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in § 155.089, Lighting.

(H) *Landscaping.* Multiple family developments shall be landscaped in accordance with § 155.087, Landscaping.

(I) *Open space.* Open space shall be provided in any multiple family development containing eight or more units. The open space shall comply with the following requirements:

(1) *Size.* Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of 10,000 square feet of open space.

<i>Type of Unit</i>	<i>Open Space Required per Unit</i>
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

(2) *Location.* Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.

(3) *Use of open space.* Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.

(4) *Phasing.* Open space improvements shall be completed in proportion to the number of units constructed in each phase.

(J) *Garages.* Garages shall be permitted for each unit, in accordance with the provisions for accessory buildings in § 155.003, Accessory Buildings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016) Penalty, see §155.999

### **§ 155.029 ONE DWELLING PER LOT.**

Only one single-family detached dwelling will be allowed to be erected on a lot, except a residential site condominium.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.030 FENCES, WALLS AND SCREENS.**

(A) No fence, wall or structural screen in a residential area shall have barbed wire, electrified components or otherwise be intended to cause harm in preventing entry to the property. No fence, wall or structural screen other than plant materials shall be erected on any residential property greater than six feet in height. No fence, wall or hedge planting shall exceed a height of three feet within any residential front yard. On a corner lot or parcel, no fence planting shall be allowed, except as may be permitted by the Zoning Administrator. The Zoning Administrator will determine the fence or planting does not interfere with vehicular or pedestrian traffic visibility. The fence shall be constructed in a way that the more attractive side is exposed to neighboring properties.

(B) The Planning Commission, as part of the site plan review, will determine the type and location of fencing for public utility buildings or facilities and industrial or commercial zoned sites.

(C) Barbed wire and fences with electric current may be permitted when used in conjunction with an agricultural operation; provided, the fencing is not used as a property boundary fence.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008) Penalty, see § 155.999

### **§ 155.031 INOPERATIVE OR DISMANTLED CARS, TRUCKS OR BUSES.**

The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided storage does not exceed one week.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.032 AUTOMOBILE SALES, NEW AND USED.**

(A) The sale of vehicles is prohibited in off-street parking areas other than the sale of the property owner's own vehicle. This means parking lots may not be used to display vehicles, boats or other items for sale. Emergency service required to start vehicles, however, is permitted. Furthermore, the buying, selling, brokering, leasing, negotiating a lease or dealing in five or more vehicles in a 12-month period requires a dealer's license from the state. State law requires the application for a dealer's license to include written verification from the Zoning Administrator that the business meets all township zoning and municipal requirements. The Secretary of State may deny the application for a dealer's license, refuse to issue or may suspend or revoke a license already issued, if it finds the applicant or licensee is not in compliance with all applicable zoning and municipal requirements in the township. Self-certification is not permitted.

(B) The following dealer's license classes must receive appropriate approvals from the Zoning Administrator:

- (1) Class A - New Vehicle Dealer;
- (2) Class B - Used Vehicle Dealer;
- (3) Class C - Used Vehicle Parts Dealer;
- (4) Class D - Broker;
- (5) Class E - Distressed Vehicle Transporter;
- (6) Class F - Vehicle Scrap Metal Processor;
- (7) Class G - Vehicle Salvage Pool Operator;
- (8) Class R - Automotive Recycler; and
- (9) Class W - Wholesaler.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.033 SPACE USED ONCE.**

Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall not be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as the building or structure.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.034 USE EXCEPTIONS.**

Nothing in this chapter shall be construed to prohibit the following accessory or incidental uses:

(A) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of the area;

(B) Garden, garden ornaments and usual landscape features within required yard space;

(C) Fences within required yard space;

(D) Retaining walls and public playground;

(E) Off-street parking for motor vehicles; and/or



(F) Use of a premise as a voting place in connection with local, state or national elections.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.035 STORAGE OF RECREATIONAL EQUIPMENT.**

(A) Storage of recreational equipment including travel trailers, campers, boats and similar recreational equipment is prohibited within the required front yard area of any A or R district, except as follows: where adequate ingress and egress is not available because of a permanent difficulty to the side or rear yard set-back area, as determined by the Zoning Administrator, then parking or storage would be allowed in the side yard area extending beyond the front building line, however, not within 20 feet of the road right-of-way. The maximum number of recreational vehicles allowed in this area is limited to two.

(B) Recreational vehicles must be parked on an approved surface limited to asphalt, concrete, limestone aggregate or permeable pavers. In required rear and side yard areas, up to one of each type, or in the case of snowmobiles or similar vehicles, up to four on a trailer may be stored or parked; provided that, there is adequate ingress and egress available or potentially available on either a public or private right-of-way.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.036 HEAVY VEHICLES AND EQUIPMENT.**

Storage of excavation, landscaping and other commercial equipment, including trucks in excess of one-ton rated capacity is prohibited within any R, B-1 or B-2 district.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008) Penalty, see § 155.999

**§ 155.037 DANGEROUS ANIMALS.**

The keeping of animals or reptiles considered dangerous in their normal habitat is prohibited. This would include, but is not limited to, tigers, lions, cheetahs, cobras and alligators and also unfenced or untethered "attack" dogs.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.038 STORM WATER MANAGEMENT.**

(A) All structures and uses of land or buildings requiring site plan review by the Township Planning Commission are subject to review under the requirements of the storm water management design guidelines, described herein. The intent of the guidelines is to encourage the use of structural, vegetative or managerial practices, commonly referred to as best management practices (BMPs), designed to treat, prevent or reduce degradation of water quality due to storm water runoff.

(B) (1) Site design in terms of storm water management must comply with the federal, state and local guidelines related to Phase II of the National Pollutant Discharge Elimination System (NPDES) storm water regulations.

(2) In the county, there are 12 communities affected by the NPDES program, including the township.

(3) The NPDES program in the state required these communities to obtain a NPDES permit to discharge storm water into waters of the state and to develop plans and procedures to keep the storm water clean.

(4) They formed the Saginaw Area Storm Water Authority (SASWA) in order to organize their efforts to obtain the storm water discharge permits.

(C) Because storm water discharge from developments must be cleaned to the maximum extent practicable, projects subject to storm water management design review shall be designed, constructed and maintained using BMPs to prevent flooding, protect water quality and contribute to the aesthetic values of the project.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.039 GARAGE SALES.**

Yard, rummage, garage and similar sales providing:

(A) The sale is temporary, shall not continue for a period exceeding two consecutive weekends (being six days total unless written permission has been received by the Zoning Administrator) from the date of commencement and may not commence again for at least 30 days from the last date of a prior sale at that location with no more than three such sales per year.

(B) No items available during sales may be openly displayed when sales are not in progress.

(C) The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income.

(Ord. 14-04, passed 4-22-2014)

**§ 155.040 STORAGE CONTAINERS AS STORAGE BUILDINGS PROHIBITED.**

It is the intent of this section to limit the placement and use of any shipping container as an accessory building, storage building, on any parcels located in any zoning district in Kochville Township except as provided for herein. This limitation is to protect the public health

and safety and the aesthetic quality of Kochville Township.

(A) Shipping containers, storage containers, used as storage buildings sited on any parcels located in any zoning district in Kochville Township is prohibited except as specifically approved and under an active permit issued as a temporary use. Requests for a temporary use permits for a temporary storage container or containers will be reviewed by the Zoning Administrator and the Fire Department Inspector to determine compliance with other codes or ordinances; the submitted site plan and to determine that adequate space exists and that placement does not impact vehicular traffic. Storage containers, at the option of the zoning administrator, may require temporary screening and containment.

(B) No permit for a storage container shall be valid longer than 90 days in any calendar year.

(C) The allowable number of storage containers may be limited by the zoning administrator based on demonstrated need, aesthetic impact on the property, and Fire Department access.

(D) Storage containers that are placed on construction sites with an active building permit or placed in advance of a project where a building permit is to be issued are not regulated by this section with the exception of location and impact on vehicular traffic.

(Ord. 19-02, passed 6-17-2019)

**§ 155.041 PONDS.**

Any soil excavation for the purpose of constructing a pond shall be permitted in any district subject to the following standards upon issuance of a zoning permit:

(A) The term **POND** as used in this section is defined as any soil excavation, digging, or grading resulting in substantial accumulation or ponding of surface water or pumped water. Ponds of 200 square feet or more will require a zoning permit. Small backyard waterfalls and liner ponds less than 200 square feet are not regulated by this section. Where the pond disturbs a portion of a property that exceeds one acre, a soil erosion permit shall be required from the Saginaw County Dept of Public Works. Where a pond exceeds five acres, a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), will also be required.

(1) A permit from the EGLE is required (under Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, prior to construction of a pond if the pond will be:

- (a) Within 500 feet of a lake or stream, or connected to a lake or stream;
- (b) Within a regulated wetland;
- (c) Within the 100-year floodplain of a river or stream;
- (d) Five surface acres or more in size.

(2) Where any of the above conditions exist, no permit for a pond will be issued without EGLE approval and the submission of a copy of the permit to the Kochville Community Development Department.

(B) *Location of ponds.*

- (1) No pond is to be located any closer than as provided below.

From any property line	10 feet
From any septic field	75 feet
From a water supply well	50 feet
From a road ditch or county drain or underground drainage system	50 feet

(2) The zoning administrator shall require a site plan that accurately shows the location (by dimensions) of the pond including the required isolation distances as provided in this section. No pond shall be located in an area reserved for the replacement of a septic field.

(C) The pond shall not have a steeper slope than one to three on all sides for the first six feet from the bank. Ponds shall not exceed 25 feet in total depth and shall not encompass more than 15% of the rear yard surface area.

(D) Construction of a pond shall not cause an increase in runoff or drainage to abutting properties beyond which may have occurred prior to its construction. The zoning administrator shall require that any plan submitted for ponds show an adequate method of preventing overflow or water onto adjacent properties. To accomplish this purpose, the zoning administrator may require a spillway leading to any approved drainage way or grassed berm along one or more sides of the pond or both.

(E) There shall be a distance of not less than 30 feet between the outside edge of the pond and any building.

(F) Construction of a permitted pond shall be completed within six months of the date of the issuance of a permit. Extensions may be granted for just cause. All areas disturbed during construction of the pond shall be seeded and maintained in good condition to prevent erosion.

(G) *Dangerous conditions.* The property owner shall take every precaution to ensure the safety of the public. Where conditions, during construction, may be deemed to pose a hazard to people and animals, the zoning administrator may require the installation of temporary barriers until the pond water is filled to an acceptable level where a person or animal could exit the pond without being

trapped.

(H) Appropriate lifesaving equipment such as ring buoys shall be placed near the pond and be easily seen and accessible for use during an emergency. Appropriate warning signs shall be provided and maintained.

(Ord. 20-01, passed 2-24-2020)

## **SUPPLEMENTARY YARD REGULATIONS**

### **§ 155.050 PERMITTED YARD ENCROACHMENTS.**

(A) Paved terraces, patios and uncovered porches shall not be subject to yard requirements; provided:

(1) The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building;

(2) The highest finished elevation of the paved area is not over two feet above the average surrounding finished grade area; and

(3) No portion of any paved area is closer than five feet from any lot line, nor projects into any front yard setback area. The paved areas may have non-continuous windbreaks or walls not over six feet high and not enclosing more than one-half the perimeter of the paved area.

(B) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight feet; provided:

(1) The porch is unenclosed and no higher than one story and is erected on supporting piers; and

(2) The porch shall not be closer than eight feet to any side or rear lot line.

(C) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.

(D) Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any yard up to a maximum of two and one-half feet.

(E) Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five feet.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.051 YARD EXCEPTIONS.**

In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required setback shall be determined by the Township Planning Commission.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## **SUPPLEMENTARY HEIGHT REGULATIONS**

### **§ 155.065 PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES.**

(A) The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

(1) Church steeples, belfries, cupolas, domes, ornamental towers and flag poles; provided that, the structural elements do not exceed 20% of the gross roof area; and

(2) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, radio or television towers, aerials and fire and base towers; provided, the total height of the structure or the building and appurtenances be 175 feet or less from the ground.

(B) The permitted exceptions shall not be for human occupancy or dwelling.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## **PARKING REQUIREMENTS**

### **§ 155.080 PURPOSE AND INTENT.**

It is the purpose and intent of this chapter that parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions the prevention of future blighted areas and to promote the ease of access to businesses.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.081 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

(A) In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than those specified for

the various districts.

(B) Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.

(C) Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.

(D) For the purposes of determining off-street parking and loading requirements, the following provisions shall apply.

(1) In mercantile establishments, **GROSS FLOOR AREA** shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.

(2) In hospitals, bassinets shall not be counted as beds.

(3) Where benches, pews or other similar seating facilities are used as seats, each 20 inches of the seating facilities shall be counted as one seat.

(4) The landscaping must be maintained and kept alive.

(E) In the case of mixed uses in the same building, the total requirements of off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.

(F) It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of this chapter for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.

(G) Parking and loading is not allowed in the required front yard setback, or in the case of a corner lot, in the required setback for the side street. Off-street parking shall be no closer to any principal building than five feet. Curbs shall be installed to prevent yard encroachment. A vehicle for sale can be parked in the front yard, but not in the right-of-way. However, the grass must be maintained around the vehicle. The vehicle may not be parked for sale more than 30 consecutive days in a year. Any vehicle parked for sale must be privately owned and a non-business/commercial vehicle and owned by the property owner. A permit is required from the township and only two permits per address are allowed in a calendar year.

(H) The length of the pedestrian walkway between the entrance of a commercial use and the off-street parking area shall be a minimum of eight feet. In the case of an access driveway or lane between the pedestrian walkway and the off-street parking area, the length of the pedestrian walkway shall be a minimum of 16 feet between the building and the traffic lane. The widths of these walkways should correspond aesthetically to the length and meet the approval of the Zoning Administrator or his or her delegate.

(I) Parking and loading areas may be extended to the property line, except as herein above specified by division (F) above and as specified under § 155.083.

(J) The provisions of this subchapter shall further be subject to the provisions of the Tittabawassee Road Control Regulations set forth in §§ 155.350 and 155.351 and Bay Road Control Regulations set forth in §§ 155.365 through 155.374.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

**§ 155.082 OFF-STREET PARKING REQUIREMENTS.**

The suggested minimum and maximum number of off-street parking areas by type of use shall be determined in accordance with the following schedule:

<i>Use</i>	<i>Parking Spaces Suggested</i>	<i>Maximum Parking Spaces</i>
<i>Use</i>	<i>Parking Spaces Suggested</i>	<i>Maximum Parking Spaces</i>
<b>RESIDENTIAL</b>		
Manufactured home parks	2 for each manufactured home unit	2 for each manufactured home unit
Residential, multiple-family	2 for each dwelling unit	2 for each dwelling unit
Residential, one-family and two family	1 for each dwelling unit	N/A
<b>INSTITUTIONAL</b>		
Assembly halls, without fixed seats, for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar assembly uses	1 space for each 100 feet of gross floor area used for permitted use	1 space for each 50 square feet of gross floor area used for permitted use

Auto wash	1 for each employee during busiest shift. In addition, adequate waiting space for autos shall be provided on the premises to accommodate 25% of the hourly rate of capacity, plus 1 space for each vacuuming space	1 for each employee during busiest shift. In addition, adequate waiting space for autos shall be provided on the premises to accommodate 50% of the hourly rate of capacity
Automobile service establishments	2 for each lubrication stall, rack or pit; and 1 for each service bay or fueling station	2 for each lubrication stall, rack or pit and 1 for each service bay or fueling station
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs and 1-1/2 spaces for each additional chair	2 spaces for each of the first 2 beauty or barber chairs and 2 for each additional chair
Bowling alleys	3 for each 1 bowling lane, plus add 1 space for each employee on a maximum shift	4 for each 1 bowling lane, plus add 1 space for each employee on a maximum shift
Business offices or professional offices, except as indicated in the following item	1 for each 600 square feet of gross floor area	1 for each 300 square feet of gross floor area
Drive-in restaurants or similar drive-in uses for the sale of beverages, food or refreshment	1 for each 50 square feet of gross floor area	1 for each 25 square feet of gross floor area
Elementary and junior high schools	1 for each 1 teacher and administrator, in addition to the requirements of the auditorium. If there is no auditorium, an additional 1 space for each 30 students	1 for each 1 teacher and administrator, in addition to the requirements of the auditorium. If there is no auditorium, an additional 1 space for each 20 students
Establishments for sale and consumption on the premises of beverages, food or refreshments	1 for each 100 square feet of gross floor area, except as otherwise specified herein	1 for each 50 square feet of gross floor area, except as otherwise specified herein
Financial institutions	1 for each 400 square feet of gross floor area	1 for each 225 square feet of gross floor area
Furniture and appliances, household equipment, repair shops showrooms and other similar uses	1 for each 800 square feet of gross floor area used in processing; 1 additional space shall be provided for each person employed therein on maximum working shift	1 for each 600 square feet of gross floor area used in processing, 1 additional space shall be provided for each person employed therein on maximum working shift
Golf courses open to the general public, except miniature or "par-3" courses	6 for each 1 golf hole and 1 for each 1 employee on largest shift	6 for each 1 golf hole and 1 for each 1 employee on largest shift
Homes for the aged, convalescent homes and foster care homes	1 space for each 4 beds, plus 1 space for each employee including nurses on maximum shift	1 space for every 2 beds, plus 1 space for each employee including nurses on maximum shift
Hospitals	1 for each 3 non-ambulatory patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each employee, including nurses on maximum working shift	1 per non-ambulatory bed, plus 1 space for each staff or visiting doctor, plus 1 space for each employee, including nurses on maximum working shift
Laundromats and coin-operated dry cleaners	1 for each 2 washing machines	1-1/2 for each 2 washing machines
Libraries, museums and post office buildings	1 for each 600 square feet of gross floor area, plus 1 space for each employee employed therein	1 for each 600 square feet of gross floor area, plus 1 space for each employee employed therein
Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats	1 for each 4 persons of legal capacity as established	1 for each 3 persons of legal capacity as established
Miniature or "par-3" golf courses	2 for each 1 hole, plus 1 for each employee	3 for each 1 hole, plus 1 for each employee

Mortuary establishment	1 for each 50 square feet of parlor or chapel space, plus 1 for each employee on maximum working shift	1 for each 40 square feet of gross floor area, plus 1 for each employee on maximum working shift
Motel, hotel or other commercial lodging establishments	1 for each 1 occupancy unit, plus 1 for each employees on maximum working shift, plus extra spaces for any assembly rooms, ballrooms or meeting rooms where the capacity of the areas exceeds the number of beds in the building	1 for each 1 occupancy unit, plus 1 for each employees on maximum working shift, plus extra spaces for any assembly rooms, ballrooms or meeting rooms where the capacity of the areas exceeds the number of beds in the building
Places of worship	1 for each 5 fixed seats	1 for each 5 fixed seats
Pre-school child care (day nurseries)	1 for each employee and 1 for every 6 preschoolers	1 for each employee and 1 for every 6 preschoolers
Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	1 for each 2 member families or individuals	1 for each 2 member families or individuals
Professional offices of doctors, dentists or similar professions	1 for each 20 square feet of gross floor area in waiting rooms, and 2 for each examining room or dental chair, plus 1 for each employee at a maximum shift	1 for each 20 square feet of gross floor area in waiting rooms, and 2 for each examining room or dental chair, plus 1 for each employee at a maximum shift
Public office building not elsewhere specified	1 for each 300 square feet of gross floor area, plus 1 space for each employee employed therein	1 for each 250 square feet of gross floor area, plus 1 space for each employee employed therein
Retail stores less than 5,000 square feet of gross floor space, as otherwise specified herein	1 for each 300 square feet of gross floor area, plus 1 for each employee on maximum working shift	1 for each 250 square feet of gross floor area, plus 1 for each employee on maximum working shift
Retail stores more than 5,000 square feet of gross floor space, as otherwise specified herein	1 for each 250 square feet of gross floor area, plus 1 for each employee on maximum working shift	1 for each 225 square feet of gross floor area, plus 1 for each employee on maximum working shift
Senior high schools and colleges	1 for each 1 teacher and administrator and 1 for each 10 students, in addition to the requirements of the auditorium	1 for each 1 teacher and administrator and 1 for each 5 students, in addition to the requirements of the auditorium
Stadium, sports arena or similar place or outdoor assembly	1 for each 3 seats or 6 feet of benches and 1 for each employee on a maximum work shift	1 for each 3 seats or 6 feet of benches and 1 for each employee on a maximum work shift
Theaters and auditoriums	1 for each 4 seats, plus 1 for each employee on maximum working shift	1-1/2 for each 4 seats, plus 1 for each employee on maximum working shift
<b>INDUSTRIAL</b>		
Industrial or research establishments	5 visitor spaces, plus 1 for each employee on maximum working shift	5 visitor spaces, plus 1 for each employee on maximum working shift
Wholesale establishments	5 visitor parking spaces, plus 1 for each employee in the largest working shift	5 visitor parking spaces, plus 1 for each employee in the largest working shift

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 12-001, passed 2-21-2012)

**§ 155.083 AUTHORITY TO EXCEED PARKING MAXIMUM.**

The Zoning Administrator may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Zoning Administrator determines that:

- (A) Additional parking is necessary to meet the parking demand for a specified use;
- (B) Cooperative use of parking is not available or adequate to meet demand; and
- (C) Any required transportation management program will remain effective.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.084 EXISTING PARKING EXCEEDING MAXIMUM ALLOWED.**

(A) *Spaces serving another use.* Parking spaces in excess of the maximum number allowed which serve a use located on another property through a cooperative parking agreement or other document may remain so as long as the written, recorded obligation to supply that parking remains effective.

(B) *General.* Any other parking spaces in excess of the maximum number allowed may remain until there is a substantial remodel of the structure or change in use or business use for which the parking is provided. At the time of a substantial remodel or change in use, the number of parking stalls must conform to the requirements of this section and the design of all new or modified parking and circulation areas must conform to the requirements of this section.

(C) *Exception.* If a substantial remodel results in a total gross floor area for the entire development of 10,000 square feet or less, parking spaces in excess of the maximum allowed may remain in reserve, if it is land-banked and properly landscaped, subject to the approval of the Zoning Administrator.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.085 SHARED USE OF PARKING.**

(A) *General.* The Zoning Administrator may approve shared use of parking facilities located on separate properties if:

- (1) A convenient pedestrian connection between the properties exists;
- (2) The properties are within 500 feet and shall be contiguous; and
- (3) The availability of parking on all affected properties is indicated by directional signs as permitted by Ch. 153 of this code of ordinances.

(B) *Number of spaces required.* Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

(C) *Overlapping hours.* Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total is reduced by 10%:

- (1) The parking areas share a property line;
- (2) A vehicular connection between the lots exists;
- (3) A convenient, visible pedestrian connection between the lots exists; and
- (4) The availability of parking for all affected properties is indicated by directional signs, as permitted by Ch. 153 of this code of ordinances.

(D) *Documentation required.* Prior to establishing shared use of parking, the property owner or owners shall file with the township a written agreement approved by the Zoning Administrator providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.086 PARKING AREA AND CIRCULATION DESIGN REQUIREMENTS.**

(A) *Surface material.* Off-street parking, loading and circulation areas for all uses shall be surfaced with a material that shall provide a durable, smooth and dustless surface; and shall be graded and provided with adequate drainage to dispose of all collected surface water; and if surfaced with concrete or asphalt, shall conform to the following, with either:

- (1) Six inches of portland cement concrete;
- (2) Two inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six inches;
- (3) Paving with permeable, interlocking concrete pavement system, as approved by the Township Zoning Administrator;
- (4) Except that for the following, parking spaces, strips or aprons can be asphalt, concrete or six of stone mix or gravel, which must be maintained and clearly defined:
  - (a) Single-family dwellings; and
  - (b) Accessory uses customarily associated with farming, including roadside stands and private stables and the like.
- (5) All parking lots must be curbed. In certain cases, a slotted curb design may be permitted in order to direct runoff away from parking areas into adjacent landscaped infiltration areas.

(B) *Accessible parking.* The number, layout and design of accessible parking spaces shall comply with the requirements of the State Building Code.

(C) *Marking required.*



(1) The property owner shall delineate car stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the Zoning Administrator.

(2) Any time restriping is done in a parking lot; the spaces shall be delineated by double striping. Where a parking lot has less than 25 spaces, a waiver from the required double striping may be given by the Zoning Administrator where the applicant can demonstrate the need for the number of existing spaces and shared parking is not available; or additional parking is necessary to meet the parking demand for a specified use.

(3) In addition, when a site is redeveloped, repaired, or improved, the lot shall be restriped to conform to the parking stall and aisle requirements described below, except that repairs in access isles and in parking lots where less than 25% of the parking stalls are affected would not require double striping.

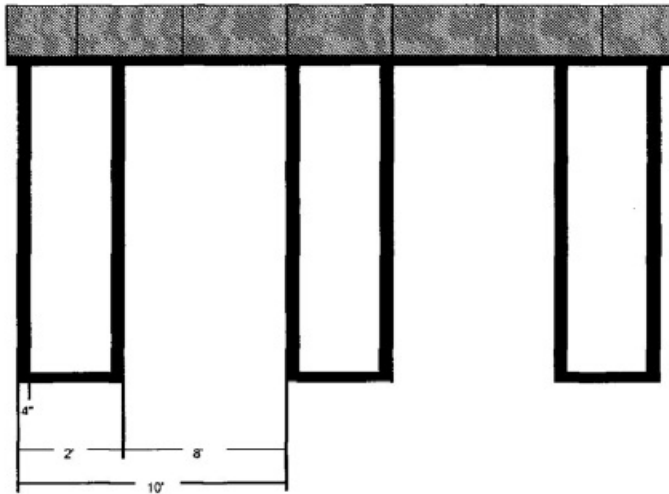
(D) *Parking stalls and aisle requirements.* Off-street parking shall be designed in conformance with these standards (also see the following illustrations).

- (1) Each parking space shall be a minimum of ten feet wide and 18 feet in length.
- (2) Aisle requirements are as follows:

<i>Angle of Parking</i>	<i>One-Way Aisle</i>	<i>Two-Way Aisle</i>
0 degrees (parallel)	12 ft.	24 ft.
30 degrees	12 ft.	24 ft.
45 degrees	13 ft.	24 ft.
60 degrees	18 ft.	24 ft.
90 degrees (perpendicular)	24 ft.	24 ft.

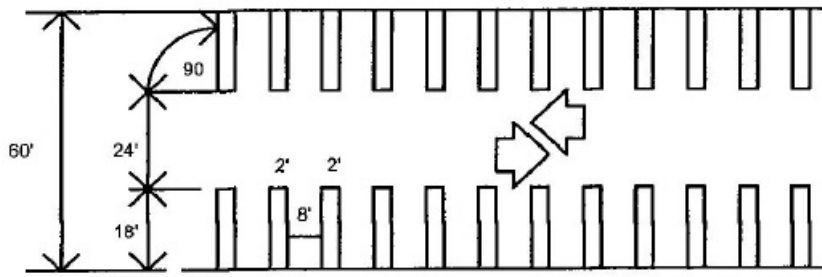
(3) All parking spaces shall be delineated by double striping along the sides (see illustration below).

(4) Angled parking is strongly encouraged. Where a site can demonstrate the need for 90-degree parking, it shall be considered by the Zoning Administrator for applicability.

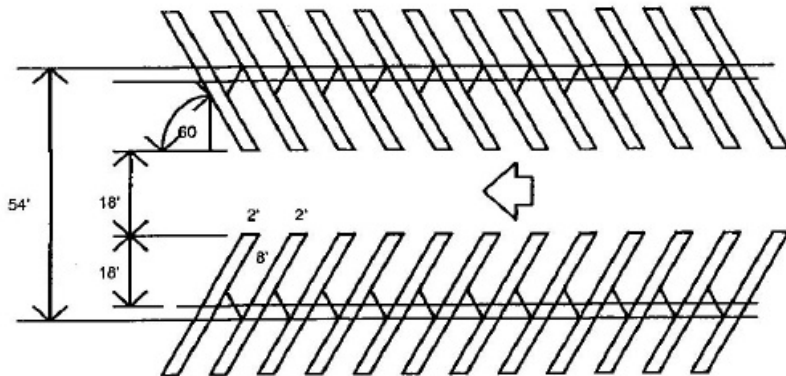




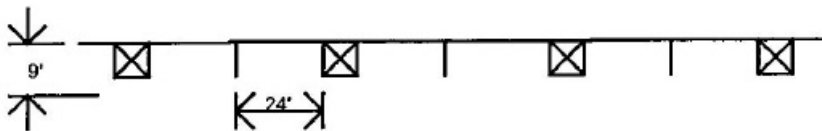
### 90 Degrees (Perpendicular) - Two-way Aisle



### 60 Degrees - One-way Aisle



### 0 Degrees (Parallel)



#### (E) Driveways.

(1) *Entrances and exits.* Adequate ingress and egress to the parking areas by means of clearly marked and limited drives shall be provided. Drives for ingress and egress to parking areas shall not be less than 22 feet in width. Further, these entrances shall be at least 25 feet from any adjacent lot or parcel. These requirements for off-street parking shall not be applicable to one- and two-family residential lots.

(2) *Combined driveway.* The owners of adjoining properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the township may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development.

(3) *Management plans.* All projects located along M-84 and Tittabawassee Road must also meet the adopted access management plans.

(4) *Driveway dimensions.* Internal circulation driveways that do not provide direct access to parking stalls must be a minimum of 20 feet wide for two-way traffic and five feet wide for one-way traffic unless otherwise specified by the Zoning Administrator or by the Fire Marshal.

(F) *Loading space.* A property owner shall provide an off-street loading space that can access a street. The number and size of loading spaces must be equal to the maximum number and size of vehicles that would be simultaneously loaded or unloaded in connection with the business conducted on the property.

(1) *Standard requirement.* Each loading space must be a minimum of ten feet wide and 55 feet long. Where a loading space is adjacent to an arterial, the property owner shall provide an additional 40 feet maneuvering length.

(2) *Reduction.* The Zoning Administrator may reduce required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces so that no part of a vehicle using or maneuvering into the loading space projects into a public right-of-way, access easement or private road.

(3) *Waiver.* If the property owner demonstrates that the development has and will have no loading needs, the Zoning Administrator

may waive the requirements of divisions (F)(1) through (F)(3) herein.

(G) *Drive-through facility stacking lanes.* A property owner proposing a drive-through facility shall provide seven stacking spaces for each drive-through station in addition to the parking required by this section. Each lane of stacking space must be at least nine feet wide and must be delineated with pavement markings. Each stacking space must be at least 12 feet long; however, individual spaces within the lane may not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation drive or parking aisle widths.

(H) *Grade separation protection.* Where a parking area, service yard or other vehicle area slopes or has a drop-off grade separation, the property owner shall install a wall, railing or other barrier which will prevent a slow-moving or driverless vehicle from escaping the area and which will prevent pedestrians from walking over drop-off edges.

(I) *Lots adjoining residential districts.* Off-street parking on lots adjoining or within a residential district shall in addition conform with the following requirements.

(1) Non-commercial vehicles may be parked in any part of the required side or rear yard, except as otherwise provided in this chapter.

(2) Lighting used to illuminate any off-street parking area shall be so located and arranged as to direct light away from the adjoining premises.

(3) Where the required parking area of three spaces or more is within 40 feet of an adjoining residential district or lot, the parking area shall be no closer to any side or rear property line than ten feet and within the ten-foot strip, either of the following shall be established:

(a) A planting strip ten feet in width approved by the Zoning Administrator. The planting strip shall not be less than five feet in height and shall consist of a sufficiently dense plant material to screen the parking and shall be adequately maintained;

(b) A solid masonry wall or uniformly treated wood fence not less than five feet in height or greater than eight feet in height; and/or

(c) The wall or planting strip shall be of a length as the width or length of the parking area.

(J) *Solid waste collection facilities.* The following rules are intended to prevent unhealthful or unsightly conditions regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.

(1) *Enclosure.* Each container must be located in an enclosure which is screened on at least three sides by a masonry wall at least one and one-half feet higher than the container or containers. The enclosure shall further have an opaque gate which shall remain closed when not in use. The enclosure itself shall provide for an entrance for access by employees, separate of the gate itself.

(2) *Paving.* The enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine inches thick.

(3) *Location.* The enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. The enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

(4) *Failure.* Failure to provide and/or maintain the facility and adequately control the trash and debris typically associated with a facility will be deemed a violation of this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 12-001, passed 2-21-2012; Ord. 17-05, passed 6-19-2017)  
Penalty, see § 155.999

## **§ 155.087 LANDSCAPING.**

Landscaping is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of street, parking areas and building elevations.

(A) *Required amount.*

(1) If the parking area contains no more than 50 parking spaces, at least 25 square feet of landscape development for each parking space must be provided as described in division (B) below for each parking stall proposed.

(2) If the parking area contains more than 99 parking spaces, at least 50 square feet of landscape development for each parking space must be provided as described in division (B) below for each parking stall proposed.

(3) If the parking area contains more than 50, but less than 100 parking spaces, the Building and Zoning Administrator shall determine the required amount of landscaping by interpolating between 25 and 50 square feet for each parking space proposed. The area must be landscaped as described in division (B) below.

(4) All landscaping must be maintained and kept alive.

(5) Additional landscaping is required for developments in the Cardinal Square area, per the design guidelines stated in § 155.333.

(B) *Design.* Each area of landscaping must be at least 100 square feet of area in size and must be at least four feet in any direction. The area must contain at least one tree at least six feet in height. A minimum size of one and one-half inches in caliper must be met if it is deciduous. The remaining ground area must be landscaped with plant materials, grass, decorative mulch or unit pavers, as approved by the Zoning Administrator.

(1) A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.

(2) Plantings used to buffer a parking area, access or site development other than a building, may use any of the following alternative unless otherwise noted.

(a) Shrubs, a minimum of three and one-half feet in height, and living ground cover must be planted so that the ground will be covered within three years.

(b) Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years.

(c) A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.088 INTERNAL WALKWAYS.**

(A) *When required.* The property owner shall install internal walkways in each new development or substantial remodel of existing development in the commercial districts.

(B) *Location.* The property owner shall provide internal walkways around the building to the extent necessary to assure safe access to the building for parking areas, adjacent properties and public sidewalks or street right-of-ways and to assure consistency. All required internal walkways must be located and constructed as an integrated part of existing sidewalks and pedestrian trails and must coordinate with the township's plans for pedestrian circulation, including, but not limited to, the master plan, formed or local corridor plans and approved capital improvement projects.

(C) *Design criteria.* Except as otherwise specified, internal walkways provided pursuant to this section must be designed and installed in conformance with the following.

(1) *Surface materials.* Internal walkways must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile and the like. Only non-skid paving may be used in walkway construction.

(2) *Walkway marking.* Internal walkways must be curbed and raised at least six inches above the parking lot grade, except where they cross driveways or aisles or where necessary to meet handicap requirements. Alternatively, the Building and Zoning Administrator may approve walkways delineated by distinctive paving material or marking when adequate pedestrian safety is provided.

(3) *Width.* Internal walkways must be a minimum of four feet wide, exclusive of parked car overhangs. Where necessary to ensure four feet of unobstructed walkway, wheel stops are required.

(4) *Lighting.* Night lighting must be provided where stairs, curbs, ramps or abrupt changes in walk direction occur.

(5) *Markings.* Where pedestrian walks cross parking areas or automobile circulation lanes, the pedestrian walk must be defined by use of a contrasting material or marking, including, but not limited to, white concrete in an asphalt area, visually obvious paint stripes or other clearly defined pattern.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.089 LIGHTING.**

(A) Parking area and other exterior on-site lighting fixtures shall be a decorative style fixture, have a height not to exceed 30 feet and designed such that there will be no light trespass beyond property lines. The height and design engineering must be verified, at the applicant's expense, by the Township Engineer.

(B) The lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**DISTRICTS**

**§ 155.100 DIVISION OF THE TOWNSHIP.**

For the purposes of this chapter the community, excepting streets and alleys, is divided into the following Zone Districts:

A-1	General Agricultural (Food and Fiber, as Well as Related Activities Production)
B-1	Commercial (Neighborhood Business)
B-2	Commercial (Community and Regional Retail)
B-3	Commercial (General Intensive Business)
CG-1	Conservation-Greenbelt (Open Lands and Floodways)
M-1	Industrial (Limited Manufacturing)
M-2	Industrial (Heavy Manufacturing)
R-1	Residential (One Family-Low Density)
R-1A	Residential (Low Density Transitional)

R-2	Residential (Two Family-Medium Density)
R-3	Residential (Multiple Family-Intensive)

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008)

**§ 155.101 OFFICIAL ZONING MAP.**

The boundaries of these districts are hereby defined and established as shown on a map entitled "Zoning District Map", which accompanies this chapter and which map, with all explanatory matter thereon, is hereby made a part of this chapter. The official zoning map shall be kept and maintained by the Township Clerk.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.102 INTERPRETATION OF BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply.

(A) Boundaries indicated as approximately following the streets or highways shall be construed to be the boundaries.

(B) Boundaries indicated as approximately following township boundary lines or following lot lines shall be construed as following the lines.

(C) Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at a distance therefrom as indicated by given distance or scaled dimension.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.103 SCOPE OF REGULATIONS.**

(A) No building or structure, or part thereof, shall hereafter be erected, moved, constructed or altered, and no new use or change in use shall be made unless in conformity with the provisions of this chapter and with the regulations specified for the district in which it is located.

(B) The regulations applying to the district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions and area of lot that can be covered by each structure.

(C) The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.104 DISTRICT BOUNDARY EXCEPTIONS.**

(A) Where a district boundary line, as established by this chapter, when adopted or subsequently amended, divides a lot in single and separate ownership, a use permitted in the less restricted portion of the lot may be extended to the entire lot, subject to the following conditions.

(1) One-half or more of the area of the lot shall be in the less restrictive district.

(2) Any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and the building shall conform to any applicable yard and area requirements in the more restrictive district.

(B) Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows: CG-1, A-1, R-1A, R-1, R-2, R-3, B-1, B-2, B-3, M-1 and M-2.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008)

**§ 155.105 APPROVAL OF PLATS.**

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this chapter and all other applicable codes or ordinances.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.106 ZONING OF PLATS.**

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses, and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## CG-1 CONSERVATION-GREENBELT (OPEN LAND AND FLOODWAYS)

### § 155.120 PURPOSE AND INTENT.

(A) This district is intended to preserve open land areas, natural features, wildlife areas and scenic landscape.

(B) In addition, provisions are included which are applicable to protect flood plain areas and promote the public health, welfare and safety by prohibiting use of land within floodways which may result in the loss of life or property.

(C) The basic purposes as recognized are to preserve natural resources and assets and protect persons and property from the hazards of floods and from resulting cost to the community.

(D) Open space recreation uses are also permitted as appropriate to greenbelt area preservation and use.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### § 155.121 USES PERMITTED BY RIGHT.

The following are the principal permitted uses by right within a CG-1 district subject to the cited conditions imposed for each use as well as the restrictions of dimensional requirements of § 155.123. Also subject to DNR and DEQ approval.

(A) General farming and forestry, including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises;

(B) Specialized farming, including the raising and keeping of small animals and livestock. A minimum of five acres is required for the raising and keeping livestock such as, but not limited to, horses, cows, pigs, sheep and goats. Up to two animals may be kept on five acres and one additional animal may be kept for each additional two acres up to a maximum of ten acres. This division (B) should not be construed to limit operations on larger parcels;

(C) Public and private conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources;

(D) Single-family dwelling structures;

(E) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended;

(F) Conservation development, in accordance with standards in §§ 155.405 through 155.417;

(G) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;

(H) Golf courses, country clubs, subject to the uses, prohibitions, site location principles and development requirements set out under § 155.309;

(I) Golf driving ranges, subject to the site-development requirements set out under § 155.309; and

(J) Customary accessory uses to any of the permitted uses in the CG-1 district.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

### § 155.122 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses of land and structures may be permitted in the CG-1 district by the application for an issuance of a special use permit when all the procedural requirements specified in §§ 155.309 through 155.319 together with all applicable restrictions and standards as cited in this chapter and §§ 155.330 through 155.335 are met. Also subject to DNR and DEQ approval:

(A) Special open space uses, such as campgrounds, expositions, day camps, as well as nature centers and other similar uses;

(B) Airport landing strips;

(C) Camps;

(D) Production of fur-bearing animals for profit;

(E) Kennels (meeting the requirements of § 155.319);

(F) Wireless communication facilities; and

(G) Shooting clubs and shooting ranges (subject to the uses, prohibitions, site location principles, and development requirements set out under § 155.309).

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### § 155.123 DIMENSIONAL REQUIREMENTS.

(A) *Minimum lot size.*

(1) Each lot shall contain a minimum of five acres.

(2) Each lot shall be a minimum of 330 feet in width.

(B) *Minimum yard requirements.*

(1) Each lot shall have a minimum front yard of 60 feet.

(2) Each lot shall have no less than 20-foot side yards.

(3) Each lot shall have a minimum rear yard of 40 feet.

(4) In the case of a corner lot, the side yard on the street side shall not be less than 60 feet and the remaining side yard shall be 20 feet.

(C) *Maximum building height.* The maximum building height shall be three stories or 35 feet.

(D) *Maximum lot coverage.* Thirty-five percent.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

## **A-1 GENERAL AGRICULTURE (FOOD AND FIBER, AS WELL AS RELATED ACTIVITIES)**

### **§ 155.135 PURPOSE AND INTENT.**

It is the intent of the regulations for this district to promote the maintenance of farm and open space areas, while at the same time provide for special uses of a non-farm nature, which will not detract from the basic objectives of this district. The purpose of these regulations are to control the development of non-farm uses of land within areas of the township devoted primarily to open space, woodlands and farmland.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.136 USES PERMITTED BY RIGHT.**

Following are the principal permitted uses by right within the A-1 district:

(A) Single-family dwelling structures;

(B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.

(C) Conservation development, in accordance with standards in § 155.405 through § 155.417;

(D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;

(E) General farming and forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises;

(F) Specialized farming including the raising and keeping of small animals and livestock;

(G) A minimum of five acres is required for the raising and keeping livestock such as, but not limited to, horses, cows, pigs, sheep and goats. Up to two animals may be kept on five acres and one additional animal may be kept for each additional two acres up to a maximum of ten acres. This division (G) should not be construed to limit operations on larger parcels;

(H) Public and private conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources;

(I) Grain and seed elevators and sales; cold storage for cooperative and/or wholesale agricultural products; and similar enterprises when directly related to agriculture; and provided, the use does not create harmful or nuisance conditions for adjacent areas and uses therein;

(J) Customary accessory uses to any of the permitted uses listed in the A-1 district and as defined in the definitions;

(K) Cemeteries, public or private, subject to the conditions specified for R-1 districts;

(L) Roadside stands selling products grown by the owner of the property upon which the stand is located; provided that, the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area; and

(M) Private airplane landing strips, subject to the following conditions:

(1) A strip shall be for the exclusive private use of the landowner and shall be situated wholly within the confines of this property;

(2) No commercial aviation or other commercial activity of any sort shall be associated with the existence or functioning of the strip; and

(3) Aircraft using a landing strip shall be limited to those owned or hired by the property owner and used only for personal travel or recreation, crop-dusting and similar limited activity.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)



### **§ 155.137 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and structure may be permitted in the A-1 district by the application for an issuance of a special use permit when all the procedural requirements specified in this chapter, together with all applicable standards as cited in §§ 155.305 through 155.319 are met:

- (A) Public parks and recreation areas;
- (B) Camps;
- (C) Wireless communication facilities;
- (D) Sand, clay and gravel pits, or quarries;
- (E) Agri-business processing and storage facilities used to serve farm products grown in the vicinity;
- (F) Golf courses, golf academies or country clubs;
- (G) Riding stables and livestock auction yards;
- (H) Places of worship;
- (I) Special open space uses such as commercial campgrounds, expositions, day camps, as well as, nature centers and other similar uses;
- (J) Veterinary hospitals and clinics;
- (K) Kennels;
- (L) Pet grooming establishment; and
- (M) Public utilities and service installations as defined within the definitions and § 155.316 and the pertinent development requirements contained herein.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

### **§ 155.138 DIMENSIONAL REQUIREMENTS.**

- (A) *Minimum lot size.*
  - (1) Each lot shall contain a minimum of 43,560 square feet per dwelling unit.
  - (2) Each lot shall be a minimum of 150 feet in width at the front of the building.
- (B) *Minimum yard requirement.*
  - (1) Each lot shall have a minimum front yard of 60 feet.
  - (2) Each lot shall have a total side yard of at least 35 feet, with a minimum of 15 feet on one side.
  - (3) Each lot shall have a minimum rear yard of 40 feet.
  - (4) In the case of a corner lot, the side yard on the street side shall not be less than 60 feet and the remaining side yard shall be not less than 15 feet.
- (C) *Minimum floor area per dwelling unit.* Each dwelling unit shall have a minimum floor area of 1,100 square feet.
- (D) *Maximum building height.*
  - (1) Two and one-half stories or 35 feet.
  - (2) Exceptions (refer to § 155.065).
- (E) *Maximum lot coverage.* Thirty percent in A-1 district.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## **R-1A RESIDENTIAL (LOW DENSITY TRANSITIONAL)**

### **§ 155.150 PURPOSE AND INTENT.**

The regulations herein set forth are designed for the purpose of low-density residential and related uses (for low density) within R-1A districts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.151 USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-1A district:

- (A) Single-family dwelling structures not to exceed one single-family dwelling per lot;

(B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended;

(C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;

(D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;

(E) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;

(F) Religious institutions;

(G) Single-family dwelling when associated with a religious institution;

(H) Customary accessory uses to any of the permitted uses listed in the district;

(I) Customary home occupations; and

(J) Customary agricultural operations including general farming, truck farming, fruit orchards, nursery, greenhouses, roadside stands and described in § 155.136 and usual farm buildings, but subject to the following restrictions.

(1) A minimum of five acres is required for the raising and keeping livestock such as, but not limited to, horses, cows, pigs, sheep, geese, chickens and goats. Up to two livestock may be kept on five acres and one additional livestock animal may be kept for each additional two acres up to an maximum of ten acres. This division (D)(1) should not be construed to limit operations on larger parcels.

(2) No storage of manure or odor or dust-producing materials or use shall be permitted within 150 feet of any adjoining lot line.

(3) Stables and buildings housing farm animals shall not be closer to any adjoining lot line than 150 feet.

(4) No farm buildings shall be located closer than 50 feet to any lot line.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

#### **§ 155.152 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the R-1 A districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met:

(A) Golf courses (ten acres minimum per hole), golf academies, country clubs and driving ranges when associated with country clubs or municipal golf courses;

(B) Pet grooming establishment;

(C) Institutional uses for human care, educational and social institutions;

(D) Wireless communication facilities;

(E) Public utilities and service installations as defined within the definitions and § 155.316 and the pertinent development requirements contained herein; and

(F) Day nurseries.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

#### **§ 155.153 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.*

(1) Each lot, when connected to a public sanitary sewer, shall contain a minimum of 15,000 square feet per dwelling unit with a minimum of 100 feet of frontage on a street.

(2) If not connected to a public sanitary sewer, each lot shall contain a minimum of 43,560 square feet per dwelling unit with a minimum of 150 feet of frontage on a street.

(B) *Minimum yard requirements.*

(1) Each lot shall have a minimum front yard of 30 feet.

(2) Each lot shall have a total side yard of at least 20 feet, with a minimum of eight feet on one side.

(3) Each lot shall have a minimum rear yard of 30 feet.

(4) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.

(C) *Minimum floor area per dwelling unit.* Each dwelling unit shall have a minimum finished living area of 1,100 square feet of floor area.



(D) *Maximum building height.* Two and one-half stories or 35 feet.

(E) *Maximum lot coverage.* A maximum of 25% of the lot may be covered by all buildings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

## **R-1 RESIDENTIAL (ONE FAMILY-LOW DENSITY)**

### **§ 155.165 PURPOSE AND INTENT.**

This district is intended primarily for single-family residential uses, together with such uses as schools, churches and recreation uses. The regulations herein set forth are designed for the purposes of encouraging a residential environment of compatible low density dwellings located on individual lots.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.166 USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-1 district:

(A) Single-family dwelling structures not to exceed one single-family dwelling per lot;

(B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended;

(C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;

(D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;

(E) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;

(F) Religious institutions;

(G) Single-family dwelling when associated with a religious institution;

(H) Customary accessory uses to any of the permitted uses listed in the district; and

(I) Customary home occupations.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

### **§ 155.167 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the R-1 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met:

(A) Educational institutions;

(B) Public utilities and service installations as defined within the definitions and § 155.316 and the pertinent development requirements contained herein; and

(C) Day nurseries.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.168 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.*

(1) Each lot when connected to a public sanitary sewer shall contain a minimum of 15,000 square feet per dwelling unit with a minimum of 100 feet of frontage.

(2) When not connected to a public sanitary sewer, each lot shall contain a minimum of 43,560 square feet with a minimum of 150 feet of frontage.

(B) *Minimum yard requirements.*

(1) Each lot shall have a minimum front yard of 30 feet.

(2) Each lot shall have a total side yard of at least 20 feet, with a minimum of eight feet on one side.

(3) Each lot shall have a minimum rear yard of 30 feet.

(4) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.

(C) *Minimum floor area per dwelling unit.* Each dwelling unit shall have a minimum finished living area of 1,100 square feet of floor area.

(D) *Maximum building height.* Two and one-half stories or 35 feet.

(E) *Maximum lot coverage.* A maximum of 25% of the lot may be covered by all buildings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## **R-2 RESIDENTIAL (TWO FAMILY-MEDIUM DENSITY)**

### **§ 155.180 PURPOSE AND INTENT.**

(A) This district is intended to provide a sound and stable environment for various types of residential buildings, including single-family and two-family. In addition, residentially compatible uses are allowed under specified conditions

(B) It is the expressed purpose of the regulations, as herein set forth, to promote variety in housing style, design and cost to meet the range of demand for housing.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.181 USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-2 district:

(A) Single-family dwelling structures not to exceed one single-family dwelling per lot;

(B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended;

(C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;

(D) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;

(E) Religious institutions;

(F) Single-family dwelling when associated with a religious institution;

(G) Customary accessory uses to any of the permitted uses listed in the district;

(H) Customary home occupations; and

(I) Two-family dwellings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

### **§ 155.182 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the R-2 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.317 are met:

(A) Institutional uses, including institutions for human care, education, social, religious institutions and public buildings and service installations;

(B) Planned residential unit development;

(C) Day nurseries; and

(D) Public utilities and service installations as defined within the definitions and § 155.316 and the pertinent development requirements contained herein.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.183 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.*

(1) For single-family dwellings, each lot shall contain a minimum lot area of 11,050 square feet with 100 feet of frontage. When not connected to a public sanitary sewer, each lot shall contain a minimum of 43,560 square feet with 150 of frontage on a street.

(2) For two-family dwellings, each two unit structure shall have a minimum lot area of 11,050 square feet with 100 feet of frontage. When not connected to a public sanitary sewer, each lot shall contain a minimum of 43,560 square feet with 150 of frontage on a street.

(B) *Minimum yard requirements.*

(1) Each lot shall have a minimum front yard of 30 feet.

(2) Each lot shall have a total side yard of 20 feet with a minimum of eight feet on one side; provided, there shall be a minimum of 20 feet between contiguous dwelling structures.

(3) Each lot shall have a minimum rear yard of 30 feet.

(4) In the case of a corner lot, the side yard on the street side shall not be less than 25 feet and the remaining side yard shall not be less than ten feet.

(C) *Minimum floor area per dwelling unit.* Each dwelling structure shall have a minimum floor area per dwelling unit in accord with the following schedule:

<i>Structure</i>	<i>Area per unit</i>
Attached single-family, including two-family and townhouses	Each dwelling unit shall have a minimum living area of 1,100 square feet of floor area per dwelling unit
Single-family detached	Each dwelling unit shall have a minimum finished living area of 1,100 square feet of floor area

(D) *Maximum building height.* Two and one-half stories or 35 feet.

(E) *Maximum lot coverage.* A maximum of 35% of the lot may be covered by all buildings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

### **R-3 RESIDENTIAL (MULTIPLE FAMILY-INTENSIVE)**

#### **§ 155.195 PURPOSE AND INTENT.**

(A) This district is intended primarily for multiple-family residential uses together with certain institutional and other compatible uses under specified conditions.

(B) It is the express purpose of these regulations to provide multiple-family dwellings, ranging from moderate to higher density character where adequate public and private services and facilities are available to accommodate higher population concentrations. The following are minimum criteria for R-3 development sites.

(1) Sites must have access to a principal arterial, minor arterial or collector street as to avoid adverse traffic impacts in surrounding low-density residential areas.

(2) The site must be served by essential public facilities and services, such as water and sewer facilities, drainage structures, refuse disposal, police, fire protection and schools.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

#### **§ 155.196 USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within an R-3 district when they are connected to a public sanitary sewer. Without this service connection, no development of the land shall be permitted:

(A) Conservation development, in accordance with standards in § 155.405 through § 155.417;

(B) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;

(C) Religious institutions;

(D) Single-family dwelling when associated with a religious institution;

(E) Single-family dwelling structures not to exceed one single-family dwelling per lot;

(F) Single-family dwelling structures in the townhome style, not to exceed a density factor of eight units per acre;

(G) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended;

(H) Customary home occupations;

(I) Two-family dwellings.

(J) Day nurseries;

(K) Housing for religious personnel associated with a religious or educational institution;

(L) Institutional uses, including education, social institutions, public buildings and service installations; and

(M) Customary accessory uses to any permitted use listed above.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

**§ 155.197 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the R-3 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.317 are met:

- (A) Funeral homes and mortuaries;
- (B) Boarding and rooming houses;
- (C) Manufactured housing community, in accordance with development standards in § 155.027;
- (D) Planned residential unit development;
- (E) Institutions for human care;
- (F) Wireless communication facilities; and
- (G) Multiple-family dwellings, in accordance with development standards in § 155.028.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

**§ 155.198 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.*

- (1) For single-family dwellings: the lot shall contain a minimum of 11,050 square feet.
- (2) For two-family dwelling structures: the lot shall contain 11,050 square feet.
- (3) Multiple-family dwelling lot shall contain 43,560 square feet and shall not exceed a density of eight units per acre.
- (4) Each lot, unless otherwise cited, shall have a minimum of 75 feet frontage at the street for single-family, 85 feet frontage at the street for two-family and 150 feet frontage at the street for multiple-family.

(B) *Minimum yard requirements.*

- (1) Each lot shall have a minimum front yard of 30 feet.
- (2) Each lot shall have a total side yard of 20 feet with a minimum of eight feet on one side.
- (3) In the case of a corner lot, the side yard on the street side shall not be less than 25 feet and the remaining side yard shall not be less than ten feet.
- (4) Each lot shall have a minimum rear yard of 30 feet.

(C) *Minimum floor area per dwelling unit.* Each dwelling structure shall have a minimum floor area per dwelling unit in accord with the following schedule:

- (1) *Single-family detached.* Each dwelling unit shall have a minimum finished living area of 1,100 square feet of floor area.
- (2) *Single-family attached, including two-family townhouse.* Each dwelling unit shall have a minimum finished living area of 1,100 square feet of floor area.
- (3) *Multiple-family dwelling.*

<i>Structure</i>	<i>Area per Unit</i>
0 bedrooms	600 sq. ft.
1 bedroom	850 sq. ft.
2 bedrooms	1,050 sq. ft.
3 bedrooms	1,350 sq. ft.
4 bedrooms or more	1,500 sq. ft.

(D) *Maximum building heights.* Two and one-half stories or 35 feet; however, further provided that, within 150 feet of any R-1 districts no building shall exceed a height of two stories or 30 feet.

(E) *Maximum lot coverage.* A maximum of 40% of the lot may be covered by all buildings.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

## MU-1 MIXED USE DISTRICT

### § 155.210 REPEAL OF DISTRICT.

Except as provided herein, no property shall be rezoned or developed as MU-1 mixed use district.

(Ord. 08-03, passed 9-16-2008)

### § 155.211 EFFECT UPON EXISTING PROPERTY WHICH IS CURRENTLY ZONED AS MU-1.

This repeal of MU-1 zoning district shall not affect the right of the owner of real property which is currently owned as "MU-1" to develop the property under existing MU-1 requirements, as provided in this subchapter, together with all other existing requirements for MU-1 (mixed use) districts in this chapter. This exception shall terminate three years from the date of this chapter, after which the MU-1 parcel shall be re-zoned by the Township Planning Commission consistent with the township's then existing master plan.

(Ord. 08-03, passed 9-16-2008)

### § 155.212 EFFECT ON OTHER PROVISIONS OF CHAPTER.

Sections of the township zoning ordinance which reference the mixed use district shall be deemed to be amended by removing the reference to mixed use district. The affected sections of the township zoning ordinance have been changed.

(Ord. 08-03, passed 9-16-2008)

## B-1 COMMERCIAL (NEIGHBORHOOD BUSINESS)

### § 155.230 PURPOSE AND INTENT.

(A) The B-1 district is designed and intended to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.

(B) It is the purpose of this district to accommodate commercial activities primarily offering goods or services which are required by a family at intervals of a week or less and at the same time protect adjacent residential areas from the adverse efforts of uncontrolled or unlimited commercial activity which can result in blighting influences upon residential uses. This district is intended to accommodate permitted uses typically in proximity to major shopping facilities and/or in compatible relationship with the major arterial street system and surrounding land uses.

(C) The nature of modern office use development provides greater compatibility for integration into a community structure; therefore, this district has been established for the purpose of encouraging office and related use development, but excluding general commercial activity with the exception of retail relating directly to the needs of employees in the office business district.

(D) All new development located in properties zoned Commercial B-1 after March 1, 2013 must have public water and sanitary sewer available, as detailed in the current, applicable water and sanitary sewer ordinances, and be connected to the services.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 13-09, passed 10-9-2013; Ord. 16-05, passed 5-16-2016)

### § 155.231 USES PERMITTED BY RIGHT.

The following are the principal uses permitted by right within a B-1 district. All the uses must be conducted wholly within a permanent, fully enclosed building.

(A) Personal service establishments which perform services on the premises, such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios;

(B) Institutions for human care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities;

(C) Drive-in businesses including banks and similar financial institutions, dry cleaning pick-up stations or similar personal services. Drive-in restaurants and auto service stations are not allowed;

(D) Temporary outdoor uses such as displays, Christmas tree sales lots or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Zoning Administrator; provided that, the permit shall not be issued for more than 30 days in any one year and that this use can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity;

(E) Pet grooming establishment;

(F) Day nurseries;

(G) Office buildings for executive, administrative and professional uses and retail uses complementary to the principal use; providing, they do not exceed 20% of gross floor area or 3,000 square feet if the use is operated in a freestanding structure;

(H) Commercial schools, including art, business, music, dance, professional and cosmetology;

(I) Educational institutions;

(J) Funeral homes;

(K) Billboards, as defined in Ch. 153 of this code of ordinances;

(L) Retail sales in an enclosed building. The maximum gross square feet a business may occupy is 2,000 square feet. A maximum of five separate businesses may be located in one building with gross area of 10,000 square feet;

(M) Churches, temples, synagogues and customary accessory uses; and

(N) Service establishments, including printing, publishing, photographic reproduction, blue-printing and related trades or arts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 08-05, passed 12-16-2008; Ord. 09-02, passed 10-20-2009; Ord. 13-06, passed 10-1-2013; Ord. 16-05, passed 5-16-2016)

**§ 155.232 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the B-1 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met.

(A) Restaurants, clubs and other eating or drinking establishments which provide food or drink provided that the establishments shall not be drive-in facilities;

(B) Single-family dwelling structures in the townhome style, not to exceed a density factor of eight units per acre;

(C) Multiple-family residential;

(D) Housing for religious personnel attached to a religious institution or school;

(E) Planned unit development, only upon Planning Commission determination that the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses;

(F) Golf driving ranges;

(G) Public utility transformer stations;

(H) Public buildings;

(I) Mini-storage; and

(J) Animal protection shelter, as defined in § 155.005(B).

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-05, passed 12-16-2008; Ord. 09-02, passed 10-20-2009; Ord. 14-07, passed 4-22-2014; Ord. 16-05, passed 5-16-2016)

**§ 155.233 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.* Each lot shall contain a minimum of 11,050 square feet and have frontage at the street of not less than 85 feet.

(B) *Minimum yard requirements.*

(1) The building setback line shall begin at the front yard setback line.

(2) Each lot shall have a minimum front yard of 30 feet.

(3) Side yards shall be a minimum of 12 feet on each side, except in the case of a corner lot, in which case the street side yard setback shall be 30 feet and the remaining side yard a minimum of 12 feet.

(4) Rear yards shall be a minimum of 20 feet.

(C) *Minimum floor area per dwelling unit.* Multiple family dwellings shall have a minimum floor area per dwelling unit in accord with the following schedule:

<i>Structure</i>	<i>Area per Unit</i>
0 bedrooms	600 sq. ft.
1 bedroom	850 sq. ft.
2 bedrooms	1,050 sq. ft.
3 bedrooms	1,350 sq. ft.
4 bedrooms or more	1,500 sq. ft.

(D) *Maximum building height.* Three stories or 40 feet.

(E) *Maximum lot coverage.* A maximum of 35% of the lot may be covered by all buildings. If shared parking is employed, density may be increased at the following rate:

No shared parking	35% maximum lot coverage
10% shared parking	45% maximum lot coverage
25% shared parking	55% maximum lot coverage
50% shared parking	65% maximum lot coverage

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

## **B-2 COMMERCIAL (COMMUNITY AND REGIONAL RETAIL)**

### **§ 155.245 PURPOSE AND INTENT.**

(A) The B-2 business district is designed and intended to meet the needs of a larger consumer population than is served by the B-1 district.

(B) It is the purpose of this district to accommodate general retail shopping and merchandising activities together with limited wholesale uses and business and personnel services. The regulations herein set forth further are to promote safe and convenient commercial clusters appropriate to community needs and to avoid undue congestion, traffic conflicts and future blighting influences. Under appropriate conditions, medium density apartment developments are also allowed.

(C) All new development zoned Commercial B-2 after March 1, 2013 must have public water and sanitary sewer available, as detailed in the current, applicable water and sanitary sewer ordinances, and be connected to the services.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 13-09, passed 10-9-2013; Ord. 16-05, passed 5-16-2016)

### **§ 155.246 USES PERMITTED BY RIGHT.**

The following uses are the principal uses permitted by right within a B-2 district.

- (A) All uses permitted by right within the B-1 district, subject to all restrictions hereafter cited;
- (B) Any retail business whose principal activity is the sale of merchandise in an enclosed building including outdoor seasonal sales for a period of 90 days and by permit only;
- (C) Assembly buildings including auditoriums, social clubs, fraternal organizations;
- (D) Public buildings;
- (E) Service establishments, including printing, publishing, photographic reproduction, blue-printing and related trades or arts;
- (F) Indoor commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks or similar uses;
- (G) Restaurants, restaurants with drive-through facilities, clubs and other drinking establishments to include restaurants with drive-thru facilities;
- (H) Motel and hotel;
- (I) Open air business uses such as retail sales of plant materials, sale of lawn furniture, playground equipment and garden supplies;
- (J) Veterinary hospitals and clinics;
- (K) Servicing and repair of motor vehicles, trailers and boats when contained within a wholly enclosed building;
- (L) Self service storage/mini-storage; and
- (M) Billboards, as defined in Ch. 153 of this code of ordinances.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)

### **§ 155.247 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the B-2 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met.

- (A) Building supply and equipment establishments selling retail;
- (B) Multiple-family residential;
- (C) Wireless communication facilities;
- (D) Automobile service and repair station;
- (E) Automobile car wash, subject to the site development standards required for gasoline service stations;
- (F) Planned unit development, only upon Planning Commission determination that the uses are similar enough to be compatible with



each other and in harmony with the character of the existing and adjacent principal uses;

(G) Service installations and public utilities;

(H) Wholesale business;

(I) Outdoor commercial recreation;

(J) Automobile show room and sales;

(K) Wholesale, jobbing, and distributing business; and

(L) Outdoor sales space for exclusive sale of automobiles, trucks, manufactured homes, travel trailers and recreational vehicles.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012; Ord. 13-07, passed 10-9-2013; Ord. 16-05, passed 5-16-2016)

**§ 155.248 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.* Each lot shall contain a minimum of 11,050 square feet and have frontage on the street of not less than 85 feet.

(B) *Minimum yard requirements.*

(1) Building setback shall be 30 feet on undeveloped lots with no adjacent neighbors. Where there are adjacent lots with buildings constructed on them, the front facade line of the new building shall be set by the Zoning Administrator and be harmonious with adjacent properties, but shall be no less than 15 feet.

(2) Each lot shall have a front yard of 15 feet and the yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.

(3) Side yards shall not be required, except on that side of the lot abutting upon a residential or agricultural district, in which case there shall be a side yard of not less than 20 feet, and further in the case of a corner lot the side yard on the street side shall be a minimum of 30 feet, and further except that if walls of structures facing an interior lot line contains windows or other openings there shall be a ten-foot side yard.

(4) Each lot shall have a minimum rear yard of 30 feet.

(C) *Minimum floor area per dwelling unit.* Multiple family dwellings shall have a minimum floor area per dwelling unit in accord with the following schedule:

<i>Structure</i>	<i>Area per Unit</i>
0 bedrooms	600 sq. ft.
1 bedroom	850 sq. ft.
2 bedrooms	1,050 sq. ft.
3 bedrooms	1,350 sq. ft.
4 bedrooms or more	1,500 sq. ft.

(D) *Maximum building height.* The maximum building height shall be three stories or 40 feet.

(E) *Lot coverage.* A maximum of 35% of the lot may be covered by all buildings. If shared parking is employed, density may be increased at the following rate:

No shared parking	35% maximum lot coverage
10% shared parking	45% maximum lot coverage
25% shared parking	55% maximum lot coverage
50% shared parking	65% maximum lot coverage

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 16-05, passed 5-16-2016)

**B-3 COMMERCIAL (GENERAL INTENSIVE BUSINESS)**

**§ 155.260 PURPOSE AND INTENT.**

(A) The B-3 business district is designed and intended to meet the need for sites required by diversified and more intensive business types. It is the purpose of this district to accommodate uses characterized by customers that are often served in their vehicles, large space users, combined commercial services such as retail, wholesale and repair. This district's clientele is often other businesses.

(B) All new commercial and industrial development located in properties zoned Commercial B-3 after March 1, 2013 must have public water and sanitary sewer available, as detailed in the current, applicable water and sanitary sewer ordinances, and be connected to



the services.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 13-09, passed 10-9-2013)

#### **§ 155.261 USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within a B-3 district. Only similar principal permitted uses are permitted on a single lot. Where more than one principal permitted use is proposed for a lot, the Planning Commission shall determine if the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses:

- (A) All uses permitted by right within a B-2 district are subject to all restrictions herein cited;
- (B) Building supply and equipment establishments;
- (C) Automobile showrooms for new and used automobiles;
- (D) Rental establishments renting single axle trucks, trailers and small contracting tools, such as, but not limited to, compressors, power washers, compactors and air hammers;
- (E) Outdoor sales space for exclusive sale of new or used automobiles, trucks, manufactured homes, travel trailers, boats or farm machinery;
- (F) Billboards, as defined in Ch. 153 of this code of ordinances;
- (G) Automobile/vehicle service stations;
- (H) Public buildings; and
- (I) Bus passenger terminals.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 09-02, passed 10-20-2009)

#### **§ 155.262 USES PERMITTED BY SPECIAL USE PERMIT.**

(A) The following uses of land and buildings may be permitted in the B-3 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met.

(B) The following uses of land and buildings may be permitted in the B-3 district by the application for issuance of a special use permit:

- (1) Drive-in theaters, race tracks, golf driving ranges and miniature golf courses;
- (2) Wireless communication facilities;
- (3) Contracting and service establishments including offices and accompanying storage or shop area for plumbers, mechanical contractors, home builders and other similar uses or trades; provided, all storage is screened from public view;
- (4) Tattoo and piercing parlors;
- (5) Planned unit development;
- (6) Public utility and service installations;
- (7) Manufacturing and processing; and
- (8) Wholesale, jobbing and distributing business.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

#### **§ 155.263 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.* Each lot shall contain a minimum of 11,050 square feet and a minimum of 85 feet in frontage at the street.

(B) *Minimum yard requirements.*

- (1) Building setback shall be 30 feet.
- (2) Each lot shall have a front yard of 30 feet and the yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.
- (3) Side yards shall not be required, except on that side of the lot abutting upon a residential or agricultural district in which case there shall be a side yard of not less than 20 feet; and further, in the case of a corner lot, the side yard on the street side shall be a minimum of 30 feet; and further except that, if walls of structures facing an interior lot line contains windows or other openings, there shall be a ten-foot side yard.
- (4) Each lot shall have a rear yard of 30 feet.
- (C) *Maximum building height.* The maximum building height shall be three stories or 35 feet.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

## **M-1 INDUSTRIAL (LIMITED MANUFACTURING)**

### **§ 155.275 PURPOSE AND INTENT.**

(A) This district is intended for light industrial uses with few, if any nuisance characteristics, but also permits commercial establishments not engaged in retail sales and service establishments which are of a type not generally requiring the customer to call at the place of business. The M-1 district is designed to permit manufacturing, processing, assembling, packaging or treatment of products from previously prepared materials. It is also intended to prohibit residential uses and intensive retail enterprises as being incompatible with the primary industrial and related uses permitted; however, under "special use" provision, certain retail and wholesale activities may be permitted.

(B) All new commercial and industrial development must have public water and sanitary sewer available and be connected to the services.

(C) It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.276 USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within an M-1 district. Only similar principal permitted uses are permitted on a single lot. Where more than one principal permitted use is proposed for a lot, the Planning Commission shall determine if the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses:

- (A) Office buildings for any of the following: executive, administrative, professional, accounting or writing, clerical or stenographic and drafting;
- (B) Production, manufacturing, processing, assembling, packaging or treatment of goods;
- (C) Laboratories, research and testing;
- (D) Restaurants, taverns and other eating or drinking establishments which provide entertainment, food and/or drink on the premises, including "drive-in" services;
- (E) Commercial schools;
- (F) Veterinary hospitals or clinics;
- (G) Public buildings;
- (H) General contractors;
- (I) Landscape contractors;
- (J) Contractor's storage;
- (K) Warehouse and storage buildings and yards; and
- (L) Billboards, as defined in Ch. 153 of this code of ordinances.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 09-02, passed 10-20-2009)

### **§ 155.277 USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the M-1 district by the application for issuance of a special use permit when all the provisional requirements are met with all applicable standards:

- (A) Retail and wholesale businesses whose principal activity is the sale of merchandise in an enclosed building;
- (B) Drive-in businesses subject to the site development standards for automobile service stations;
- (C) Wireless communication facilities;
- (D) Facilities for the developmentally disabled and physically handicapped, drug or alcoholic patients and correctional institutions, and must be a minimum of five acres; and
- (E) Service installations and public utilities.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.278 GENERAL USE REQUIREMENTS.**

(A) (1) All activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors; provided that, within 200 feet of any other district, the storage shall be in completely enclosed buildings.

(2) All outdoor storage shall be effectively screened from public view by a solid, opaque, uniformly finished wall or fence with

solid entrance and exit gates. The fence or wall shall be at least six feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight feet in height. The storage shall be deemed to include the parking of licensed motor vehicles over one and one-half-tons rated capacity. Completely obscuring landscaping may be used as an alternative.

(B) Uses in this district shall conform to the following standards:

(1) Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except those produced by internal combustion engines under design operating conditions;

(2) Emit no smoke, odorous gases or other odorous matter in quantities as to be offensive at or beyond any boundary of the parcel;

(3) Produce no heat or glare to an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries;

(4) Produce no physical vibrations to an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries;

(5) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any material in production; and

(6) Shall conform to all local, state and applicable federal pollution control standards, including noise, air and water quality.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.279 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.* All lots shall have a minimum of one acre and 120 feet frontage on a public street.

(B) *Minimum yard requirements.*

(1) All structures are required to have a minimum front yard or setback of not less than 40 feet from the front property line. Side and rear yards shall be no less than 20 feet each, as determined at the time of site plan review. Where a lot in this district abuts a lot in any residential district, no building in the M-1 district shall be closer than 100 feet to the property line of the residential lot.

(2) Except for landscape improvements, necessary drives and walks, and parking for office personnel and visitors (up to ten spaces), the front yard shall remain clear of loading, storage or accessory structures. Side and rear yards, except for a landscape strip along the lot boundary ten feet in width, may be used for parking and loading, but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

(3) Structures and solid fences or walls shall be a minimum of 15 feet from the property line.

(4) When the side or rear yard areas abut land within a residential district and when the yard areas are to be used for parking, loading, unloading or servicing, then the side and rear yard areas shall be effectively screened by an opaque, solid, uniformly finished wall or fence and landscaping sufficient to enhance the area abutting the residential district. The wall or fence shall be at least six feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading or servicing activity to be screened.

(C) *Maximum building height.* Buildings shall not exceed three and one-half stories in height or 45 feet; provided, any buildings within 75 feet of a residential district shall not exceed two and one-half stories or 35 feet.

(D) *Maximum lot coverage.* There is no maximum lot coverage requirement for M-1 districts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

## **M-2 INDUSTRIAL (HEAVY MANUFACTURING)**

### **§ 155.290 PURPOSE AND INTENT.**

(A) It is the purpose of this section to establish and preserve areas for industrial and related uses of a nature so that they do not create serious problems of compatibility with other kinds of land uses. This district is intended to make provisions for medium to heavy industrial uses and for certain kinds of business uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of the businesses in these areas.

(B) All new commercial and industrial development must have public water and sanitary sewer available and be connected to the services.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.291 USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within an M-2 district. Only similar principal permitted uses are permitted on a single lot. Where more than one principal permitted use is proposed for a lot, the Planning Commission shall determine if the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses:

(A) All uses permitted by right in M-1;

(B) Distribution warehouses;

(C) Bulk storage;

- (D) Outdoor uses;
- (E) Fuel sales;
- (F) Truck terminals;
- (G) Heavy contractors;
- (H) Billboards, as defined by Ch. 153 of this code of ordinances;
- (I) Adult arcade;
- (J) Adult bookstore or adult video store;
- (K) Adult painting studio;
- (L) Adult cabaret;
- (M) Adult carwash;
- (N) Adult companionship establishment;
- (O) Adult entertainment facility;
- (P) Adult establishment;
- (Q) Adult massage parlor, health/sport club;
- (R) Adult mini-motion picture theater;
- (S) Adult motion-picture theater;
- (T) Adult novelty business;
- (U) Adult motel;
- (V) Adult sauna/steam room/bathhouse;
- (W) Massage establishment;
- (X) Nude model studio;
- (Y) Sexual encounter center; and
- (Z) Sexually oriented business.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-01, passed 1-22-2008; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

**§ 155.292 USES PERMITTED BY SPECIAL USE PERMIT.**

- (A) Salvage yard and resource recovery facilities;
- (B) Storage of waste disposal vehicles;
- (C) Sand mining, quarries, gravel pits;
- (D) Commercial cleaning plants;
- (E) Sewage treatment and disposal;
- (F) Wireless communication facilities;
- (G) Facilities for the developmentally disabled and physically handicapped, drug or alcoholic patients and correctional institutions, and must be on a minimum of five acres;
- (H) Service installations and public utilities;
- (I) Industrial parks;
- (J) Fireworks storage; and
- (K) Crematoriums.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

**§ 155.293 GENERAL USE REQUIREMENTS.**

- (A) (1) All activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors; provided that, within 200 feet of any other district, the storage shall be in completely enclosed buildings.
- (2) All outdoor storage shall be effectively screened from public view by a solid, opaque, uniformly finished wall or fence with

solid entrance and exit gates. The fence or wall shall be at least six feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight feet in height. The storage shall be deemed to include the parking of licensed motor vehicles over one and one-half tons rated capacity. Completely obscuring landscaping may be used as an alternative upon approval of the Planning Commission.

(B) Uses in this district shall conform to the following standards:

(1) Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare; except those produced by internal combustion engines under design operating conditions;

(2) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the parcel;

(3) Produce no heat or glare to an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries;

(4) Produce no physical vibrations to an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries;

(5) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any material in production; and

(6) Shall conform to all local, state and applicable federal pollution control standards, including noise, air and water quality.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.294 DIMENSIONAL REQUIREMENTS.**

(A) *Minimum lot size.* Lots shall have a minimum of one acre unless otherwise specified with 120 feet frontage on a public street.

(B) *Minimum yard requirements.*

(1) (a) All structures are required to have a minimum front yard or setback of not less than 40 feet from the front property line. Side and rear yards shall be no less than 20 feet each, as determined at the time of site plan review. Where a lot in this district abuts a lot in any residential district, no building in the M-2 district shall be closer than 100 feet to the property line of the residential lot.

(b) Except for landscape improvements, necessary drives and walks, parking for office personnel and visitors (up to ten spaces), the front yard shall remain clear and shall not be used for loading, storage or accessory structures. Side and rear yards, except for a landscape strip along the lot boundary ten feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

(2) Structures and solid fences or walls shall be a minimum of 15 feet from the property line.

(3) When the side or rear yard areas abut land within a residential district and when the yard areas are to be used for parking, loading, unloading or servicing, then the side and rear yard areas shall be effectively screened by an opaque, solid, uniformly finished wall or fence and landscaping sufficient to enhance the area abutting the residential district. The wall or fence shall be at least six feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading or servicing activity to be screened.

(C) *Maximum building height.* Buildings shall not exceed three and one-half stories in height or 45 feet; provided, any buildings within 75 feet of a residential district shall not exceed two and one-half stories or 35 feet.

(D) *Maximum lot coverage.* There is no maximum lot coverage requirement for M-2 districts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

## **SPECIAL USES (SPECIAL USE PERMIT REQUIREMENTS)**

### **§ 155.305 INTENT AND PURPOSE.**

(A) It is the intent of this subchapter to provide a set of procedures and standards for special uses of land or structure, which because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

(B) It is the expressed purpose of the regulations and standards, to allow, practical latitude for the developer, and at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

(C) For the purposes of this chapter, the following special use categories are identified:

(1) Facilities/institutional uses;

(2) Golf courses, golf academies, shooting clubs, shooting ranges and country clubs;

(3) Manufactured home developments;

(4) Planned unit developments;

(5) Planned residential unit development;

(6) Funeral homes and mortuaries;

- (7) Service installations and public utilities;
- (8) Automotive service station; and
- (9) Miscellaneous special uses.

(D) The following, together with previous references in other chapters of this subchapter, designate the requirements, procedures and standards, which must be met before a special use permit can be issued.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009) Penalty, see §155.999

### **§ 155.306 PERMIT PROCEDURES.**

The application for a special use permit shall be submitted and processed under the following procedures.

#### *(A) Submission of application.*

(1) An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the local Township Board.

(2) In the event the allowance of a desired use requires both a rezoning and special use permit, both requests may be submitted jointly, subject to the following.

- (a) The ordinance procedures for each shall be followed as specified.
- (b) All applicable standards and specifications required by the ordinance shall be observed.
- (c) In the event both permits are required, separate hearings will be held. The rezoning hearing shall be heard first.

#### *(B) Data required.*

(1) The special form shall be completed in full by the applicant including a statement by the applicant that can be complied with.

(2) Site plan drawn to scale (preferably 1" = 100') of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or human-made features which effect the property, together with indication of abutting uses. See site plan requirements in §§ 155.330 through 155.335.

(3) Preliminary plans and specifications of the proposed development.

*(C) Planning Commission review and hearing.* The application together with all required data shall be transmitted to the Planning Commission for review. After review and study of any application and related material, the Planning Commission shall hold a public hearing. Notices shall be given in accordance with § 155.385.

*(D) Permit expiration.* A special use permit issued pursuant to this subchapter shall be valid for one year from the date of issuance of the permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the Zoning Administrator shall notify applicant in writing of the expiration of the permit.

*(E) Revocation.* The Planning Commission shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements, or other applicable sections. Written notice of violation shall be given by the Zoning Administrator to the holder of the permit and correction must be made within 30 days. After a 30-day period, an additional notice shall be given by the Zoning Administrator, the use for which the permit was granted must cease within 60 days from date of second notice.

*(F) Re-application.* No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of the denial, except on the grounds of newly discovered evidence or proof of change of conditions.

#### *(G) Recommendation.*

(1) The Township Planning Commission shall make a recommendation to the Township Board of Trustees to deny, approve or approve with conditions, a request for special use permit within 60 days of its submission to the Planning Commission, except in those cases where the applicant has been requested to furnish additional information, in which case a decision shall be made within 30 days from the receipt of the information.

(2) The Planning Commission may deny, approve or approve with conditions, the request for special use permit approval. If the application for a special use permit is in compliance with all standards in this zoning ordinance, and other applicable ordinance and state and federal statutes, the Planning Commission will make a recommendation to the Township Board of Trustees, which will then have the option of holding a public hearing and final approval or denial. The decision on a special use permit shall be incorporated in a written statement of findings and conclusions relative to the special use, which specifies the basis for the decision and any conditions imposed.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009) Penalty, see §155.999

### **§ 155.307 PERMIT STANDARDS.**

Before issuing a special use permit, the Planning Commission shall establish that the following general standards, as well as specific standards, shall be satisfied.

*(A) General standards.* The Planning Commission shall review each application for the purpose of determining that each proposed



use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:

- (1) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
- (2) Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole;
- (3) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and/or schools;
- (4) Not create excessive additional requirements at public cost for public facilities and services;
- (5) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors; and
- (6) Be consistent with the intent and purpose of the zoning district in which it is proposed to locate the use.

(B) *Conditions and safeguards.* The Planning Commission may stipulate additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the intent and objectives of this chapter will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

(C) *Specific requirements.* The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(D) *Permitted uses.* Uses permitted by special use permit shall be those listed by districts as noted in the respective zoning districts as herein regulated, controlled or defined.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.308 FACILITIES/INSTITUTIONAL USES.**

(A) *Authorization.* In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may be authorized by the issuance of a special use permit. The permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this section can be complied with.

(B) *Uses.* The following uses may be authorized in those districts as noted under the respective zoning districts, and provided the applicable conditions are complied with:

- (1) *Institutions for human care.* Hospitals, day care, sanitariums, nursing or convalescent homes, assisted living homes, homes for the aged and philanthropic and charitable institutions. Camp or correctional institutions are prohibited;
- (2) *Religious institutions.* Churches, synagogues or similar places of worship, convents, parsonages and parish houses, and other housing for clergy; and
- (3) *Educational and social institutions.* Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.

(C) *Site location principles.* The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which the use is proposed to be located.

- (1) Motor vehicle entrances should be made on a principal arterial or immediately accessible from a principal arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.
- (2) Site locations should be preferred that offer natural or human-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

(D) *Hospitals (for overnight stay).*

- (1) The proposed site shall be at least five acres in area.
- (2) The proposed site shall have at least one property line abutting a principal or minor arterial.
- (3) No more than 25% of the gross site shall be covered by structures.

(E) *Religious institutions.*

- (1) The proposed site shall be at least one acre in size, plus one-half acre per 100 seats in the main auditorium.
- (2) No building shall be closer than 40 feet to any property or street line.
- (3) No more than 25% of the gross site area shall be covered by structures.

(F) *Transfer stations and the like.* For all other uses that may be permitted, except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function.

(1) No building shall be closer than 40 feet to any property or street line.

(2) No more than 25% of the gross site area shall be covered by structures.

(3) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.

(G) *For public utility transformer stations and substations, gas regulator stations.*

(1) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

(2) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009) Penalty, see §155.999

### **§ 155.309 GOLF COURSES, GOLF ACADEMIES, SHOOTING CLUBS, SHOOTING RANGES AND COUNTRY CLUBS.**

(A) *Authorization.* In recognition of the basic open space and recreation character of golf courses and shooting or country clubs and compatibility within agricultural and residential areas, these uses may be permitted.

(B) *Uses.*

(1) Golf courses;

(2) Golf academies;

(3) Shooting clubs and shooting ranges;

(4) Country clubs; and

(5) Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and the retail sales directly connected with the conduct of the principal use.

(C) *Site location principles.* Site location should be allowed which enhances the natural environment and amenities for community life.

(D) *Development requirements.* The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.

(1) Minimum site shall be ten acres or more and access shall be so designated as to provide all ingress and egress directly onto or from a street.

(2) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

(3) Minimum yard and height standards require that no building shall be closer than 50 feet to any property or street line.

(4) Additional requirements for a golf academy.

(a) Whenever a golf academy abuts property within a residential or agricultural district, a transition strip at least 100 feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within the transition strip.

(b) A minimum yard of 100 feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

(c) A golf academy is required to submit its hours of operation and photometric plans.

(5) Additional requirements for shooting clubs and shooting ranges.

(a) The parcel of land on which any shooting range is located shall be at least 1,320 feet in length in the direction in which any firearms are fired.

(b) The shooting range shall be laid out so that a hill, bank or berm is located in a manner as to prevent any bullets/gunshot from leaving the property.

(c) The shooting range shall not be located in an area where small children are likely to play due to the proximity of houses, schools, churches, parks or similar facilities. In no case shall a shooting range be located within one mile of a platted subdivision.

(d) No shooting range shall be used or operated earlier than 9:00 a.m. or later than one hour prior to sunset.

(e) All shooting ranges and shooting clubs shall comply with the basic safety standards published by the National Rifle



Association.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

## **§ 155.310 MANUFACTURED HOUSING DEVELOPMENT.**

### *(A) Authorization.*

(1) Manufactured housing developments are herein recognized as fundamentally a multiple residential use and that allowing in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this chapter.

(2) The special features and demands of manufactured housing require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses.

(B) *Uses.* A manufactured housing development may include any or all of the following uses; provided that, a plan of the proposed development is approved by the Mobile Home Commission of the state in accordance with Pub. Act 243 of 1959, being M.C.L.A. §§ 125.1035 *et seq.*, as amended; and, provided further that, the development proposal meets the standards and conditions and all other provisions as herein established.

(1) Manufactured homes are designed for occupancy as a dwelling unit, and containing a minimum of 1,100 square feet of living area.

(2) Accessory buildings and services required for normal operation. The establishments or service facilities shall be designed and intended to serve frequent trade of needs of persons residing within the park and may be permitted; provided that, the uses:

(a) Shall not occupy more than 5% of the area of the park;

(b) Shall be subordinate to the residential character of the park; and

(c) Shall present no visible evidence of commercial character to any area outside of the park boundaries.

(3) Maintenance building for conducting the operation and maintenance of a mobile home park. Only one permanent building can be established, however, a caretaker's residence may be established within or in addition to the permanent building.

(C) *Uses specifically prohibited.* The sales, display or storage of manufactured homes for the uses within any portion that is expressly prohibited.

### *(D) Development requirements.*

(1) The following minimum requirements, guidelines and standards shall be used in considering the issuance of a special use permit

(2) In addition to the provisions of this chapter, all parks shall comply with Pub. Act 243 of 1959, being M.C.L.A. §§ 125.1035 *et seq.*, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the state prior to final approval of special use permit.

(3) If any of the requirements of this section are less restrictive than the State Act (Pub. Act No. 243 of 1959, being M.C.L.A. §§ 125.1035 *et seq.*, as amended), the state requirements shall prevail.

#### *(a) Park site standards.*

1. Manufactured homes intended for residential use must be located within a properly authorized manufactured home park.

2. Minimum site size for manufactured home park shall be 40 acres.

3. Minimum number. At least 60 spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.

4. Minimum site location standards require each proposed site to have at least one property line not less than 200 feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the County Road Commission to safely and effectively handle any increased traffic generated.

5. Minimum site access standards require a minimum of two site access points and all points of entrance or exit from the park are to be paved to a minimum width of 24 feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than 350 feet from the intersection of any two arterial streets, and no street parking shall be allowed within 100 feet of intersection with the public street.

6. Minimum side yard dimensions require that no building upon the premises shall be located closer than 100 feet from any property line.

7. Maximum height for any building or structure shall not exceed two and one-half stories or 35 feet.

8. Minimum open space standards. At least 10% of the entire park must be preserved in open space. Open space does not include roads.

#### *(b) Manufactured home space standards.*

1. Minimum space shall be 5,000 square feet and the lot shall not be less than 50 feet in width. Park density shall not exceed six

units per gross acre of park site. For each 5% increase in open space, an increase of one unit per gross acre of park site will be granted up to eight units per acre.

2. Minimum space yard dimensions for front yards and rear yards shall be ten feet and for the side yards shall be a minimum of ten feet from the nearest space line and the aggregate side yard dimensions shall not be less than 25 feet. The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends. Yard area shall not be encroached upon by enclosed buildings or structures; except that, surfaced parking area or surfaced patio area may be provided in yard areas, but in all cases shall not be closer than five feet from a space side yard line.

3. Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions. An outdoor concrete surfaced patio area of not less than 200 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

4. Storage facilities shall be waterproof and will provide a maximum space of 500 cubic feet for each mobile home space.

(c) *Utilities standards.*

1. Sanitary sewer and water facilities to all manufactured homes shall be connected to public facilities.

2. Utility lines to each manufactured home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner. When natural gas is unavailable, fuel oil or gas shall be furnished and distributed in a uniform manner in accord with an approved plan by the Planning Commission.

(E) *Parking, streets and walkways.* All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete (see construction standards in §§ 155.080 through 155.089) which shall be durable and well drained, and adequately lighted with lighting units so spaced and of the capacity and height for safety and ease of movement of pedestrians and vehicles at night.

(1) Minimum parking standards are specified in §§ 155.080 through 155.089, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.

(2) (a) Park street standards provide that each mobile home space shall have access to a street which shall meet the following specifications where appropriate to its character:

<i>Minimum Pavement Widths</i>		
<i>Parking Allowance</i>	<i>Traffic Flow</i>	<i>Minimum Paved Width</i>
No parking	1- or 2-way	24 ft.
Parking 1 side	1- or 2-way	30 ft.
Parking 2 sides	1- or 2-way	38 ft.

(b) All on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

(3) Curb and gutter shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the County Road Commission.

(4) Walkway standards provide that walks be provided from mobile homes to service buildings and mobile home facilities shall be at least four feet in width and walks used in common by one to three mobile homes shall be at least 30 inches in width.

(5) The developer shall submit a park lighting scheme previously approved by the utility company supplying power.

(F) *Buffers, landscaping and recreation.*

(1) Greenbelt buffer of 30 feet in width shall be located within the 50 feet yard area as established herein. This greenbelt shall be established and continually maintained and shall consist of trees and shrubs, or grassed berm, to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas. The greenbelt shall contain at least one row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than 40 feet apart and at least three rows of deciduous and/or evergreen shrubs, spaced not more than eight feet apart. In the case of a berm, the berm shall be a minimum of five feet in vertical height.

(2) Recreation space standards provide that common recreation space of not less than 20% of the gross park area shall be developed and maintained by the park owner. This area shall not be less than 100 feet in its smallest dimensions and its boundary no further than 500 feet from any mobile home space within its service area. Yard requirements as set out in this chapter are not to be defined as recreational areas in obtaining the minimum area of 20% as set forth herein.

(G) *Public health and safety.*

(1) Storage, collection and disposal of refuse and garbage shall be so conducted as not to create health hazards, rodent harborage, insect breeding area, fire hazards or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. The park owner shall provide this service. Garbage containers shall be located in

a uniform manner at each space and so designed to be of a permanent character or located out of general view. Dumpsters are expressly prohibited.

(2) Suitable fire hydrants shall be installed in all parks as required by the Fire Chief.

(3) To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local Post Office Department and filed with the community Fire and Police Department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.

(4) Installation of manufactured homes upon each site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All manufactured housing shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

(H) *Miscellaneous provisions.*

(1) *Resident supervision and maintenance.* The park shall be operated in compliance with the provisions of this chapter and the manufactured home park owner(s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.

(2) *Performance bond.* Upon granting a special use permit, a bond executed by any surety company authorized to do business in the state may be required to be delivered to the Township Board by the applicant for the faithful performance of the provisions of this chapter and conditions of the special use permit. The bond shall be in an amount to be determined by the Township Board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the special use permit.

(3) *Inspection.* Inspection of manufactured home parks is authorized and the Building Inspector is directed to make at least yearly inspections of the premise to ensure conformance with these ordinance provisions and all other applicable codes and regulations. The Chief of the local Fire Department or his or her designated representative is directed to make at least yearly inspections of the premises to ensure adequate provisions for fire protection are being observed in the interest of the public safety.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

#### **§ 155.311 PLANNED RESIDENTIAL UNIT DEVELOPMENT.**

It is the purpose of this section to encourage more imaginative and livable housing environments within the residential districts, as noted, through a planned reduction, or averaging, of the individual lot area requirements for each zone district; providing, the overall density requirements for each district remains the same. The averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned residential unit development providing the standards, procedures and requirements set forth in this section can be complied with.

(A) *Objectives.*

(1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, flood plains, hills and similar natural assets;

(2) To encourage the preservation of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units;

(3) To encourage developers to use a more creative and imaginative approach in the development of residential areas;

(4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site; and

(5) To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.

(B) *Applicability.* The provisions of this section, shall take precedence when in conflict with other section of the Zoning Ordinance.

(C) *Qualifying conditions.* Any application for a special use permit shall meet the following conditions to qualify for consideration as planned residential unit development.

(1) All planned residential unit developments shall be under the control of the one owner or group of owners and shall be capable of being planned and developed as one integral unit.

(2) Public water and sewer facilities, if not existing at time of development, shall be provided as part of the site development.

(3) The development shall be a minimum of six acres.

(4) The proposed planned unit residential development shall meet all of the general standards outlined herein.

(D) *Uses that may be permitted.* The following uses of land and structures may be permitted within planned residential unit development, subject to the district dimensional requirements as listed within each zoning district:

(1) Conservation-Greenbelt: single-family detached residential development;

- (2) A-1: single-family detached residential development;
- (3) R-1A: single-family detached residential development;
- (4) R-1: single-family detached residential development;
- (5) R-2: single-family detached and two-family dwellings;
- (6) R-3: single-family detached, single-family in the townhouse style, and two-family dwellings; and

(7) Recreation and open space, (in any R district); provided that, only the following land uses may be set aside as common land for open space or recreational use under the provisions of the section. Historic building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when the areas have natural features worthy of scenic preservation.

(E) *Lot variation and development regulations.* The lot area for planned unit residential developments may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following requirements.

(1) The acreage of the site, computed from the legal description of the parcel being developed shall be used for all calculations related to density and open space. The gross acreage shall be used. No factors for rights-of-way or easements will be considered. The perimeter setbacks and building heights shall meet the requirements of the zoning district in which the parcel is located.

(2) Minimum size of the development shall be six acres.

(F) *Open space requirements.*

(1) There shall be a minimum of 10% open space. There is no maximum amount of open space that may be set aside as open space.

(2) All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either:

(a) Set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development. Open space land shall be owned by the land owner or owners or a home owners association or other similar non-profit organization so that the fee simple title shall be vested in tract lot owners as tenants in common; provided that, suitable arrangements have been made for the maintenance of the land and any buildings thereon; and, provided further that, a copy of the open space easement for the land be conveyed to the legislative body to assure that open space land remain open;

(b) Dedicated to the general public as parkland for the use of the general public. Open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners; provided that, the location and extent of the land conforms to the development plan; and, provided further that, access to and the characteristics of the land is such that it will be readily available to and desirable for public use, development and maintenance;

(c) The Planning Commission shall determine whether (F)(2)(b) or (F)(2)(c) is most appropriate. In the case where the land is to be dedicated as a public park, such as division (F)(2)(b) above, the Planning Commission shall forward to the legislative body the park proposal and plan for approval; and

(d) It is the intent of this section that the owners or developers of the planned unit residential development shall not be compelled or required to improve the natural condition of the open space lands.

(G) *Street development requirements.* Street standards and specifications adopted by the County Road Commission and all applicable local standards shall be complied with for all street improvements.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009; Ord. 16-05, passed 5-16-2016)  
Penalty, see § 155.999

### **§ 155.312 PLANNED NEIGHBORHOOD SHOPPING CENTERS.**

It is the purpose of this section to arrange sound neighborhood shopping facilities within developing areas, without the necessity of indicating specific sites in advance. Planned neighborhood shopping centers may be allowed within R-2 and R-3 districts upon issuance of a special use permit where all the provisions of this section are met. Planned shopping centers are also permitted within residential planned unit developments.

(A) *Objectives.* The following objectives shall be considered in reviewing any application for a special use permit for a planned neighborhood shopping center:

(1) To promote a more complete urban design which includes necessary neighborhood services conveniently located and attractively designed; and

(2) To encourage developers to use creative and imaginative approaches in the development of neighborhoods.

(B) *Planning Commission review and hearing.* Notices shall be given in accordance with § 155.385. All special land uses require a hearing, therefore a separate hearing is not required for a planned neighborhood shopping center.

(C) *Qualifying conditions.* To qualify for consideration as a planned neighborhood shopping center, the following considerations shall be met:

(1) The proposed center is designed and will be developed with a unified architectural treatment;

(2) The center shall contain at least five individual uses; and

(3) To be eligible for consideration as part of a residential planned unit development, the planned unit residential development must be a minimum of 50 dwelling units.

(D) *Uses that may be permitted.* The following uses of land and structures may be permitted within a planned neighborhood shopping center:

(1) Retail food establishments, as permitted in B-2 districts;

(2) Other retail businesses, as permitted in B-2 districts;

(3) Personal service establishments, as permitted in B-1 districts;

(4) Offices for professional services, as permitted by B-1 districts;

(5) Professional and administrative offices, as permitted in B-1 districts;

(6) Restaurants and other eating or drinking establishments which provide food or drink for consumption on the premises; provided that, the establishments shall not be so-called "drive-in" facilities; and

(7) Temporary outdoor uses may be permitted on a temporary basis without a public hearing by the Planning Commission; provided that, the permit shall not be issued for more than 30 days in any one year and that the use can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.

(E) *Development requirements.* In addition to qualifying conditions listed above, the following requirements shall be met.

(1) *Minimum yard requirements.*

(a) Each lot shall have a minimum front yard of 15 feet and the yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.

(b) Side yards shall be of not less than 30 feet and further in the case of a corner lot the side yard on the street side shall be a minimum of 25 feet.

(c) Each lot shall have a rear yard of 30 feet.

(d) Side yards abutting any residentially zoned property shall be adequately screened.

(2) *Maximum building height.* The maximum building height shall be three stories or 40 feet.

(3) *Maximum lot coverage.* The maximum coverage of land by all buildings shall not exceed 80%.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009) Penalty, see §155.999

### **§ 155.313 PLANNED UNIT DEVELOPMENT.**

It is the purpose of this section to promote more imaginative and flexible developments of various uses that will encourage open space preservation, open space amenities, landscaping and are pedestrian-friendly.

(A) *Objectives.*

(1) To encourage economic development by offering developers greater flexibility in the design and location of uses;

(2) To encourage the provision of common open space in the development of planned unit development properties;

(3) To encourage developers in the use of a more creative and imaginative approach to development; and

(4) To encourage user-friendly and pedestrian-friendly developments.

(B) *Applicability.* The provisions of this section, shall take precedence when in conflict with other section of the Zoning Ordinance.

(C) *Qualifying conditions.*

(1) In applying for a special use permit as a planned unit development, applicants should keep in mind that the approval of the development, in terms of layout, design, uses and all other related site improvements runs with the property itself and not the property owner. This means that any transfer of property will require the new owner(s) to meet the provisions of the development as approved by the township. Modifications or transfer must follow the requirements as set forth in this section.

(2) To qualify for consideration as a planned unit development, the following conditions shall be met.

(a) The proposed development shall be designed within a unified architectural treatment as provided for in division (F) below.

(b) Minimum lot size shall be three acres and shall contain at least three individual uses.

(c) The lot shall front at least one street classified as an arterial or principal collector and be provided with adequate ingress and egress, including provision of service land running the length of the property abutting the arterial or collector.

(d) The lot or lots shall be zoned B-1, B-2, B-3 or a combination of these three districts. When located upon a principal arterial road or along a state highway, the lot or lots may be a combination of A-1 and one or more of the following: B-1, B-2 and B-3. A planned

unit development is not permitted in an area only zoned for agriculture or in areas shown in the township's adopted future land use plan as agriculture only.

(e) Public water and sewer facilities shall be available or shall be provided as part of the site development.

(D) *Permitted uses.* All cumulative uses as permitted by right and as permitted by special use permit in the B-1, B-2 and B-3 districts may be granted approval under the planned unit development special use permit, excluding adult uses as defined within this chapter; provided, the uses and structures are complementary to each other, do not cause undue overcrowding and comply with the other provisions of this section.

(E) *Lot variation and development requirements.*

(1) The common open space created under the provisions of this section shall be no less than 10% of the total lot area. The open space may include, but not limited to, the following:

(a) A public plaza;

(b) A park;

(c) A public plaza or a park created in combination with the storm water retention basin;

(d) Area devoted exclusively to designated pedestrian walkways within the development (not including sidewalk or parking lot walkways) may be counted as part of the open space; and

(e) Landscaped areas beyond what is required under the prevailing zoning district requirements may be counted as open space.

(2) For each square foot of common open space created, an equal amount may be added to the bulk requirements of the prevailing zoning district.

(3) Suggested setbacks shall be 40 feet as front yard, 20 feet as side yards and 30 feet as rear yard.

(4) Maximum building height shall be three stories or 40 feet.

(5) The Planning Commission in its review of the site plan shall determine the lot width, building setbacks, building heights and densities. In determining the appropriate requirements, the Planning Commission shall take into account:

(a) The nature of existing and future land uses adjacent to and near the site;

(b) The number, type and size of buildings proposed for the site;

(c) Location of natural and cultural features on the site;

(d) Topography of the site;

(e) Provision of public utilities to the site;

(f) Requirements for adequate fire, police and emergency vehicle access; and

(g) The objectives of this section.

(6) Planned unit developments with attached housing, including two-family dwellings, townhome development, and multiple-family dwellings, shall be developed in accordance with § 155.028, Attached Housing Residential Development Standards. Planned unit developments including a building or buildings with residential dwellings on a floor or floors above a commercial or office use shall be exempt from the § 155.028 standards.

(F) *Architectural and site design guidelines.*

(1) A unified architectural and site design theme should be incorporated into each development.

(2) The appearance of a "sea of asphalt" parking lot in the front of the development shall be avoided. Both perimeter and interior parking lot trees shall be provided for shade and visual relief while maintaining view corridors to the storefront areas.

(3) A portion of the total building area should be located at the street perimeter with substantial landscaping that reinforces and strengthens the streetscape and helps screen off-street parking area.

(4) Landscaping trees shall be allowed to achieve their natural form. Pruning to reduce the natural diameter of the trees shall not occur.

(5) Truck delivery and circulation routes should be separated from customer circulation throughout the site. Delivery and service activities should be accessed from the least traveled route adjacent to the site.

(6) All roof top mechanical equipment, antennas and the like shall be screened from view. Roof top lighting is strongly discouraged.

(7) Textured or colored paving materials are encouraged to identify pedestrian circulation areas, especially within the parking lot.

(8) Shopping cart storage areas shall be incorporated into the building design to provide a visual screen of carts from the parking area.

(9) Outdoor gathering areas and public eating areas are encouraged.



(10) All commercial signs shall be designed as an integral part of the development and shall be harmonious with other aspects of the development.

(G) *Amending or transferring ownership.*

(1) Prior to a transfer of ownership or a change in use, the property owner(s) of the development must contact the township in writing to declare their intent and initiate an administrative review process.

(2) Administrative review process shall include, but not be limited, to the following.

(a) During and after the establishment of the planned unit development, the owner(s) or proponents of the development shall strictly adhere to conditions, schedules and development requirements recommended by the Planning Commission. The owner(s) or proponents must submit any proposed modifications to the approved plan that specifically affects established densities, uses, an increase or reduction in size and scope of the project, modifications affecting publicly dedicated open spaces, rights-of-way or easements, and alterations to the approved overall plan, including architectural design changes.

(b) Any of these modifications shall require submission of a site plan application to the township describing the proposed changes. All proposed changes shall follow the same process as the original site plan review and approval process.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008; Ord. 16-05, passed 5-16-2016) Penalty, see § 155.999

**§ 155.314 DAY NURSERY.**

(A) *Authorization.* In order to facilitate the care of school children, this section provides for the inclusion of nursery schools and child care centers within districts R-1A, R-2 and R-3 and in religious institutions within any zone district. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.

(B) *Uses that may be permitted.* Nursery schools, day nurseries and child care centers (not including dormitories) may be authorized; provided that, there shall not be more than one dwelling unit used for residential purposes on the site.

(C) *Development requirements.* The following requirements for site development together with any other applicable requirements of this chapter shall be complied with:

(1) *Minimum site size.* Eleven thousand fifty square feet with 85-foot lot width at front building lines. There shall also be provided for each child in attendance 200 square feet of lot area in addition to the base figure of 11,050 square feet; and

(2) *Play area.* There shall be provided on the site additional useable outdoor play area at the rate of 50 square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining land by suitable plant material.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.315 FUNERAL HOMES AND MORTUARIES.**

(A) *Authorization.* Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique locational and site development characteristics of these functions, the uses of land may be authorized by special use permit within designated districts.

(B) *Uses that may be permitted.* Funeral homes, undertaking parlors and mortuaries; provided that, the conduct of all aspects of activities related to the uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.

(C) *Development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter shall be complied with: front, side and rear yards shall be at least 40 feet, except on those sides adjacent to non-residential districts wherein it shall be 20 feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in the yards; except that, rear yards may be used for parking purposes under the requirements specified, and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

**§ 155.316 PUBLIC UTILITIES AND SERVICE INSTALLATIONS.**

(A) *Intent.* It is the intent of this section to promote the health, safety and general welfare of the residents of the township; to provide standards for the safe provision of utility distribution facilities consistent with applicable federal and state regulations; to minimize the total number of utility distribution facilities in the community by encouraging shared use of the facilities and to minimize adverse visual, sound and odor effects from utility distribution facilities by requiring careful siting, visual impact assessment and appropriate landscaping thereby protecting the natural features and aesthetic character of the township.

(B) *Uses that may be permitted.*

(1) Public utilities and service installations, except those approved prior to the effective date of this section, may not continue to be used unless in conformity with these regulations. No utility distribution facility shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a utility distribution facility unless in conformity with these regulations.

(2) These regulations shall apply to all property within the following districts: A-1, R-1A, B-2, B-3, M-1 and M-2 districts. Utility distribution facilities shall be specifically excluded from all other districts.

(C) *Site plan review.* In addition to the requirements of §§ 155.330 through 155.335, the following materials must be submitted.

(1) The submitted site plan shall show all existing and proposed structures including lighting and improvements including roads, buildings, tower(s), guy wires and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.

(2) The plan shall ensure that the utility distribution facilities shall be in a completely enclosed structure which conforms in character and appearance to other buildings, located within 1,500 feet of the proposed structure.

(3) The facility plan shall show that the facility shall be located at least 500 feet from any property boundary line and at least 750 feet from any current structure.

(4) The facility plan shall show that it does not involve business offices, storage areas or structures requiring trucking or other truck movements.

(5) The applicant shall submit documentation on the proposed intent and capacity of use as well as a justification for the height of any utility distribution facilities and justification for any clearing required.

(D) *Lot size and setbacks.* All proposed utility distribution facilities accessory structures shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially preserve the privacy of any adjoining residential properties.

(1) Lot size of parcels containing a utility distribution facilities shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire area required shall be leased from a single parcel unless the Planning Commission determines that this provision may be waived.

(2) Utility distribution facilities shall be located with a minimum setback from any property line equal to at least 500 feet and 750 feet from any existing structure. Accessory buildings shall comply with minimum setback requirements in the underlying zoning district.

(E) *Visual/noise/odor impact assessment.* The Planning Commission may require the applicant to undertake visual and noise impact assessments which may include:

(1) A zone of visibility map and/or zone of noise penetration and/or zone of odor penetration map shall be provided in order to determine where the facility may be seen and what noise or odor will be emanating from;

(2) Pictorial representations of before and after view from any key viewpoints both inside and outside of the township including, but not limited to, state highways and other major roads, other public lands or sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. If this is a requirement, the Township Zoning Administrator shall determine the key sites at a presubmission conference with the applicant;

(3) Assessment of the alternative designs and color schemes, as described in division (F) below;

(4) Engineering studies showing likely noise impacts upon properties within a 2,000-foot radius of the facility as well as alternate designs to reduce or eliminate the transmission of noise to areas outside the walls of the utility distribution facilities; and

(5) Studies to show that no odor will emanate from the facility.

(F) *Facility design.* Alternate designs shall be considered for new facilities, including underground. The design of a proposed new utility distribution facility shall comply with the following.

(1) Unless specifically required by other regulations, a utility distribution facility shall have a finish that minimizes its degree of visual impact.

(2) The maximum height of any new utility distribution facility shall not exceed that which shall permit operation without artificial lighting of any kind or nature, except as required by state and/or federal law and/or regulation. The Planning Commission, at its discretion, may modify this requirement if the applicant can justify the need to exceed this height limitation.

(3) No lighting shall be permitted unless required by the state or federal law. If facility lighting is necessary, the applicant shall fully disclose to the Planning Commission all lighting options. Only the minimal amount of lighting necessary to meet state and/or federal laws and/or regulations shall be authorized. Light pollution or light spillover to the nearby and distant properties shall be minimized to the greatest degree possible by use of shielding. The Planning Commission shall upon review approve only the lighting scheme that it determines to be least obtrusive to the affective properties.

(4) Accessory building shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

(5) A sign shall be conspicuously placed near the base of a utility distribution facility and it shall generally state that danger exists and that no access is permitted. No portion of any utility distribution facility or accessory building shall be used for a sign other than as stated or for any other advertising purpose, including, but not limited to, company name, phone numbers banners and streamers.

(6) No noise shall be permitted to extend beyond the premises, except at a level of no more than 45 db(A) for more than 30 minutes in a 24-hour period. The applicant shall fully disclose to the Planning Commission all noise options. Only the minimal amount of noise necessary shall be authorized. Noise pollution to nearby and distant properties shall be minimized to the greatest degree possible by use



of shielding, burying or noise making devices, insulation, buildings and the use of technology. The Planning Commission shall upon review approve only the noise levels and scheme that it determines to be least obtrusive to the affected properties.

(7) No odor shall be permitted to extend beyond the premises. The applicant shall fully disclose to the Planning Commission all potential odor problems. Odor pollution to the nearby and distant properties shall be prohibited by the use of appropriate devices. The Commission shall, upon review, approve only the odor levels and schemes that it determines to be least likely to allow odors to extend to adjacent or distant properties.

(G) *Existing vegetation.* Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height four feet off the ground) shall take place prior to the approval of the special permit.

(H) *Screening.* Facades may be required to be built and deciduous or evergreen trees planting may be required to screen portions of the facility and accessory buildings from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, facades and screening shall be required where the facility is located aboveground.

(I) *Access.* Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(J) *Parking.* Parking shall be provided to assure adequate emergency and service access. The Township Zoning Administrator shall determine the number of required spaces based upon a recommendation from the applicant. Two parking spaces shall be located in any required yard.

(K) *Fencing.* The facility shall be adequately enclosed by a fence, the design of which shall be approved by the Planning Commission. This requirement may be waived by the Planning Commission if the applicant demonstrates that the measures are unnecessary to ensure the security of the facility.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.317 AUTOMOBILE SERVICE STATION.**

(A) *Intent.* It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:

(1) Promote the type of development which will be compatible with the other land use activities located in areas where service stations will be constructed;

(2) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land; and

(3) Minimize the traffic congestion and safety hazards which can be in service station activity.

(B) *Uses that may be permitted.* Gasoline service stations; provided, the accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.

(C) *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter shall be complied with:

(1) *Minimum site size.* Fifteen thousand square feet with a minimum width of 150 feet.

(2) *Site location.* The proposed site shall have at least one property line on a principal or minor arterial.

(3) *Building setback.*

(a) The service station building, or permitted buildings shall be setback 50 feet from all street right-of-way lines and shall not be located closer than 50 feet to any property line in a residential district unless, separated there from by a street or alley.

(b) No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than 20 feet to the line of any street right-of-way.

(c) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.

(4) *Access drives.*

(a) No more than one driveway approach shall be permitted directly from any principal or minor arterial, nor more than one driveway approach from any other street, each of which shall not exceed 35 feet in width at the property line.

(b) If the service station or permitted building site fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.

(c) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within an R district as extended to a curb or pavement.

(5) *Curbing and paving.* A raised curb at least six inches in height shall be erected along all of the street property lines, except at

driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.

(6) *Fencing.* A solid fence or wall six feet in height shall be erected along all property lines abutting any lot within a residential district.

(7) *Lighting.* Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets. (Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

### **§ 155.318 WIRELESS COMMUNICATION.**

(A) *General.* Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

(B) *Qualifying conditions.*

(1) *Requirements.* The following site and developmental requirements shall apply.

(a) Communication towers shall be restricted to self-supporting structures. The use of guy wires is prohibited.

(b) The base of the tower and accessory structures shall be enclosed with a minimum six-foot high fence.

(2) *Special performance standards:*

(a) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a report from a structural engineer registered in the state showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, which tower shall be a self-supporting lattice tower or a self-supporting monopole. The applicant shall incur all costs associated with the review of a report.

(b) Towers shall be setback from property lines a minimum distance equal to its height when erected on a parcel that abuts other A-1 or residentially zoned or used parcels. This requirement is independent hereof.

(c) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet.

(d) Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick facade and a pitched roof.

(e) Accessory structures shall not exceed 400 square feet of gross building area per structure.

(f) All bufferyard requirements within this chapter shall be met.

(g) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.

(h) The plans of the tower construction shall be certified by a state registered structural engineer.

(i) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

(j) All towers must meet the standards of the Federal Aviation Administration, the Federal Communications Commission and the Tri-City Area Joint Aviation Committee.

(k) Communication towers in excess of 175 feet in height above grade level shall be prohibited within two miles of a public airport property boundary or one-half-mile radius of a helipad.

(l) Metal towers shall be constructed of, or treated with, corrosive-resistant material and shall be painted white or off-white. Applicant shall submit a maintenance program acceptable to the township. The antenna shall be painted to match the exterior treatment of the tower.

(m) Antenna 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.

(n) Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the current Township Building Code.

(o) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight feet above the ground at all points, unless buried underground.

(p) Towers shall be located so that they do not interfere with reception in nearby residential areas.

(q) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.

(r) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.

(s) The base of the tower shall occupy no more than 500 square feet.

- (t) Minimum spacing between tower locations shall not be less than one and one-half mile radius to prevent a concentration of towers in one area. This shall include a distance of neighboring township towers.
- (u) Height of the tower shall not exceed 175 feet from grade within all applicable districts.
- (v) Towers shall not be artificially lit unless required by the Federal Aviation Administration.
- (w) Existing on-site vegetation shall be preserved to the maximum extent practical.
- (x) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (y) The antenna shall be painted to match the exterior treatment of the tower.
- (z) All parking and drive areas must be paved as provided in this chapter.
- (aa) The developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten feet to any structure.
- (bb) The tower and site compound shall be removed by the property owner or lessee within six months of being abandoned. The township will require an irrevocable \$10,000 performance bond to ensure its removal.
- (cc) A conceptual plan must be submitted by the applicant which indicates the contemplated are less within the township that the communication provider may construct other towers.
- (dd) Towers shall be designed to provide for co-location. If the applicant demonstrates that he, she or they cannot co-locate on an existing tower, the applicant must provide documentation satisfactory to the township that co-location is not possible.
- (ee) Subject to the conditions in this section the township may permit the location of personal wireless communication facilities on any township owned and occupied land.
- (ff) The applicant shall submit a copy of a valid FCC license for the proposed activity or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- (gg) This chapter and section shall apply to land owned by Saginaw Valley State University.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.319 MISCELLANEOUS SPECIAL USES.**

##### *(A) Special uses that may be permitted.*

- (1) Incinerators and sanitary landfills;
- (2) Junk yards;
- (3) Sewage treatment and disposal installations as an integral design of a park as permitted within a zone district, and designed only for service to that mobile home park development. Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a residential zone district;
- (4) Drive-in theaters, race tracks, golf driving ranges and miniature golf courses or similar uses;
- (5) Special open space uses, such as private resorts, recreational camps and other open space uses operated for profit or public purposes by a municipality or other local unit of government;
- (6) Facilities/institutions for the developmentally disabled and physically handicapped, drug or alcoholic patients and camps or correctional institutions;
- (7) Quarries or sand/gravel pits;
- (8) Airports and commercial landing strips;
- (9) Wireless communication facilities;
- (10) Kennels; and
- (11) Crematoriums.

##### *(B) Incinerators and sanitary landfills.*

- (1) All uses shall be enclosed by a fence six feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespassing and contain debris.
- (2) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
- (3) The Planning Commission may establish routes for truck movement in and out of the development in order to minimize the wear on streets, to minimize traffic hazards and to prevent encroachment of traffic, or the byproducts of traffic (such as dust and noise) upon adjacent properties.

(4) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, an individual or to the community in general.

(C) *Junk yards.*

(1) The site shall be a minimum of 20 acres in size;

(2) A solid fence or wall at least eight feet in height shall be provided around the entire periphery of the site to screen the site from surrounding property. The fence or wall shall be of sound construction, painted and otherwise finished neatly and inconspicuously;

(3) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall; except that, movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area;

(4) All fenced-in areas shall be set back at least 100 feet from any front street or property line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation;

(5) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building;

(6) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least 100 feet in width shall be provided between the fenced-in areas and the property within a residential or agricultural district. The strip shall contain plant materials, grass and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein;

(7) Any other reasonable provisions necessary to meet the intent of this chapter;

(8) Sewage treatment and disposal installations;

(9) All operations shall be completely enclosed by a wire link fence not less than six feet high; and

(10) All operations and structures shall be surrounded on all sides by a transition strip at least 200 feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installations. The Planning Commission shall approve all treatment of transition strips.

(D) *Drive-in theaters, race tracks, golf driving ranges and miniature golf courses or similar uses.*

(1) All sites shall be located on a principal arterial roads.

(2) Whenever any use that may be permitted in this section abuts property within a residential or agricultural district, a transition strip at least 100 feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within the transition strip.

(3) A minimum yard of 100 feet shall separate all uses, operations and structures permitted herein, including fences, from any street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission

(4) Race tracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight feet in height. Fences shall be of sound construction, painted or otherwise finished, attractively and in harmony with the surrounding environment.

(5) Drive-in theater ticket gates shall be provided in accordance with the following ratios: one ticket gate for 300-car capacity theaters; two ticket gates for 600 car capacity theaters; three ticket gates for 800-car capacity theaters; four ticket gates for 1,000 car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30% of the vehicular capacity of the theater.

(6) Drive-in theater picture screens shall not be permitted to face any street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed 65 feet in length and 40 feet in height.

(E) *Special open space uses.*

(1) The proposed site shall be at least two acres in area.

(2) The proposed site shall have at least one property line abutting a major thoroughfare or principal collector. All ingress and egress to the site shall be directly from the thoroughfare or collector street.

(3) All buildings and structures shall be setback at least 200 feet from any property or street lines. Whenever the installation abuts upon property within a residential district, this 200-foot setback shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.

(4) No more than 25% of the gross site shall be covered by buildings.

(5) Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and they retain sales directly connected with the principal open space use.

(F) *Facilities/institutions for the developmentally disabled and physically handicapped, drug or alcoholic patients and camps or correctional institutions.*

(1) The proposed site shall be at least five acres in area.

(2) All two-story structures shall be at least 100 feet from boundary lines or street lines. Buildings less than two stories shall be no closer than 50 feet to any property or street line. No more than 25% of the gross site shall be covered by buildings.

(G) *Sand, clay or gravel pits; quarries.*

(H) *Airports and commercial landing strips.*

(1) The proposed site shall be at least 2,640 feet by 500 feet.

(2) Any runway shall have a minimum length of 1,500 feet with a 500-foot clearance at each of the runway's ends.

(3) Buildings, height limits, lighting, parking and uses and activities shall be in accordance with applicable FAA and MAC regulations.

(I) *Kennels.*

(1) A minimum lot size of five acres shall be maintained.

(2) Any building or fenced area where animals are kept shall be located a minimum of 200 feet from any public right-of-way, 100 feet from any property line and 150 feet from any residential dwelling located off the premises.

(3) The kennel shall be established and maintained in accordance with all applicable state, county and township sanitation regulations.

(J) *Pet grooming establishment.*

(1) No structure occupied by animals shall be closer than 200 feet to any agricultural or residential lot line.

(2) In all cases, the use and all animals shall be confined in an enclosed building.

(3) Accessory products may be sold (a maximum of 30% of the gross floor area of the establishment can be devoted to accessory retail uses) and may also include pet obedience training and daily animal-sitting, but shall not include any overnight boarding of animal(s).

(4) No outdoor storage permitted.

(5) In areas where the uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends, the Planning Commission may require among other things: separate building entrance and exit to avoid animal conflicts.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009) Penalty, see §155.999

## **SITE PLAN REVIEW AND DESIGN GUIDELINES**

### **§ 155.330 PURPOSE AND INTENT.**

The purpose of site plan review and design guidelines is to determine compliance with the provisions and intent set forth in this chapter and to promote the orderly development of the township and to prevent the development or alteration of land without proper attention to siting and appearance.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.331 SITE PLAN REVIEW.**

(A) Prior to the erection of any building or structure or additions thereto, change in use in any zoning district, any land use requiring special approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the Zoning Administrator or by the Township Planning Commission.

(B) Site plan review by the Township Planning Commission. The Township Planning Commission shall review all other structures and uses of land or building not covered herein and the following site plan review procedures shall be followed.

(1) *Administrative site plan review by the Zoning Administrator.*

(a) The Zoning Administrator shall perform a site plan review for:

1. A residential structure having two or fewer dwelling units therein and accessory structures and uses;

2. A change in the use of a structure or land that does not require additional parking and does not involve structural alterations;

3. A commercial accessory building containing 1,000 square feet or less;

4. An addition to an existing structure if the addition totals 10% or less of the existing structures or 1,000 square feet, and only if the addition will be surfaced with material or materials which do not differ from materials on the existing structure;

5. An addition to parking of less than 10% of the existing parking area that does not alter circulation;

6. A change in the intensity of a use, which may include new services or expanded hours of operation or other such similar changes that impact the way in which the business relates and impacts neighboring properties and traffic patterns;

7. In order to perform this review, the Zoning Administrator may require the submission of information set forth in this section.

8. The Zoning Administrator will transmit copies of the site plan to the departments as appropriate for review. Upon receiving recommendations from the different departments, the Zoning Administrator shall transmit the recommendations to the applicant, and if the applicant concurs with the staff recommendations, the site plan will be approved along with all the recommendations, the site plan will be approved with all the recommendations as agreed to by the applicant.

(b) In instances where the applicant does not concur with recommendations or where the Zoning Administrator deems Planning Commission review necessary during the administrative site plan review, the applicant or the Zoning Administrator may request the site plan be transmitted to the Township Planning Commission. The applicant will be required to pay the appropriate associated fee for site plan review.

(2) *Site plan review by the Township Planning Commission.* All other structures and uses of land or buildings not covered herein shall be reviewed by the Township Planning Commission, and the following site plan review procedures shall be followed.

(a) *Application deadlines.* If a zoning application requires a site plan review by the Planning Commission pursuant hereto, a complete application package must be received according to the policy and procedure set by the Township Planning Commission.

(b) *Application.* The application requesting a site plan review must be accompanied by a fee, as established by the Township Board. The application will not be reviewed until all requirements are met, including the requirements that the fee has been paid. The site plan must include all relevant items listed below.

1. *Scale.* The site plan must be drawn to a consistent scale of not less than one inch equals 50 feet (1" = 50') for sites of three acres or less, or one inch equals 200 feet (1" = 200') for larger sites.

2. *Identification.* The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.

3. *Property information.* The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from, including all existing and proposed easements or rights-of-way. Zoning of the site and the adjacent properties, and the current use of the site and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan.

4. *Site features.* The site plan should depict existing environmental conditions, including the location of wooded areas, isolated trees over six inches in diameter, topography, wetlands, any existing structures, including any site contamination, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.

5. *Transportation features.* The site plan must show the location and surface type of all existing and proposed roads, access drives, internal vehicle circulation areas, all turning radii, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays and refuse pickup stations. Developments located within Cardinal Square shall follow the guidelines, as listed in § 155.332.

6. *Utilities.* The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping station and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

7. *Site drainage and grading.* The site plan must show the location of storm drains, invert elevations, proposed finished grades, drainage ditches, catch basins, manholes, flow restrictors and on-site retention. Allowable discharge and on-site storage calculations must also be included.

8. *Structures.* The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structure and related features. Schematic plans and elevations of all structures must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls. Developments located within the Cardinal Square shall follow the guidelines as listed in § 155.332. For multi-family housing developments, the number of units in each building must be identified.

9. *Supplementary materials.* The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the site plan review process. Applicants shall be responsible for all costs of required supplementary materials. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors or fire hazards.

10. *Materials Board.* The Township Zoning Administrator may request a materials board be submitted at the time of the site plan review. This Board shall contain small, representative samples of all the exterior finishes proposed for the structure and associated elements of the site. This Materials Board will become part of the approval and will be used to ensure compliance.

(c) *Decision guidelines for site plan review.* In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Township Planning Commission shall determine whether the site plan meets the following criteria, unless the Township Planning Commission determines that one or more of the criteria are inapplicable.

1. The site plan shall comply with all requirements of the applicable zoning district and design guidelines, unless otherwise provided in this chapter.
2. The site plan is consistent with the intent and purpose of the ordinance and the intent of the district in which it is located.
3. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
4. Recreation and open space areas shall be provided in all multiple-family developments.
5. All developments occurring within the defined boundaries of Cardinal Square should follow the design guidelines contained in this chapter.
6. The requirements for screening, fencing, walls and other protective barriers shall be complied with as provided in this chapter.
7. Pedestrian walkways and/or pathways shall be provided as deemed necessary by the Township Planning Commission for separating pedestrian and vehicular traffic.
8. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

(d) *Approval process.* The site plan shall be reviewed by the Township Planning Commission and shall be approved, disapproved, approved with specific conditions, performance guarantees and/or bond requirements, or tabled as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the township. If, during review, the Planning Commission finds a site plan not in conformance with the provisions set forth in this section it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to secure approval.

1. *Approval.* Following approval of the site plan, it shall become part of the record, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter received the mutual agreement of the landowner and the Township Planning Commission or Zoning Administrator, as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.

2. *Denial for specific requirements.* In instances where specific dimensional or area requirements of this chapter are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the Township Zoning Board of Appeals. Requirements not met are grounds for denial.

(e) *Approved site plan.*

1. The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter receives the mutual agreement of the landowners and the Township Planning Commission or Zoning Administrator as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.

2. The approved site plan shall be valid for a term of one year. Construction must begin within this time period.

(3) *Supplemental cost recovery ordinance of expenses incurred by the township for applications, permits or other similar services provided by the township or its agents.* The township ordains.

(a) *Purpose.* In order to protect the township from extraordinary expenses resulting from the utilization of township resources in response to requests by any individual, firm, corporation, limited liability company, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity, this chapter authorizes the imposition of charges to recover actual costs incurred by the township in response to request for administrative review, mailing, publishing, public hearings, engineering, planning, environmental or fiscal impact consulting assistance, consultants, attorneys' fees, service charges and interest, and any other costs direct or indirect in connection with any established fee whether or not the services are provided by the township or by a third party on behalf of the township.

(b) *Definitions.* For the purpose of this division (B)(3), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASSESSABLE COSTS.** Those costs for services incurred by the township for administrative review, mailing, publishing, public hearings, engineering, environmental or fiscal impact consulting assistance, consultants, attorneys' fees, service charges and interest, and any other costs direct or indirect in connection with any established fee established by the Township Board for various applications, permits, and other similar services whether or not the services are provided by the township or by a third party on behalf of the township.

**PROJECT.** A specific plan or design beginning when the application is submitted and all associated fees are paid to the township and concluding when the final certificate of occupancy has been issued or when the owner of the property or person with authority to submit the plan or design to the township notifies the township in writing that it plans to abandon the plan or design submitted for a period not less than three months.

**RESPONSIBLE PARTY.** Any individual or any individual's parent or legal guardian, in the case of a minor, any firm, corporation, limited liability company, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for the payment of any fee to the township, and his, her or their heirs, estates, successors and assigns.

(c) *Cost recovery authorization and procedure.*



1. The township may recover all assessable costs relating to any application, permit and other similar services from any or all responsible parties jointly and severally.

2. The Township Supervisor, Zoning Administrator, or his or her designee, shall determine the total assessable costs for each various types of applications and administrative review procedures on a per application, review or service basis. In making the determination, the following shall be considered: after consideration of the factors in division (B)(3)(b) immediately above, the Township Supervisor, Zoning Administrator, or his or her designee may allocate assessable costs among and between responsible parties, including allocating all or some of the costs jointly and severally against more than one responsible party.

3. The Township Board shall adopt a fee schedule for various applications, permits, and other similar services which may be amended from time to time by resolution of the Township Board. The fee is only an estimate as actual costs may vary.

(d) *Billing and collection of assessable costs.*

1. All fees collected with regard to any application, permit or other similar services shall be deposited in a way that expenditures can be tracked and an itemized bill can be provided if requested.

2. If the account in which, the fee collected reaches a zero amount prior to the completion of the review or other action needed to take place, the township shall invoice the responsible party for the estimated additional amount needed to complete the review or other action that needs to take place.

3. If the township needs to invoice the responsible party for the estimated additional amount needed to complete the review or other action needed to take place, the Township Supervisor, or his or her designee shall have the authority to determine if the responsible party's application, permit or other similar service continues in the process or if it the process shall be stopped until the additional requested fee is received and has been cleared by the township's banking institution.

4. Upon the issuance of the final certificate of occupancy for the entire project, the Township Treasurer or his or her designee shall, within 90 days, return to the responsible party any unused funds and an accounting of the expended funds. If all funds are expended, then the Township Treasurer or his or her designee shall only furnish an accounting if so requested by the responsible party.

If the project is of a nature that does not require an issuance of a certificate of occupancy at any time, from the start of the project to the finish, a written determination by the appropriate board or township official stating that the application, permit or other similar services has been completed, the Township Treasurer or his or her designee shall within 90 days return to the responsible party any unused funds and an accounting of the expended funds. If all funds are expended, then the Township Treasurer or his or her designee shall only furnish an accounting if so requested by the responsible party.

(e) *Procedure for appealing assessable costs.*

1. Any responsible party who receives an accounting of assessable costs shall have an opportunity to meet with the Township Supervisor or his or her designee to request a modification of assessable costs. The responsible party shall request a meeting with the Township Supervisor in writing within seven calendar days of the date of receipt of the accounting of assessable costs. The meeting shall take place no later than 14 calendar days after the Township Supervisor receives the written request.

2. If, after meeting with the Township Supervisor or his or her designee, the responsible party is still not satisfied, he or she may appear before the Township Board to further request a modification of assessable costs. A responsible party who desires to appear before the Township Board must first meet with the Township Supervisor or his or her designee as provided above and shall file a written request to appear before the Township Board with the Township Clerk within seven calendar days after the date of the meeting with the Township Supervisor. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessable costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party, unless the information presented is a new matter that was unknown to the applicant at the time the request to appear before the Township Board was made.

3. Upon receipt of the request, the Township Clerk will place the responsible party on the agenda of the next regularly scheduled Township Board meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear.

4. Failure to timely file a written request to appear either before the Township Supervisor or the Township Board shall constitute a waiver of the responsible party's right to appear before the Township Board; and shall further constitute the responsible party's agreement to pay the assessable costs.

5. After a responsible party has been given an opportunity to appear before it, the Township Board shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced and notify the responsible party in writing within 30 days of its decision.

(f) *No limitation of liability.* The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

(g) *Severability.* The provisions of this section are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the section other than the part of portion thereof.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 08-03, passed 9-16-2008; Ord. 09-02, passed 10-20-2009; Ord. 12-001, passed 2-21-2012)

**§ 155.332 DESIGN GUIDELINES.**



These guidelines are intended to serve as recommendations for all development and redevelopment projects by both the private and public sector in B-1, B-2 and B-3 districts, within the area defined as Cardinal Square, from Freeland Road south to Tittabawassee Road and from Mackinaw Road east to Davis Road.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

### **§ 155.333 FUNDAMENTAL DESIGN GUIDELINES.**

The fundamental design guidelines are general in nature and were created to apply to the entire Cardinal Square area.

(A) *Application of design guidelines.* The guidelines apply to the entire Cardinal Square area and every development within the defined area. As many developments exist and were constructed prior to the establishment of the guidelines, the following shall be used as a guide for when mandating compliance:

- (1) All new developments within Cardinal Square;
- (2) Any redevelopment which requires a site plan review by the Planning Commission;
- (3) All expansions, remodels and the like, including those reviewed administratively, shall make an effort to address the intent and purpose of these guidelines while understanding that the extent of the expansion or remodel may determine the extent to which the guidelines can be incorporated; and
- (4) An addition of an accessory building containing 1,000 square feet or more along key roads.

(B) *Area-wide design guidelines.*

- (1) Promote an understanding that this district is unique to the area and distinct;
- (2) Develop the public nature of the area and reinforce the sense that Cardinal Square belongs to everyone;
- (3) Foster physical continuity, meaning that there is freedom of movement for pedestrians, automobiles and transit systems;
- (4) Encourage a diversity of uses, activities and sizes of developments;
- (5) Encourage street level activity;
- (6) Create a hierarchy of transportation that begins with pedestrians. The hierarchy in order of priority:
  - (a) Pedestrians;
  - (b) Bicycles;
  - (c) Vehicles; and
  - (d) Transit.
- (7) Encourage quality building.

(C) *Guidelines for the public streetscape.* The streetscape environment includes all the elements that can make a pedestrian comfortable such as the sidewalk, street trees, street furniture and the facade of the building.

- (1) All projects must incorporate pedestrian access from the street and parking areas.
  - (a) All development and redevelopment must include sidewalk and sidewalk connections as deemed appropriate by Planning Commission.
  - (b) All new development and redevelopment must include the extension of the multi-use path when located on or adjacent to their property.
  - (c) Multi-use pathway connections are encouraged, even though it may not be directly adjacent to the development.
  - (d) In order to provide safe and convenient pedestrian access, all crosswalks on streets whether public or private and driveways shall be denoted by a change in surface consistent with the intent of the design guidelines and as approved by the Zoning Administrator.
- (2) Terminal street views (the point where a street connects perpendicular to a second street) shall focus on a significant built or natural feature (a building, landscaping, public space, not a parking lot).
- (3) Street trees and landscaping should be designed and maintained to enhance pedestrian access and levels of comfort.
- (4) Wrought iron or simulated wrought iron fences with brick columns shall be installed at key points along key road frontages, as determined by the Zoning Administrator.
  - (a) A minimum of 16 and a maximum of 32 feet length of wrought iron or simulated wrought iron fence shall be installed between each brick column.
  - (b) All fences shall be between 32 and 36 inches in height.
  - (c) Brick columns shall be 24 by 24 inches in width with a 27 by 27 inches in width limestone cap. The overall height should be 42 inches to 48 inches above finished grade. The brick colors of the columns shall match existing columns within Cardinal Square or the building on the site, as determined by the Zoning Administrator.

(d) All fences shall be located between four and eight feet behind the sidewalk or pathway, or match the fence on adjoining properties, as determined by the Zoning Administrator.

(e) Low profile landscaping that enhances the fence, preferably a mix of ornamental grasses, perennials and shrubs, as determined by the Zoning Administrator, shall be installed between the fence and the sidewalk or the pathway.

(5) Buildings, not parking lots, should be the primary feature at the entrance to a development.

(6) Facades facing streets or public walkways shall incorporate windows and doors so as to encourage pedestrian activity. Mirrored or smoked glass is discouraged as it acts as a wall and prevents pedestrian interaction.

(D) *Guidelines for public spaces.* These guidelines encourage open spaces, plazas and parks as public spaces, and that these natural amenities encourage human occupancy.

(1) A complete network of sidewalks and pathways should be constructed in the Cardinal Square area to create a walking/strolling environment as deemed necessary by the Planning Commission.

(2) Developments should provide pedestrian amenities, such as benches, trash receptacles and bike racks at key locations on site that are consistent with the area.

(3) When public spaces are designed, care should be taken to preserve enough open space to reasonably handle an open-air special event, such as an art fair or outdoor concert.

(E) *Guidelines for buildings.* These guidelines include recommendations for the physical makeup and shape of construction inside the property lines.

(1) Entries shall be the highlight of the building.

(2) Buildings should be developed that relate to people at all publicly visible sides; eliminate a back door appearance from parking lots and rear entrances.

(3) Each building shall be encouraged to explore some level of individual expression in order to reflect the sense of a distinct area rather than a linear shopping center.

(4) A minimum of 50% of the building materials should be natural brick or stone. The remainder of the building should be constructed in approved complimentary, natural materials. This regulation applies to all sides of the principal structure. Accessory structures must be constructed of materials that are consistent and compatible with the architectural style of the principal structure.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.334 ADMINISTRATION OF THE DESIGN GUIDELINES.**

The design guidelines in this chapter are to be used as guides for the township when reviewing site plans and special land uses within the Cardinal Square district.

(A) *Flexibility of the guidelines.* Because not every development may be able to meet each specific design guideline, the guidelines were written to be flexible and to expand, and contract, to fit the development and achieve the intent of the district as described in the ordinance and in the master plan.

(B) *Applicable to all developments.* Although not all developments will meet all the guidelines, each new or redevelopment project in the area should meet most of the design guidelines.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

#### **§ 155.335 STORM WATER MANAGEMENT DESIGN GUIDELINES.**

The intent of storm water management design guidelines is to encourage the use of structural, vegetative or managerial practices, commonly referred to as best management practices (BMPs), designed to treat, prevent or reduce degradation of water quality due to storm water runoff. All development projects subject to review under the requirements of this chapter shall be designed, constructed and maintained using BMPs to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands and watercourses on the site to the maximum extent feasible.

(A) *Storm water drainage.* All storm water drainage plans shall meet the standards adopted by the township for design and construction and shall, to the maximum extent feasible, utilize various control techniques, including, but not limited to:

(1) Limitation of land disturbance and grading;

(2) Maintenance of vegetated buffers and natural vegetation;

(3) Minimization of impervious surfaces;

(4) Use of terraces, contoured landscapes, runoff spreaders, vegetated or rock-lined swales;

(5) Use of infiltration devices, soil permitting; and

(6) Shared use of detention basins.

(B) *General standards.*

(1) Storm water management systems shall be designed to prevent flooding and the degradation of water quality related to storm water runoff and soil erosion from proposed development.

(2) All properties that are subject to this chapter shall provide for on-site storage of storm water. Facilities shall be designed to provide a volume of storage and discharge rate that meets the standards of the township's storm water engineering and design guidelines.

(3) Priority shall be placed on site design that maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners. The County Public Works Commissioner must approve site designs if it is a watercourse under his or her jurisdiction. The County Road Commission and the State Department of Transportation must also approve site designs for watercourses within their jurisdictional rights-of-way.

(4) The use of swales and vegetated buffer strips (containing desirable native plant materials) or other infiltration practices is encouraged as a method of storm water conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle, and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals and salt shall be required in determining appropriate plantings in these areas.

(5) Drainage systems shall be designed to be visually attractive. The integration of storm water conveyance systems and retention and detention basins in the overall landscape concept is recommended. Ponds with a naturally contoured, rather than square or rectangular, design and appearance shall be encouraged.

(6) Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of pervious surfaces for parking, approved oil separators shall be required.

(7) For sites that store or use chemicals, a spill response plan shall be submitted and approved by the township, or the site can provide the township evidence of a State Department of Environmental Quality approved storm water pollution prevention plan and certificate of coverage.

(C) *Storm water management and wetlands.* Wetlands may be used for storm water management if all the following conditions are met.

(1) Wetlands and their current functions shall be protected from impairment due to the discharges of storm water. Measures such as a vegetated forebay shall be taken to reduce erosive velocities of storm water discharge and remove sediment and other pollutants prior to discharge to a wetland. The volume of a vegetated forebay is defined by the township's storm water management plan.

(2) Wildlife, fish or other beneficial aquatic organisms and their habitat within the wetland will not be impaired.

(3) The wetland has sufficient holding capacity for storm water, based upon calculations prepared by the proprietor and reviewed and approved by the township, and that the additional storm water will not impair the wetland's current functions.

(4) On-site erosion and sediment control shall be provided to protect the natural function of the wetland.

(5) Provisions approved by the township shall be established so as to ensure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.

(6) Applicable permits from the local government and the State Department of Environmental Quality are obtained.

(D) *Site plan standards for impervious surface reduction.*

(1) The township recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving, storm water runoff and a waste of space which could be left as an open space.

(2) The township may permit deviations from ordinance requirements during the site plan review process to reduce impervious surfaces, as determined by the Township Zoning Administrator or Planning Commission. These deviations can be either prescribed by ordinance or proposed through creative land development techniques that are permitted by this chapter. The township may permit deviations whenever it finds that the deviations are more likely to meet the intent and standards of this chapter and accommodate the specific characteristics of the use in question.

(3) The township may attach conditions to the approval of a deviation that bind the approval to the specific use in question. Measures that reduce impervious surface and increase infiltration may include, but are not limited to, the following.

(a) *Streets and access.*

1. Design residential streets with the minimum required pavement width needed to support travel lanes, on-street parking and emergency (as defined by applicable emergency response agencies), maintenance and service vehicle access and function based on traffic volumes.

2. Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

3. Design street right-of-way widths/private road easements to reflect the minimum required to accommodate the travel-way, the sidewalk and vegetated open channels.

4. Minimize the number of street cul-de-sacs and reduce the radius of cul-de-sacs to the minimum required to accommodate emergency and maintenance vehicles. Alternative turnarounds shall be considered, including the use of mountable curbing and grass

shoulders for the occasional event of access by fire trucks and other large commercial trucks. Provide landscape center islands wherever cul-de-sacs exist.

5. Where density, topography, soils and slope permit, use vegetated open channels in the street right-of-way/private road easements to convey and treat storm water runoff.

6. Use alternative driveway surfaces and shared driveways that connect two or more sites. (Use agreements should accompany any application.)

7. Promote more flexible design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas.

(b) *Parking.*

1. Base parking requirements on the specific characteristics of the use, land-banking in open space parking required to satisfy ordinance requirements.

2. Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, depressed center islands with curb cuts and using pervious materials in the spillover parking areas where possible.

3. Encourage shared parking between compatible users.

4. Encourage use of grass pavers or pervious pavers for little-used parking areas, for example, church parking lots that are used only once a week and the like.

(c) *Site design.*

1. Direct rooftop runoff to pervious areas such as yards, open channels or vegetated areas and avoid routing rooftop runoff to the roadway and the storm water conveyance system.

2. Incorporate a green roof or a roof garden to create a vegetated roof system that retains and filters storm water prior to drainage off building rooftops.

3. Create naturally vegetated buffer systems, which may vary in width as determined by the township along all drainageways. Critical environmental features such as the 100-year flood plain, steep slopes and wetlands shall be considered.

4. Minimize clearing and grading of woodlands and native vegetation to the least amount needed to build lots, allow access and provide fire protection.

5. Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas and promoting the use of native plants.

6. Incorporate shared use of detention/retention basins, where feasible.

(E) *Storm water facility maintenance.*

(1) Whenever a landowner is required to provide restricted discharge, on-site storm water detention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices and oil and sediment separators are required, the measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide assurance to the township that the landowner will bear the responsibility of providing and maintaining the methods or facilities, by written agreement, suitable for recording at the office of the County Register of Deeds, that will act as a perpetual restriction on the land, the form and content of which shall be approved by the Township Attorney. A maintenance plan shall be provided including notation and description of maintenance requirements and timelines.

(2) Refer to the township storm water management plan and guidelines for a sample maintenance plan.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## TOWN AND GOWN OVERLAY DISTRICTS

### § 155.340 INTRODUCTION.

(A) The standards and requirements outlined in this chapter promote the following principles in order to facilitate a new vision for the two geographic areas in Kochville Township shown as the "Town Overlay District" and the "Gown Overlay District" on the following page:

(1) Communities should be designed to re-establish and reinforce the public domain;

(2) Districts must exhibit human scale;

(3) Neighborhoods must be diverse in uses, activity, and population; and

(4) Building form that respects traditional development patterns encourage and sustain pedestrian-level activity.

(B) These principles result in strategies that retain distinctive traditional form, reduce negative environmental impacts, support transit and pedestrian environments, reduce auto dependence, encourage adaptive reuse and investment, ensure compatibility with adjacent uses, and create more affordable and sustainable neighborhoods. These principles embrace the idea that pedestrians are the catalyst for

meaningful communities. Without pedestrians, our common areas are simply obstructions to the car and not focal points for the Kochville Township community. Areas in Kochville Township in which commerce and civic uses are integrated with homes and job opportunities create growing independence for those populations who don't have access to cars. This subchapter is designed to create development that reinforces the public domain without sacrificing the diversity of character of individual buildings, and to reintroduce the pedestrian within a traditional compact neighborhood setting.

(C) The Town and Gown Overlay Districts will accommodate modern activities without sacrificing the timeless traditions of human scale and character of place. It is designed to foster sustainable development in a vibrant, traditional, pedestrian-friendly pattern that encourages diverse and compact development. The Town and Gown Overlay Districts promote a lively pedestrian environment by allowing for small businesses and other commercial uses at the street level, and encouraging upper-story residences and offices that overlook public space. Building form standards encourage high-quality buildings that respect their neighborhood context.

Figure 1: Gown Overlay District

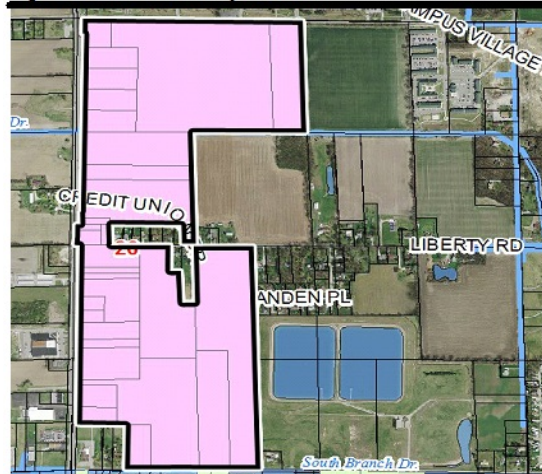
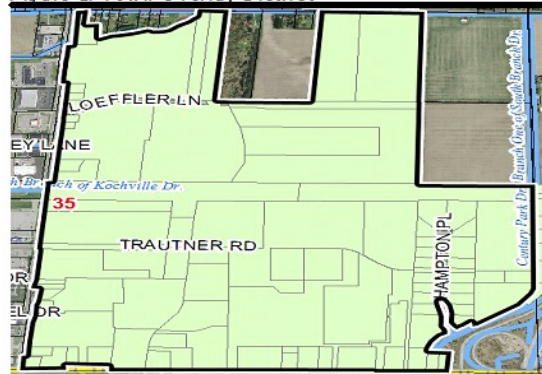


Figure 2: Town Overlay District



(D) Parcels included within the Town and Gown Districts:

<i>Parcel ID Number</i>	<i>Common Address</i>	<i>Parcel ID Number</i>	<i>Common Address</i>
18-13-4-35-4002-006	HAMPTON PLACE	18-13-4-35-3005-022	5230 FASHION SQUARE
18-13-4-35-4002-016	HAMPTON PLACE	18-13-4-35-2012-006	5656 BAY
18-13-4-36-3005-001	DAVIS	18-13-4-35-3005-011	2468 TITTABAWASSEE
18-13-4-35-4002-018	HAMPTON PLACE	18-13-4-26-3013-000	6440 BAY
18-13-4-35-4002-019	HAMPTON PLACE	18-13-4-26-3005-000	6190 BAY
18-13-4-35-3003-200	2910 TITTABAWASSEE	18-13-4-35-4002-014	5310 HAMPTON
18-13-4-35-4002-003	5225 HAMPTON PLACE	18-13-4-35-2018-700	5750 BAY
18-13-4-36-3003-002	5350 DAVIS RD	18-13-4-35-2016-000	2675 KOCHVILLE
18-13-4-35-4002-002	5195 HAMPTON PLACE	18-13-4-36-3003-000	5330 DAVIS
18-13-4-35-4011-001	TITTABAWASSEE	18-13-4-35-4002-001	5195 HAMPTON
18-13-4-35-3005-023	5230 FASHION SQUARE	18-13-4-35-3003-002	2800 TITTABAWASSEE
18-13-4-35-3005-014	2650 TRAUTNER	18-13-4-35-2005-000	5930 BAY
18-13-4-35-4002-020	HAMPTON PLACE	18-13-4-26-2017-000	6570 BAY
18-13-4-35-3003-300	5054 BAY	18-13-4-26-2019-000	2500 PIERCE
18-13-4-35-3002-002	5450 BAY	18-13-4-26-3022-000	6284 BAY
18-13-4-36-3003-003	DAVIS	18-13-4-35-3002-000	5330 BAY
18-13-4-35-3002-004	2685 TRAUTNER	18-13-4-26-2006-000	6640 BAY
18-13-4-35-4002-021	HAMPTON PLACE	18-13-4-26-3017-000	6150 BAY
18-13-4-35-3002-003	5300 BAY	18-13-4-26-3011-000	2760 KOCHVILLE



18-13-4-35-3003-500	BAY	18-13-4-26-3004-000	6232 BAY
18-13-4-35-2012-010	FASHION SQUARE	18-13-4-35-4008-000	2482 TITTABAWASSEE
18-13-4-35-4001-001	DAVIS	18-13-4-26-3024-000	6300 BAY
18-13-4-35-4002-015	HAMPTON PLACE	18-13-4-35-3005-016	5415 FASHION SQUARE
18-13-4-35-3005-004	2660 TITTABAWASSEE	18-13-4-35-2012-002	5570 BAY
18-13-4-35-4002-022	5151 HAMPTON PLACE	18-13-4-35-2012-001	5538 BAY
18-13-4-35-4002-017	HAMPTON PLACE	18-13-4-35-3004-000	5020 BAY
18-13-4-35-2012-012	5600 BAY	18-13-4-26-2018-000	6666 BAY
18-13-4-35-4002-008	5407 HAMPTON PLACE	18-13-4-26-2009-000	2920 LIBERTY
18-13-4-35-2019-001	5400 BAY	18-13-4-35-3003-501	2772 TITTABAWASSEE
18-13-4-35-3005-025	5230 FASHION SQUARE	18-13-4-26-3003-000	2590 KOCHVILLE
18-13-4-35-3005-008	2600 TITTABAWASSEE	18-13-4-35-1009-000	2400 KOCHVILLE
18-13-4-35-3005-020	2429 TRAUTNER	18-13-4-35-3003-400	5202 BAY
18-13-4-35-3005-026	5230 FASHION SQUARE	18-13-4-36-3008-000	5400 N MICHIGAN
18-13-4-26-2001-004	6000 BAY	18-13-4-35-4002-023	5360 HAMPTON
18-13-4-26-2001-005	6000 BAY	18-13-4-35-4001-000	5400 DAVIS
18-13-4-26-2002-000	6730 BAY	18-13-4-35-4002-009	5442 HAMPTON
18-13-4-35-2022-000	5950 BAY	18-13-4-35-2020-000	2675 KOCHVILLE
18-13-4-26-3019-000	6410 BAY	18-13-4-35-3103-000	2260 TITTABAWASSEE
18-13-4-35-2015-000	5680 BAY	18-13-4-36-3004-001	5310 DAVIS
18-13-4-26-2001-003	6000 BAY	18-13-4-36-3003-001	5420 DAVIS
18-13-4-26-2001-002	6000 BAY	18-13-4-35-3005-005	2508 TITTABAWASSEE
18-13-4-26-2001-001	6930 BAY	18-13-4-35-2012-007	5650 BAY
18-13-4-26-2020-000	6900 BAY	18-13-4-35-3101-000	2270 TITTABAWASSEE
18-13-4-26-3016-000	6368 BAY	18-13-4-35-1007-000	5500 DAVIS
18-13-4-35-4002-007	5375 HAMPTON	18-13-4-35-4012-000	2200 TITTABAWASSEE
18-13-4-26-2005-000	6530 BAY	18-13-4-35-3006-000	5230 BAY
18-13-4-35-2012-011	KROSSROADS PARK	18-13-4-35-4002-010	5446 HAMPTON
18-13-4-35-3005-010	2424 TITTABAWASSEE	18-13-4-26-3028-000	2600 W KOCHVILLE
18-13-4-35-3102-000	2322 TITTABAWASSEE	18-13-4-35-3008-000	5230 BAY
18-13-4-35-3005-001	2710 TITTABAWASSEE	18-13-4-35-4007-000	5225 DAVIS

<i>Parcel ID Number</i>	<i>Common Address</i>	<i>Parcel ID Number</i>	<i>Common Address</i>
18-13-4-35-3005-002	2690 TITTABAWASSEE	18-13-4-35-4010-000	5255 DAVIS
18-13-4-35-3005-006	2468 TITTABAWASSEE	18-13-4-35-2007-000	5740 BAY
18-13-4-35-3005-003	5150 FASHION SQ	18-13-4-26-3020-000	2839 LIBERTY
18-13-4-26-3014-000	2690 KOCHVILLE	18-13-4-26-3015-000	6420 BAY
18-13-4-35-3003-502	5208 BAY	18-13-4-26-3021-000	2955 LIBERTY
18-13-4-35-4002-005	5311 HAMPTON	18-13-4-36-2003-000	5500 DAVIS
18-13-4-35-3003-600	5212 BAY	18-13-4-35-3010-000	2930 TITTABAWASSEE
18-13-4-35-4002-004	2205 TRAUTNER	18-13-4-35-4002-011	5410 HAMPTON
18-13-4-26-3016-001	6340 BAY	18-13-4-35-1002-000	2400 KOCHVILLE
18-13-4-35-2011-000	5660 BAY	18-13-4-35-3005-012	5200 FASHION SQUARE
18-13-4-35-3005-017	2332 TRAUTNER	18-13-4-26-2016-000	6500 BAY
18-13-4-35-3005-013	2258 TITTABAWASSEE	18-13-4-35-2012-006	5656 BAY
18-13-4-35-3003-100	2832 TITTABAWASSEE	18-13-4-35-3002-001	5300 BAY
18-13-4-35-4011-002	2222 TITTABAWASSEE	18-13-4-35-2006-000	5800 BAY
18-13-4-35-3005-015	2865 TRAUTNER	18-13-4-35-4009-000	2200 TITTABAWASSEE
18-13-4-36-3002-000	5470 DAVIS		

(Ord. 11-008, passed 12-20-2011)

**§ 155.341 PURPOSE AND INTENT.**

(A) *Applicability.* Both the Town Overlay District and the Gown Overlay District shall be overlay districts that apply over the existing zoning districts. Use and development of land within these overlay districts shall be regulated as follows:

- (1) Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the overlay district.
- (2) Where a new use is established within an existing building, the use shall be subject to the requirements of the overlay district and the site shall be brought into compliance with the requirements of the applicable overlay district to the maximum extent practical, as determined by the Zoning Administrator at the time of reviewing the application for site plan review.
- (3) Any expansion to an existing use or building that requires site plan approval from the Planning Commission shall be subject to the requirements of the applicable overlay district and shall be brought into compliance with the overlay district requirements.
- (4) Where a new building is proposed, the use and site shall be subject to the requirements of the applicable overlay district. Development application(s) for new building(s) is subject to the site plan review requirements and design guidelines contained in

Chapter 19.

(B) The provisions of the overlay districts, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

(C) The provisions of the overlay districts shall specifically supersede the dimensional requirements (minimum lot size, minimum yard requirements, minimum floor area per dwelling unit, maximum building height, density, and maximum lot coverage) described for each zoning districts that are described in Chapters 6 through 17 of the Zoning Ordinance.

(Ord. 11-008, passed 12-20-2011)

**§ 155.342 PRINCIPLES AND STANDARDS APPLICABLE TO BOTH OVERLAY DISTRICTS.**

The Town and Gown Overlay Districts reflect traditional neighborhood design principles which serve as the context and framework for this chapter of the Zoning Ordinance. The following outlines the underlying principles and prescriptive standards that apply to both overlay districts.

(A) *General layout and orientation.*

(1) The front facade required building line exists within a prescribed area defined by the distance from the public right-of-way. In this way, building placement within the overlay districts is coherent and agreeable, but not regimented to the degree that the effect is of a contrived, sterile, themed or highly-planned development. These prescribed areas are based on the existing framework of a traditional neighborhood oriented to the pedestrian, and not a suburban environment oriented to motorized transportation.

(2) New developments in the overlay districts should integrate street and roadway design, public space, open space, the natural environment, and the built environment to create a complementary and connected pattern for efficient growth and development access.

(B) *Connectivity and access.*

(1) *Guiding principles.*

(a) These overlay districts are intended to create and enhance a safe and welcoming pedestrian environment within a multi-modal transportation network; to decrease dependence on the automobile; and improve streetscapes and connections to make walking and biking in the overlay districts easy, safe, convenient, and desirable.

(b) These overlay districts embrace compact, traditional development patterns with street and site layouts offering multiple connections without cul-de-sacs or dead-ends.

(2) *Standards.*

(a) All non-residential developments which provide automobile parking facilities shall provide bicycle parking facilities (racks) at a ratio of at least one bicycle parking space for every five automobile parking spaces. Multiple-family developments shall provide said facilities at a ratio of at least one bicycle parking space for every five multiple-family units.

(b) Clearly defined, safe pedestrian walkways shall be provided from adjacent public rights-of-way through off-street parking areas or front landscaping areas to non-residential building entrances (at least one per site).

(c) Proposed developments that create new streets shall place utility lines underground.

(C) *Buildings.*

(1) *Guiding principles.*

(a) Building form promotes diversity by accommodating flexible opportunities for a variety of residential, commercial, civic, and recreational uses.

(b) Buildings oversee streets with visually active fronts. For example, orientation of household gathering spaces (porches and entryways) is toward the front of the structure which faces the street. This overview of the streetside area contributes to vital and safe public space and enhances the pedestrian environment.

(c) Buildings frame the majority of the streetside area, and have facades that are closely related in orientation, position, and scale to exhibit an agreeable public space.

(d) Preferred exterior building materials include concrete, masonry, tile, stone, and wood.

(e) A variety of rooflines are encouraged to reduce the massive scale of large buildings.

(2) *Standards.* At the time of new development:

(a) Primary building entrances shall be oriented toward streets, parks, and plazas, and not to the interior toward parking lots and garages. Secondary entrances oriented toward parking lots are permitted.

(b) All lots shall share a frontage line with the streetside area. Residential layouts such as single-family cluster housing, urban townhouses, or apartment clusters shall be allowed to face a common courtyard public space, but in general, primary ground floor residential entries must orient to and be visible from the street, not to interior parking lots.

(c) Building facades are the public "face" of every building. Long facades located along the required building line (RBL) shall be divided into discrete facades every 70 feet on average so as not to present one long, continuous facade.



(d) The facade shall include a functioning, primary streetside entry. The entry requirement may be satisfied through the use of liner shops (small shops with direct access onto the fronting sidewalk) that wrap large footprint buildings.

(e) In no case shall the streetside facade of a building consist of a blank wall or an unbroken series of garage doors.

(f) Building facades of commercial, retail, multi-family residential, and civic uses that exceed 100 feet in length measured along the street facade shall have variations in roofline or rooftop parapet to reduce the massive scale of the large buildings. Rooftop equipment shall be concealed behind parapets or screened from view by pedestrians.

(D) *Streetscape requirements.*

(1) *Guiding principles.*

(a) The street is a coherent space, with consistent building placement and scale on both sides, contributing to a cohesive and coherent street identity, or streetscape.

(b) Wherever practical, bicycle accommodations should be added to streets to encourage multi-modal access.

(c) Streetscape elements include both planted features and other manufactured amenities that line the streets which combine to create the character of the public domain. This includes travel lanes between the curbs as well as the sidewalks and planting strips. Public plazas and open space also contribute to the overall character of streets.

(d) Street trees provide both form (canopy) and comfort (shade) to streets. Native trees and plants efficiently contribute to the reduction of air and noise pollution, maintenance of natural habitat, the conservation of water, and stormwater management.

(e) Regular spacing of street trees gives coherence to the streetscape, enhancing character.

(f) Sidewalks should be designed to facilitate both clear access to the fronts of buildings and passage for pedestrians.

(2) *Standards. At the time of new development:*

(a) The tree planting zone is located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees as covered below, this area may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility, as determined by the Zoning Administrator.

(b) Street trees shall be planted at an average spacing of no greater than 40 feet on the side(s) of the street being developed (and may depend on the available right-of-way width).

(c) Tree planting areas should be at grade (no raised or curbed planters) and maximize soil area to encourage healthy growth.

(d) Upon construction of a new residential structure, at least one tree will be provided on the lot per 40 feet of street frontage, to be planted between the right-of-way and the RBL. Existing trees shall fulfill this requirement. Street trees do not fulfill this requirement.

(e) The developer is required to install sidewalks or a pathway where none currently exist.

(f) Sidewalks and other pathways shall be separated from the roadway.

(g) Public sidewalks and private walkways shall be constructed of concrete and have minimum widths of six feet.

(E) *Parking. Parking goals for the overlay districts are:*

(1) *Guiding principles.*

(a) Reduce fragmented, uncoordinated, inefficient, single-purpose reserved parking and encourage shared parking and access drives.

(b) Reduce the number of large, open parking areas that create unpleasant, windswept spaces for pedestrians.

(c) Reduce the amount of impervious surfaces that contribute to water pollution and/or excessive stormwater runoff.

(d) Avoid nuisance impacts on adjacent neighborhoods by providing for efficient and adequate parking for all uses contained within the overlay districts.

(e) Incorporate convenient bicycle parking.

(f) Conceal parking from the public right-of-way by locating the majority of parking beside or behind buildings.

(2) *Standards. At the time of new development:*

(a) A minimum of 1 and 1/8 parking space per residential unit, of which a minimum of 1/8 parking space per residential unit shall be provided as shared parking. There are no maximum limits on shared parking.

(b) A minimum of one space per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as shared parking; there are no set maximum limits on shared parking. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for shared parking.

(c) A maximum of one space per 1,000 square feet of non-residential GFA or two spaces per residential unit may be made available for reserved parking.

(d) Parking requirements shall be met either on-site or within a 600 foot radius of the development parcel.

(e) Parking shall be concealed in the center or rear of lots, or shall be hidden with walls or bermed landscape buffers of at least 50% opacity.

(f) Landscape screening, landscaping, and tree canopy requirements for surface parking areas as provided for in division (F) of this chapter's regulations shall be required upon construction of any new surface parking area, or will be required for any existing surface parking area when 50% or more of the lot is resurfaced.

(F) *Landscaping, buffering, and screening.*

(1) *Guiding principles.*

(a) Principles are intended to enhance the pedestrian environment, and to screen or buffer more intense uses from those of lesser intensity.

(b) Deciduous trees should be planted on the southern face of a building or outdoor area. Such vegetation will provide cooling in the summer (when leaves are present), while still allowing sunlight to filter in during the winter (when leaves have fallen). Coniferous vegetation should be used on the north and west sides to protect the area from prevailing winter winds.

(2) *Standards.* At the time of new development:

(a) Commercial uses with loading and truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with a residential use, shall include a 25 foot wide landscape buffer area with a minimum three foot tall berm and trees to at least a 50% opacity running along the entire property line that is adjacent to the residential use.

(b) Parking lots that contain at least 20 parking spaces shall incorporate landscaped islands of at least 200 square feet for every 20 parking spaces. The minimum linear dimension of the landscaped area is five feet.

(c) Buffer walls shall be of brick, stone, or other similar decorative material. Retaining walls shall not be considered as a fence or wall for the purpose of this chapter.

(d) Vehicle storage/parking (not including on-street parking), refuse collection, off-street loading, and mechanical equipment areas shall be located and screened so as not to be visible from adjacent public streets and residential uses. Screening may be accomplished through the use of a fence at least six feet high with landscaping that at maturity will equal at least four feet high, or a wall constructed of materials compatible with the aesthetics of the principle structure.

(G) *Lighting.*

(1) *Guiding principles.* Principles are intended to reduce the amount of light illuminating the night sky and light that excessively impacts residential areas.

(2) *Standards.* At the time of new development:

(a) All exterior lighting, including free-standing, canopy, pole and building mounted, shall be fully shielded and directed downward with a 70 degree cutoff to prevent off-site glare. Canopy lighting shall be fully recessed.

(b) The intensity of light within a site shall not exceed ten footcandles within any part of the site and one footcandle at any property line, except where it abuts a residential use where a maximum of one half footcandles is permitted.

(c) The mounting height of fixtures shall not exceed 16 feet.

(Ord. 11-008, passed 12-20-2001; Ord. 13-08, passed 10-9-2013)

### **§ 155.343 STANDARDS FOR THE TOWN OVERLAY DISTRICT.**

(A) The intent and purpose of the Town Overlay District is to:

(1) Develop a fully integrated pedestrian-oriented environment with buildings containing commercial, retail, residential, and office uses.

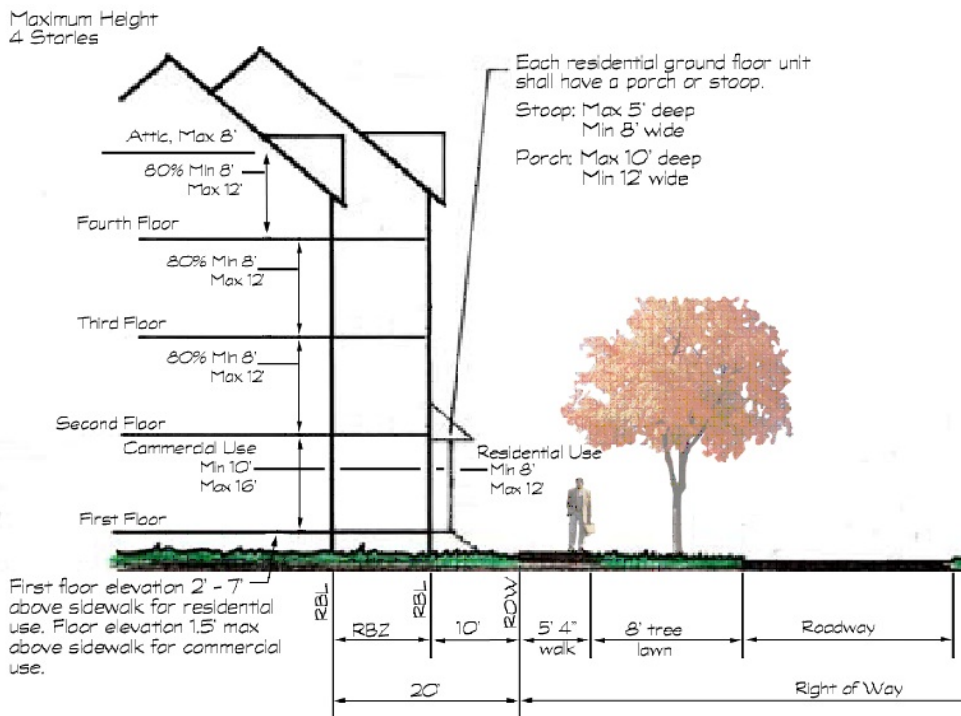
(2) Create a synergy of uses within the Town Overlay District to support economic development and redevelopment.

(3) Minimize traffic congestion, inefficient surface parking lots, infrastructure costs, and environmental impacts by promoting a compact pedestrian-friendly district.

(4) Regulate building height to achieve appropriate scale along streets to ensure proper transition to nearby residential neighborhoods.

(5) Encourage buildings to incorporate alternative energy applications such as solar, wind energy, and other renewable energy technologies in order produce on-site energy and to enhance overall building efficiency.

(B) *Building form standards.*



(2) *Building height.*

(a) The building height is measured in stories.

(b) Each principal building will be at least one story in height, but no greater than four stories in height, subject to approval by the Kochville Township Fire Department.

(c) An additional tower story is allowed above the maximum building story height, within the following parameters.

1. The footprint of the tower shall not exceed 300 feet.
2. No horizontal facade dimension of the tower shall exceed 20 feet.
3. Story height is the same as those for upper stories.
4. No attic story is permitted above a tower story.

(3) *Accessory structure height:* Accessory buildings shall be no greater than one story or 20 feet, measured to the eave or top of parapet.

(4) *Ground story height:* commercial uses.

(a) The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.

(b) At least 80% of the ground story shall have an interior clear height (floor to ceiling) of at least ten feet contiguous to the required building line frontage for a minimum depth of 25 feet, and a maximum story height of 16 feet.

(5) *Ground story height:* residential uses.

(a) The average finished floor elevation shall be no less than two feet and no more than seven feet above the exterior sidewalk elevation at the required building line.

(b) At least 80% of the ground story shall have an interior clear height (floor to ceiling) of at least eight feet and maximum story height of 12 feet.

(C) *Elements.*

(1) *Upper story height:* all uses. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least eight feet and maximum story height of 12 feet.

(2) *Mezzanines.* Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

(3) *Door and wall openings.*

(a) Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines (RBL).

(b) Door and wall openings shall comprise at least 30%, but not more than 90% of the ground story facade area per story, and at

least 20% but not more than 75% of the upper story facade area per story.

(4) *Building projections.*

(a) Balconies, bay windows and stoops shall not project closer than five feet to a common lot line or more than five feet beyond the RBL.

(b) Each residential ground floor unit shall include a stoop of not more than five feet deep or a front porch a maximum of ten feet deep.

(c) Awnings that project over the sidewalk portion of a street right-of-way shall maintain a clear height of at least ten feet, and shall be a minimum of six feet wide.

(d) No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the code shall encroach beyond the required building line. No projections will encroach onto the public right-of-way.

(5) *Doors/entries.* At least one functioning entry door(s) shall be provided along the ground story facade of each building. In addition, doors shall be provided at intervals not exceeding 75 feet.

(6) *Fencing.*

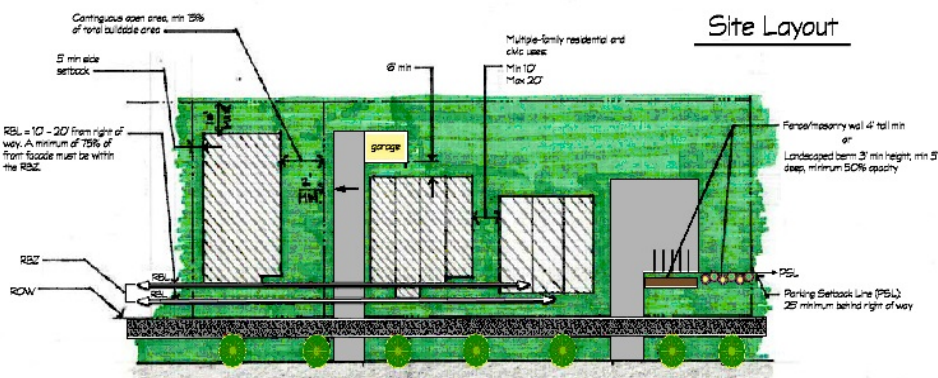
(a) A fence of not more than 50% opacity, wall, or hedge, not more than 48 inches in height, may be placed along the front and common lot lines of the front yard.

(b) A privacy fence, maximum six feet in height, and otherwise conforming to the Zoning Ordinance may be placed along any rear and common lot lines not surrounding the front yard or otherwise occupied by a building.

(c) The height of the front yard fence, wall, or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground elevation once construction is complete.

(D) *Site layout.*

(1) *Overview of representative site layout:*



(2) *Building placement.*

(a) Front structure setback: The required building line (RBL) is on a line that lies between a distance of ten to 70 feet from the public right of way (within the RBZ).

(b) Building facade shall be located parallel with the street and sidewalk.

(c) A minimum of 75% of the building facade must be located within the RBZ.

(d) There is a five foot minimum side lot setback for detached structures.

(e) A rear yard of at least a ten-foot depth is required.

(3) *Buildable area.* A contiguous open area equal to at least 15% of the total buildable area shall be preserved on every lot, at or above grade and behind the RBL.

(4) *Multiple-family residential and civic buildings.*

(5) *Accessory structures (other than garages).* Any accessory buildings shall be located behind the parking setback line, shall be no closer than six feet (consult the State Building Code for construction requirements for setbacks of less than ten feet between structures) from the principal building, and shall adhere to the minimum side and rear yard setbacks prescribed under building placement.

(6) *Parking.*

(a) Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below the building.

(b) Parking setback line is five feet behind the maximum RBL (25 feet from the public right of way).

(c) All parking that is visible from the street shall be screened by a fence, shrubbery, hedge or masonry wall with a minimum height of three feet or a bermed, landscaped area at least three feet high and five feet deep of at least 50% opacity. Location and selection of the screening method shall be determined based on access requirements to underground utilities with visibility and safety requirements.

(d) Garage access must be located at the side or rear of principal buildings.

(e) Driveways shall be set back at least two feet from a common lot line.

(f) Detached garages shall be located behind principal buildings, must be at least six feet (consult the State Building Code for construction requirements for setbacks of less than ten feet between structures) from the principal building, and shall adhere to the minimum side and rear yard setbacks prescribed under Building Placement.

(g) One carport is permitted per residential dwelling unit. The carport shall not exceed 400 square feet in roofed area or be higher than ten feet. Carports shall be located behind principal buildings, and adhere to the minimum side and rear yard setbacks prescribed under building placement.

(h) These requirements are not applicable to on-street parking.

(E) *Uses.*

(1) The ground story shall house commercial, office, multi-family residential, civic, or residential uses.

(2) The upper stories shall house residential, multi-family residential, office or civic uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

(3) No office multi-family or civic uses are permitted above a residential use.

(4) Additional habitable space is permitted within attic and tower stories.

(5) Auto sales agency.

(6) Auto showroom.

(7) Bank, with drive-through facilities.

(8) Drive-through facility accessory to a permitted retail business, excluding restaurants.

(9) Dwelling, detached single-family units.

(10) Funeral home.

(11) Group child day care, at least seven but no more than 12 children.

(12) Gasoline service station, including full-service.

(13) Churches and religious institutions.

(14) Restaurant, with drive-through facilities.

(Ord. 11-008, passed 12-20-2011; Ord. 13-08, passed 10-9-2013; Ord. 16-05, passed 5-16-2016)

#### **§ 155.344 STANDARDS FOR THE GOWN OVERLAY DISTRICT.**

(A) The intent and purpose of the Gown Overlay District is to:

(1) Develop a fully integrated pedestrian-oriented environment with buildings containing commercial, retail, residential, and office uses.

(2) Create a synergy of uses within the Gown Overlay District to support economic development and redevelopment.

(3) Minimize traffic congestion, inefficient surface parking lots, infrastructure costs, and environmental impacts by promoting a compact pedestrian-friendly district.

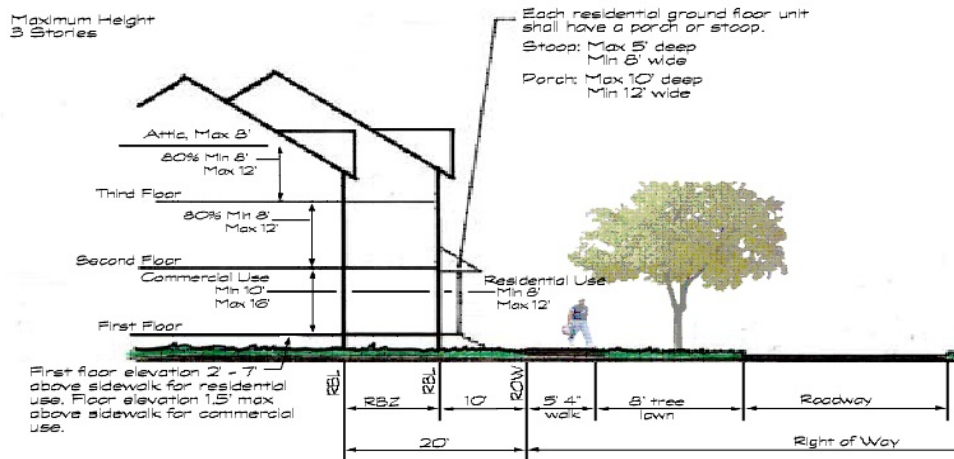
(4) Regulate building height to achieve appropriate scale along streets to ensure a proper transition from Saginaw Valley State University to the Town Overlay District.

(5) Encourage buildings to incorporate alternative energy applications such as solar, wind energy, and other renewable energy technologies in order produce on-site energy and to enhance overall building efficiency.

(6) Create a sense of place for the Gown Overlay District via a pedestrian-oriented traditional neighborhood form that exhibits exceptional design and architectural character.

(B) *Building form standards.*

(1) *Cross-section of representative building form:*



(2) *Building height.*

- (a) The building height is measured in stories.
- (b) Each principal building will be at least one story in height, but no greater than three stories in height.
- (c) An additional tower story is allowed above the maximum building story height, within the following parameters.
  - 1. The footprint of the tower shall not exceed 300 feet.
  - 2. No horizontal facade dimension of the tower shall exceed 20 feet.
  - 3. Story height is the same as those for upper stories.
  - 4. No attic story is permitted above a tower story.

(3) *Accessory structure height:* accessory buildings shall be no greater than one story or 20 feet, measured to the eave or top of parapet.

(4) *Ground story height: commercial uses.*

(a) The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.

(b) At least 80% of the ground story shall have an interior clear height (floor to ceiling) of at least ten feet contiguous to the required building line frontage for a minimum depth of 25 feet, and a maximum story height of 16 feet.

(5) *Ground story height: residential uses.*

(a) The average finished floor elevation shall be no less than two feet and no more than seven feet above the exterior sidewalk elevation at the required building line.

(b) At least 80% of the ground story shall have an interior clear height (floor to ceiling) of at least eight feet and maximum story height of 12 feet.

(C) *Elements.*

(1) *Upper story height:* all uses. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least eight feet and maximum story height of 12 feet.

(2) *Mezzanines.* Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

(3) *Door and wall openings.*

(a) Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines (RBL).

(b) Door and wall openings shall comprise at least 30%, but not more than 90% of the ground story facade area per story, and at least 20% but not more than 75% of the upper story facade area per story.

(4) *Building projections.*

(a) Balconies, bay windows and stoops shall not project closer than five feet to a common lot line or more than five feet beyond the RBL.

(b) Each residential ground floor unit shall include a stoop of not more than five feet deep or a front porch a maximum of ten feet deep.

(c) Awnings that project over the sidewalk portion of a street right-of-way shall maintain a clear height of at least ten feet, and



shall be a minimum of six feet wide.

(d) No part of any building except overhanging eaves, balconies, bay windows, stoops and porches as specified by the code shall encroach beyond the required building line. No projections will encroach onto the public right-of-way.

(5) *Doors/entries.* On the ground story facade of each building, doors shall be provided at intervals not exceeding 75 feet. Measurements will be taken from the center line of each door opening.

(6) *Fencing.*

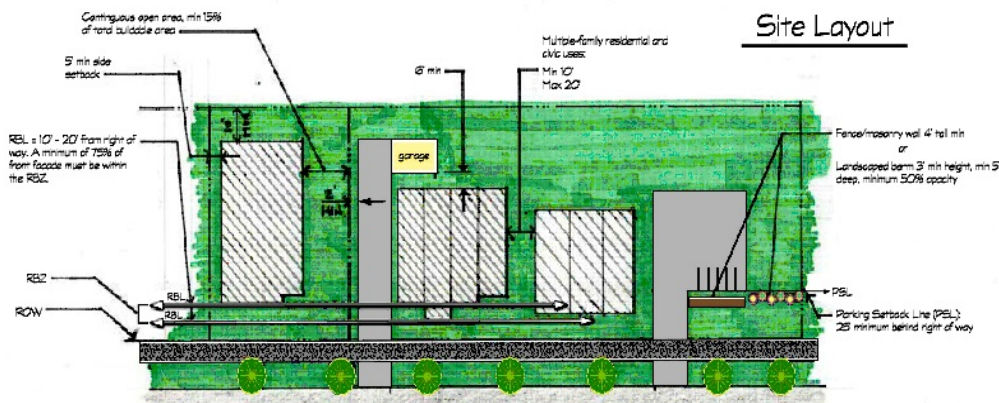
(a) A fence of not more than 50% opacity, wall, or hedge, not more than 48 inches in height, may be placed along the front and common lot lines of the front yard.

(b) A privacy fence, maximum 6 feet in height, and otherwise conforming to the Zoning Ordinance may be placed along any rear and common lot lines not surrounding the front yard or otherwise occupied by a building.

(c) The height of the front yard fence, wall, or privacy fence shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the adjacent ground elevation once construction is complete.

(D) *Site layout.*

(1) *Overview of representative site layout:*



(2) *Building placement.*

(a) **Front structure setback:** The required building line (RBL) is on a line that lies between a distance of ten to 60 feet from the public right of way (within the RBZ).

(b) Building facade shall be located parallel with the street and sidewalk.

(c) A minimum of 75% of the building facade must be located within the RBZ.

(d) **Side structure setback:** There is a five-foot minimum side lot setback for detached structures.

(e) A rear yard of at least ten foot depth is required.

(3) **Buildable area.** A contiguous open area equal to at least 20% of the total buildable area shall be preserved on every lot, at or above grade and behind the RBL.

(4) *Multiple-family residential and civic buildings.*

(5) **Accessory structures (other than garages).** Any accessory buildings shall be located behind the parking setback line, shall be no closer than six feet (consult the State Building Code for construction requirements for setbacks of less than ten feet between structures) from the principal building, and shall adhere to the minimum side and rear yard setbacks prescribed under Building Placement.

(6) *Parking.*

(a) Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below the building.

(b) Parking setback line is five feet behind the maximum RBL (25 feet from the public right- of-way).

(c) All parking that is visible from the street shall be screened by a fence or masonry wall at least four feet high, or a bermed, landscaped area at least three feet high and five feet deep of at least 50% opacity.

(d) Garage access must be located at the side or rear of principal buildings.

(e) Driveways shall be set back at least two feet from a common lot line.

(f) Detached garages shall be located behind principal buildings, must be at least six feet (consult the State Building Code for construction requirements for setbacks of less than ten feet between structures) from the principal building, and shall adhere to the



minimum side and rear yard setbacks prescribed under Building Placement.

(g) One carport is permitted per residential dwelling unit. The carport shall not exceed 400 square feet in roofed area or be higher than ten feet. Carports shall be located behind principal buildings, and adhere to the minimum side and rear yard setbacks prescribed under building placement.

(h) These requirements are not applicable to on-street parking.

(E) *Uses.*

(1) *Uses permitted by right:*

(a) The ground story shall house commercial, office, multi-family residential, civic, or residential uses.

(b) The upper stories shall house residential, multi-family residential, office or civic uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

(c) No office multi-family or civic uses are permitted above a residential use.

(d) Additional habitable space is permitted within attic and tower stories.

(2) *Uses permitted by special use permit.* Uses identified in the Kochville Township Zoning Ordinance as potential eligible special uses in accordance with the respective corresponding underlying zoning designation.

(Ord. 11-008, passed 12-20-2011; Ord. 13-08, passed 10-9-2013; Ord. 16-05, passed 5-16-2016)

### **§ 155.345 TOWN AND GOWN ADMINISTRATOR.**

(A) The Kochville Township Planning Commission hereby designates the Kochville Township Downtown Development Authority Director to the position of Town and Gown Administrator.

(B) Duties and responsibilities of Town and Gown Administrator.

(1) Review all site plans received by Kochville Township that are located in the Town and Gown Districts for compliance with the Town and Gown Overlay District requirements.

(2) Meet with the developer or property owner to discuss the Town and Gown Overlay District requirements.

(3) Meet with the Zoning Administrator to discuss the Town and Gown Overlay District requirements and the impact of those requirements with the zoning requirements and the Cardinal Square guidelines.

(4) After meeting with the developer and Zoning Administrator, the Town and Gown Administrator shall prepare a written recommendation that sets forth what provisions of the Towns and Gown Overlay District should be imposed on the developer and what provisions are recommended to be waived by the Kochville Township Planning Commission and the reason those provisions should be waived.

(5) Provide the written report set forth in § 155.345(B)(4), above, to the Zoning Administrator and to the Kochville Township Planning Commission.

(C) The developer or the Kochville Township Zoning Administrator may dispute the finding of the Town and Gown Administrator at the special use permit public hearing before the Kochville Township Planning Commission. The Kochville Township Planning Commission shall have the authority to modify the Town and Gown Overlay requirements imposed on the developer by the Town and Gown Administrator.

(Ord. 11-008, passed 12-20-2011)

## **TITTABAWASSEE ROAD CORRIDOR OVERLAY DISTRICT**

### **§ 155.350 PURPOSE AND INTENT.**

It is the purpose and intent of this subchapter to affirm the commitment of the township to cooperate with the state, the county and other municipalities in enforcing ordinances adopted jointly, or otherwise, by these entities.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.351 ARTERIAL STREET ACCESS DRIVEWAY REGULATIONS.**

(A) *Intention.* This subchapter is intended to recognize the unique and disparate functions of major and minor arterials, which include long distance traffic movement as well as land access to individual traffic generators. It is the purpose of this subchapter to serve the public interest by minimizing operational difficulties caused by these generally incompatible traffic functions.

(B) *Efficient use.* The regulations of this subchapter strive to promote the efficient use of public thoroughfares, protect the public investment in long distance traffic carrying facilities, diminish hazardous traffic conditions, minimize accidents and property damage, and avoid future degradation of arterial street traffic capacity. Simultaneously, the regulations strive to protect the right of abutting landowners to reasonable access.

(C) *Effect.* These regulations are in effect in all communities that abut the Tittabawassee Road Corridor, as defined herein. The presence of this language in each municipality's zoning ordinance is intended to promote the consistent and continued intent and purpose

of this chapter.

(D) *Applicability.*

(1) The regulations set forth in this subchapter will apply to the Tittabawassee Road Corridor from M-47 (Midland Road) to the Saginaw River and as designated on the official municipal zoning map. These regulations shall apply as an overlay district to the general ordinance, as shown on the official township zoning map.

(2) These regulations will only apply when the average daily bi-directional traffic volumes on Tittabawassee Road, for one-half mile east or west of the proposed access point, exceed 13,000 vehicles. In addition, these regulations will apply if traffic generated by any new development or change to an existing development is expected to cause the average daily bi-directional traffic volume to exceed 13,000 vehicles for one-half mile east or west of the proposed access point.

(3) As an overlay zone, these regulations will apply in addition to those regulations presently in force. Where there are actual or implied conflicts between regulations in the overlay zone and the base zoning district, the Tittabawassee Road Corridor Overlay Zone regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along any street, road or highway within the overlay zone shall require issuance of an access permit from the Planning Commission and the County Road Commission.

(4) The County Road Commission will count and determine the average daily traffic count of Tittabawassee Road for purposes of this subchapter.

(E) *Description of access control overlay zone.* The overlay zone in the township will be along the frontage of Tittabawassee Road from Venoy Road to Hospital Road for a depth of 600 feet as measured from the proposed right-of-way line for Tittabawassee Road. Intersecting road frontages will also be included in the overlay zone for a distance of six 600 feet.

(F) *Performance standards.* It shall be unlawful to construct or utilize any direct access driveway, which does not meet the following criteria.

(1) Any driveway design utilized must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.

(2) Driveway design and placement must be in harmony with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the Planning Commission.

(3) There must be sufficient on-site storage to accommodate at least five queued vehicles waiting to park or exit without utilizing any portion of the paved street or in any other way interfering with street traffic.

(4) Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, service drives or other methods, determined at the time of site plan review.

(5) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles without inhibiting other vehicles either on the road or those entering or exiting the site.

(6) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

(7) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar, according to the following schedule:

<i>Road Design Speed (mph)</i>	<i>Sight Distance (feet)</i>
30	220
35	225
40	275
45	325
50	350

(8) Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. In addition, an exiting vehicle turning right must be able to enter traffic utilizing only the first through traffic lane available without encroachment into the adjacent through lane.

(G) *Permit application.*

(1) All applications for driveway approach permits shall be made on a form prescribed by and available at the township and the County Road Commission.

(2) Permit applications shall be accompanied by clear, scaled drawings (minimum of 1" = 20') in triplicate showing the following items:

- (a) Location and size of all structures proposed on the site;
- (b) Size and arrangement of parking stalls on aisles;

- (c) Proposed plan of routing motor vehicles entering and leaving the site;
- (d) Driveway placement;
- (e) Property lines;
- (f) Right-of way lines (existing and proposed if different);
- (g) Intersecting roads, streets and driveways within 300 feet either side of the property on both sides of the corridor;
- (h) Width of right-of-way;
- (i) Width of road surface;
- (j) Type of surface and dimensions of driveways;
- (k) Proposed turning radii;

(l) Proposed treatment of right-of-way adjacent to driveway(s) and between the right-of-way line and property line. Show all proposed landscaping, signs, above ground utilities and the like;

(m) Traffic analysis and trip generation survey results and methodology obtained from a licensed engineer if determined necessary by the Planning Chairperson;

(n) Design dimension and justification for any alternative or innovative access design;

(o) Dumpster location; and

(p) Adjacent parcel information such as, but not limited to, parking lots, buildings, structures, mutual drives and the like.

(H) *Permit review process.*

(1) Application for an access permit may be obtained from the township.

(2) The completed application must be received by the Township Zoning Administrator at least 14 days prior to the Planning Commission meeting where the permit will be reviewed.

(3) The applicant, the County Road Commission and the Zoning Administrator may meet prior to the Planning Commission meeting to review the application and proposed access design.

(4) The Planning Commission shall review and recommend approval, or denial, or request additional information prior to forwarding the access application to the County Road Commission for their review.

(5) The County Road Commission shall review the access permit application and conclusions of the Planning Commission. One of three actions may result.

(a) If the Planning Commission and the Road Commission approve the application as submitted, the access permit shall be granted.

(b) If both the Planning Commission and the Road Commission deny the application, the permit shall not be granted.

(c) If either the Planning Commission or Road Commission requests additional information, approve with conditions or do not concur in approval or denial, there shall be a joint meeting of the administrative staff of the County Road Commission, Township Planning Commission and the applicant. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the Road Commission regarding approval or denial. No application will be considered approved, nor will any permit be considered valid unless both above mentioned agencies have indicated approval.

(d) The Zoning Administrator shall keep a record of each application for an access permit which has been submitted, including the disposition of each one. This record shall be a public record.

(e) An access permit remains valid for a period of one year from the date it was issued. If the permit holder fails to begin earnest construction authorized by the access permit by the end of one year, the permit is automatically null and void. Any additional rights, which have been granted by the Planning Commission or the Zoning Board of Appeals, such as special use permits, or variances, expire together with the access permit. Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the township or the Road Commission. If any amount of the guarantee remains after the costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

(f) The permit may be extended for a period not to exceed one year. The extension must be requested in writing by the permit holder before the expiration of the initial permit period. Administrative staff of the township may approve a permit extension provided there are no existing or

planned deviations from the original access permit site or other sites within three 300 feet, and there are no violations of applicable ordinances. If there is any deviation or cause for question, the administrative staff of the municipality shall consult a representative of the County Road Commission for input.

(g) Reissuance of an access permit which has expired requires a new access application form to be filled out and processed independently of previous action.

(h) The permittee shall assume all responsibility for all maintenance of the driveway approaches from the right-of-way line to the

paved edge of the traveled roadway.

(i) Where a permit has been granted for entrances to a parking facility, the facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.

(j) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all non-conforming or unused entrances and approaches to the same site at the expense of the property owner.

(k) When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be made to comply, with all design standards as set forth in this chapter prior to the issuance of a zoning or occupancy certificate.

(l) The township and the County Road Commission acting jointly may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each approach or entrance to ensure compliance with all of the terms of the permit. The bond shall terminate and deposit be returned to the permittee when the terms of the permit have been met or when the permit is canceled or terminated.

(I) *Driveway spacing.*

(1) Driveway spacing will be determined as a function of arterial road operating speeds. Spacing will be determined according to the following schedule:

<i>Driveway Spacing*</i>	
<i>Table 1</i>	
<i>Posted Road Speed</i>	<i>Minimum Spacing (feet)</i>
<i>Driveway Spacing*</i>	
<i>Table 1</i>	
<i>Posted Road Speed</i>	<i>Minimum Spacing (feet)</i>
25 mph	105
30 mph	125
35 mph	150
40 mph	185
45 mph	230
50 mph	275
<b>NOTES TO TABLE:</b>	
* Standards are derived from the American Association of State Highway Transportation Officials, Geometric Design of Highways and Streets, Table of Stopping Sight Distance.	

(2) These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe stopping distances and traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the land owner(s) have the following options:

(a) The adjacent landowners may agree to establish a common driveway in compliance with the regulations stated herein. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rate of all land uses in question. A joint easement agreement among all properties involved must be entered into prior to an access permit being granted; and

(b) If a common driveway cannot be established, for reasons beyond the property owners' (both the proponent and adjacent land owners) control, the proponent can seek a variance from the Zoning Board of Appeals from minimum spacing, but in no case should the variance be greater than the next lowest classification on Table 4. For example, on a 40 mph arterial requiring a 185-foot spacing, the distance may be reduced to no less than 150 feet which is the standard for a 35 mph facility.

(J) *Number of driveways per parcel.*

(1) A maximum of one driveway opening may be permitted to a particular site from Tittabawassee Road and one abutting street. Wherever feasible, access must be obtained from an abutting street.

(2) When, in the opinion of the township or the Road Authority's Traffic Engineer, and in the views of the permittee, it is in the interest of good traffic operation, the Board may permit: one additional driveway entrance along a continuous site frontage in excess of 300 feet; or two additional driveway entrances along a continuous site frontage in excess of 600 feet.

(3) Where a dual service driveway, as depicted in Figure 5, is used it will be considered, for purpose of this section, to be only one direct access driveway.

(4) In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one pair of one-way drives may be used per street frontage.

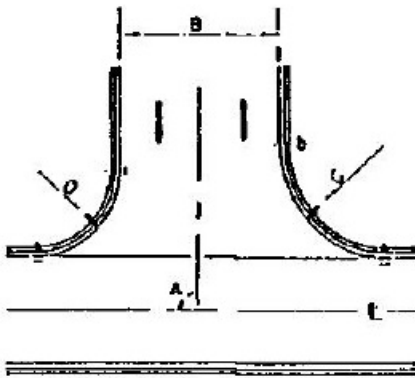
(K) *Design criteria.* The design features described and illustrated in this section shall be used by the accompanying the driveway permit application. Figure 1 depicts the standard minimum driveway design. Every driveway constructed along and within a right-of-way must at least meet the listed design criteria.

(1) *Departures.* If projected driveway traffic volumes exceed 750 vehicles per day, for all traffic using the driveway, a departure from the standard design may be required. The township, in conjunction with the County Road Commission, may specify a driveway system which will accommodate vehicle movements normally expected without creating undue congestion or hazard on the road.

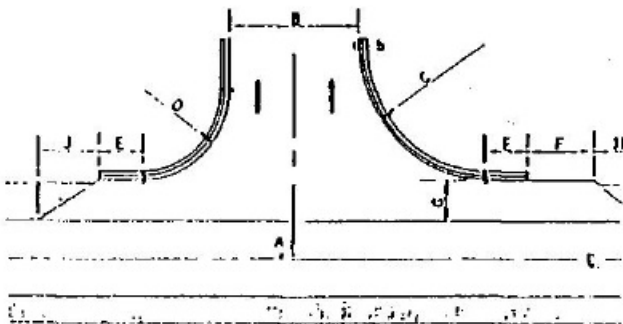
(2) *Alternative designs.* The applicant may also request a particular alternative design as part of the site plan accompanying the driveway application permit. The following figures (1 through 8) and tables (2 through 5) depict driveway standards and reasonable working ranges for each standard. This standard shall be used unless the Zoning Administrator in consultation with the County Road Commission determines that another dimension within the range is more suitable for a particular site or special condition and is approved by the appropriate road authority and municipality.

**Figure 1: Standard Two-Way Driveway Permitted by Right**

(see Table 2)



Single Two-Way Commercial Driveway Curbed Highway



Single Two-Way Commercial Driveway Uncurbed Highway

Design Features		Curbed Road		Uncurbed Road	
		Standard	Range	Standard	Range
Driveway width	B	24 feet	20-36 feet	24 feet	20-36 feet
Entering radius	C	20 feet	15-35 feet	25 feet	15-35 feet
Exiting radius	D	15 feet	15-35 feet	20 feet	15-35 feet
Intersecting angle	A	90 degrees	80-100 degrees	90 degrees	80- 100 degrees

(3) *Right turns and tapers.* Right turn lanes and tapers will be required when:

- (a) Expected right turn ingress movements meet or exceed 50 mph during a typical weekday peak traffic period;

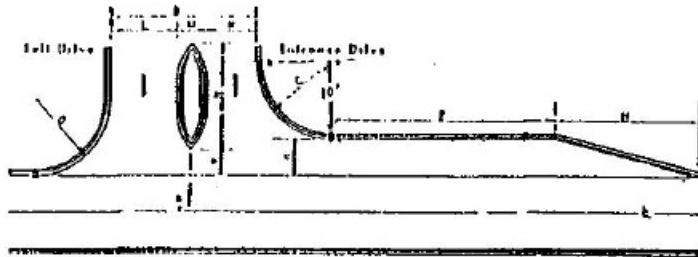
(b) When driveway volumes are expected to meet or exceed 1,000 vehicles per day; and

(c) 1. When the County Road Commission or Township Engineer can document, through traffic analysis, that the treatment is necessary to avoid congestion and/or unsafe conditions on a thoroughfare.

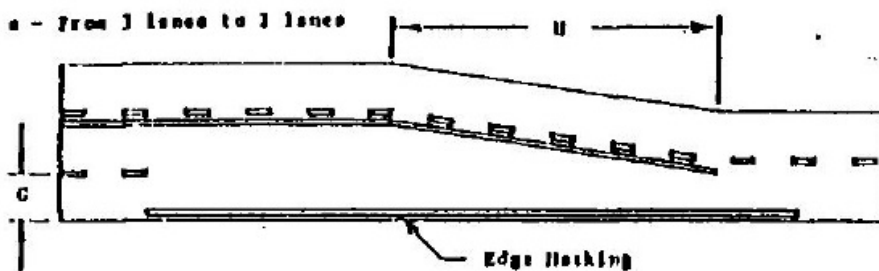
2. Center left turn lanes in conjunction with tapers will be required when existing traffic volume or traffic generated by any new development or change to an existing development causes any bi-directional hourly volume to exceed 825 vehicles for one-half mile east or west of the proposed access point. The required storage length for left turn lanes shall be according to the Federal Highway Administration's standards for left turn storage lanes, available in the County Planning Office.

3. A right turn lane shall be preceded by a taper. The design features dimension of a right turn lane and taper shall conform to those given in Figure 2 and Table 2.

**Figure 2: Right Turn Lane and Tapers (Entering Tapers)**



**Figure 3: Right Turn Lane and Tapers (Exiting Tapers)**



<b>Table 3: Right Turn Lane and Tapers Standards for Design</b>					
<b>Design Features</b>		<b>Curbed Road</b>		<b>Uncurbed Road</b>	
		<b>Standard</b>	<b>Range</b>	<b>Standard</b>	<b>Range</b>
<b>Table 3: Right Turn Lane and Tapers Standards for Design</b>					
<b>Design Features</b>		<b>Curbed Road</b>		<b>Uncurbed Road</b>	
		<b>Standard</b>	<b>Range</b>	<b>Standard</b>	<b>Range</b>
Curb ending	B	N/A		10 feet	no range
Right turn lane length	F	length of lane = width of lane x speed			
Right turn lane width	G	12 feet	10-5 feet	12 feet	10-15 feet
Entering tapers	H	150 feet*	50-150 feet	150 feet	15-35 feet
Exiting tapers	H	150 feet*	50-150 feet	150 feet	50-150 feet
Exiting radius	D	N/A		50 feet	50-150 feet
<b>NOTES TO TABLE:</b>					
*If a right turn lane is used, the Entering and Exiting Taper standard shall be 50 feet. Without a right turn lane, the Entering or exiting taper standard shall be 150 feet.					
This standard shall be used unless the Zoning Administrator in consultation with the traffic engineer determines that another dimension within the range is suitable for a particular site or special condition.					

(4) *Driveway profile.* Driveway profiles shall be determined using the following criteria.

(a) The grade of a two-way, one-way or divided commercial driveway shall not exceed 1.5% for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance, the grade shall not exceed 5%.

(b) If the road is curbed and if the sidewalk is ten feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation. If that grade would exceed the maximums specified in division (K)(4)(a) above, the sidewalk shall be either tilted or inclined.

(c) If the road is uncurbed, the grade of the driveway between the road edge of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach. From that point, the dimensions specified herein will apply.

(d) For a driveway on an upgrade towards the road, a grade of 1.5% for a distance of 100 feet from the edge of the pavement is required. Beyond this distance, the grade shall not exceed 4% and the difference in grades where there is a change of grade shall not exceed 3%.

(e) Vertical curves with a minimum length of 15 feet shall be provided at a change of grade of 4% or more.

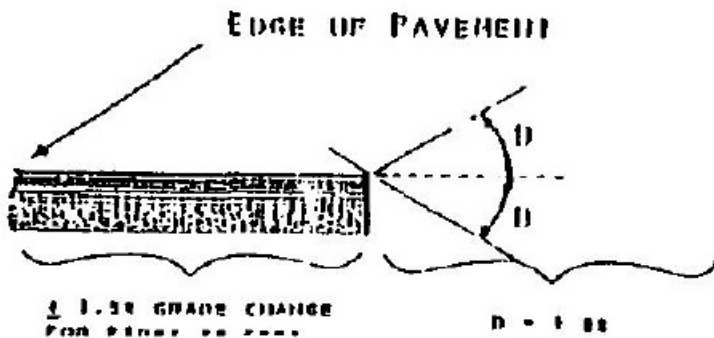
(f) If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one foot vertical for every 24 feet horizontal.

(5) *Drainage.*

(a) A driveway shall be constructed so that it does not adversely affect the road drainage. The drainage and the stability of the road subgrade shall not be altered by driveway construction or roadside development.

(b) Drainage from adjacent parking or storage areas on private property in excess of existing drainage shall not be discharged into the road drainage system.

**Figure 4: Standard Profile Design**



(6) *Surfacing and curbing along curbed roads.* A driveway shall be paved and curbed from the paved road edge to the proposed right-of-way line, as determined by the engineer.

(7) *Surfacing and curbing along uncurbed roads.* A driveway shall be paved and curbed from the paved road surface to the proposed right-of-way line or to the point of curvature between the driveway edge and the larger radius, point (b) in Figure 2. The curb ending adjacent to the driveway shall be located at least 13-1/2 feet from and parallel to the edge of the pavement.

(8) *Surface materials and thickness.* The surface of a paved driveway, excluding right-turn lanes, shall be concrete, bituminous or equivalent surfacing material. The thickness of the surface and the base to be used shall be sufficient to provide the bearing capacity needed to carry the proposed traffic loads. A two and one-half inch, 250 pounds per square yard, bituminous mix on eight inches of compacted gravel, eight inches of non-reinforced concrete or equivalent surfacing material which meets current *MDOT Standard Specifications for Construction* is acceptable for normal driveway traffic loads over stable soil. These specifications are minimum requirements and apply to the driveway only.

(9) *Surfacing of right-turn lanes and tapers.*

(a) The pavement of a right-turn lane and accompanying tapers shall match the road pavement, unless the Road Commission and the township both permit the use of an equivalent pavement.

(b) The cross slope of a right-turn lane and tapers shall be:

1. A continuation of a cross slope of the roadway if the road is curbed; and
2. Equal to the shoulder slope if the road is uncurbed.

(10) *Shoulders.*

(a) The surface of the shoulder adjacent to a right-turn lane and tapers shall be of the same material as the shoulder and conform to the current *Michigan Department of Transportation Standard Specifications for Roadway Construction*.

(b) If the distance between two paved commercial driveways serving the same property is less than 100 feet, measured between adjacent ends of the nearest curbed radii, the applicant shall pave the shoulder between the driveways.



(11) *Driveway curb details.* The driveway curb shall either match the existing curb or shall conform to the current standards for curb and gutter as determined by the township and Road Commission.

(L) *Corner clearance.* Intersecting streets and direct access driveways shall be spaced according to the same regulations for distances between direct access driveways, as listed herein, with the exception of the following. Direct access driveways must be at least 400 feet from the intersections of M-84 (Bay Road), North Center Road and Mackinaw Road.

(M) *Consistency with comprehensive plan.* In some cases, on a particularly congested arterial, the township plan may call for specific innovative treatment of access control. Examples may include service drives, continuous right turn lanes, access off and onto collector streets, commercial parks and combined, coordinated parking/access systems. In such cases, any innovative design meeting the spirit and intent of these regulations, and performance standards, may be considered through site plan review.

(N) *Temporary driveway permits.* Temporary driveway permits are intended to allow existing driveways and new driveways, necessary to access sites remote from adjacent access, to remain in use until a time as the conditions specified on the permit are met.

(1) A temporary permit may be granted for:

(a) Existing driveways that access existing development or are necessary to service farm fields and are only used for that purpose. Existing driveways are legal non-conforming driveways and may exist without a temporary permit under the conditions specified in division (O) below.

(b) New driveways necessary to access new development where the new development is remote from adjacent access drives or that shared access is not feasible at the time of development.

(2) Conditions upon which the temporary permit will expire may include:

(a) Adjacent development within 115 feet of the site where the temporary driveway is located is planned. At this time, joint access provisions with the adjacent property owner must take place.

(b) The use of the site for which the temporary permit was granted has ceased for six months or more or the use of the site or the driveway has changed so that the use of the driveway is increased to any degree.

(O) *Non-conforming driveways.*

(1) Driveways that do not conform to the regulations in this chapter, and were constructed before the adoption of this chapter, shall be considered legal non-conforming driveways. Existing driveways granted a temporary permit are legal non-conforming driveways until the time as the temporary permit expires.

(2) Loss of legal non-conforming status results when a non-conforming driveways ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this chapter.

(3) Legal non-conforming driveways may remain in use until the time as the use of the driveway or property is changed or expanded in a way that it impacts the use of the driveway. At that time, the driveway must be made to conform with all aspect of this chapter.

(4) Driveways that do not conform to the regulations in this chapter, and have been constructed after adoption of this chapter shall be considered illegal non-conforming driveways.

(5) Illegal non-conformities must be cited as violations of this chapter, made to cease use of the driveway and correct any non-conforming aspects of the driveway. Driveways constructed in illegal locations must be closed and all evidence of the driveway removed from the right-of-way and site on which it is located.

(6) Nothing in this chapter shall prohibit the repair, improvement or modernization of lawful non-conforming driveways.

(P) *Variances for driveway designs.*

(1) The applicant may apply for a variance from the standard driveway designs under the following conditions:

(a) When driveway volumes are expected to meet or exceed 1,000 vehicles per day;

(b) When expecting turning ingress or egress movements meet or exceed 50 per hour during a typical weekday peak traffic period as determined by a traffic study or generally accepted trip generation table, approved by the Planning Commission, such as the Institute of Transportation Engineers *Trip Generation Manual*;

(c) When, in the judgment of the County Road Commission or Municipal Traffic Engineer, specific site conditions require alternative design treatments to provide for safe and efficient driveway operations;

(d) When a joint or coordinated access-parking system is being used. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus. The total road frontage normally required will each be reduced by 10% for both landowners (Site circulation and safety standards will still be enforced.); and

(e) When a permittee seeks a variance for an innovative method for access design or operations.

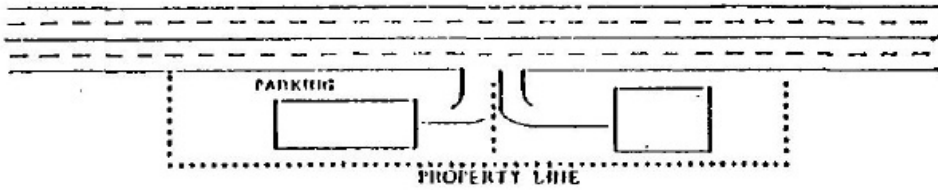
(2) (a) Variances should be granted only where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of this chapter.

(b) Variances may not be granted for financial hardship or in any instance where the intent of this chapter can be met by abiding by the standards in this document.

(3) The Township Board of Appeals and one representative of the County Road Commission shall hear and decide all requests for a variance, interpretation or administrative review of access control regulations.

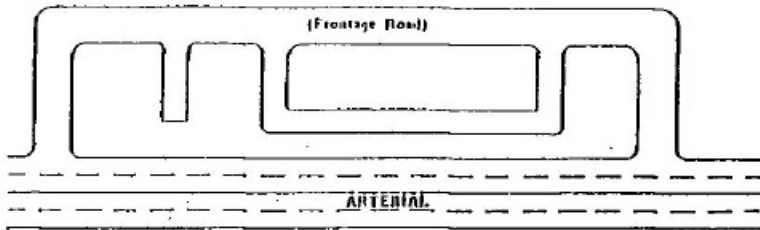
(Q) *Sample driveway design allowed by variance.*

**Figure 5: Dual Service Drive**



(R) *Shared access on property line.* The standard shall be used unless the Zoning Administrator in consultation with the County Road Commission and Township Planning Commission determines that another dimension within the range is more suitable for a particular site or special condition.

**Figure 6: Sample Coordinated Access Parking System**



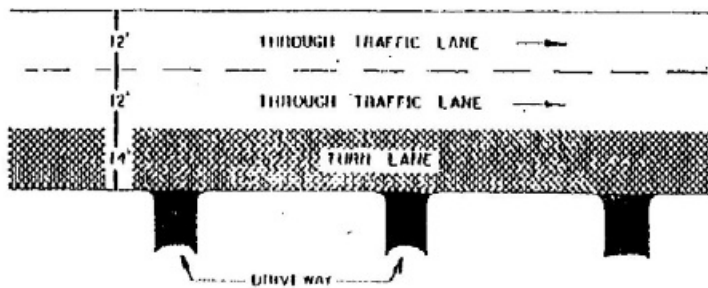
(S) *Industrial park with frontage road.*

**Figure 7: Sample Service Drives**

\*Design standards based upon site plan review.

<i>Table 4: Design Standards Dual Service Drive</i>					
<i>Design Features</i>		<i>Curbed Road</i>		<i>Uncurbed Road</i>	
		<i>Standard</i>	<i>Range</i>	<i>Standard</i>	<i>Range</i>
<i>Table 4: Design Standards Dual Service Drive</i>					
<i>Design Features</i>		<i>Curbed Road</i>		<i>Uncurbed Road</i>	
		<i>Standard</i>	<i>Range</i>	<i>Standard</i>	<i>Range</i>
Distance between driveways	S	20 feet	10-150 feet	20 feet	10-150 feet
Driveway width	B	24 feet	20-36 feet	24 feet	12-50 and 20-36 feet
Entering radius	CR	20 feet	15-35 feet	25 feet	15-35 feet
Entering radius	CL	10 feet	5-25 feet	5 feet	5-15 feet
Exiting radius	DR	10 feet	5-25 feet	5 feet	5-25 feet
Exiting radius	DL	15 feet	5-50 feet	20 feet	5-50 feet
Intersecting angle	AR	60 degrees	45-90 degrees	60 degrees	45-90 degrees
Intersecting angle	AL	120 degrees	90-135 degrees	120 degrees	90-135 degrees

**Figure 8: Continuous Right Lane**



Single two-way commercial driveway on curbed road

Single two-way commercial driveway on uncurbed road

Divided commercial driveway

Exit drive

Entrance drive

Dual service driveway

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006) Penalty, see § 155.999

## BAY ROAD CORRIDOR OVERLAY DISTRICT

### § 155.365 PURPOSE AND INTENT.

(A) The intent of this subchapter is to recognize that the traffic conditions along Bay Road (M-84) from Tittabawassee to Freeland Road are basically the same as along Tittabawassee Road. It is the purpose of this subchapter to minimize potential traffic problems along this corridor.

(B) The provisions of this subchapter are intended to:

- (1) Promote safe and efficient travel within the M-84 Overlay District;
- (2) Minimize disruptive and potentially hazardous traffic conflicts;
- (3) Ensure safe access by emergency vehicles;
- (4) Protect the substantial public investment in the road system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow;
- (5) Separate traffic conflict areas by reducing the number of driveways;
- (6) Provide safe spacing standards between driveways and between driveways and intersections;
- (7) Provide for shared access between abutting properties;
- (8) Implement the M-84 Corridor access management plan and map recommendations;
- (9) Ensure reasonable access to properties, though not always by the most direct access; and
- (10) Coordinate access decisions with the State Department of Transportation and/or the Bay and County Road Commission, as applicable.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### § 155.366 APPLICABILITY.

(A) The regulations to be applied with respect to Bay Road access shall be identical to those standard set forth in §§ 155.350 and 155.351.

(B) The provisions of this subchapter apply to an area described as 660 feet east and west of the centerline of M-84 between Weiss Street, in Saginaw Township, Saginaw County and M-13/Euclid Avenue in Monitor Township, Bay County. Single-family residential driveways are exempt from this chapter.

(C) In instances where this subchapter conflicts with §§ 155.350 and 155.351, §§ 155.350 and 155.351 and any subsequent amendments shall take precedence.

(D) Any development within the area described in this section that also requires a site plan review at the municipal level will be required to comply with the provisions of this subchapter. In instances where the site plan review procedure or site plan review standards conflict with the local procedures or standards, this subchapter shall prevail. Aspects of the site plan that are not addressed in this subchapter shall be governed by the municipality's ordinance where applicable.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.367 M-84 ACCESS MANAGEMENT PLAN MAP.**

(A) The M-84 access management plan map identifies seven types of modifications that will further the intent of this chapter. These modifications are listed both by number and color. Application of the regulations in this chapter are intended to achieve the mapped modifications at a time that a site is developed for the first time, redeveloped to the extent that a site plan is required, the owner chooses to make the modifications indicated, or the township causes the modification to take place to achieve necessary safety improvements. Driveways shown on the map without any modifications planned are permitted to exist as they are constructed and located.

(B) The modifications listed are:

- (1) Entrance closed;
- (2) New entrance;
- (3) Modify;
- (4) Move entrance;
- (5) Add curb/define entry;
- (6) Future non-motorized facility; and
- (7) Restrict access according to ordinance.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.368 PERMANENT ACCESS FOR UNDERDEVELOPED PARCELS OR EXISTING DEVELOPMENT.**

(A) Each parcel or lot having a single property tax number, as of the effective date of this subchapter (hereafter referred to as "the parent parcel"), that shares a lot line for less than 450 feet with right-of-way within the corridor as defined in this plan, shall be entitled to one driveway or road access per parcel onto M-84. Where a parcel is divided by M-84, the portion of the parcel on each side of M-84 shall be entitled to access according to this subchapter.

(1) All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this subchapter.

(2) Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Pub. Act 288 of 1967, being M.C.L.A. §§ 560.101 *et seq.*, as amended, or as a condominium project in accord with the Condominium Act, Pub. Act 59 of 1978, being M.C.L.A. §§ 559.101 to 559.272, as amended, shall have access by another public road, an approved private road if the township permits, or by a service drive meeting the requirements of § 155.370.

(3) If the parcel is a corner lot and a second driveway is warranted, the second driveway shall have access from the abutting street.

(B) All driveways or access points located on parcels greater than 450 feet shall be at least 450 feet from the nearest access point on the same or adjacent parcels. Residential and farm access driveways are exempt from this regulation.

(C) (1) A second driveway may be permitted if a registered traffic engineer determines that topographic conditions on the site, curvature on the road or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety.

(2) The affected agencies, including the local municipality, MDOT and SCRC or the BCRC, as applicable, must unanimously agree to the deviation.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.369 APPLICATION REVIEW, APPROVAL AND COORDINATION PROCESS.**

(A) All standards of the State Department of Transportation and the County and Bay County Road Commissions, as applicable, shall be met prior to approval of an access application under this subchapter.

(B) Application, review and approval process applications for driveway or access approval shall be made on a form prescribed by and available at Charter Township, Kochville Township, Frankenlust Township and Monitor Township, the County or Bay County Road Commission, and/or the State Department of Transportation - Bay City Transportation Service Center.

(C) Saginaw Charter Township, Kochville Township, Frankenlust Township and Monitor Township, the Saginaw/Bay County Planning Department and the Saginaw/Bay County Road Commission and the State Department of Transportation shall meet at least twice each year, at the initiation of the MDOT, to ensure that there is appropriate coordination of the access management review process and outcomes.

(1) Applications shall be accompanied by clear, scaled drawings (minimum of 1"=20') in triplicate showing the following items:

- (a) Location and size of all structures proposed on the site;
- (b) Size and arrangement of parking stalls on aisles;

(c) Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks indicate this on the drawing);

- (d) Driveway placement;
- (e) Property lines;
- (f) Intersecting roads, streets and driveways within 300 feet either side of the property on both sides of the street;
- (g) Width of road surface;
- (h) Type of surface and dimensions of driveway;
- (i) Proposed inside and outside turning radii;
- (j) Show all existing and proposed landscaping, signs and other structures or treatments within and adjacent to the right-of-way;
- (k) Traffic analysis and trip generation survey results, obtained from a licensed traffic engineer for all developments with over 750 vehicle trips per day or 100 directional peak hour trips;
- (l) Design dimensions and justification for any alternative or innovative access design;
- (m) Dumpsters or other garbage containers; and
- (n) Existing and proposed utility box placement.

(2) Applications are strongly encouraged to include the following sources for access designs, the *National Access Management Manual*, TRB, 2002 and the AASHTO Green Book. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access that includes:

- (a) Not more than one driveway access per abutting road;
- (b) Shared driveways;
- (c) Service drives: front, rear and perpendicular;
- (d) Parking lot connections with adjacent property(ies); and
- (e) Other appropriate designs to limit access points on an arterial or collector road.

(3) Applications may be accompanied by an escrow fee for professional site plan and/or traffic analysis review to be determined by the township in which the project is located.

(D) *Review and approval process.* The following process shall be completed to obtain access approval.

(1) A site plan review access application meeting the requirements of this section shall be submitted to the Zoning Administrator, Clerk or other township designee of the township. MDOT form 2205, Driveway Permit, shall be submitted concurrently to the MDOT-Bay City Transportation Service Center.

(2) The completed application must be received by the Township Zoning Administrator at least 30 days prior to the Planning Commission meeting where the application will be reviewed.

(3) (a) The township in which the application is being made shall forward a copy of the access management application and the site plan to MDOT and the appropriate county road commission. MDOT and the Road Commission shall provide written comment to the township and discuss any outstanding issues with the township with the intent of reaching consensus on a recommendation for the access management application and site plan.

(b) In the event that consensus cannot be reached on access management issues, MDOT or the township shall call a meeting of the appropriate road agencies and municipal Planning Commission representatives prior to the Planning Commission meeting to review the document and reach consensus on the issue. Applications not forwarded to MDOT and the Road Commission shall not have completed the review process and may not be acted on by the Township Planning Commission.

(4) (a) The Planning Commission may obtain professional consultation prior to making a decision on the application.

(b) Costs for the review shall be the responsibility of the applicant provided the applicant is made aware of the costs prior to the application being considered by the Planning Commission.

(5) The Township Planning Commission in which the development is proposed shall review the application and make its determination regarding the driveway.

(6) The Zoning Administrator shall keep a record of each application that has been submitted, including the written disposition of each application. MDOT shall provide the township with a copy of the written permit or any other disposition of the permit for the township's records. This record shall be a public record.

(7) (a) Written approval of an application remains valid for a period of one year from the date it was authorized.

(b) If authorized construction is not initiated by the end of one year, the authorization is automatically null and void, unless the township specifically extends the time period during which the application remains valid by Planning Commission action.

(c) Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as a special use permit or variance, also expire at the end of one year.

(8) (a) An approval may be extended for a period not to exceed six months. The extension must be requested, in writing, by the applicant before the expiration of the initial approval.

(b) The Zoning Administrator may approve extension of an authorization; provided, there are no deviations from the original approval present or planned, there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition.

(c) If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Saginaw/Bay County Planning Commission staff, the Saginaw and/or Bay County Road Commission, as applicable, and the State Department of Transportation for input.

(9) Reissuance of an authorization that has expired requires a new access application form to be filled out and processed independently of any previous action.

(10) The applicant shall assume all responsibility for all maintenance of the driveway approaches from the right-of-way line to the edge of the traveled roadway.

(11) Where authorization has been granted for entrances to a parking facility, the facility shall not be altered or the plan of operation changed until a revised access application has been submitted and approved as specified in this section.

(12) Application to construct or reconstruct any driveway entrance and approach to a site requires a permit, but shall also address and achieve the reconstruction or closing of all non-conforming or unused entrances and approaches to the same site at the expense of the property owner.

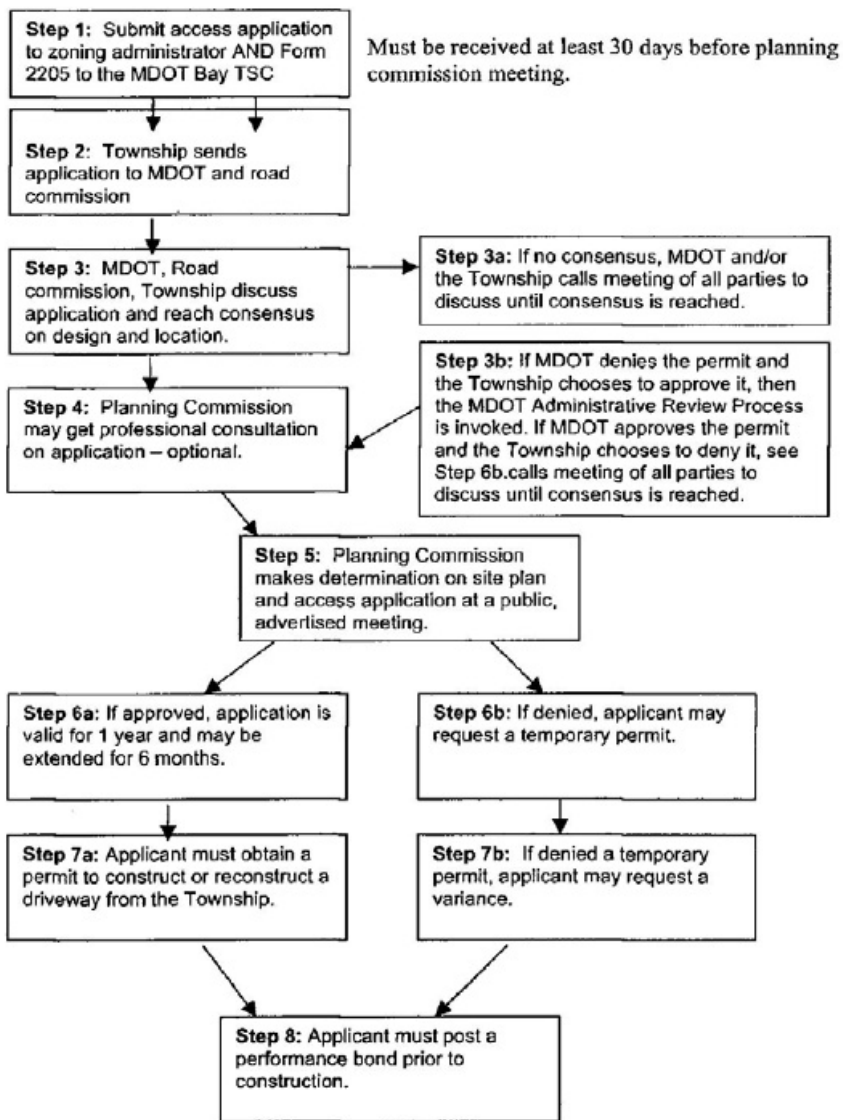
(13) When a building permit is sought for the modification or reconstruction to the extent that a site plan is required in the municipality or by MDOT's requirements, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as set forth in this chapter and the adopted M-84 access management plan and map, prior to the issuance of a zoning or occupancy certificate and pursuant to the procedures of this section.

(14) (a) The State Department of Transportation, as applicable, shall require a performance bond or cash deposit in any sum of a minimum of \$10,000 for each new or reconstructed approach or entrance to a commercial use, to ensure compliance with an approved application.

(b) The performance bond shall terminate and the deposit be returned to the applicant when the terms of approval have been met or when the authorization is cancelled or terminated.

(c) No performance bond is required for residential uses.

#### **Review and Approval Process Flow Chart**



(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.370 SERVICE DRIVES.**

(A) The use of shared access, parking lot connections and service drives in conjunction with driveway spacing is intended to preserve traffic flow along thoroughfares and minimize traffic conflict, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, then access from a side street, a shared driveway, a parking lot connection or service drive connection to the arterial or collector street may be required.

(B) However, where traffic safety would be improved, and the driveway spacing requirements of this chapter can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.

(1) In particular, shared access, service drives or at least a connection between abutting land uses may be required in the following cases:

- (a) Where the driveway spacing standards of this section within this chapter cannot be met;
- (b) Where recommended in the M-84 access management plan and map;
- (c) When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location;
- (d) The site is along a collector or arterial street with high traffic volume or along segments experiencing congestion or a relatively high number of crashes;
- (e) The property frontage has limited sight distance; and
- (f) The Fire or Emergency Services Department recommends a second means of emergency access.

(2) In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards cited in this chapter. The Planning Commission may approve temporary access points where a continuous service drive is not yet available and a performance bond or



escrow is accepted to assure elimination of temporary access when the service road is constructed. (See §§ 155.135 through 155.138.)  
(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.371 STANDARD FOR CONSTRUCTION.**

Notwithstanding the requirements of Ch. 152 of this code of ordinances, the standards for all service drives shall be as follows.

(A) *Site plan review.* The Planning Commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.

(B) *Front and rear service drives.* A front or rear service drive may be established on property that abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the *National Access Management Manual* by TRB, the ASSHTO Greenbook, and National Cooperative Highway Research Program (NCHRP), *Access Management Guidelines to Activity Centers*, Report 348, and *Impacts of Access Management Techniques*, Report 420.

(C) *Location.* Service roads shall generally be parallel to the front property line and may be located whether in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

(D) *Width and construction.* A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least 32 feet wide. A service drive shall have a minimum pavement width of 24 feet, measured face to face at the curb with an approach width of a minimum of 27 feet at the intersection. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet the Saginaw/Bay County Road Commission standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.

(E) *Snow storage and landscaping areas.* A minimum of six feet of snow storage/landscaping area shall be reserved along both sides of the service drive.

(F) *Stacking.* A minimum of 60 feet of storage at the intersection for entering and existing vehicles as measured from the pavement edge must be provided for all frontage roads. At driveways where it can be demonstrated that traffic volumes will exceed 750 vehicles per day or 100 vehicles during the peak hour, a minimum of 80 feet of stacking space shall be required.

(G) *Distance from intersection on service drives.* Frontage roads and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways.

(H) *Driveway entrance.* The Planning Commission shall approve the location of all access to the service drive, based on the driveway spacing standards referenced in this chapter. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the MDOT and Saginaw/Bay County Road Commission.

(I) *Driveway radii.* All driveway radii shall be shall be concrete curbs and conform with the requirements of the *MDOT Access Management Guidebook*.

(J) *Acceleration lanes and tapers.* The design of the driveway, acceleration, deceleration or taper shall conform with the requirements of the *MDOT Access Management Guidebook*.

(K) *Elevation.* The elevation of a service drive shall be uniform or gently sloping between adjacent properties.

(L) *Service drive maintenance.* No service drive shall be established on an existing right-of-way. The service drive shall be a public street (if dedicated and accepted by the applicable Road Commission) or a private road if permitted, maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the municipality's attorney and recorded with the Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs.

(M) *Landscaping.* Landscaping along the service drive shall conform to the requirements of the municipality's zoning ordinance. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.

(N) *Parking areas.* All separate parking areas (those that do not use joint parking cross access) shall have no more than one access point or driveway on the service drive.

(O) *Parking.* The service road is intended to be used exclusively for circulation, and not as parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road.

(P) *Directional signs and pavement markings.* Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current *Michigan Manual of Uniform Traffic Control Devices*.

(Q) *Assumed width of pre-existing service drives.* Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 26 feet for the purpose of establishing setbacks and will be measured an equal distance

from the midpoint of the road surface.

(R) *Alternate cross access.* In the case of expansion, alteration to redesign of an existing development where it can be demonstrated that preexisting conditions prohibit installation of a frontage road or service drive in accordance with these standards, the Planning Commission shall have the authority to allow and/or require alternate cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, with islands, curbing and signage to further delineate the edges of the route to be used by through traffic. (See the *MDOT Access Management Guidebook* for further detail and sample drawings.)

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.372 TEMPORARY ACCESS PERMITS.**

(A) A temporary access permit may be conditionally issued to a property included in this adopted corridor or access management plan that plans road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.

(B) A temporary access permit shall be reviewed using the temporary permit form during the site plan review process. Failure to use this form and supply the justification for a temporary permit according to the provisions of the form prohibit a temporary access point on the site. A copy of this completed form shall be kept on file with the approved site plan at the township and recorded with the deed to the property for which it applies.

(C) Conditions may be included in the temporary access permit including, but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of § 155.369.

(D) (1) A site plan for property that cannot meet the access requirements of § 155.369 and has no alternative means of reasonable access to a road system may be issued a temporary access permit.

(2) When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of § 155.369 and 155.370 shall be required.

(E) (1) The municipality and the State Department of Transportation, as applicable, may require a performance bond or cash deposit in any sum of a minimum of \$10,000 for each temporarily permitted driveway to ensure compliance with removal of the driveway at a time as the permit stipulates.

(2) The performance bond shall terminate and deposit be returned to the applicant when the term of approval have been met or when the authorization is cancelled or terminated.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.373 NON-CONFORMING DRIVEWAYS.**

(A) Driveways that do not conform to the regulations in this chapter, and were constructed before the effective date of this chapter and existing driveways granted a temporary access permit, shall be considered legal non-conforming driveways.

(B) Loss of legal non-conforming status results when a change to the site or use requires a new site plan, according to this chapter. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this chapter.

(C) When the owner of a property with an existing non-conforming driveway or driveways applies for a permit to upgrade the property, the Planning Commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways. If the developer is proposing a change in use of the driveway the non-conforming status is no longer valid and a permit for the driveway is required from the State Department of Transportation or the Road Commission as applicable according to the standards of this chapter.

(1) The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location and design of driveways into conformance with the standards and requirements of this chapter to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:

- (a) Elimination of driveways;
- (b) Realignment or relocation of driveways;
- (c) Provision of shared driveways and/or cross parking lot connection;
- (d) Access by means of a service drive;
- (e) Restriction of vehicle movements (e.g., elimination of left-turns in and out);
- (f) Relocation of parking;
- (g) Traffic demand management (e.g., a reduction in peak hour trips);
- (h) Signalization based on warrants; and
- (i) Other changes as may enhance traffic safety.

(2) The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.

(D) Driveways that do not conform to the regulations in this chapter and have been constructed after adoption of this chapter, shall be considered illegal non-conforming driveways.

(E) Illegal non-conforming driveways are a violation of this chapter. The property owner shall have 30 days in which to correct the violation. The property owner shall be issued a violation notice which may include closing off the driveway until any non-conforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of the removal shall be borne by the property owner.

(F) Nothing in this chapter shall prohibit the repair, improvement or modernization of lawful non-conforming driveways; provided, it is done consistent with the requirements of this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **§ 155.374 VARIANCES.**

The following standards shall apply when the Board of Appeals considers a request for a variance from the standards of this section.

(A) The granting of a variance shall not be considered until a temporary access permit under § 155.369 has been considered and rejected.

(B) Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this chapter impractical. This shall include proof that:

- (1) Indirect or restricted access cannot be obtained;
- (2) No reasonable engineering or construction solution can be applied to mitigate the condition;
- (3) No reasonable alternative access is available from a road with a lower functional classification than the primary road; and
- (4) Without the variance, there is no reasonable access to the site.

(C) The Board of Appeals shall make a finding that the applicant for a variance met his, her or their burden of proof under division (B)(2) above, that a variance is consistent with the intent and purpose of this chapter, and is the minimum necessary to provide reasonable access.

(D) Under no circumstances shall a variance be granted unless not granting the variance would deny reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where the hardship is self-created.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## **ADMINISTRATION**

### **§ 155.385 GENERAL ADMINISTRATION.**

The provisions of this chapter shall be administered by the Planning Commission, the Zoning Board of Appeals and the Township Board in conformance with applicable state enabling legislation.

(A) *Responsibility.* The Township Board shall employ a Zoning Administrator and/or Code Enforcement Officer to act as its officer to effect proper and adequate administration of this chapter. The term of employment, compensation and any other conditions of employment shall be established by the Township Board. For the purposes of this chapter, the Zoning Administrator and/or Code Enforcement Officer shall have the necessary powers as granted by law.

(B) *Duties of Zoning Administrator and/or Code Enforcement Officer.*

(1) All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of township ordinance(s) have been met. The Zoning Administrator and/or Code Enforcement Officer shall be empowered to make inspections of buildings or premises to carry out their duties in the enforcement of this chapter.

(2) Permits for buildings requiring a sewage disposal system in areas not served by public sanitary sewer will not be issued until proper approval for an on-site sewage disposal system is received by the township from the District Health Department or other state or county agency with the authority to grant the approval.

(3) The Zoning Administrator and/or Code Enforcement Officer shall keep record of all non-conforming uses as they present themselves.

(4) Under no circumstances is the Zoning Administrator permitted to make changes in this chapter, nor to vary the terms of this chapter in carrying out their duties.

(C) *Certificate of occupancy.* A certificate of occupancy shall not be issued by the building official pursuant to any other ordinance or code of the township unless there is full compliance with this chapter, and any state and federal requirements.

(D) *Public notice.* All applications for development approval requiring a public hearing shall comply with the Zoning Act and the other provisions of this section with regard to public notification.

(1) *Responsibility.* When the provisions of this chapter or the Zoning Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the township and mailed or delivered as provided in this section.

(2) *Content.* All mail, personal and newspaper notices for public hearings shall:

(a) *Describe nature of the request.* Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose;

(b) *Location.* Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property;

(c) *When and where the request will be considered.* Indicate the date, time and place of the public hearing(s);

(d) *Written comments.* Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel; and

(e) *Handicap access.* Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

(3) *Personal and mailed notice.*

(a) *General.* When the provision of this chapter or state law require that personal or mailed notice be provided, notice shall be provided to:

1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property;

2. a. Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of the persons along with the application.

b. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to division (D)(4)(b) below.

3. Other governmental units or infrastructure agencies within one mile of the property involved in the application.

(b) *Notice by mail/affidavit.* Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

(4) *Timing of notice.* Unless otherwise provided in the Zoning Act, or this chapter where applicable, notice of a public hearing shall be provided as follows:

(a) For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation: not less than 15 days before the date the application will be considered for approval; and

(b) Registration to receive notice by mail:

1. *General.* Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to division (D)(3)(a)2. above, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

2. *Requirements.* The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 14-06, passed 4-22-2014)

## **§ 155.385.01 ZONING PERMITS.**

No residential building or residential structure subject to the provisions of this section shall hereafter be erected, structurally altered,

reconstructed, used, or moved, nor shall any excavation, or filling of land commence until a zoning permit application has been filed with the Zoning Administrator and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this section. No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this section.

(A) The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this section and other applicable laws and requirements are to be complied with. The application shall be accompanied by:

(1) A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail- as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements; the location and dimensions of sewage disposal facilities or proposed sewage disposal facilities, if applicable.

(2) The Zoning Administrator shall have the authority to require a legal survey, sealed by a professional surveyor (not a mortgage survey) in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of property boundary lines are not known.

(3) Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator.

(4) Such other information as may be required to determine compliance with this section.

(B) A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Building Department.

(C) The location of the property boundaries and all structures to be erected shall be staked on the ground for Zoning Administrator's use prior to the issuance of the zoning permit.

(D) The zoning permit will expire after one year from date of issuance for any zoning permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.

(E) The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the section, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

(F) No zoning permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this section shall be accompanied by the filing fees as specified by the Township Board of Trustees.

(G) Upon issuance of the zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

(Ord. 14-05, passed 4-22-2014)

#### **§ 155.386 ENFORCEMENT.**

The Zoning Administrator and/or Code Enforcement Officer shall enforce the provisions of this chapter.

(A) *Violation and penalties.* Violations of any provisions of this chapter are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this chapter observed by or communicated to an official or employee shall be reported to the Zoning Administrator and/or Code Enforcement Officer.

(1) *Inspection of violation.* The Zoning Administrator and/or Code Enforcement Officer shall inspect each alleged violation or violations he or she observes or is aware of and shall order correction in writing, of all conditions found to be in violation of this chapter.

(2) *Correction period.* All violations shall be corrected within a period of 30 days after the order to correct is issued or in a longer period of time, not to exceed six months, as the Zoning Administrator or Code Enforcement Officer may deem necessary and appropriate.

(3) *Cumulative rights and remedies.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(B) *Conflicting regulations.* In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by this chapter are more stringent than any other law or ordinance, then the provisions of this chapter shall govern; provided also that, 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 the other law or ordinance shall govern.

(C) *Availability of other enforcement options.* Nothing in this chapter shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a civil infraction the township may, at its sole discretion, proceed directly with the issuance of a civil infraction citation or take other enforcement action as is authorized by law including requesting a proper court to enjoin or abate any violation of the provisions of this chapter as a nuisance per se.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.387 AMENDMENT.**



(A) *General.* The Township Board may amend this chapter and the boundaries of zoning districts shown on the Zoning District by ordinance of the Township Board in accordance with the applicable zoning enabling legislation of the state.

(B) *Initiation of amendments.* Proposals for amendments, supplements or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one or more owners, or their agents, of property to be affected by the proposed amendment.

(C) *Amendment procedures.*

(1) *Petition to Township Board.* Each petition by one or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request. The Clerk shall transmit the application to the Planning Commission for recommended action.

(2) *Recommendation.* The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of the proposal upon the master plan for the community. The Planning Commission may recommend any additions or modifications to the original amendment petition.

(3) *Public hearing.* Notices shall be given in accordance with § 155.385.

(4) *County Metropolitan Planning Commission.* Following the conclusion of the Public Hearing, the Planning Commission shall submit the proposed amendments, including any zoning district map, to the County Metropolitan Planning Commission for its review and recommendation. The recommendation of the County Planning Commission shall be conclusively presumed unless the Commission shall within 30 days of its receipt, have notified the Township Board of its disapproval or approval.

(5) *Township Board.*

(a) Upon receipt of the Planning Commission's, together with the County Planning Commission's, recommendation, the Township Board shall review the recommendations.

(b) If the Township Board shall deem any amendments, changes, additions or departures are advisable to the proposed ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.

(c) After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend the hearing. Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.

(6) *Re-submittal.* No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

(D) *Conditional rezoning (CR).*

(1) *Intent.* The Planning Commission and Township Board have recognized that, in certain instances, it would be advantageous to both the township and property owners seeking rezoning if a plan, along with conditions and limitations that may be relied upon by the township, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this division (D) to provide an election to property owners in connection with the submission of petitions seeking the amendment of this division (D) for approval of a rezoning with conditions, per Public Act 110 of 2006, as amended.

(2) *Definitions.* For purposes of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**REZONING CONDITIONS** . Conditions proposed by the applicant and approved by the township as part of an approval under this section, including review and recommendation by the Planning Commission, which shall constitute regulations in connection with the development and use of property approved with a rezoning condition in conjunction with a rezoning. Such rezoning conditions shall not authorize uses or developments of greater intensity or density and which are not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the conditional rezoning agreement), and may include some or all of the following:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features shown on the CR Plan.
2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and without limitation, units per acre, maximum usable floor area, hours of operation and the like.
3. Preservation of natural resources and/or features.
4. Facilities to address drainage/water quality.
5. Facilities to address traffic issues.
6. Preservation of open space.
7. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on

behalf of the township in the event the property owner(s) fail(s) to timely perform after notice.

8. Signage, lighting, landscaping, and/or building materials for the exterior of some or all structures.
9. Permissible uses of the property.
10. Protection of township land from annexation.
11. Preservation of historic farms, barns and other buildings to preserve the history of the township.
12. Donation of land for open space, using a land conservancy or other means, to protect the open space for future generations.
13. Paving, making substantial improvements to, or funding of improvements to major township roads where the entire township benefits.
14. Construction and/or donation of community buildings where the need has been identified and defined by the township.
15. Preservation of a rural view shed which is an undeveloped area adjacent to the road right-of-way, having a depth of at least 200 feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas, are preserved and incorporated into the landscape.
16. Provide usable and contiguous open space amounting to at least 40% of the site, using the concept of clustering.
17. Added landscaping, above and beyond what is required by township ordinance.
18. Reclamation and re-use of land, where previous use of land causes severe development difficulties, or has caused blight.
19. Installation of streetscape on an arterial road, beyond what is required by ordinance, and where compatible with township guidelines concerning trees, streetlights, and landscaping.
20. Drain and drainage improvements, beyond what is required by ordinance, using best management practices.
21. Providing monuments or other landmarks to identify township boundaries.
22. Such other conditions as deemed important to the development by the applicant.

***CONDITIONAL REZONING (CR) AGREEMENT.*** A written agreement approved and executed by the township and property owner, incorporating a CR Plan, and setting forth rezoning conditions, conditions imposed pursuant to Public Act 110 of 2006, as amended, and any other terms mutually agreed upon by the parties relative to land for which the township has approved a rezoning with rezoning conditions. Terms of the CR Agreement shall include agreement and understanding of the following:

1. That the rezoning with rezoning conditions was proposed by the applicant to induce the township to grant the rezoning;
2. That the township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the CR Agreement;
3. That the conditions and CR Agreement are authorized by all applicable state and federal laws and constitutions;
4. That the CR Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the township;
5. That the property in question shall not be developed or used in a manner inconsistent with the CR Plan and CR Agreement;
6. That the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and township, and their respective heirs, successors, assigns, and transferees;
7. That, if a rezoning with rezoning conditions becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established;
8. That each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with rezoning conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

***CONDITIONAL REZONING (CR) PLAN.*** A plan of the property which is the subject of a rezoning with rezoning conditions, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the CR Plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.

(3) *Authorization and eligibility.*

(a) *Application.* A property owner shall have the option of making an election under this section in conjunction with a submission of a petition seeking a rezoning. Such election may be made at the time of the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this section for approval of a conditional rezoning that would establish site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with rezoning conditions pursuant to Public Act 110 of 2006, as amended, which would represent a legislative amendment of the zoning ordinance.



(b) *Site specific regulations.* In order to be eligible for the proposal and review of a rezoning with rezoning conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and in a CR Agreement to be prepared) which are, in material respects, equally or more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, such as set forth in divisions 1. through 22. of the definition of **REZONING CONDITIONS** above.

(4) *Required application information.*

(a) *A CR Plan, as defined in division (D)(2) above.* The CR Plan shall not replace the requirement for site plan review and approval, special land use approval, or subdivision or condominium approval, as the case may be.

(b) *Statement of rezoning conditions, as defined in division (D)(2) above.* Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the CR Agreement).

(c) *A CR Agreement, as defined in division (D)(2) above.* The CR Agreement shall be prepared by the applicant (or designee) and approved by the Township Attorney. The CR Agreement shall incorporate the CR Plan and set forth the rezoning conditions, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of CR Agreement, above).

(5) *Review and approval criteria.* The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, Rezoning Conditions, and CR Agreement:

(a) *Enhancement of the project area.* Approval of the application shall accomplish, among other things, and as determined in the discretion of the Township Board, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the requested zoning change, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a conditional rezoning.

(b) *In the public interest.* Sufficient conditions shall be included on and in the CR Plan and CR Agreement on the basis of which the Township Board concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with rezoning conditions; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the Township Board, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the township by the Township Board and Planning Commission.

(6) *Review process.*

(a) *Pre-application meeting.* Prior to the time of making application for a conditional rezoning, the applicant shall schedule a pre-application submission meeting with the Township Manager, the Township Planner, the Township Engineer, the Township Building Official, the Township Attorney, or their designees, for a preliminary review of the application for conditional rezoning and so that the applicant has a thorough understanding of the process. The applicant shall pay the township's costs and expenses incurred for this meeting.

(b) *Offer of conditions.* At the time of making application for amendment of this division (D) seeking a rezoning of property, or at least a later time during the process of township consideration of such rezoning, a property owner may submit an application for approval of a conditional rezoning to apply in conjunction with the rezoning.

(c) *Application.* The application, which may be amended during the process, shall include a CR Plan proposed by the applicant and shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.

(d) *Notice of public hearing.* The proposed rezoning with rezoning conditions, together, shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment to the zoning ordinance in accordance with § 155.385.

(e) *Planning Commission recommendation.* Following the public hearing and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the Township Board on the proposed rezoning with rezoning conditions.

(f) *Township Board action.* Upon receipt of the recommendation of the Planning Commission, the Township Board shall commence deliberations on the proposed rezoning with rezoning conditions. If the Township Board determines that it may approve the rezoning with rezoning conditions, the Township Board shall specify tentative conditions and direct the Township Attorney to work with the applicant in the finalization of the proposed CR Agreement.

(7) *Zoning map designation.* If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Conditional Rezoning". The zoning map shall specify the new zoning district plus a reference to "CR" (for example, the district classification for the property might be B-3 General Intensive Commercial with CR, Conditional Zoning, with a zoning map designation of B-3/CR) and use of the property so classified and approved shall be restricted to the permission granted in the CR Agreement, and no other development or use shall be permitted.

(8) *Use of property.*

(a) *Generally.* The use of the property in question shall, subject to division (D)(8)(b) below, be in total conformity with all regulations governing development and use within the zoning district to which the property has been rezoned, including, without

limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density.

(b) *Development subject to conditional rezoning requirements.* Development and use of the property shall be subject to the more restrictive requirements shown or specified on the CR Plan, and/or in the other conditions and provisions set forth in the CR Agreement, required as part of the conditional rezoning approval, and such CR Plan and conditions and CR Agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance.

(9) *Recordation of CR Agreement.* A rezoning with rezoning conditions shall become effective following publication in the manner provided by law and after recordation of the CR Agreement with the County Register of Deeds, whichever is later.

(10) *Amendment to CR Agreement.* Amendment of a CR Agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with rezoning conditions.

(11) *Expiration.* Unless extended by the Township Board for good cause, the rezoning with rezoning conditions shall expire following a period of two years from the effective date of the rezoning unless construction on the development of the property pursuant to the required permits issued by the township commences within such two-year period and proceeds diligently and in good faith as required by ordinance to completion.

(a) *Extension of approval.* In the event the development has not commenced, as defined above, within two years from the effective date of the rezoning, the conditional rezoning and the CR Agreement shall be void and of no effect. The property owner may apply to the Township Board for a one-year extension one time. The request must be submitted to the Township Clerk before the two-year time limit expires. The property owner must show good cause as to why the extension should be granted.

(b) *Violation of the CR Agreement.* If development and/or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development and/or actions shall constitute a nuisance per se. In such cases, the township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the township may withhold, or following notice, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

(c) *Township action upon expiration.* If the rezoning with rezoning conditions becomes void in the manner provided in above, then the township shall rezone the property to its former zoning classification in accordance with the zoning ordinance procedures. Until such a time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(12) *Performance guarantee.* To guarantee performance and to ensure the township does not bear any costs associated with non-performance, the property owner must submit a letter of credit or cash deposit upon making application for conditional rezoning in an amount specified in the township Fee Schedule.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 13-10, passed 11-26-2013)

## **§ 155.388 ZONING BOARD OF APPEALS.**

### **(A) Creation and membership.**

(1) Pursuant to Pub. Act 110 of 2006, being M.C.L.A. § 125.3601, one of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining regular members, and any alternate members, shall be selected from the electors of the township residing within the zoning jurisdiction 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 Board of Trustees, but shall not serve as Chairperson of the Zoning Board of Appeals. An employee or contractor of the Board of Trustees may not serve as a member of the Zoning Board of Appeals.

(2) The Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified in this chapter to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

(3) The total amount annually allowed the Board of Appeals as per diem or as expenses actually incurred in the discharge of duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

(4) A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or non-feasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(5) Terms shall be for three years, except for members serving because of their memberships 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 whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. 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.

(6) The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

(B) *Organization and procedures.*

(1) *Rules of procedure.* The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function, and shall have all other powers as provided by law. The Board shall choose its Chairperson, and in the absence of the Chairperson, an acting Chairperson. The Board may also alert other officers or committees as it considers necessary.

(2) *Meetings.* Meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings by the Zoning Board of Appeals shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses.

(3) *Records.* Minutes of all proceedings shall be kept and maintained which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. The minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.

(4) *Counsel.* The Township Attorney shall act as legal counsel for the Zoning Board of Appeals and shall be present at all meetings upon request by the Chairperson of the Zoning Board of Appeals.

(5) *Hearings.*

(a) Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in § 155.385. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(b) Any person may appear and testify at the hearings, either in person or by duly authorized agent or attorney.

(c) The Chairperson of the Zoning Board of Appeals may recess the hearings from time to time and, if the time and place of the continued hearing be publicly announced at the time of adjournment of the Board hearing, no further notice shall be required.

(6) *Decisions.* The Zoning Board of Appeals shall return a decision upon each case within 30 days after a request or appeal has been filed, unless an extended time is agreed upon with the parties concerned. Any decision of the Zoning Board of Appeals shall not become final until the expiration of the five days from the date of entry of the order, unless the Zoning Board of Appeals shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record.

(7) *Malfeasance.* The Township Board of Trustees shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or non-feasance in office upon written charges and after public hearing.

(C) *Majority vote.* The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator and/or Code Enforcement Officer or to decide in favor of the applicant on any matter upon which they are required to pass under this chapter or to effect any variation in the ordinance.

(D) *Appeals.*

(1) *Filing of appeals.*

(a) Appeals to the Zoning Board of Appeals may be made by any person aggrieved, or by any order, requirement, decision or determination made by an administrative official charged with enforcement of this chapter.

(b) Any appeal from the ruling of the Administrative Official concerning the enforcement of the provisions of this chapter may be made to the Zoning Board of Appeals within ten days after the date of the mailing of the Administrator's decision. The appeal shall be filed with the Zoning Administrator and shall specify the grounds for appeal. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

(2) *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in their 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 the Zoning Board of Appeals or, by a court of record.

(3) *Fees.* A fee, as established by the Township Board from time to time, shall be paid to the Zoning Administrator at the time of filing application with the Zoning Board of Appeals. The purpose of the fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the Zoning Board of Appeals in connection with the appeal.

(E) *Duties and powers.* The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, variance exception or special approval permit, as defined in this section.

(1) *Review.* The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, determination or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this chapter.

(2) *Interpretation.* The Zoning Board of Appeals shall have the power to:

- (a) Interpret, upon request, the provision of this chapter in a way as to carry out the intent and purpose of the ordinance;
- (b) Determine the precise location of the boundary lines between zoning districts;
- (c) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; and
- (d) Determine the off-street parking and loading space requirements of any use not specifically mentioned in § 155.082.

(3) *Water and sewer.* May not alter or give variance for potable water and sanitary sewer requirements.

(4) *Variance.* The Zoning Board of Appeals shall have the power to authorize, upon an appeal, dimensional (non-use) variances allowed by law; provided, the conditions listed herein can be satisfied:

(5) *Dimensional variance.* A dimensional variance may be granted only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

(a) The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicants personal or economic difficulty;

(b) The need for the requested variance is not the result of actions of the property owners or previous property owners (self-created);

(c) Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome;

(d) The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district; and

(e) The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of property in the neighborhood or zoning district.

(F) *Rules.* The following rules shall be applied in the granting of variances.

(1) The Zoning Board of Appeals may specify, in writing, conditions regarding the character, location, length of time and other features that will in its judgment, secure the objectives and purposes of this chapter. The breach of any condition shall automatically invalidate the variance granted.

(2) Each variance granted under the provisions of this chapter shall become null and void unless:

(a) The construction authorized by the variance or permit has been commenced within six months after the granting of the variance; or

(b) The occupancy of land, premises or buildings authorized by the variance has taken place within one year after the granting of the variance.

(3) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

(G) *Temporary variances.* The Zoning Board of Appeals may grant temporary variances for temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes. Temporary variances are limited to six months or less with no extensions. Temporary variances are subject to the following procedures and limitations.

(1) An application for a variance for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Zoning Board of Appeals.

(2) Notices shall be given in accordance with § 155.385.

(3) A temporary variance shall not be granted unless the Zoning Board of Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the County Health Department.

(4) The Zoning Board of Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any condition shall automatically invalidate the permit.

(5) Unique and temporary conditions shall exist which justify the need for a manufactured home on a given lot or parcel such as a dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the property in question.

(6) The variance issued shall clearly set forth the conditions under which the variance is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed 12 months. No temporary variance shall be transferable to any other owner or occupant. The variance may be renewed in the case of manufactured homes if the conditions of divisions (G)(1) through (G)(5) above can be met again.

(H) *Bond for compliance.*

(I) *Bond authorized.* In authorizing any variance, or in granting any conditional, or special approval permits, the Zoning Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of variance.

(J) *Zoning Board of Appeals decisions.* The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 09-02, passed 10-20-2009)

#### **§ 155.389 CONFLICTS WITH OTHER LAWS.**

(A) Whenever any provision of this chapter imposes requirements for lower heights of buildings, or a less percentage of lots that may be occupied or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of law or other ordinances of the township, the provisions of this chapter shall govern.

(B) Whenever provisions of any other ordinance or regulation of the township imposes requirements for lower height of buildings or less percentage of lots that may be occupied, or requires wider or larger courts or deeper yards than are required by this chapter, the provisions of the other ordinance or regulation shall govern.

(C) It is the legislative intent that this chapter be liberally construed and should any provision or section of this chapter be held unconstitutional or invalid the ruling shall not be construed as affecting the validity of remaining portions of the ordinance, it being the intent that this chapter shall stand notwithstanding the invalidity of any provision or section therein.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.390 REPEAL.**

The existing zoning regulations of the township, as amended, are hereby repealed. The adoption of this chapter, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior ordinance, as amended, if the use, so in violation, is in violation of the provisions of this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.391 EFFECTIVE DATE.**

This chapter shall take effect 11-2-2006.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **CONSERVATION DEVELOPMENT**

#### **§ 155.405 PURPOSE AND INTENT.**

The purpose, and intent of this subchapter is to preserve the township's rural landscape, natural resource areas, farmland and other large areas of open land while permitting residential development, located and so designed to reduce the perceived intensity of development. Specific objectives are as follows:

(A) To maintain and protect the township's rural character by preserving important landscape elements;

(B) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard regulations in order to minimize the disturbance of rural landscape elements and overall aesthetic value of the landscape;

(C) To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, drainage requirements and the amount of paving required for residential development where possible;

(D) To create groups of dwellings with direct visual and physical access to common open space;

(E) To permit active and passive recreational use of common open space by residents of the development or by the public;

(F) To reduce erosion and sedimentation by retaining existing vegetation where possible;

(G) To allow for the continuation of agricultural uses in those areas best suited for the activities and when the activities are compatible with adjoining residential uses;

(H) To permit various means for owning common open space and for protecting it from development in perpetuity; and

(I) To maintain and protect the township's rural character by preserving important landscape elements.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.406 APPLICABILITY.**

(A) Each parcel to be developed under the provisions of this section shall contain a minimum of ten acres.

(B) Property proposed as part of this open space development shall be zoned CG-1, A-1, R-1A, R-1, R-2 and R-3 or any combination

thereof.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.407 PRINCIPAL PERMITTED USES.**

(A) Single-family residential uses as follows:

- (1) Clustered single-family detached dwellings, with at least 35% of the gross development parcel in common open space; and
- (2) Single-family farmstead dwellings with or without associated agricultural structures such as barns, silos, storage sheds and stables.

(B) Two-family and multiple-family uses, only if permitted within the underlying zoning district, as follows: clustered single-family, two-family and multiple-family detached or attached dwellings, with at least 35% of the gross development parcel in common open space.

(C) Agricultural activities, including:

- (1) The cultivation, harvesting and sale of crops and related products produced on the farm;
- (2) Orchards, nurseries, greenhouses and related horticultural uses;
- (3) Growing and sale of Christmas trees; and
- (4) Existing agricultural structures such as barns, silos, storage sheds and stables.

(D) Open space uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas and similar uses;

(E) Conservation of natural features in their existing state; and

(F) Approved storm water management facilities for the proposed development, including detention and retention basins.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.408 ACCESSORY USES.**

(A) Attached and detached private garages and storage structures in accordance herewith.

(B) Home occupations which are clearly incidental to the principal residential use, as defined in § 155.005.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.409 CONDITIONAL USES.**

The following uses may be permitted by the Planning Commission; provided, the proposed use shall not adversely impact the rural character of the district and shall be consistent with the purpose and intent of this chapter. Recreation uses requiring the installation of new building or other structures in the common open space of a cluster development. The total building coverage of the new buildings or structures shall not exceed 5,000 square feet.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.410 PROHIBITED USES.**

The cutting of healthy trees greater than four inches in diameter when measured five feet above grade, re-grading, topsoil removal, within common open space areas, except as originally identified within the approved plan.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.411 APPROVAL PROCESS.**

Prior to submitting a formal application for a site plan review for a residential project developed in conjunction with this chapter, the applicant must meet for an initial consultation with the Township Zoning Administrator and/or designee to discuss the site and the proposed number of dwelling units. Further, the applicant is strongly encouraged to consult with the township throughout the development of the site so as to reduce the potential for large changes later in the plan. All open space developments are required to submit the following information, in addition to all the requirements of § 155.331(B).

(A) Inventory and site analysis. To assist the Planning Commission with determining whether the applicant has met the intent and purpose of this chapter, the initial application for any development shall include an inventory and site analysis of the parcel. This inventory and site analysis shall include: an inventory of all significant natural features on site, identified on a site plan. These significant natural features should include: trees greater than eight inches in diameter when measured five feet above grade;

(B) Wetland areas;

(C) Areas of wildlife habitat;

(D) Other areas as determined by the township; and

(E) A narrative review of the site, detailing the following specific items:

(1) A review of the site as in existence now including:

- (a) Any water bodies;
- (b) Any significant geologic or water features;
- (c) Any significant woodlots or natural habitat;
- (d) Surrounding land uses; and
- (e) Existing road system surrounding the proposed development.

(2) A detailed rationale explaining how the proposed project meets the intent and purpose of this chapter, including:

- (a) Efforts made to retain existing vegetation;
- (b) How the site was designed so as to minimize infrastructure and pavement; and
- (c) Detailed information and explanation of the property to remain in open space and a plan for its management and on going maintenance.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.412 DENSITY AND DIMENSIONAL STANDARDS.**

(A) *General.* The following density and dimensional standards shall apply to residential open space development:

	<i>Lots or Parcels Served by Private Onsite Waste Treatment Systems</i>	<i>Lots or Parcels Served by Centralized Sewage Facilities</i>
	<i>Lots or Parcels Served by Private Onsite Waste Treatment Systems</i>	<i>Lots or Parcels Served by Centralized Sewage Facilities</i>
Accessory building setback	10 feet from all lot lines	10 feet from all lot lines
Maximum height	35 feet	35 feet
Minimum front yard	30 feet	30 feet
Minimum lot area	20,000 square feet*	15,000 square feet
Minimum lot width	100 feet	100 feet
Minimum rear yard	30 feet	30 feet
Minimum side yard	20 feet, 8 feet minimum	20 feet, 8 meet minimum
<b>NOTES TO TABLE:</b>		
* Minimum lot size dependent on receiving a permit for on-site septic treatment from the Saginaw County Department of Public Health. Minimum lot area of 40,000 square feet given as a guide.		

(B) *Separation distances for open space development.*

(1) The outer boundaries of all open space developments shall conform to the following separation distances:

- (a) From existing or proposed primary roads: 50 feet;
- (b) From all perimeter subdivision boundaries: 75 feet;
- (c) From cropland or pasture land: 100 feet;
- (d) From buildings or barnyards housing livestock: 300 feet;
- (e) From other open space developments: 100 feet;
- (f) From wetlands, flood plains or water courses: 50 feet; and
- (g) From active recreation areas, such as parks or play fields: 100 feet.

(2) All separation areas for open space developments along existing streets shall be landscaped in order to block views of new residential development, preserve scenic views and protect rural landscape character.

(C) *Calculation of site capacity.*

(1) For open space development, the calculation of site capacity or the number of dwelling units permitted on a site shall be based on net buildable acreage. The applicant shall determine the net buildable acreage (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:



<i>Gross Acreage of Site</i>	<i>Acres</i>
<i>Gross Acreage of Site</i>	<i>Acres</i>
From the gross acreage, subtract:	
All lands located within existing street rights-of-way	acres
All lands located within existing utility and railway rights-of-way	acres
All lands located within a flood plain	acres
All lands located within a pond or lake	acres
50% of lands having a slope between 12% and 20%	acres
25% of the area located within a woodland:	acres
The result is the net buildable area:	acres

(a) The elevation of the 100-year flood plain determined through flood plain studies shall be used where available. Where flood stage data are not available, the regulatory flood elevation shall be determined by a registered professional engineer.

(b) Where two or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification.

(2) To determine the number of units permitted on a given site, the net buildable acreage shall be divided by the minimum lot size within the existing zoning district and then adding 10% to that number and rounding to the nearest whole number, excepting that each lot must be a minimum of 15,000 square feet.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.413 DESIGN STANDARDS FOR OPEN SPACE DEVELOPMENT.**

(A) All lots shall take access from interior streets.

(B) All lots shall abut common open space in the front or in the rear.

(C) In locating dwelling units, disturbance to woodlands and individual mature trees should be minimized. No more than 20% of the wooded area shall be cleared for construction.

(D) All lots must meet the required separation distances as specified in § 155.412(B).

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**§ 155.414 DESIGN STANDARDS FOR COMMON OPEN SPACE.**

On all parcels developed under the open space development regulations, a minimum of 35% of the gross land area shall be set aside as protected common open space. This open space shall meet the following standards.

(A) For the purposes of this section, **GROSS LAND AREA** includes all lands within the parcel except existing street, railway and utility rights-of-way.

(B) Common open space shall comply with the following design standards.

(1) All open spaces shall be part of a larger continuous and integrated open space system within the parcel being developed. For the purposes of this section, areas shall be considered continuous if they are within 100 feet of each other.

(2) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character.

(3) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommend by natural resource professionals. Modifications may include:

- (a) Woodland management;
- (b) Reforestation;
- (c) Meadow management; and
- (d) Wetlands management.

(4) No area of common open space shall be less than 30 feet in its smallest dimension or less than 10,000 square feet in area. Open space not meeting this standard shall not be counted toward the total required 50% common open space.

(5) The boundaries of common open space shall be marked by natural features wherever possible, such as edges of woodlands or individual large trees.

(6) Trails in common open space that are located within 50 feet of homes shall be identified by plantings or other landscape

features.

(7) Under no circumstance shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units and any other common facilities.

(8) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the requires setback or buffer.

(C) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to all common open space areas that are not used for agricultural purposes, in accordance with the following.

(1) Access points shall be provided that are equal to or greater than the minimum width of the lots in the development. This width may be reduced to 50 feet if the applicant can demonstrate that meeting the lot width requirement would run counter to the objectives of this section.

(2) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.

(D) The following areas shall not be included in the calculation of common open space:

- (1) Private lot areas;
- (2) Street and highway rights-of-way, public or private;
- (3) Railway and utility rights-of-way;
- (4) Parking areas; and
- (5) Areas not meeting the requirements of division (B)(4) above.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.415 LANDSCAPING.**

(A) The preservation of existing vegetation shall always be preferred to the installation of new plant material.

(B) Existing woodlands and significant mature trees shall be retained to the maximum extent possible. Where possible, existing woodlands shall be incorporated into the site boundaries.

(C) Street trees shall be planted along internal streets. Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.

(D) In the case of an open site, with very little existing vegetation, a proposed landscape plan for the open space area shall be submitted and approved by the township's landscape architect.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.416 OWNERSHIP AND MAINTENANCE OF COMMON FACILITIES AND OPEN SPACE.**

To ensure adequate planning for ownership, operation and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas, private streets and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply.

(A) *Ownership.* The following methods may be used, either alone or in combination, to own common facilities. Common facilities shall not be transferred to another entity, except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities. Ownership methods shall conform to one or more of the following:

- (1) Homeowner's association;
- (2) Condominium agreements;
- (3) Dedication of conservation easements to a public agency;
- (4) Fee simple dedication to a non-profit conservation organization;
- (5) Dedication of conservation easements to a non-profit conservation organization;
- (6) Dedication of conservation easements to a recognized civic and our service organization; and
- (7) Ownership retained by the original landowner.

(B) *Maintenance and operation of common facilities.*

(1) A plan and narrative for the use, maintenance and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Township Board. A plan shall:

- (a) Define ownership;
- (b) Establish necessary regular and periodic operation and maintenance responsibilities;

(c) Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an on-going basis;

(d) Include a land stewardship plan, specifically focusing on the long term management of open space lands; and

(e) At the discretion of the Township Planning Commission, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

(2) In the event that the association established to own and maintain common areas and facilities or any successor organization thereto, fails to properly maintain all or any portion of the common areas or facilities, the township may serve written notice upon the association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. The notice shall set forth the nature of corrections required and the time within the corrections shall be made. Upon failure to comply, the association or any successor organization shall be considered in violation of this chapter, in which case the township shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the township shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

(3) Common open space lands may be leased to another person or other entity for use, operation and maintenance; provided that:

(a) The residents of the development shall, at all times, have access to the leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the land;

(b) The common open space lands to be leased shall be maintained for the purposes set forth in this section; and

(c) Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of the execution, and a copy of the recorded lease shall be filed with the township.

(4) Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement or other agreement in a form acceptable to the township and duly recorded in the office of the County Register of Deeds.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.417 SEWAGE AND WATER SUPPLY FACILITIES.**

(A) *Sewage facilities.*

(1) Sewage facilities for the open space development may consist of any system meeting the requirements of the County Department of Public Health and the State Department of Environmental Quality.

(2) If approved by the Planning Commission, sewerage facilities or portions thereof may be located within common open space.

(B) *Water supply facilities.* Water supply facilities may consist of any of the following systems; provided, they meet the requirements of the county and the Department of Environmental Quality.

(1) Private, individual wells;

(2) Private, community wells; and

(3) Public water supply system.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

### **NON-CONFORMING USES**

#### **§ 155.430 INTENT.**

It is the intent of this subchapter to permit the continuance of a lawful use of any building or land existing at the effective date of this chapter; however, as herein provided, no building, structure or use of part thereof, shall be, altered, constructed or reconstructed, except in conformity with the provisions of this chapter. It is hereby declared that the existence of non-conforming uses could be detrimental to the community and special provisions to control their existence and expansion or discontinuance are provided for this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.431 AUTHORITY TO CONTINUE.**

Except as otherwise provided in this subchapter, any non-conforming lot, use or structure lawfully existing on the effective date of this chapter or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All non-conformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conformity status as required by this chapter. The burden of establishing that any non-conformity is a legal non-conformity, as defined by this subchapter, shall, in all cases, be upon the owner of the non-conformity and not upon the township.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.432 RECONSTRUCTION AND RESTORATION.**

(A) No non-conformity shall be enlarged upon, expanded or extended (including extension of hours of operation) unless the alteration is in full compliance with all requirements of this chapter. Normal maintenance and incidental repair of a legal non-conformity shall be

permitted; provided that, this does not violate another section of this subchapter.

(B) Nothing in this subchapter shall be deemed to prevent restoring a structure to a safe condition in accordance with an order of a public official who is charged with protecting the public safety and who declares a structure to be unsafe and orders its restoration to a safe condition; provided that, the restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structure or signs.

(C) No non-conformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved, unless changes are being made to the site in conformance with other sections of this part.

(D) No use, structure or sign which is accessory to a principal non-conforming use or structure shall continue after the principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this chapter.

(E) Any lawful non-conforming use damaged by fire, explosion, an act of God or by other causes may be restored, rebuilt or repaired; provided that, the reconstruction or restoration work does not increase the gross floor area or value of the structure to more than that which is permitted in other sections of this part.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.433 IMPROVEMENT.**

Nothing in this chapter shall prohibit the enlargement, improvement, or modernization of a lawful nonconforming building to allow for facility improvement provided that such repair does not exceed 50% of the true cash value as determined by the State Equalized Value or increase the size of the primary structure by more than 30%. All improvements must be presented on a site plan developed in accordance with the data requirements of § 155.331(B) and approved by the Board of Appeals.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006; Ord. 12-001, passed 2-21-2012)

#### **§ 155.434 CHANGING USES.**

(A) The Board of Appeals may authorize a change from one non-conforming use to another non-conforming use; provided, the proposed use would be more suitable to the zoning district in which it is located than the non-conforming use which is being replaced. Whenever a non-conforming use has been changed to a more nearly conforming use or to a conforming use, the use shall not revert or be changed back to another non-conforming use unless the change shall be more nearly conforming.

(B) Any non-conforming use status may be transferred with the same rights guaranteed the new owners as those belonging to the owners of record on the effective date of this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.435 PRIOR CONSTRUCTION APPROVAL.**

Nothing in this chapter shall prohibit the completion of construction and use of a non-conforming building for which a building permit has been issued prior to the effective date of this chapter, provided that construction is commenced within 90 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the permit.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.436 NON-CONFORMING LOTS.**

(A) A non-conforming lot of record may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the County Health Department for the well or septic systems.

(B) If the proposed use is to be a single residential dwelling so that the lot is physically unable to provide the open space or yard requirements of this chapter, those yard requirements shall be waived.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

#### **§ 155.437 ELIMINATION OF NON-CONFORMING USES.**

(A) In accordance with applicable state and local legislation, the township, through its agents, may acquire properties on which non-conforming buildings or uses are located, by condemnation or other means, and may remove the uses or structures. The resultant property may be leased or sold for a conforming use or may be used by township body for a public use. The net cost for the acquisition may be assessed against a benefit district, or may be paid from other sources of revenues.

(B) Whenever a non-conforming use has been discontinued for six consecutive months, or for 18 months during any three-year period, the discontinuance shall be considered conclusive evidence of an intention to abandon legally the non-conforming use. At the end of this period of abandonment, the non-conforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this chapter.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

## WIND ENERGY

### § 155.450 PURPOSE AND INTENT.

(A) The purpose of this subchapter is to establish regulations for wind energy systems with the intention to strike an appropriate balance for the need for clean, renewable energy resources and the necessity to protect the health, safety and welfare of the general public.

(B) This subchapter shall set standards for private onsite wind energy systems designed to serve the needs of a home, small business or farm.

(C) The distribution of energy to an off-site customer is prohibited.

(Ord. 11-001, passed 1-18-2011)

### § 155.451 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BLADE GLINT.** The intermittent reflection of the sun off the surface of the blades of a wind turbine.

**COUNTY.** The County of Saginaw.

**FAA.** The Federal Aviation Administration.

**HUB HEIGHT.** When referring to a wind turbine, the distance measured from the ground level to the center of the turbine hub.

**INHABITED STRUCTURE.** A permanent building existing prior to the installation of a wind energy conversion facility, which is used for human or animal habitation.

**KILOWATT.** A unit of electricity equal to 1,000 watts.

**MET (ANEMOMETER) TOWER.** A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources for a wind site assessment for possible installation of wind energy conversion facilities or on-site wind energy systems.

**MICHIGAN TALL STRUCTURE ACT (Pub. Act 259 of 1959, being M.C.L.A. §§ 259.481 to 259.493).** Governs the height of structures in proximity to airport related uses and is included as a standard of this chapter by reference.

**NET ENERGY CONSUMPTION.** The amount of energy delivered by the utility and used by the customer, minus the amount of energy generated by the customer and delivered to the utility.

**NET METERING.** An accounting mechanism in which electric utility customers who generate a portion or all of their own electricity needs are billed by their utility for only their net energy consumption during each billing period. **NET METERING** is allowed for turbines producing less than 30 kilowatts.

**NON-PARTICIPATING PROPERTY.** Real property that has no wind energy system.

**ON-SITE SMALL WIND ENERGY SYSTEM.** A small electricity-generating system consisting of one, but not more than two, wind turbine systems sized primarily to serve the needs of the on-site consumer for a home, farm or small business, on whose property they are constructed and not intended to distribute electricity to a customer or customers, but may be inter-connected to a public utility.

**OWNER.** The person/entity that owns a wind energy system or met tower.

**ROTOR.** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**SHADOW FLICKER.** A repeating cycle of changing light intensity when shadows caused by rotating blades of a wind turbine pass over an object or across a window.

**SOUND PRESSURE LEVEL.** The level of sound produced by the rotating blades of a wind energy system; the spinning generator; and the moving gears as measured in dBA from a property line, specific location or distance.

**STRAY VOLTAGE.** Any voltage or current existing between two points, where none is expected which may be contacted by persons, animals and/or equipment.

**TOTAL HEIGHT.** Includes the height of the tower including the rotor radius measured at the top of its blade in the vertical position.

**TOWNSHIP.** The Township of Kochville.

**WIND ENERGY FACILITY SITE PERMIT.** A permit issued upon compliance with the standards of this subchapter.

**WIND ENERGY FACILITY SITE PLAN REVIEW.** The process used to review a proposed wind energy facility.

**WIND TURBINE.** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower and base and pad transformer, if any. A **WIND TURBINE**, by definition, shall include a

horizontal axis wind turbine (HAWT) and/or a vertical axis wind turbine (VAWT).

(Ord. 11-001, passed 1-18-2011)

**§ 155.452 ACCESSORY USES.**

An on-site wind energy system shall be considered an accessory use for all systems designed to serve the needs of the individual owner. On-site wind energy systems shall not be considered an expansion of a non-conforming use or structure.

(Ord. 11-001, passed 1-18-2011)

**§ 155.453 APPLICABILITY.**

A single or combination of not more than two wind turbine generators sized to serve the needs of the on-site consumer for a home, farm or small business shall be a permitted use in all districts where the parcel size is one acre or larger, and shall not be considered a special use where the wind turbine is ten kW or less of rated capacity and the wind tower is 75 feet or less in total height. The approvals may be administratively given subject to meeting the requirements of this chapter. Where a wind turbine is greater than ten kW of rated capacity and/or greater than 75 feet in total height, the wind turbine shall be considered a special use approval. A wind energy system shall not exceed a total height of over 150 feet. Where a vertical axis wind turbine (VAWT) may be used or may be mounted on a roof, not exceeding a total height of 35 feet above ground level, the Planning Commission may approve the installation where a parcel is less than one acre in size as long as the turbine meets the required setback from the property lines.

(Ord. 11-001, passed 1-18-2011)

**§ 155.454 SITE PLAN REVIEW REQUIRED.**

(A) *General.* A wind energy system shall not be located, constructed, erected, altered or used without first submitting a site plan for zoning approval and obtaining a wind energy sitting permit where the approval may be administratively given, or as may be required as a special use approval.

(B) *Siting and special use fees.*

Total heights under 75 feet and 10 kW or less of rated capacity	\$250 flat fee per tower
Total heights over 75 feet and/or over 10 kW in rated capacity	\$325, plus \$8 per foot of total height over 75 feet per tower and special use fee
Special use fee	\$500 (includes up to two on-site towers)

(Ord. 11-001, passed 1-18-2011; Res. 11-002, passed 1-18-2011)

**§ 155.455 INFORMATION TO BE SUBMITTED.**

(A) The following information, in addition to information as required and as may be applicable for site plan review under §§ 155.330 through 155.335 must be submitted as part of the site plan review for wind energy system(s) of rated capacities of more than ten kW and/or for systems over 75 feet in total height. The following, as applicable, shall also be submitted for MET towers:

- (1) Survey of the property showing property boundaries and existing features such as land contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property and vehicular access;
- (2) Plan(s) showing the proposed location and number of turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width) substations and accessory structures;
- (3) Photo exhibits visualizing the proposed wind energy system;
- (4) Stamped and signed drawings from a state licensed structural engineer providing the details of the foundation and anchoring system as recommended by the manufacturer. A description of the wind energy system(s) height and design, including cross section, elevation and diagram of the foundation and anchoring system; the Planning Commission and/or the Zoning Administrator or Building Official may require a soil analysis to determine the suitability of the proposed location;
- (5) Supporting documentation shall be submitted, where required, indicating that the applicant has received approval to install a wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Pub. Act 259 of 1959, being M.C.L.A. §§ 259.481 *et seq.*), the Michigan Airport Zoning Act (Pub. Act 23 of 1950, being M.C.L.A. §§ 259.431 *et seq.*), and state and local building codes. The FAA will issue a signed statement when the precise location(s) has been determined. Building permits will not be issued prior to receiving all signed statements, but a special use permit may be granted. Where a wind energy system does not require state or federal approval, construction permits may be issued; and
- (6) A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit.

(B) Information required as part of an administrative site plan review for a wind energy system with a rated capacity of ten kW or less, and 75 feet or less in total height.



- (1) A site plan at an appropriate scale showing the proposed location of the wind energy system, and any structures;
- (2) Standard drawings of the wind turbine structure including the tower, base, footings, cross-section and connection and certification of the tower and turbine showing compliance with applicable building codes and recognized standards;
- (3) Plan(s) showing the proposed location of turbine tower(s), underground wiring (including depth of underground wiring), access road, if any, and accessory structures;
- (4) Documentation from the manufacturer, including full specifications and manufacturer recommended installation procedures;
- (5) Proof of applicants public liability insurance; and
- (6) Any other documentation to the satisfaction of the Zoning Administrator to ensure the health, safety and welfare of the residents of the township.

(Ord. 11-001, passed 1-18-2011)

#### **§ 155.456 WIND TURBINE/TOWER HEIGHT.**

The total height of a wind turbine shall not exceed 150 feet. Due to the proximity of MBS International Airport, the applicant shall demonstrate compliance with the State Tall Structure Act (Pub. Act 259 of 1959, as amended, being M.C.L.A. §§ 259.481 *et seq.*) and FAA guidelines as part of the approval process, when required by the Act.

(Ord. 11-001, passed 1-18-2011)

#### **§ 155.457 APPLICATION STANDARDS.**

The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a wind energy facility. A site plan that differs from these standards can be approved only upon the review of the Planning Commission and approval from the Township Board that the modification is in the best interest of the township and the applicant. The things that will be considered in addition to the site plan are as follows.

(A) *Setbacks, separation and security.* The minimum setback distance between the wind turbine tower and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, meteorological towers, public roads and dwellings (other than the owner), shall be equal to no less than one and one-fifth times the sum of the tower height at its hub and the rotor radius measured at the top of its blade in the vertical position. No part of the wind energy system structure, including any guy wire anchors, may extend closer than ten feet to the owner's property lines.

(B) *Sound pressure levels.* Individual wind turbine towers shall be located so that the level of noise produced by the wind turbine operation shall not exceed 50 db(A), measured at any site from the property line; except that, the level of noise generated by a wind turbine operation may exceed 50 db(A) during short-term events such as power outages and severe wind storms. If the tower is installed in an area of already higher sound levels, the ambient sound level, plus five db(A) shall be used.

(C) *Minimum ground clearance.* The vertical distance from the ground level to the tip of a wind generator blade on a wind turbine, when the blade is at its lowest point must be at least twenty 25 feet unless otherwise approved by the Planning Commission. This section shall not apply to a vertical axis wind turbine system where the system is mounted on the roof of a structure.

(D) *Shadow flicker and blade glint.* Wind turbines shall be sited such that shadow flicker will not fall directly on a receptor. Depending on the size of the system, tower height and proximity to surrounding properties and inhabitable structures, the Zoning Administrator may request documentation describing measures that shall be taken to eliminate or mitigate any shadow flicker concerns. Rotor blades shall have a non-reflective finish to prevent blade glint.

(E) *Safety.* A wind energy system shall have braking, governing or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight feet of the ground that is readily accessible to the public. The wind energy system shall be properly grounded in accordance with the manufacturer's installation procedures to allow stray voltage to enter the surrounding ground. The system shall be checked and verified prior to placing the system in service.

(Ord. 11-001, passed 1-18-2011)

#### **§ 155.458 INSPECTIONS.**

The applicant(s) of all wind turbine systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. The owner must have received the required inspections from a state licensed inspector showing that the wind energy system complies with all applicable codes before placing it into operation. Interconnected (on-grid) systems must comply with all standards set by the State Public Service Commission.

(Ord. 11-001, passed 1-18-2011)

#### **§ 155.459 DECOMMISSIONING.**

(A) The applicant of a wind energy system shall notify the township upon the removing of a wind energy system. All electrical connections between the system and the electrical system of the home, farm or business shall be inspected by the township to ensure the connection to the utility company system has been properly removed.



(B) The applicant shall be responsible for notifying the utility company of the removal of the system.

(Ord. 11-001, passed 1-18-2011)

**§ 155.460 APPLICABLE CONSTRUCTION CODES, STANDARDS; STATE AND FEDERAL REGULATIONS.**

The following construction codes, standards and state and federal regulations are applicable to this chapter by reference and all wind energy systems sited within the township shall comply with these standards and Federal Aviation Administration requirements:

- (A) State Airport Zoning Act (Pub. Act 23 of 1950, being M.C.L.A. §§ 259.431 *et seq.*);
- (B) State Tall Structures Act (Pub. Act 259 of 1959, being M.C.L.A. §§ 259.481 *et seq.*);
- (C) State Public Service Commission standards for inter-connection;
- (D) Federal Energy Regulatory Commission standards;
- (E) State Building Code of 2006;
- (F) National Electrical Code of 2005; and
- (G) State Residential Code of 2006.

(Ord. 11-001, passed 1-18-2011)

**§ 155.999 PENALTY.**

(A) Any person or other entity who violates any of the provisions of this chapter is responsible for a municipal civil infraction, as defined by state law, and subject to a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st violation/citation	\$50	\$100
2nd violation/citation for same offense	\$250	\$400
3rd violation/citation for same offense	\$500	\$500
4th violation/citation for same offense	\$500	\$500

(B) Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. A violator of this chapter shall also be subject to additional sanctions, remedies and judicial orders as are authorized under state law. Each day a violation of this chapter continues to exist constitutes a separate violation.

(Ord. 06-14-Z, passed 10-3-2006; Ord. 06-14, passed 10-17-2006)

**CHAPTER 156: SOLAR ENERGY FACILITIES**

---

Section

- 156.01 Title
- 156.02 Purposes and objectives
- 156.03 Definitions
- 156.04 Location
- 156.05 Security
- 156.06 Supplemental regulations
- 156.07 Site plan required
- 156.08 Abandonment and decommissioning plan
- 156.09 Violation shall be a misdemeanor

**§ 156.01 TITLE.**

This chapter shall be known and shall be cited as the “Solar Energy Facilities Ordinance.”

(Ord. 17-07, passed 11-20-2017)

**§ 156.02 PURPOSES AND OBJECTIVES.**

The purposes and objectives for which this chapter is passed are as follows:

- (A) To preserve the dignity and aesthetic quality of the environment in Kochville Township.
- (B) To preserve the physical integrity of land in close proximity to residential areas.
- (C) To protect and enhance the economic viability and interests of the citizens and residents of Kochville Township.
- (D) To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFs) in Kochville Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or Federal law.

(Ord. 17-07, passed 11-20-2017)

### § 156.03 DEFINITIONS.

For the purpose of this chapter, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

**ABANDONMENT.** To give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.

**BUILDING.** Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

**DECOMMISSIONING PLAN.** A document that details the planned shut down or removal of a solar energy facility from operation or usage.

**FENCE.** A continuous barrier extending from the surface of the ground to a uniform height of not less than six feet from the ground at any given point, constructed of steel, or other material of similar nature and strength.

**IMPROVED AREA.** The area containing solar panels, electrical inverters, storage buildings and access roads.

**OPAQUE FENCE.** A continuous opaque, un-perforated barrier extending from the surface of the ground to a uniform height of not less than six feet from the ground at any given point, constructed of steel, or any substance of a similar nature and strength which will hide the solar energy facility.

**PUBLIC ROAD.** Any road or highway which is now or hereafter designated and maintained by the Saginaw County Road Commission as part of the County Road System. Setbacks for improved areas shall be measured from the road right of way.

**SOLAR ENERGY FACILITY (SEF).** An energy facility includes an area of land principally used to convert solar energy to electricity, which includes, but is not limited to, all the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. This term applies to solar photovoltaic (PV) systems used for the purpose of generating and selling energy to a public utility off site and does not apply to private commercial or residential uses where the energy is used for supplying supplemental electricity for on-site uses.

**SOLAR GLARE.** The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

(Ord. 17-07, passed 11-20-2017)

### § 156.04 LOCATION.

(A) The location of a solar energy facility is limited to the A-1 Agricultural and the R-1A Low Density Transitional Residential Districts within Kochville Township.

(B) A solar energy facility shall not be permitted on land enrolled in a Farmland Development Rights Agreement under the Michigan PA 116 program.

(C) A solar energy facility is limited to sites of a minimum of 20 acres of land.

(D) A solar energy facility must comply with the requirements of this chapter and other applicable chapters or sections of the Kochville Township Code of Ordinances.

(E) A solar energy facility shall be considered a special use in the township subject to §§ 155.306 and 155.307 of the zoning ordinance.

(F) All improved areas, including disposal areas, shall be at least 60 feet from the public road right of way and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.

(G) Improved areas shall be at least 100 feet from any residential use, or church, measured from the lot line.

(H) All access roads and storage areas shall be established on a 30' minimum easement to a public right-of-way.

(I) (1) All solar energy facilities shall have a minimum landscape buffer of 25 feet along any road or adjacent to a residential use.

The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four feet tall at time of planting and in such a manner as to provide maximum effect of the buffer, such as staggering or double rows. The buffer shall obtain a height of ten feet within three growing seasons. The trees or bushes may be trimmed but no lower than a height of ten feet.

(2) Each owner, operator or maintainer of a solar energy facility shall maintain the landscape buffer so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed ten inches in height.

(Ord. 17-07, passed 11-20-2017)

#### **§ 156.05 SECURITY.**

Solar energy facilities shall be fenced completely as defined in § 156.03 above. The perimeter fence shall be designed to restrict unauthorized access and additional security measures are encouraged.

(Ord. 17-07, passed 11-20-2017)

#### **§ 156.06 SUPPLEMENTAL REGULATIONS.**

(A) The manufacturers or installer's identification and appropriate warning signs shall be posted on or near the panels in a clearly visible manner.

(B) *PV facility systems identification.* Marking is required to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system in the event of a fire or emergency. The main service disconnect marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated. Materials used for marking shall be weather resistant. UL 969 shall be used as a standard for weather rating.

(C) On site power lines between solar panels and inverters shall be placed underground.

(D) The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

(E) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.

(F) The applicant must obtain a driveway permit from the Saginaw County Road Commission.

(G) The design and construction of the solar energy facility shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations or emit unreasonable glare and negatively impact adjacent properties.

(H) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the township.

(I) An affidavit or evidence of an agreement between the property owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

(J) Any other relevant studies, reports, certificates and approval as may be reasonably required by Kochville Township.

(K) A copy of the specifications of the proposed technology including type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation!

(L) An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator that may be contacted 24 hours and seven days a week.

(Ord. 17-07, passed 11-20-2017)

#### **§ 156.07 SITE PLAN REQUIRED.**

(A) Owners or operators of solar energy facilities established after the effective date of this ordinance shall present four copies of a site plan which conform to the standards of this ordinance, and submit the required fee, to the Kochville Township Community Development Department. The site plan shall include setbacks, panel locations, any ground mounted electrical equipment, panel sizes, and location of property lines, buildings, road right of ways, utility easements, and buffer landscaping plan.

(B) The owners shall submit a map analysis showing a radius of five nautical miles from the center of the solar energy facility (SEF) with any airport operations within the area highlighted and such map shall be submitted with the permit application.

(C) For consideration of potential impacts to low altitude airport flight paths, notification of intent to construct the SEF shall be sent to the Airport Zoning Authority having jurisdiction, at least 45 days before the scheduled Planning Commission meeting. Notification shall include location of the SEF (i.e. map, coordinates, address, parcel ID), technology (i.e. ground-mounted fixed, tracked PV, solar thermal, etc.), and the area of the system (e.g. 20 acres). A copy shall be included with the permit application and site plan including the proof of delivery of the notification and date of delivery to the Airport Zoning Authority.

(D) The owners shall submit copies of regulatory approvals from applicable state and federal agencies having jurisdiction.

(E) A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required naming

Kochville Township as additional insured. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the special use permit.

(F) The Zoning Administrator or Township Zoning Consultant shall review the site plan and submit the plan to the Planning Commission within 45 days of receipt and staff review to insure conformity with the requirements of this ordinance. After review and study of any application and related material, the Planning Commission shall hold a public hearing. Notices shall be given in accordance with § 155.385.

(G) The Planning Commission shall make recommendation to the Kochville Township Board of Trustees to approve, deny, or approve with conditions, a request for special use permit within 60 days of its submission to the Planning Commission.

(H) The Kochville Township Board may require a surety bond in an amount sufficient to cover costs of removal of the SEF in case of abandonment.

(Ord. 17-07, passed 11-20-2017)

#### **§ 156.08 ABANDONMENT AND DECOMMISSIONING PLAN.**

(A) *Abandonment.* A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every six months after 12 months of no energy production) to the Zoning Administrator or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the property to its condition prior to development of the SEF.

(1) Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within 180 days after notice by the Zoning Administrator or other township designee.

(2) If the responsible party (or parties) fails to comply, the Zoning Administrator may initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a non-hazardous pre-development condition.

(B) *Decommissioning.* A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.

(1) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)

(2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.

(3) Restoration of property to condition prior to development of the SEF.

(4) The timeframe for completion of decommissioning activities.

(5) Description of any agreement (e.g. lease) with landowner regarding decommissioning.

(6) The party currently responsible for decommissioning.

(7) Plans for updating this decommissioning plan.

(Ord. 17-07, passed 11-20-2017)

#### **§ 156.09 VIOLATION SHALL BE A MISDEMEANOR.**

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this chapter shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500. Each day the solar energy facility shall be maintained or operated in violation of this ordinance shall constitute a separate liability offense.

(Ord. 17-07, passed 11-20-2017)