

## CHAPTER 154: ZONING CODE

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## GENERAL PROVISIONS

### § 154.001 TITLE; PREAMBLE.

(A) *Title.* An ordinance enacted under Act 110, Michigan Public Acts of 2006, as amended, known as the “Michigan Zoning Enabling Act”, governing the unincorporated portions of the Township of Burtchville, St. Clair County, Michigan, to provide for the establishment of zoning districts within which the proper use of land and natural resources is encouraged and regulated, and the improper use of same is prohibited; to regulate and restrict the location and use of buildings, structures and land for agriculture, forestry, recreation, trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size of yards, courts and open spaces; to provide safety, sanitary, and other protective measures that shall be required in dwellings, buildings and structures that may be hereafter erected or altered; to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures throughout each district; to provide for administering of this chapter; to provide for conflicts in other ordinances or regulations; to provide penalties for violations; to provide for the collection of fees for permits and processing of plan approvals; to provide for petitions and hearings; to provide for appeals; to provide for changes in the regulations; to define certain terms used herein; to provide for repeals of ordinances in conflict herewith; and to provide for any other matters authorized by the above-mentioned Michigan Zoning Act.

(B) *Preamble.* In accordance with the authority and intent of 2006 PA 110 (M.C.L.A. §§ 125.3101*et seq.*), Burtchville Township desires to provide for orderly development, which is essential to the well-being of the community and which will place no undue burden upon industry, commerce, residents, food producers, natural resources, or energy conservation. The township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles for customers and employees using commercial, retail, and industrial areas; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008)

### § 154.002 CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this chapter.

- (A) The particular shall control the general.
- (B) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (E) A “building” or “structure” includes any part thereof.
- (F) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” or “occupied for”.
- (G) The word “person” includes an individual, corporation, partnership, incorporated association or any other similar entity.
- (H) Where a regulation involves two or more items, conditions, provisions or events, the lead-in sentence often makes clear that all the connected items, conditions, provisions or events equally apply. In some instances, use of the conjunction

“and” conveys the same meaning.

(1) “And” indicates that all the connected items, conditions, provisions or events shall apply.

(2) When “or” is used, it indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) When “either...or” is used, it indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(l) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. passed 6-28-2006)

## **§ 154.003 DEFINITIONS.**

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

(1) **ACCESSORY RESIDENTIAL ANIMAL HOBBY.** The keeping of hobby animal(s) is an incidental accessory use, including horses, cattle, dairy cattle, goats, sheep, swine, turkeys, chickens, ducks, ostrich and other non-traditional pets. These animals are kept in low enough numbers on sufficient land and in appropriate conditions in residential settings, so that the residential use of the subject property and occupancy of neighboring residential properties are maintained. The animals may or may not be consumed by the occupants. This use as defined herein is intended to allow the keeping of the animals while providing for the health, safety and welfare of the neighborhood as a clearly residential environment.

(2) **ACCESSORY BUILDING, ACCESSORY USE or ACCESSORY.**

(a) **ACCESSORY USE.** A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When **ACCESSORY** is used in the text, it shall have the same meaning as **ACCESSORY USE**.

(b) An **ACCESSORY USE** includes, but is not limited to, the following:

1. Domestic or agricultural storage in a shed, tool room, garage or similar accessory building or other structure;
2. Barn (livestock building);
3. Swimming pools for the use of the occupants of a residence or their guests;
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless the storage is excluded in the applicable district regulations;
5. Storage of goods used in or produced by industrial uses or related activities, unless the storage is excluded in the applicable district regulations;
6. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
7. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
8. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located; and
9. For related sections, see §§ 154.008, 154.017, 154.018, 154.023, 154.024, 154.025, 154.027, 154.028 and 154.030.

(3) **ADULT BOOKSTORE.** An establishment having as a substantial portion of its stock in trade books, magazines and other periodicals, printed or computer-generated images, videocassettes, video disks and the like which are restricted to persons over the age of 18 and which is distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” (as defined below) or “specified anatomical areas” (as defined below) or an establishment with a substantial segment or section devoted to the sale, rental or display of the material.

(4) **ADULT MOTION PICTURE THEATER.** An establishment used for presenting material restricted to persons over the age of 18 distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” (as defined below) or “specific anatomical areas” (as defined below) for observation by patrons therein.

(5) **AGRICULTURAL.** Farms and farming in general (see definition of **FARM**).

(6) **ALLEY.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

(7) **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, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

(8) **ANIMAL NUISANCE.** Any nuisance such as odor, noise, destruction, which is caused by any animal is considered to be **ANIMAL NUISANCE**.

(9) **ANIMAL PEN.** Any open or partly open structure or enclosure holding four or more dogs or two or more of any other kind of animal.

(10) **APARTMENTS.** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

(11) **APARTMENT HOUSE.** A residential structure containing three or more apartments.

(12) **ARCADES.** Any place, premises, room or establishment in which a substantial or significant portion of the business carried on involves the operation of any machine or device including, but not limited to, pinball machines, video and electronic games operated by means of insertion of a token, coin or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game of skill or amusement. The terms shall also include any place, premises, room or establishment in which three or more machines or devices including but not limited to pinball machines, video and electronic games, operated by means of insertion of token, coin or similar object or for a consideration paid to the owner or custodian thereof for the purpose of a game or contest of skill or amusement are located.

(13) **ARCHITECTURAL FEATURES.** Architectural features of a building shall include such integral features as cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

(14) **ATTIC.** The space between the ceiling beams of top habitable floor and roof. See the illustration under the definition for **BASEMENT**.

(15) **AUTOMOBILE REPAIR.** General repair, engine rebuilding, rebuilding or re-conditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust proofing.

(16) **AUTO REPAIR STATION.** A place where, along with the sale of engine fuels, the following services may be carried out: general repairs; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, the body, frame or fender straightening and repair; overall painting, and undercoating of automobiles.

(17) **AUTOMOBILE SERVICE STATION.**

(a) Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

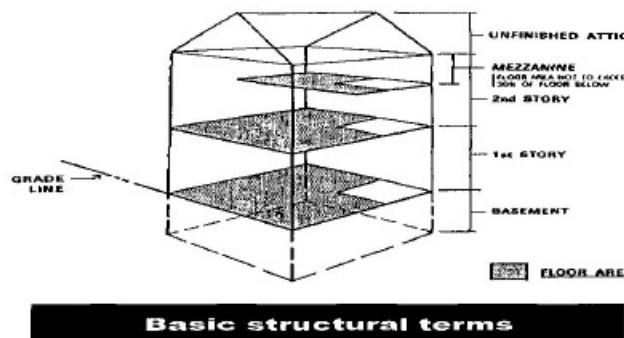
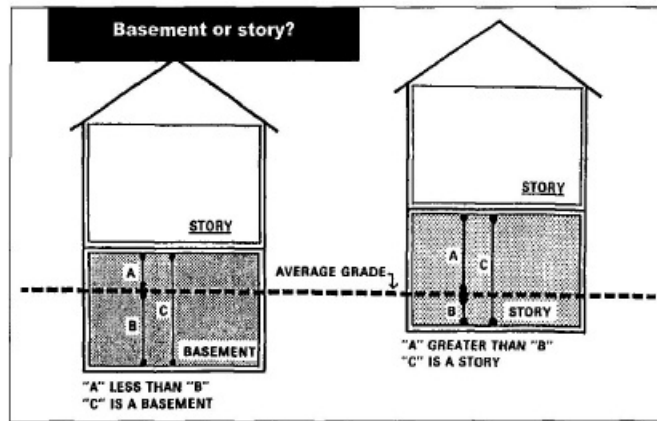
1. Sale and servicing of spark plugs, batteries and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automotive washing and polishing materials when accessory and incidental to the principal operation;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
12. Sales of hot or cold non alcoholic beverages, packaged foods, tobacco and similar convenience goods for filling station customers, as accessory and incidental to the principal operation;
13. Provision of road maps and other informational material to customers; provision of restroom facilities.

(b) Uses permissible at an **AUTOMOBILE SERVICE STATION** do not include major mechanical and body work, straightening of body parts, painting, rust proofing, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An **AUTOMOBILE SERVICE STATION** is not a repair station or garage nor a body shop.

(18) **AUTOMOBILE WASH ESTABLISHMENT.** A building, or portion thereof, the primary purpose of which is the washing of motor vehicles.

(19) **BARN (LIVESTOCK BUILDING).** Any building or buildings, which have the primary purpose of housing livestock. This would include any building, which in fact does house livestock.

(20) **BASEMENT.** The portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story.



(21) **BED AND BREAK FAST ESTABLISHMENT.** A private residence that offers sleeping accommodations to lodgers for not more than 30 consecutive days in fewer than 14 rooms for rent; is the innkeeper's residence in which the innkeeper resides while renting rooms to others.

(22) **BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest through street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

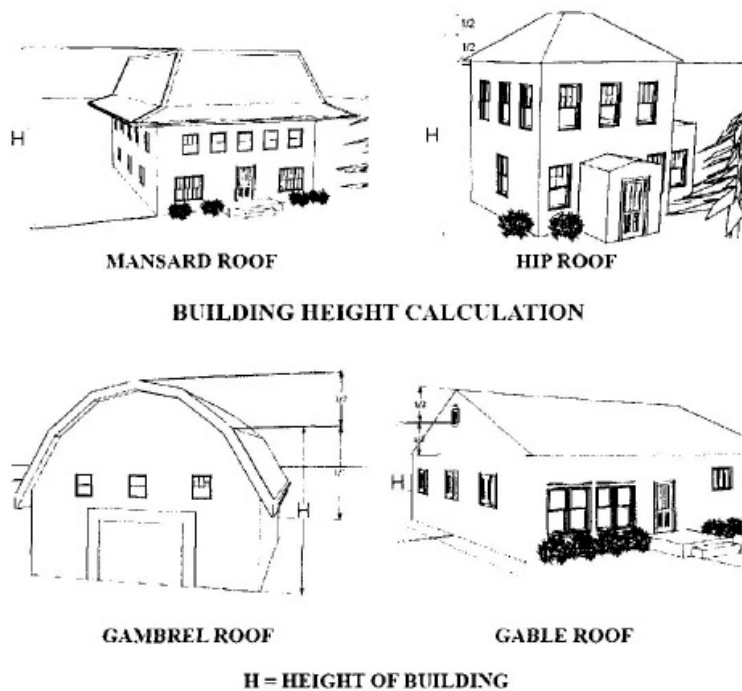
(23) **BOARD OF ZONING APPEALS.** The Zoning Board of Appeals of the Township of Burtchville.

(24) **BOARDING HOUSE.** A dwelling where meals, or lodging and meals, are provided for compensation for three or more persons by pre-arrangement for definite periods of not less than five days. A **BOARDING HOUSE** shall be distinguished from a bed and breakfast establishment, motel or hotel.

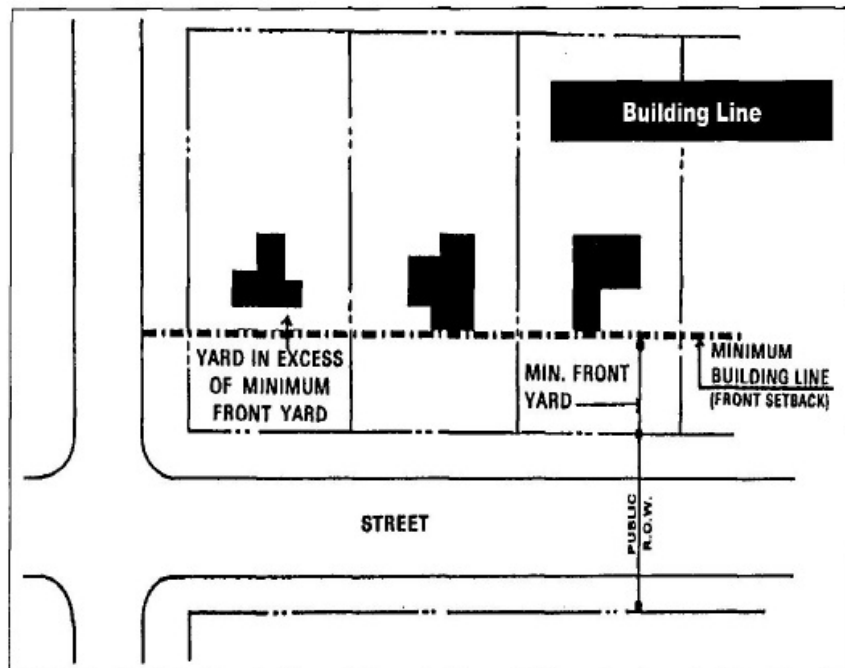
(25) **BUILDING.** A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

(26) **BUILDING AREA.** The space remaining after the minimum open space requirements of this chapter have been met.

(27) **BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the **HEIGHT** may be measured from the average ground level of the grade at the building wall.



**BUILDING LINE.** A line formed by a wall of the building, and for the purposes of this chapter, a minimum **BUILDING LINE** is the same as a setback line.



(28) **BUILDING PERMIT.** A permit issued by the Building Inspector under the terms of the State Building Code; it is not the same as a zoning compliance permit, an occupancy permit, nor a special or temporary use permit.

(29) **BUILDING PERMIT.** A permit issued by the Building Inspector under the terms of the State Building Code; it is not the same as a zoning compliance permit, an occupancy permit, nor a special or temporary use permit.

(30) **CAMPGROUND.** Any parcel of land wherein sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary living quarters for the occupation of five or more tents, travel trailers, truck campers or other similar recreational units.

(31) **CELLAR.** See the definition of **BASEMENT**.

(32) **CHILDCARE CENTER (DAY CARE CENTER).** A facility other than a private residence that receives one or more preschool or school-age children for care for periods of less than 24 hours a day, and where parents or guardians are not immediately available to the child. **CHILDCARE CENTER** or **DAY CARE CENTER** includes a facility that provides care for



not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. **CHILDCARE CENTERS** are licensed by the state under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128, as amended. **CHILDCARE CENTER** or **DAY CARE CENTER** does not include:

(a) A Sunday school, a vacation bible school or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during any 12-month period; or

(b) A facility operated by a religious organization where children are cared for not more than three hours while parents or guardians attend religious worship services.

(33) **(CHILD) FAMILY DAY CARE HOME (LICENSED)**. A private home (dwelling) in which one but fewer than seven children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. **FAMILY DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. **FAMILY DAY CARE HOMES** are licensed by the state under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128, as amended.

(34) **CLINIC**. An establishment where physicians, dentists or similar professionals examine or treat human patients who are not lodged overnight.

(35) **CLUB**. An organization of persons for special purposes for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

(36) **COMMON ELEMENTS**. The portions of the condominium other than the condominium units.

(37) **COMMUNICATION TOWER**. A monopole-type structure with antennae or other devices used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signal. A **COMMUNICATION TOWER** shall not be included under the existing definition of essential services.

(38) **CONDOMINIUM ACT**. Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended.

(39) **CONDOMINIUM SUBDIVISION**. Equivalent to the term **SUBDIVISION** as used in this zoning ordinance and the township subdivision control ordinance. If no township subdivision control ordinance is in effect, the term shall be equivalent to the term **SUBDIVISION** as used in the Subdivision Control Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended).

(40) **CONDOMINIUM SUBDIVISION PLAN**. The site, survey and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The **CONDOMINIUM SUBDIVISION PLAN** shall show the size, location, area and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The **CONDOMINIUM SUBDIVISION PLAN** shall include the nature, location and approximate size of common elements.

(41) **CONDOMINIUM UNIT**. The portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

(42) **CONTRACTIBLE CONDOMINIUM**. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act, being M.C.L.A. §§ 559.101 *et seq.*

(43) **CONVALESCENT HOME, HOME FOR THE AGED or NURSING HOME**. A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the state, but not including housing for the elderly where the persons live independently in individual apartment units.

(44) **CONVERTIBLE AREA**. A unit or a 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, being M.C.L.A. §§ 559.101 *et seq.*

(45) **COURT**. An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two sides of a building. A **COURT** having at least one side thereof opening onto a public or private street, alley or yard or other permanent open space is an **OUTER COURT**. Any other court is an **ENCLOSED** or an **INNER COURT**.

(46) **DENSITY**. The term refers to the number of families residing on, or dwelling units developed on, an acre of land.

(47) **DEVELOPMENT**. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot or the use of open land for a new use.

(48) **DISTRICT**. A portion of the unincorporated area of the municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this chapter.

(49) **DRIVE-IN**. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

(50) **DRIVEWAY.** A driveway which provides access to a parcel or premises having the required frontage on a public or private road which is built to generally accepted construction practices sufficient to provide passage for emergency vehicles and fire trucks. This passageway being of definite width, primarily for use by motor vehicles, over private property, loading from a street, other public way or private road to a garage or parking area. A horseshoe-shaped drive or a "T"-shaped drive located within a front yard is included within this definition.

(51) **DWELLING UNIT.** A building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

(52) **DWELLING, MULTIPLE-FAMILY.** A building or portion thereof, containing three or more dwelling units designed exclusively for occupancy by three or more families, living independently of each other and conforming in all other respects to the standards set forth in the definition of **DWELLING, SINGLE-FAMILY**, below.

(53) **DWELLING, SINGLE-FAMILY.** A building containing not more than one dwelling unit designed exclusively for and occupied exclusively by one family, complying with the following standards.

(a) It complies with the minimum square footage requirement: 840 square feet.

(b) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the State Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where the standards or regulations for construction are different than those imposed by the State Building Code, then and in that event the federal or state standard or regulation shall apply.

(c) It is firmly attached to a permanent foundation constructed on the site in accordance with the State Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of a materials and type as required in the State Building Code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, the dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission and shall have a perimeter wall as required above.

(d) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(e) The dwelling is connected to a public sewer and water supply or to the private facilities approved by the County Health Department.

(f) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(g) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with a minimum roof pitch of four-twelfths and with either a roof overhang of not less than six inches to eave ends on any eave side, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being on a side different from the first door and the second one being in either the rear or side of the dwelling; and contains steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.

1. 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 dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of the Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of **DWELLING** as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where 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 so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township.

2. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

(h) The dwelling contains 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.

(i) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, or electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the *Mobile Home Construction and Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time the standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(j) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law.

(k) All construction required herein shall be commenced only after a building permit has been obtained in accordance

with the applicable State Building Code provisions and requirements.

(54) **DWELLING, TWO-FAMILY.** A building containing not more than two separate dwelling units designed exclusively for occupancy by two families living independently of each other and conforming in all other aspects to the standards set forth in the definition directly above.

(55) **ERECTED.** Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of **ERECTION**.

(56) **ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by the utility or municipal departments for the general health, safety or welfare.

(57) **EXCAVATION.** Any breaking of ground, except common household gardening and working of ground for agricultural purposes.

(58) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act, being M.C.L.A. §§ 559.101 *et seq.*

(59) **FAMILY.**

(a) One or more persons related by blood, marriage or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit; or

(b) A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

(60) **FARM.** An establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar enterprises or uses. A **FARM** includes farm buildings such as barns, greenhouses, apiaries and other similar structures. A **FARM'S** land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his or her own labor or with the assistance of members of his or her household or hired employees. Requirements for a **FARM** by this zoning ordinance are given under §§ 154.055. Additional requirements for feedlots, chicken hatcheries, poultry farms and swineries are found under § 154.109. Additional requirements for commercial/public stables, kennels and veterinary clinics are found under § 154.115. Requirements for quarries and mining (which include the commercial removal of soil, sand, gravel, stone and other earth materials) are found under § 154.104.

(61) **FEEDLOT.**

(a) An animal feeding operation is a concentrated animal feeding operation for the purposes of § 122.23 (under 40 C.F.R. part 122, Appendix B) and for the purpose of defining a **FEEDLOT** under this zoning ordinance, if either of the following criteria is met:

<b>SCHEDULE A</b>	
<b>SCHEDULE A</b>	
More than the numbers of animals specified in any of the following categories are confined:	
(1)	1,000 slaughter and feeder cattle
(2)	700 mature dairy cattle (whether milked or dry cows)
(3)	2,500 swine each weighing over 25 kilograms (approximately 55 pounds)
(4)	500 horses
(5)	10,000 sheep or lambs
(6)	55,000 turkeys
(7)	100,000 laying hens or broilers (if the facility has continuous overflow watering)
(8)	30,000 laying hens or broilers (if the facility has a liquid manure system)
(9)	5,000 ducks
(10)	1,000 animal units (all other animal types not in schedules A and B are to be calculated as 1,000 pounds live weight equals one animal unit) as a result of any combination

(b) Notwithstanding the above schedule, the following schedule shall apply in cases where one of the following

conditions are met:

1. Pollutants are discharged into navigable waters through a human-made ditch, flushing system or other similar human-made device (the term **HUMAN-MADE DITCH OR DEVICE** means constructed by humans, and used for the purpose of transporting wastes);
2. Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across or through the facility; or
3. Pollutants otherwise come into direct contact with the animals confined in the operation.

<b>SCHEDULE B</b>	
<b>SCHEDULE B</b>	
Or, more than the following number and types of animals are confined:	
(1)	300 slaughter or feeder cattle
(2)	200 mature dairy cattle (whether milked or dry cows)
(3)	750 swine each weighing over 25 kilograms (approximately 55 pounds)
(4)	150 horses
(5)	3,000 sheep or lambs
(6)	16,500 turkeys
(7)	30,000 laying hens or broilers (if the facility has continuous overflow watering)
(8)	9,000 laying hens or broilers (if the facility has a liquid manure handling system)
(9)	1,500 ducks
(10)	300 animal units as a result of any combination

(c) Provided, however, that no animal feeding operation is a concentrated animal feeding operation (feedlot) as defined above under schedule B if the animal feeding operation discharges only in the event of a 25-year, 24-hour storm event.

(d) The term **ANIMAL UNIT** means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by one, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by two.

(62) **FENCE**. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

(63) **FLEA MARKET**. A site where numerous small sellers congregate to offer a wide variety of new and previously owned things for sale at retail. A **FLEA MARKET** operates on an intermittent basis, such as weekends during warm weather. A **FLEA MARKET** is distinguished from a roadside stand (defined below), roadside sales and garage sales as to the number of sellers, the kinds of merchandise sold, the magnitude of traffic and customers generated, and days and hours of operation. A **FLEA MARKET** is distinguished from temporary outdoor sales (see §154.061) and open-air businesses (see definition below, §§ 154.061 and 154.126); these two uses are separately and specifically defined for the purposes of this chapter. In this chapter flea markets are a permitted use in the GB, General Business District (see § 154.061).

(64) **FLOODPLAIN**. Those areas of land adjacent to the rivers, and other watercourses of the township, subject to seasonal or periodic flooding.

(65) **FLOOR AREA**. The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, gross floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings; attic floor space (whether or not floors have been laid) providing structural headroom of seven feet six inches. Gross **FLOOR AREA** shall not include: elevator or stair bulkheads, accessory water tanks or cooling towers; uncovered steps, attic space less than seven feet six inches in height, and open porches, terraces or breezeways, provided that not more than 50% of the perimeter of the terrace, breezeway or open porch is enclosed.

(66) **FLOOR AREA, RESIDENTIAL**. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

(67) **FRONTAGES**. The portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.

(68) **FOSTER FAMILY HOME (PRIVATE HOME)**. A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child-placing agency. **PRIVATE HOME** includes a full-time foster family home, a full-time foster family group home or a family day care home, as follows.

(a) **FOSTER FAMILY HOME.** A private home (dwelling) in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code (M.C.L.A. §§ 710.21 through 710.70) are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(b) **FOSTER FAMILY GROUP HOME.** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code (M.C.L.A. §§ 710.21 through 710.70) are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(69) **GARAGE, COMMERCIAL.** Any premise used for the storage, care, repair or refinishing of motor vehicles, but not including a place where the vehicles are for hire or sale.

(70) **GARAGE, PRIVATE.** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is necessary.

(71) **GARAGE, SERVICE.** Any premises used for the storage or care of motor-driven vehicles, or where the vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

(72) **GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.

(73) **GRADE.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building **GRADE** shall be the level of the ground adjacent to the walls of the building if the finished ground is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

(74) **GREENBELT.** A long strip of land of varying width and shape which, to major degree, is left in its natural state or which is landscaped to provide a protective screening with natural vegetation. Within this area private construction is prohibited. The purpose for the **GREENBELTS** is to provide for permanent open space between two or more urban areas, to retain some of the natural beauty of the region, and/or to provide protective screening.

(75) **GROUP DAY CARE HOME.** A private home (dwelling) in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. **GROUP DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year. **GROUP DAY CARE HOMES** are licensed by the state under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128, as amended.

(76) **HEALTH AUTHORITY.** The authority and its designated agents, being full-time administrative officers of an approved township, county or district board or department of health, delegated this authority by the state.

(77) **HOBBY ANIMAL PADDOCK (RESIDENTIAL).** An open area confined within a fence and/or other physical barriers for keeping of hobby animals, which is well covered with grasses, clover and other vegetation useful for fodder, preventing erosion and runoff. The hobby animals must be kept at a low density, sufficient that at least 90% ground cover is maintained and there are no piles or concentrated areas of animal waste and there is no runoff of animal waste.

(78) **HOME OCCUPATIONS.** Any for-profit or not-for-profit accessory use customarily conducted within a residential dwelling, attached building or accessory building that meets the requirements of § 154.030.

(79) **HOSPITAL.** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the state, and is used primarily for in-patient services, and including related facilities as laboratories, out-patient departments, central service facilities and staff offices.

(80) **HOTEL.** A series of attached, semi-detached or detached rental units which provides overnight lodging, toilet and bath facilities, and which offers meals, linen and maid service to the public for compensation. A **HOTEL** shall be distinguished from a motel, boarding house or bed and breakfast establishment.

(81) **JUNK.** Any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated or are in a condition which prevents their use for the purpose for which the product was manufactured. Specifically included are motor vehicles not movable under their own power.

(82) **JUNK YARD.** An open space where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

(83) **KENNEL, COMMERCIAL.** Any lot or premise on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.

(84) **LABORATORY.** A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

(85) **LANDFILL, SANITARY.** A tract of land developed, designed and operated for the disposal of solid waste in a manner consistent with the following:

(a) Criteria established by Public Act 451 of 1994, being M.C.L.A. §§ 324.11503, as amended, and any rules or

regulations established based on this Act;

- (b) The county's adopted Solid Waste Management Plan; and
- (c) Applicable township ordinances.

(86) **LANDOWNER.** The legal or beneficial owner or owners of all the land proposed to be used or developed. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in the land, shall be deemed to be **LANDOWNER** for the purpose of this chapter.

(87) **LANDSCAPING.** The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of **LANDSCAPING**, but the structural features alone shall not meet the spirit and intent of landscaping requirements.

(88) **LIMITED COMMON ELEMENTS.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

(89) **LIVESTOCK BUILDING.** See the definition of **BARN**.

(90) **LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(91) **LOT.** A parcel of land occupied, or intended to be occupied by a main building or a group of the buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with the yards and open spaces as are required under the provisions of this chapter. A **LOT** may or may not be specifically designated as such on public records.

(92) **LOT, CORNER.** A lot where the interior angle or two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a **CORNER LOT** for the purposes of this chapter if the arc is of less than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See illustration, next page.)

(93) **LOT, INTERIOR.** Any lot other than a corner lot. (See illustration, next page.)

(94) **LOT, THROUGH.** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of the lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

(95) **LOT, ZONING.** A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A **ZONING LOT** therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

(96) **LOT AREA.** The total horizontal area within the lot lines of the lot. (See illustration, next page.)

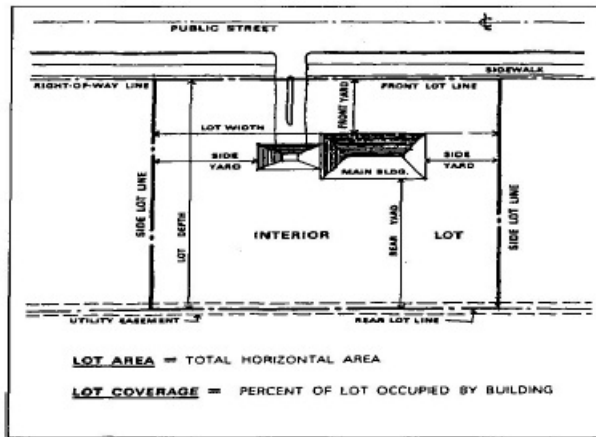
(97) **LOT COVERAGE.** The part or percent of the lot occupied by buildings, including accessory buildings.

(98) **LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

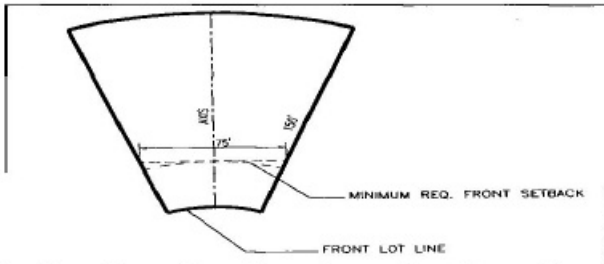
(99) **LOT LINES.** The lines bounding a lot as defined herein.

(100) **LOT OF RECORD.** A parcel of land that was lawfully created prior to the existence of any zoning districts in the township or that has been lawfully created since, the dimensions of which are shown on a document or map on file with the County Register of Deeds and which actually exists as so shown, or any part of the parcel held in a recorded ownership separate from the remainder thereof.

(101) **LOT WIDTH.** The straight line horizontal distance between the side lot lines measured at the two points where the minimum required front setback line intersects with the side lot lines. If the side lot lines are not parallel, the **WIDTH** of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines. (See illustration below.)



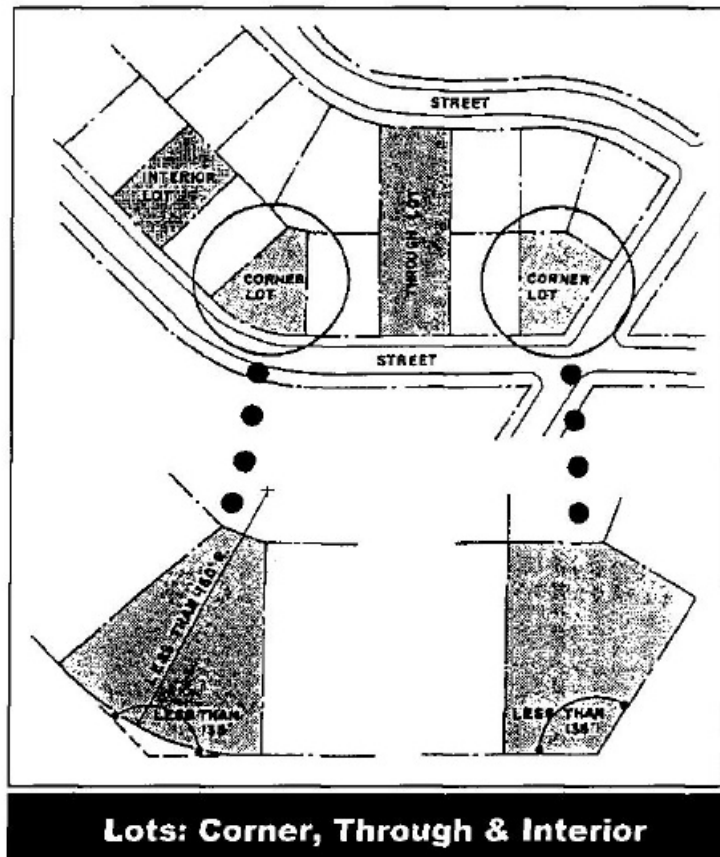
**Lots: Lines, Area & Coverage**



**Lot Width**

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

- (1) **FRONT LOT LINE.** In the case of an interior lot, is that line separating the lot from the street. In the case of a corner lot, or double frontage lot, is that line separating the lot from either street (see definition of **STREET**).
- (2) **REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- (3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. **ASIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE**



**Lots: Corner, Through & Interior**

(102) **MAIN BUILDING.** A building in which is conducted the principal use of the lot upon which it is situated.

(103) **MAJOR THOROUGHFARE.** A hard surfaced, arterial road or street which is intended to serve as a large-volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a **MAJOR THOROUGHFARE**, state highway, county primary road or equivalent term on the Township Thoroughfare Plan (as prepared by the County Road Commission) and has a planned right-of-way of at least 120 feet.

(104) **MANUFACTURED HOME.** A dwelling unit that is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.

(105) **MANUFACTURED HOME CONDOMINIUM PROJECTS.** A parcel of land under joint ownership that has been planned and improved for the placement of manufactured (sometimes called "mobile") homes for non-transient use, upon individual, separate condominium unit envelopes.

(106) **MANUFACTURED HOME LOT OR SITE.** A parcel of land for the placement of a single manufactured (sometimes called "mobile") home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous known as "park"), a condominium project or subdivision project or development.

(107) **MANUFACTURED HOME STAND.** The part of an individual lot that has been reserved for the placement of the manufactured (sometimes called "mobile") home, appurtenant structures or additions.

(108) **MANUFACTURED HOME SUBDIVISION.** A parcel of land under single ownership that has been planned and improved for the placement of manufactured (sometimes called "mobile") homes for non-transient use on individual lots and for the purpose of selling the lots.

(109) **MANUFACTURED HOUSING.** A structure, transportable in one or more sections, that is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating air conditioning and electrical systems contained within the structure.

(110) **MANUFACTURED HOUSING COMMUNITY.** A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home park. The older term **MANUFACTURED HOME PARK** may appear in portions of this chapter.

(111) **MANUFACTURED HOUSING COMMUNITY LICENSE.** A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Public Acts 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended, and this chapter and regulations issued hereunder. The older term **MOBILE HOME PARK** may appear in portions of this chapter.

(112) **MARGINAL ACCESS STREET.** A service street or roadway parallel to a major thoroughfare or arterial street and



which provides access to abutting properties and protection from through traffic.

(113) **MASSAGE PARLORS.** An establishment, unless otherwise licensed by the state, restricted to persons over the age of 18 and used for housing equipment and employing persons who give massages, body rubs or muscle-relaxing exercises to other persons, necessitating human contact between the employee and another person.

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

(115) **MASTER PLAN.**

(a) The Comprehensive Master Plan for the township, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of the plan, and any amendment to the plan or parts thereof.

(b) The **PLAN** may or may not be adopted by the Planning Commission and/or the Township Board.

(116) **MEMBERSHIP ORGANIZATIONS.**

(a) Includes community service clubs, lodges, church halls, catering or renting halls, fraternal organizations and the like.

(b) In this chapter, **MEMBERSHIP ORGANIZATIONS** are a permitted use in the General Business District.

(117) **MEZZANINE.** An intermediate floor in any story occupying not more than one-third of the floor area of the story. (See illustrations with the definition of **BASEMENT**.)

(118) **MINI-WAREHOUSE.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

(119) **MOBILE HOME.**

(a) A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

(b) **MOBILE HOME** does not include a recreational vehicle (e.g., a vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, or a vehicle having its own motor power, or a vehicle moved on or drawn by another vehicle). Also referred to as a **MANUFACTURED HOME** in this chapter.

(120) **MOBILE HOME COMMUNITY.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. The older term **MOBILE HOME PARK** may also be used in portions of this chapter.

(121) **MOBILE HOME DEVELOPMENT.** A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for non-transient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.

(122) **MODULAR HOME.** A dwelling built to meet the State Building Code that consists of prefabricated sections transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot or parcel.

(123) **MOTEL OR MOTOR COURT.**

(a) A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle as a facility for temporary residence.

(b) A **MOTEL OR MOTOR COURT** shall be distinguished from a boarding house, bed and breakfast establishment or hotel.

(124) **MOTOR HOME.** A self-propelled, licensed vehicle on a chassis, intended for recreation activities and temporary occupancy.

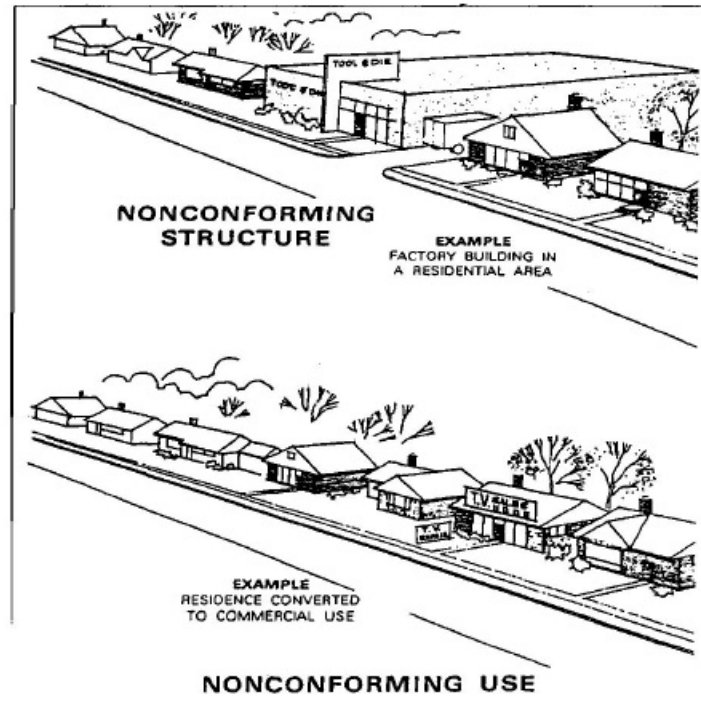
(125) **MUNICIPALITY.** The Township of Burtchville.

(126) **NOISE.** Sound vibrations that annoy, injure or endanger the comfort, repose, health or safety of another person(s), unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person(s).

(127) **NONCONFORMING LOT.** A lot that exists as a legal lot of record and that existed as a legal lot of record at the effective date of adoption or amendment of this chapter and that does not conform to the lot requirements of this chapter.

(128) **NONCONFORMING STRUCTURE.** A lawful structure that existed at the effective date of adoption or amendment of this chapter and that could not be built under the terms of this chapter by means of restrictions on area, lot coverage,

height, yards or other dimensional requirements.



(129) **NONCONFORMING USE.** A use that lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

(130) **NUDE MODELING STUDIO.** An establishment restricted to persons over the age 18 used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph, videotape, draw, sketch or the like.

(131) **NUISANCE FACTORS.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of non-abutting street frontage.

(132) **NURSERY, PLANT MATERIALS.** A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of **NURSERY** within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(133) **OFF-STREET PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of vehicles.

(134) **OPEN AIR BUSINESS USES.** Open air business uses shall be interpreted to include the following uses:

(a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, and home improvement equipment such as lawn mowers, fertilizer spreaders, lawn rollers and the like;

(b) Retail sale of fruits and vegetables;

(c) Rental or sale of bicycles, recreational vehicles, mobile homes, trailers, motor vehicles, boats or small hand equipment; and

(d) Outdoor display and sale of garages, swimming pools and similar uses.

(135) **OPEN FRONT STORE.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter it. The term **OPEN FRONT STORE** shall not include automobile repair stations or automobile service stations.

(136) **PARKING SPACE.** An area of defined length and width that is fully accessible for the parking of permitted vehicles. The area shall be exclusive of drives, aisles or entrances giving access thereto.

(137) **PERSONAL USE LANDING FIELD.** Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

(138) **PLANNING COMMISSION.** The "Burtchville Township Planning Commission".

(139) **POND.** A body of water usually smaller than a lake, artificially created by embankment or excavation.

(140) **PORCH, OPEN.** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

(141) **PRE-MANUFACTURED UNIT.** An assembly of materials or products intended to comprise all, or part of, a building or structure, and which is assembled at other than the final location of the unit by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

(142) **PREMISES FOR NUDE ENTERTAINMENT.** An establishment that is restricted to persons over the age of 18 and used for housing and exhibiting persons in the nude or "specific anatomical areas" (as defined below) of the human body.

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

(144) **PRIVATE ROAD.** A privately owned and maintained road or road easement (excluding a shared driveway) allowing access to more than one parcel or premises complying with the requirements of the private road provisions of the township, codified herein as §§ 156.01 through 156.10, and 156.99 (including a privately owned and maintained easement for ingress and egress, whether pre-existing or not).

(145) **PUBLIC USE AIRPORT.** Any location, either on land or water, which is used for the landing or take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. **AIRPORTS** may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft, the overhaul or repair of an aircraft or engines, or otherwise offering aeronautic facilities or services to the public. A **PUBLIC USE AIRPORT** shall be distinguished from personal use landing fields.

(146) **PUBLIC UTILITY.** A person, firm or corporation, municipal department, board of commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(147) **QUARRY.** Any pit, excavation or mining operation for the purpose of searching for, or removing for commercial purposes, any earth, sand, gravel, clay, stone or other mineral in excess of 200 cubic yards in any calendar year, but shall not include an oil well or excavation in preparation for construction of a building, structure or roadway.

(148) **RESTAURANT, CARRY-OUT.** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

(a) Foods, frozen desserts or beverages are usually served in edible containers or paper, plastic or other disposable containers; and

(b) The consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and the prohibition is strictly enforced by the restaurateur.

(149) **RESTAURANT, DRIVE-IN.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design, method of operation or any portion of whose business includes one or both of the following characteristics:

(a) Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means that eliminate the need for the customer to exit the motor vehicle; and/or

(b) The consumption of foods, frozen desserts or beverages within motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

(150) **RESTAURANT, FAST-FOOD.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

(a) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers; and

(b) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and the prohibition is strictly enforced by the restaurateur.

(151) **RESTAURANT, STANDARD.** Any establishment whose principal business is the sale of foods, frozen deserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

(a) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a

restaurant employee at the same table or counter at which those items are consumed; and/or

(b) A cafeteria-type operation where foods, frozen desserts or beverages generally are consumed within the restaurant building.

(152) **ROADSIDE STAND.** A temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.

(153) **ROOM.** For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least 80 square feet in area. A **ROOM** shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented having one, two or three bedroom units and including a "den," "library" or other extra room shall count the extra room as a bedroom for the purpose of computing density.

(154) **ROOMING HOUSE.** A building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

(155) **RUBBISH.** The miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

(156) **SATELLITE DISH ANTENNA.** A device incorporating a reflective surface that is solid, open mesh or bar configuration and is in the shape of a shallow dish, parabola, cone or horn. The device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas which have a dimension greater than one meter (3.3 feet) in residential districts or greater than two meters (6.6 feet) in nonresidential districts.

(157) **SAUNA** or **OPEN BATH HOUSE.** An establishment open to the public used for equipment and housing of apparatus wherein members of the public may have a steam bath or hot water bath.

(158) **SETBACK.** The distance required to obtain front, side or rear yard open space provisions of this chapter.

(159) **SHARED DRIVEWAY.** A driveway that provides access from a public or a private road to two or three parcels or premises for single-family residential use. The **SHARED DRIVEWAY(S)** must comply with the requirements of §§156.01 through 156.10, and 156.99.

(160) **SHORT TERM RENTAL.** The rental of a single-family residential home for a period of at least seven but less than 30 days.

(161) **SIGN.** See § 154.025's definitions.

(162) **SITE CONDOMINIUM.** For the purposes of this chapter, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended), and the provisions of this chapter, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a "lot" or "parcel" as those terms are used in this chapter.

(163) **SOIL REMOVAL.** The removal of any kind of soil or earth matter that includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

(164) **SPECIAL APPROVAL LAND USES.** This definition is based upon the division of the township into districts, in each of which are permitted specified uses that are mutually compatible. In addition to the permitted compatible uses, however, certain other uses may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These **USES**, due to their particular location needs or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

(165) **SPECIFIED ANATOMICAL AREAS.** Less than completely and opaquely covered human genitals, pubic region, buttocks, post-pubertal female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(166) **SPECIFIED SEXUAL ACTIVITIES.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio, cunnilingus, sodomy, bestiality or flagellation; fondling or other erotic touching of human genitals, pubic region, buttocks or post-pubertal female breast.

(167) **STABLE, COMMERCIAL.** A stable other than a private stable, where horses are boarded or are for hire or sale.

(168) **STABLE, PRIVATE.** A structure or shelter where horses that are owned by the immediate family are kept, where the horses are not boarded and are not maintained for the purpose of hire or sale.

(169) **STORY.** The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A **STORY** thus defined shall not be counted as a story when more than 50%, by cubic content, is below the height level of the adjoining ground. See illustrations under the definition for **BASEMENT**.

(170) **STORY, HALF.** An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this chapter, the **USABLE FLOOR AREA** is only that area having at least four feet clear height between floor and ceiling.

(171) **STREET.** A public thoroughfare, other than an alley, which affords the principal means of access to abutting property and which has been officially accepted as a public street or thoroughfare. Except that, in the case of a "site condominium", as defined and as regulated by this chapter, the principal means of access to abutting "units of ownership" shall be considered a **STREET**, provided it is constructed and maintained to meet the same standard for public streets within the township, as established by the County Road Commission or by the township, whichever standard shall be higher. The **STREETS** within a "site condominium" may be dedicated to the public or may be owned and maintained by the association of co-owners.

(172) **STRUCTURE.** Anything constructed, placed or erected, to include, but not limited to, all buildings, and including satellite dish antennae in excess of three feet in diameter. Excluded are fences, sidewalks, paving on streets, driveways, parking areas and patios.

(173) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

(174) **SUBDIVISION REGULATIONS.** The regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the township's Master Plan.

(175) **TEMPORARY USE OF BUILDING.** A use or building permitted by the Zoning Administrator to exist during periods of construction of the main building or use, or for special events.

(176) **TENTS.** A shelter of canvas, fiberglass, aluminum or the like, including those shelters used for temporary garages, supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for recreational purposes.

(177) **TOURIST HOME.** A dwelling in which overnight accommodations are provided or offered for transient guests.

(178) **USE.** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(179) **USE, CHANGE OF.** A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of: a discernible increase in the intensity of use, which by ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use; or an alteration by change of use in a building heretofore existing to a new use group, as defined in the State Building Code, which imposes other special provisions of law governing building construction equipment or means of ingress/egress.

(180) **USE, INCREASE IN THE INTENSITY OF.** A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

(181) **UTILITY STRUCTURE.** Facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations and switching stations.

(182) **VARIANCE.** A modification of the literal provisions of this chapter, granted when strict enforcement of this chapter would cause undue hardship, owing to circumstances unique to the individual property on which the variance is granted.

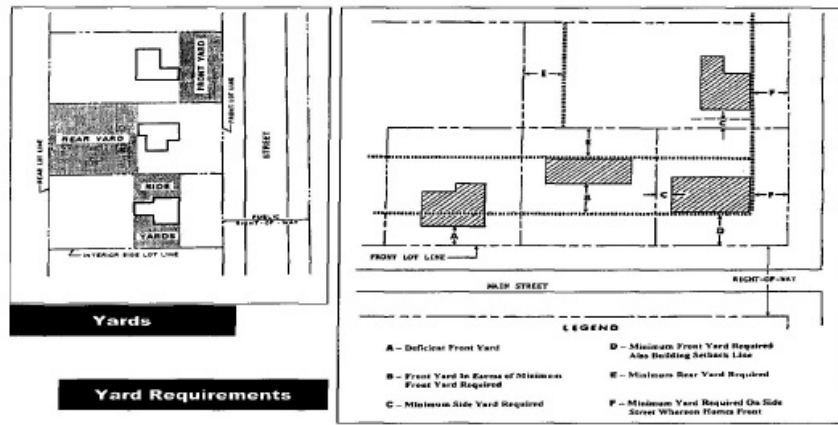
(183) **YARDS.** The unoccupied and unobstructed open spaces from the ground upward on the same lot with a main building except as otherwise provided in this chapter (§ 154.078), and as defined herein.

(a) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the wall of the building.

(b) **REAR YARD.** An open space extended the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the wall of the building. In the case of a corner lot, the **REAR YARD** may be opposite either street frontage.

(c) **SIDE YARD.** An open space between a main building shall include appliances or fixtures attached or closely associated with the main building including air conditioning units, porches, chimneys and the like, and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the wall of the building.

(d) **REQUIRED YARD.** The portion of a front, side or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line.



(184) **ZONING COMPLIANCE PERMIT.** A document signed by the Zoning Administrator, as required in this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which acknowledges that the use, structure or building complies with the provisions of this chapter, or authorized variance therefrom.

(185) **A/C UNIT AND GENERATOR LOCATIONS.** All permanently mounted A/C unit and generators are to abide by side yard setbacks, the same as the main structure.

(186) **DECK.** An unenclosed platform structure above the mean yard grade.

(187) **PATIO.** An unenclosed platform structure at mean yard grade.

(188) **ORDINARY HIGH WATER MARK.** Determined by the state or federal government as applicable and as may be amended by the state or federal government from time to time.

(Ord. passed 6-28-2006; Ord. passed 7-6-2008; Ord. passed 10-20-2008; Ord. passed 1-22-2009; Ord. passed 7-6-2010; Ord. passed 4-17-2017)

#### § 154.004 SCOPE.

(A) Any building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or be altered and maintained in conformity with the provisions of this chapter.

(B) Any new use, or change in use, of any building, structure or land, or part thereof, shall hereinafter be in conformity with the provisions of this chapter.

(C) A violation of this section shall be a misdemeanor in accordance with §154.999.

(Ord. passed 6-28-2006; Ord. passed 1-22-2009)

#### § 154.005 PERMITTED USES.

Any building that is erected, converted, enlarged, reconstructed or structurally altered, and any building or land that is used, designed or arranged, shall be done only for a purpose that is permitted in the district in which the building or land is located, except as otherwise provided herein. A violation of this section shall be a misdemeanor in accordance with § 154.999.

(Ord. passed 6-28-2006; Ord. passed 1-22-2009)

#### § 154.006 PERMITTED AREA AND PLACEMENT.

Any building that is erected, converted, enlarged, reconstructed or structurally altered shall only be done in conformity with the area and placement regulations of the district in which the building is located. A violation of this section shall be a misdemeanor in accordance with § 154.999.

(Ord. passed 6-28-2006; Ord. passed 1-22-2009)

#### § 154.007 REQUIRED STREET ACCESS.

(A) Every dwelling or principal building shall be located upon a lot having the minimum required lot width, or a lot of record, or an individual condominium "unit of ownership", with the required frontage upon a public street, approved private road or approved shared driveway. Lot width shall be measured as defined in the definition of lot width in § 154.003. The Zoning Board of Appeals, pursuant to § 154.174, may permit modification of this requirement in cases where unusual topographic or geographic conditions exist.

(B) In the A/R, Agricultural/Residential Districts and the R-1C, Single-Family Residential Districts the Zoning Administrator, with the concurrence of the Chairperson of the Zoning Board of Appeals (ZBA), may approve up to a 10%

reduction in the minimum required lot width where the reduction would facilitate reasonable and equitable division of land (creation of a parcel(s)). This may be needed, for example, in a fractional section where the county (mile) road has less than a full mile length (5,280 feet). A record of the approval of lot width reduction, including the width in feet, shall be signed by both the Zoning Administrator and Chairperson of the ZBA. This record shall be filed with the township's property records for the subject property(ies).

(C) Corner lots shall maintain not less than the minimum required front yard on all road frontages.

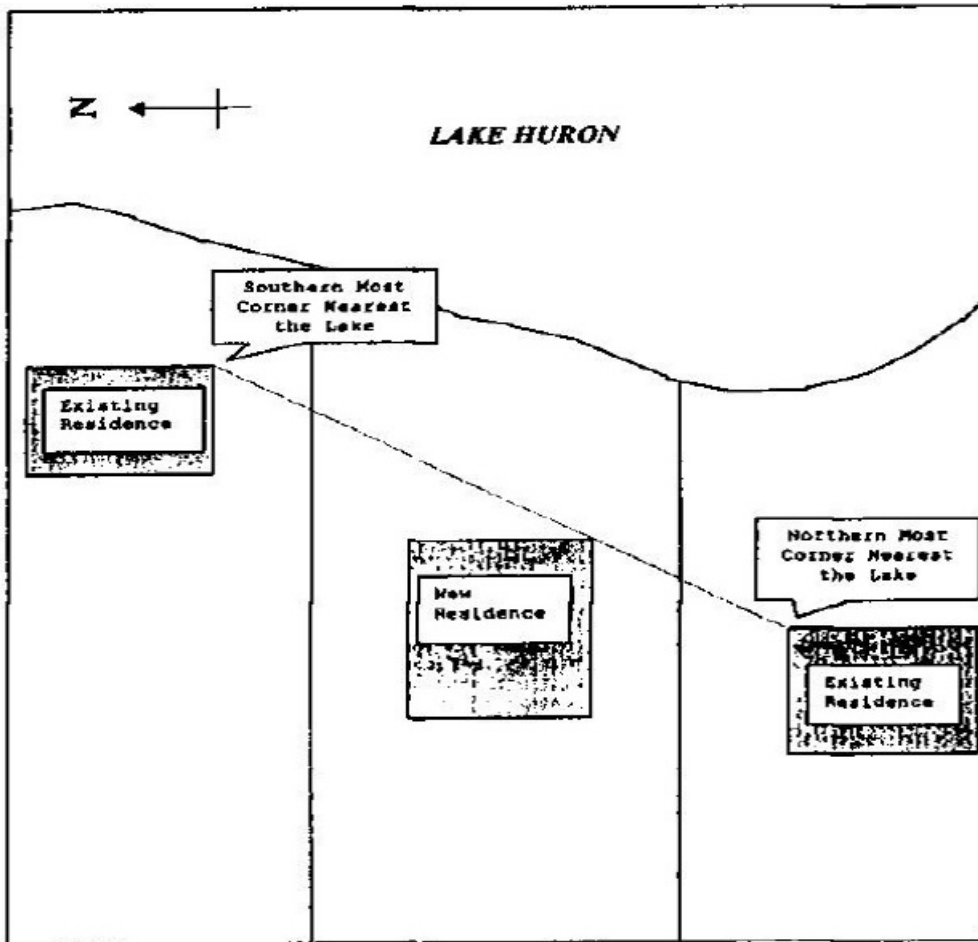
(Ord. passed 6-28-2006)

#### **§ 154.008 LOTS WITH FRONTAGE ON LAKE HURON.**

(A) For the purposes of setback measurement and the location of accessory structures, those lots or parcels with frontage on Lake Huron and abutting a street are considered to have a front yard abutting Lake Huron and a rear yard abutting the street.

(B) The building setback as it relates to the yard along Lake Huron shall conform to the setbacks established by existing structures and shall in no instance be less than the setback otherwise required in the schedule of regulations for the concerned district, as measured from the property boundary or from the ordinary high water mark established by the Army Corps of Engineers.

(1) In establishing the front yard setback based on existing structures on adjacent parcels, a straight line shall be drawn from the southernmost corner nearest the lake on the building on the north to the northernmost corner nearest to the lake on the building on the south. Any new structures shall be built behind this imaginary line (see illustration).



(2) If no principal structure exists on one or more of the parcels adjacent to the subject lot, the average front yard setback shall be equal to the average front yard setbacks of principal structures on the same block. In instances where an adjacent property has not built as close to the required setback line as permitted, the Township Zoning Administrator may utilize nearby properties in the same area to establish a setback line that is consistent with the majority of the surrounding properties of the area.

(3) This measurement method shall be used for lakefront yards instead of the method set forth in §154.063, "average yard setbacks" provisions. However, provisions of that section may be applicable to side and rear yard setbacks, which shall otherwise conform to the schedule of regulations for the concerned district.

(C) Rebuilding of principal structure:

(1) A principal structure lawfully situated closer to the lake than permissible in division (B) above may be re-built to the same footprint of the prior structure on the lot, provided that the structure was occupied within the two-year period prior to the time it was damaged or demolished and may be expanded into the rear yard by up to 20% of its footprint, provided that

the expansion complies with other provisions of this chapter. The proposed addition in the rear yard of an attached accessory use such as a garage shall not be included in calculating the 20%; and

(2) A principal structure rebuilt subsequent to damage or demolition shall comply with the setback requirements of division (B) above if the structure had not been occupied during the two years prior to the time of the damage or demolition or if the lot area is expanded, either through property acquisition, lot line adjustment or any other means.

(D) Accessory structures, patios, decks, railings and fences: the front yard (waterside yard) shall be maintained as an open unobstructed yard (no accessory buildings), except as may be permitted below:

(1) In front yard:

(a) A patio or deck adjacent to the principal structure and on the lowest level from which it is possible to walk out of the structure may be added without regard to the setback provisions of this section once the setback of the principal structure is established. However, notwithstanding exceptions permitted under division (D)(1)(b) below:

1. Any railing shall be non-obscuring in nature and of no greater height than required by the Building Code; and
2. No roof, canopy, pergola or similar shelter shall be permitted.

(b) In-ground pools and pool fences required by the Building Code are permitted and shall be non-obscuring in nature. Pool fences shall comply with the section of this chapter pertaining to pools.

(2) In rear yard: accessory buildings fronting on the street shall follow the requirements of §154.009(C).

(E) Fences that are not permitted by § 154.017 may nonetheless be permitted if by reason of below grade, contours of land or construction and use of the surrounding properties, the structure will not impair the view or line of sight of surrounding properties as so determined by the Planning Commission using the following procedure:

- (1) The applicant shall submit a plot plan conforming with §154.151. The plot plan shall include the location of all existing structures and fencing on the subject property and adjacent properties;
- (2) The applicant shall provide photographs or computer-generated illustrations of the current lakefront views from both the subject property and neighboring properties, if permitted;
- (3) The applicant shall provide photographs, drawings or other similar depiction of the proposed fence or accessory building, including its height;
- (4) The applicant shall pay a fee to the township for the purpose of providing notice to all property owners within 300 feet of the subject parcel; and
- (5) At a public hearing called for the purpose, the Planning Commission shall determine whether or not because of grade, contour or other construction or feature of the surrounding properties, the proposed fence or accessory building will have no significant impact on the line of sight from the neighboring properties.

(F) The township may, at the property owners' request, consider a lakefront single-family dwelling as a "temporary" structure if the structure is built in accordance with the State Building Code and otherwise meets the definition of "single-family dwelling", and the dwelling is built in accordance with MDEQ rules that allow it to be classified as a "temporary" and "movable" structure (for purposes of qualifying it to be built closer to the water). However, the dwelling may not be located closer to the water than is otherwise provided by this section.

(Ord. passed 6-28-2006; Ord. passed 5-18-2009; Ord. passed 7-6-2010)

#### **§ 154.009 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.**

In A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts, accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(A) *General requirements.*

(1) *Timing of construction.* No accessory structure or use shall be constructed or established on a parcel, unless a principal building or use is already established on the same parcel of land or a building permit has been issued for a principal building and rough framing of same has been completed. However, in the A/R District, accessory buildings may be constructed at any time on a farm, as defined by § 154.003, and on a non-farm parcel, a personal storage building is permitted, as defined and regulated by § 154.055.

(2) *Site plan approval.* If a site plan for review and approval is required under §154.150, the plan shall indicate the location and dimensions of accessory structures.

(3) *Conformance with lot coverage standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

(4) *Limited to lawful uses.* An accessory building shall be used solely for lawful accessory uses as defined and permitted in the district in which it is located.

(5) *Permit required.* A certificate of zoning compliance shall be required for any accessory structure that exceeds 120 square feet in size. In addition, a building permit shall be required for an accessory structure that is at least 200 square feet



in size.

(B) *Attached accessory structures.* Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings.

(C) *Detached accessory structures.*

(1) *Setbacks.*

(a) Accessory structures (including garages) that are not structurally attached shall meet the same setback and coverage requirements as set forth for the principal structure, except as otherwise specified for accessory structures.

(b) Detached accessory structures shall maintain a minimum rear yard setback of:

1. Three feet in the R-1A and R-1B Districts;
2. Twenty feet in the A/R, R-1C and R-2 Districts, with the exception noted for farming operations; or
3. Twenty-five feet in the RM District.

(c) However, in the A/R District on parcels used in farming operations as defined in §154.003, accessory farm buildings shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, with the exception that the main farm building shall not be less than 150 feet from the front property line state's "generally accepted agricultural and management practices" (GAAMPS) may require a greater setback.

(d) This requirement does not apply to the alteration or addition to an accessory farm building which existed prior to the adoption of this chapter and which is closer to the road. Also, the setbacks for an accessory building usually incidental to a dwelling, such as a garage, shall be the same as specified for residential districts.

(2) *Number.* In the R-1A, R-1B and R-2 Districts, one detached private garage and one additional accessory structure shall be permitted per lot. In the R-1C District and on lots less than three acres in the A/R District, a total of three accessory structures are permitted. In the RM and MHR Districts, the number of accessory buildings shall be established in a site plan review.

(3) *Size.* In addition to conforming to the lot coverage standards of §154.063, the combined floor area of accessory buildings in the rear yard shall not cover more than 30% of the rear yard, and the combined floor area of accessory buildings in a side yard shall not cover more than 30% of a side yard. In addition, in Districts R-1A, R-1B and R-2, the footprint of an accessory building shall not exceed the footprint of the dwelling.

(4) *Heights.* Heights for detached accessory buildings shall be calculated in accordance with the building height definition in § 154.003, subject to the following.

(a) In the R-1A, R-2, RM and MHR Districts, detached accessory structures shall not exceed the smaller of the following: the height of the principal structure, or the maximum height permitted for dwelling units in the district where the lot is located.

(b) In the A/R, R-1B and R-1C Districts, a detached accessory building shall not exceed 20 feet in height. This does not apply to accessory farm buildings and structures in the A/R District.

(5) *Permitted location.* An accessory building, except as otherwise provided herein, shall be located only in a side or rear yard. In no instance shall an accessory building be located within a public or private dedicated easement or right-of-way.

(6) *Corner lot provisions.*

(a) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard line required on the lot in rear of the corner lot.

(b) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, the building shall not project beyond the side yard line of the lot in the rear of the corner lot.

(7) *Double frontage lot provisions.* When a lot has frontage on two streets, the location of an accessory building must observe the front yard setbacks for both streets. This does not apply to accessory buildings located in a rear yard fronting on a street where there are no primary dwellings fronting on the street in the same block.

(8) *Placement in front yard, special provisions.* The Zoning Administrator may grant approval for a detached accessory structure in a front yard upon being satisfied that the following standards will be met and may request the drawings and written materials as necessary to make a determination:

(a) The accessory structure shall be set back from the side lot lines by a distance of not less than the minimum side yard setback required for the main building;

(b) The front yard setback of the accessory structure shall be equal to, or exceed, that required for the main building;

(c) The color, style and proportions of the accessory structure shall be identical to, or shall closely match, or shall

complement the front exterior of the main building as to at least two of these four categories: roof pitch and materials, finish materials and color, window style or architectural details such as overhangs, brackets or gables;

(d) The structure shall not cover more than 10% of the front yard;

(e) The height of the accessory structure shall not exceed that of the main building, except as provided below; and

(f) Notwithstanding the foregoing, in areas of the R-1A District with established dwellings and accessory structures predating the adoption of this chapter, the Zoning Administrator may allow a proposed detached accessory structure to have a size and setback equal to the average of similar structures within four adjacent addresses on both sides.

(9) *Guest quarters, home offices or similar uses.* Guest quarters, home offices or similar uses may be permitted in any residential district as part of a detached accessory structure subject to the following requirements:

(a) The guest quarters, home office or similar use shall not be utilized as a permanent dwelling unit. As part of the application for the construction of the accessory structure, the applicant shall sign an affidavit stating their intention for the proposed use. The signed affidavit shall also state that the building will not be utilized as a permanent dwelling unit;

(b) The portion of the accessory structure utilized for a guest quarters, home office or studio shall not exceed 1,000 square feet in area;

(c) A plot plan and building plan shall be submitted to the Building Official and Planning Commission, if applicable, showing the location, size, floor plan and building elevations of the proposed structure; and

(d) The square footage of the guest quarters shall not be permitted to exceed the square footage of the principal building on site.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008)

#### **§ 154.010 APPEARANCE OF INDUSTRIAL BUILDINGS.**

In any case where a building or accessory building in the Industrial District is erected or placed within 200 feet of the front lot line of any parcel of land fronting upon any public street, the front walls of the building or accessory building within the distance of 200 feet shall be constructed of stone, face brick or approved ornamental material, and no building so situated shall be constructed of tarred paper, tin, corrugated iron or any form of pressed board or felt or similar material within the limits herein specified.

(Ord. passed 6-28-2006)

#### **§ 154.011 ESTABLISHING GRADES.**

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control.

(A) No person may alter, divert or block, hinder the water flow of, or cause to be altered, diverted, blocked or hindered the water flow of, any drain, drainage course, ditch, watercourse or body of water whether natural or artificial, public or private, which causes an increase in the runoff of water onto adjacent properties, except as may be regulated and conditioned under § 154.012.

(B) Where there is existing development in the area or where the adjacent lands are subdivided, the grades of the new development or construction shall be set to conform to the grades of existing development or subdivision.

(C) All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.

(D) Except as provided by divisions (E) and (F) below, the finish grades of any site may be raised a maximum of 18 inches above the crown of an abutting public road if the increase in grade does not cause runoff onto abutting property.

(E) When a new building is constructed on a vacant parcel between two existing developed properties, the finish grades about the new development shall be set to conform to the average of the finish grades of the existing developed properties on both sides.

(F) In special cases where unusual topographic or natural features exist, or where existing soil conditions or other constraints requires the County Health Department to establish a finish grade in excess of the above requirements, it shall be the responsibility of the property owner to utilize whatever means are necessary to contain all storm water on the premises, or to direct the storm water to an outlet approved by the Zoning Administrator. The containment and/or disposal mechanisms may include, but are not limited to, the following: earth berms, containment and redirection of roof conductors through perimeter drains, retention ponds, swales, open drains, enclosed drains or artificial lift and discharge means. All costs associated with providing these required improvements are the responsibility of the landowner implementing the grade alteration. The proposed method of drainage is subject to the review and written approval of the Zoning Administrator specifying the specifics of his or her approval. The method of drainage selected shall not be less than that which is required to direct runoff away from adjacent properties, and which is necessary to protect the public health, safety and welfare of the township.

(G) Documentation required:

(1) *Single-family dwellings, two-family dwellings and farm buildings.* Owners of proposed single-family dwellings, two-family dwellings and farm buildings shall submit the documentation as the Zoning Administrator determines necessary to determine adequate compliance with divisions (A) through (F) above. The Zoning Administrator may waive provisions of this section where he or she determines them unnecessary.

(2) *All other uses.* For all uses, except single-family dwellings, two-family dwellings and farm buildings, where the grade on a site is in any way to be increased above existing grade, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a registered land surveyor or a civil engineer licensed to practice in the state, stating the existing and proposed grades and that conditions set forth in divisions (A) through (F) above are met; and

(3) *Certification.* This certification shall be accompanied by a drawing, which contains at least the following information:

(a) A property line survey showing lot shape and dimension, drawn to a scale of at least one inch equals ten feet on lots 85 feet in width or less, and one inch equals 30 feet on lots greater than 85 feet;

(b) A topographic map shall be drawn (may be superimposed on the item in division (G)(3)(a) above) at a contour interval of not greater than one foot. Elevations of abutting properties and the crown of abutting road pavement shall be shown;

(c) Proposed changes in grade shall be shown through the use of proposed contour lines; and

(d) The first-floor elevation of the proposed construction shall be shown.

(H) The provisions of this chapter are in addition to, and not in lieu of, state common law, statutes and/or administrative regulations regarding the regulation of ground water runoff. The township does not regulate or enforce those other provisions of the state, nor does it insure, guarantee or otherwise prevent the diversion of ground or surface waters or the actions of third parties regarding the waters or actions.

(I) Fees for inspection of the new grade shall be paid at the time of application for a permit. Fees shall be established by a resolution of the Township Board and shall cover the cost of the inspection.

(Ord. passed 6-28-2006)

#### **§ 154.012 DRAINAGE OF PROPERTY AND DEVELOPMENT IN FLOOD-PRONE AREAS.**

(A) Lots, parcels or condominium sites proposed to be created under the Township Land Division Ordinance (Chapter 153), the Township Subdivision Regulations Ordinance, or under the condominium provisions of this chapter shall not be certified for zoning compliance and a zoning compliance permit issued if the lot, parcel or condominium site is located within a flood-prone area as identified on the flood insurance rate map (FIRM) issued by the Federal Insurance Administration, or the lot, parcel or condominium within an area not so identified but otherwise known by the Zoning Administrator to be a flood-prone area, unless:

(1) All the proposals shall be consistent with the need to minimize flood damage within the flood-prone area;

(2) Adequate drainage is provided to reduce exposure to flood hazards; and

(3) All utilities and facilities, whether public or private, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and infiltration of flood water into the systems.

(B) When buildings or structures are to be located upon lots, parcels or condominium sites identified as flood-prone as indicated above, whether the flood-prone areas are mapped or unmapped, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

(1) Be established at an elevation to minimize or prevent flood damage and for dwelling units the lowest floor used for living purposes (including all normal and necessary mechanical equipment) shall be established at an elevation one foot above the 100-year flood elevation;

(2) Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

(3) Be constructed with materials and utility equipment resistant to flood damage; and

(4) Be constructed by methods and practices that minimize flood damage.

(C) All plans submitted, except those in connection with single-family dwellings, two-family dwellings or farm buildings, shall be prepared by a registered professional engineer.

(D) All applications for permits under this section shall be accompanied by a written description of the proposed action, the reason for the proposed action, a plan drawn to scale prepared by a registered professional engineer showing the existing and proposed drainage patterns, and payment of the required inspection fee.

(E) Prior to the issuance of a permit, the Zoning Administrator shall examine the application and plan, make a site inspection of the property involved and make a determination that the proposed action will not cause an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed action. (Also see § 154.011.) In making his or her determination, the Zoning Administrator shall refer to the county drain map for the township as prepared by the County Drain Commissioner, the USGS quadrangle maps covering the township, official flood hazard

boundary and flood insurance rate maps as prepared by the Federal Emergency Management Agency (FEMA), and other applicable sources of information regarding drainage patterns. In cases where an engineered plan would not normally be required, the Zoning Administrator may nevertheless require a plan, prepared by a registered professional engineer, to be submitted if the Zoning Administrator deems the information essential in making a determination.

(F) Upon completion of the proposed action, the Zoning Administrator shall make an additional visit to the site and make a determination that the proposed action was completed in accordance with the terms of the permit and, if satisfactory, shall issue a certificate of completion.

(G) In no case shall a zoning compliance permit or certificate of completion be issued when, in the determination of the Zoning Administrator, the proposed action is likely to cause, or the completed action causes, an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed or completed action.

(H) In cases involving official county drains, sole jurisdiction shall rest with the County Drain Commissioner.

(I) In cases involving county road ditches, sole jurisdiction shall rest with the Board of County Road Commissioners.

(J) Nothing contained herein shall be construed to prohibit or interfere with the installation or alteration of normal, proper and generally accepted agricultural drainage methods and systems when part of a bona fide farm.

(K) Fee for applications made pursuant to this section shall be paid at the time of application for a permit. The amount of the fees shall be established by the Township Board and shall cover the cost necessary to conduct and complete the reviews.

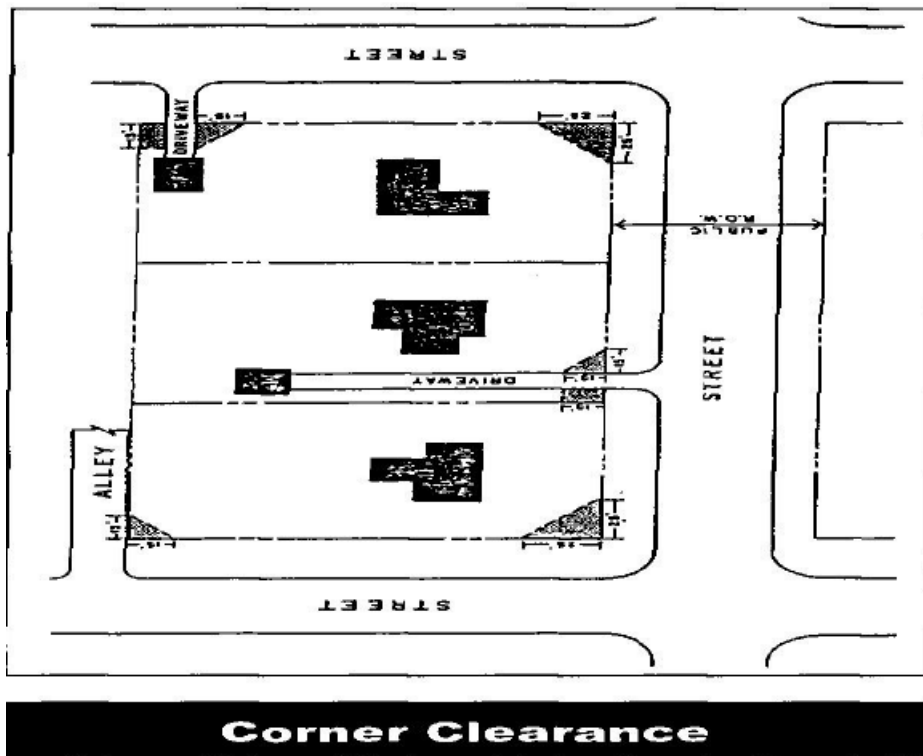
(Ord. passed 6-28-2006)

### § 154.013 CORNER CLEARANCE.

(A) So as not to obstruct the view of a driver of a vehicle approaching an intersection, no fence, structure, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line 25 feet from their point of intersection.

(B) In the case of a rounded property corner, no fence, structure, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any extended street right-of-way lines by a straight line drawn between the extended right-of-way lines at a distance along each line 25 feet from their point of intersection.

(C) In the case of a triangular area formed at the intersection of any street right-of-way line and the edge line of any alley or driveway (public or private) by a straight line drawn between the lines at a distance along each line 15 feet from their point of intersection. (See illustration below).



(D) Shade trees shall be permitted where all branches are not less than eight feet above the road level.

(Ord. passed 6-28-2006)

**§ 154.014 CORNER LOTS.**

(A) The following shall apply to the A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts. Where a side yard abuts upon a street on which other residential lots front, the side yard width shall not be less than the required front yard setback.

(B) This shall apply whether the side yard is on the same side of the street or across the street from other fronting residential lots.

(C) All buildings, structures and accessory uses shall maintain the required yard space. See §154.063(B)(1), (4), (12) and (14).

(Ord. passed 6-28-2006)

**§ 154.015 EXCAVATION OR HOLES.**

The construction, maintenance or existence within the township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued, pursuant to this chapter, where the excavations are properly protected and warning signs posted in a manner as may be approved by the Building Inspector; and, provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of the state, the county, the township or other governmental agency.

(Ord. passed 6-28-2006)

**§ 154.016 EXTERIOR LIGHTING.**

(A) All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.

(B) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots, except as noted in division (C) below.

(C) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature the building, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

(D) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

(E) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(1) There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination.

(2) In addition, there shall be no bare bulb illumination of any kind exposed to public view, except for one-family residences, seasonally appropriate and except neon light bulbs or tubing as may be approved as a sign feature.

(F) The intensity of lighting in all use districts shall be limited to the following maximum amounts:

<b>Schedule of Maximum Illumination</b>				
<i>(In foot-candles measured at the surface of the object)</i>				
<b><i>Illumination</i></b>	<b><i>Residential</i></b>	<b><i>Office and Public Buildings</i></b>	<b><i>Commercial</i></b>	<b><i>Industrial</i></b>
<b>Schedule of Maximum Illumination</b>				
<i>(In foot-candles measured at the surface of the object)</i>				
<b><i>Illumination</i></b>	<b><i>Residential</i></b>	<b><i>Office and Public Buildings</i></b>	<b><i>Commercial</i></b>	<b><i>Industrial</i></b>
General	0.5	0.5	0.5	0.5
Driveway	1.0	1.0	1.0	1.0
Parking	1.0	1.0	1.0	1.0
Walks	0.5	0.5	1.0	1.0
Protective	0.5	1.0	1.0	1.0
Building	0.5	3.0	5.0	5.0
Loading areas	N/A	1.0	1.0	1.0

(G) No light measured (at five feet above the ground) at the property line between nonresidential and any residential district or use shall be greater than one-quarter foot-candle at the side and rear property line, nor greater than one-half foot-candle or the intensity of the available street lighting at the front property line, whichever is greater.

(H) Maximum permitted height: within all developments, the height of light standards shall not exceed 20 feet for parking lots and private roadways, or 15 feet for pedestrian ways. These restrictions shall not apply in the industrial district where, except as otherwise permitted, the height of light standards shall be limited to the height limit for structures in the district.

(Ord. passed 6-28-2006)

### § 154.017 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences of any nature, type or description including walls, hedges and other protective barriers shall conform to the following regulations.

(A) *Agricultural uses in any district.* Fences for bona fide agricultural uses such as enclosure of crop and pasture land in any zoning district are permitted and may be located on road right-of-way lines of a parcel of land, provided the fences are maintained in good condition.

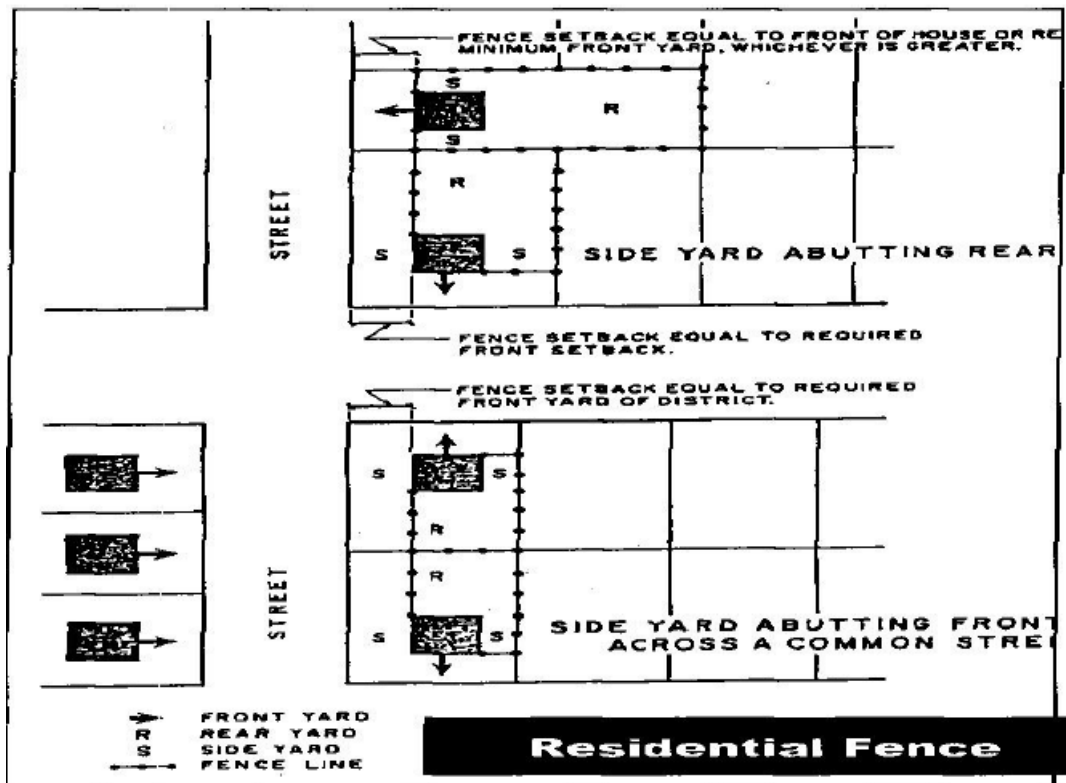
(1) Barbed wire and electric fences are permitted provided that they do not result in an unreasonable hazard to persons who might come near them.

(2) No permits shall be required for fencing for bona fide agricultural uses such as enclosure of crop and pasture land.

(B) *Single-family and two-family residential uses in any district (including Agricultural/Residential District).*

(1) Fences may be erected along the line dividing lots or parcels of land or may be located within any required side or rear yard provided they are not more than six feet or less than three feet in height above the grade of the surrounding land.

(2) Except for properties abutting Lake Huron, fences may be erected in a required or non-required front yard or within any yard adjacent to the street of the lots or parcels in question provided they are not more than 42 inches in height, unless the fence is a pool fence in which case the fence height shall be regulated by the section applicable to pools in this chapter.



(3) All fences shall be of a type, material and finish that are customary for the type of development in question and that are aesthetically compatible with development in the surrounding vicinity, as determined by the Zoning Administrator. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of the fence, or any electric current or charge in the fences is prohibited.

(4) When permitted, all exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.

(C) *Multiple-family residential, office, commercial, industrial, utility provider, institutional and public uses in any district.*

(1) All fences in connection with multiple-family residential, commercial, industrial, utility provider and public uses shall require approval by the Planning Commission as part of a site plan review. The fences shall not be located in the required

front yard, nor enclose a required parking area, unless otherwise required by the Planning Commission under § 154.018.

(2) All fences shall be of an enclosure type. All fences shall be of a type, material and finish that is customary for the type of development to be enclosed and that is aesthetically compatible in the surrounding vicinity. Fence height shall be consistent with divisions (B)(1) and (2) above, unless the Planning Commission approves a different height that meets the particular needs of the development, while remaining aesthetically consistent with the surrounding vicinity.

(3) Barbed wire cradles may be placed on top of fences enclosing:

(a) Permitted rear yard storage in the GB General Business District;

(b) Permitted rear and side yard storage in the I Industrial District; or

(c) Municipal or utility provider buildings when deemed necessary in the interests of public safety by the Planning Commission.

(D) *Recreational and miscellaneous uses.* The type and location of fencing for recreational uses such as, but not limited to, gun clubs, hunt clubs, golf courses, campgrounds, public and private parks, other similar uses and miscellaneous uses not otherwise provided for herein shall be subject to the review and approval of the Planning Commission.

(E) *Permit required.* Prior to erection of a fence permitted under divisions (B) through (D) above, a permit shall first be obtained from the Zoning Administrator. The Township Board shall establish permit fees.

(Ord. passed 6-28-2006; Ord. passed 7-6-2010)

### **§ 154.018 GREENBELTS, OBSCURING WALLS, BERMS.**

Greenbelts, obscuring walls and berms are methods of creating a buffer between more intensive land uses and less intensive residential districts. This section addresses requirements primarily for the RM, O, GB and I Districts. (Several other sections also set forth buffering, screening or landscaping requirements, including, but not limited to: §§ 154.031, 154.032 and 154.034.)

(A) Where a development in the RM, O, GB or I District shares a property line with a residential district, or when the location and configuration of an off-street parking area would permit vehicle headlights to shine on a residential district across a street other than a major thoroughfare, an obscuring masonry wall or alternative screening as provided in division (B) below, is required. The wall shall meet construction standards set forth in division (F) below. A detailed drawing of the wall shall be submitted as part of a site plan. The height of the wall (or alternative screening) shall be measured from the surface of the parking area or land on the nonresidential (or lower density residential) side of the wall. Where the required wall heights are variable (e.g., four feet, six inches to six feet), the Planning Commission shall determine the specific height necessary to provide effective screening.

(1) In the case of a proposed multiple-family development, no wall is required when adjacent property is also multiple-family or a manufactured housing community. Where a proposed multiple-family development is adjacent to A/R, R-1A, R-1B, R-1C and R-2 Districts, a four-foot-six-inch to six-foot-high wall shall be provided.

(2) In the case of an off-street parking area (except one- and two- family developments), a four-foot-six-inch-high wall shall be provided.

(3) In the O and GB Districts, a four-foot-six-inch to six-foot-high wall shall be provided.

(4) In the I District, a six-foot to eight-foot-high wall shall be provided.

(5) In the case of a proposed manufactured housing community see §154.034(J) for general screening/landscaping requirements. Community or service buildings and RV storage within a manufactured housing community shall provide a six-foot-high obscuring masonry wall when adjacent to a single-family residential district.

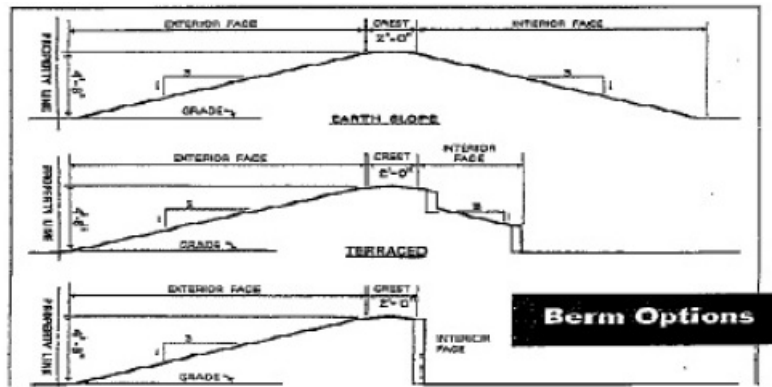
(B) In lieu of an obscuring masonry wall the Planning Commission may permit an obscuring landscaped earth berm or landscaped greenbelt at least 15 feet in width. An earth berm shall be landscaped and maintained in a clean and growing condition and shall meet the following minimum design standards regarding slope, crest, exterior and interior faces.

(1) Continuous earth berms shall be provided with undulating horizontal and vertical tops and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or masonry walls or a combination of both as long as the minimum required height of the earth berm, plantings, wall or combinations thereof are provided.

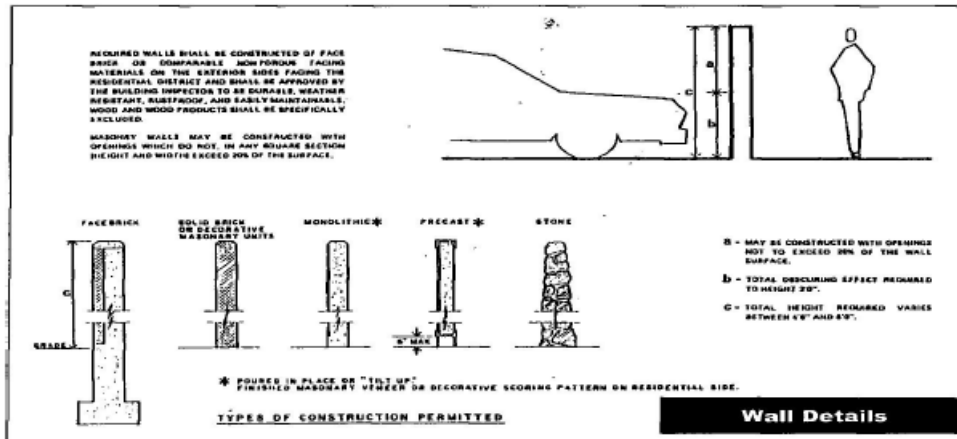
(2) Berms shall be landscaped earth mounds possessing a maximum slope ratio of three to one (e.g., three feet of horizontal plane for each one foot of vertical height). Side slopes shall be designed and planted to prevent erosion. The berms shall have a nearly flat horizontal area at their crests of at least two feet in width.

(3) Berm or earth mounds shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net which is specifically designed to control erosion. The berm area shall be kept perpetually free of weeds, refuse, debris and general clutter and shall be planted with shrubs, trees or lawn and shall be continuously maintained in a healthy growing condition. Failure to maintain the earth berm in accordance with these requirements shall constitute a violation of this chapter.

(4) If an earth berm or greenbelt is proposed in lieu of a wall, a detailed drawing of the proposed berm or greenbelt shall be submitted in addition to the site plan.



(C) Required walls, earth berm or greenbelt shall be located as near as possible to the lot lines, except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts.



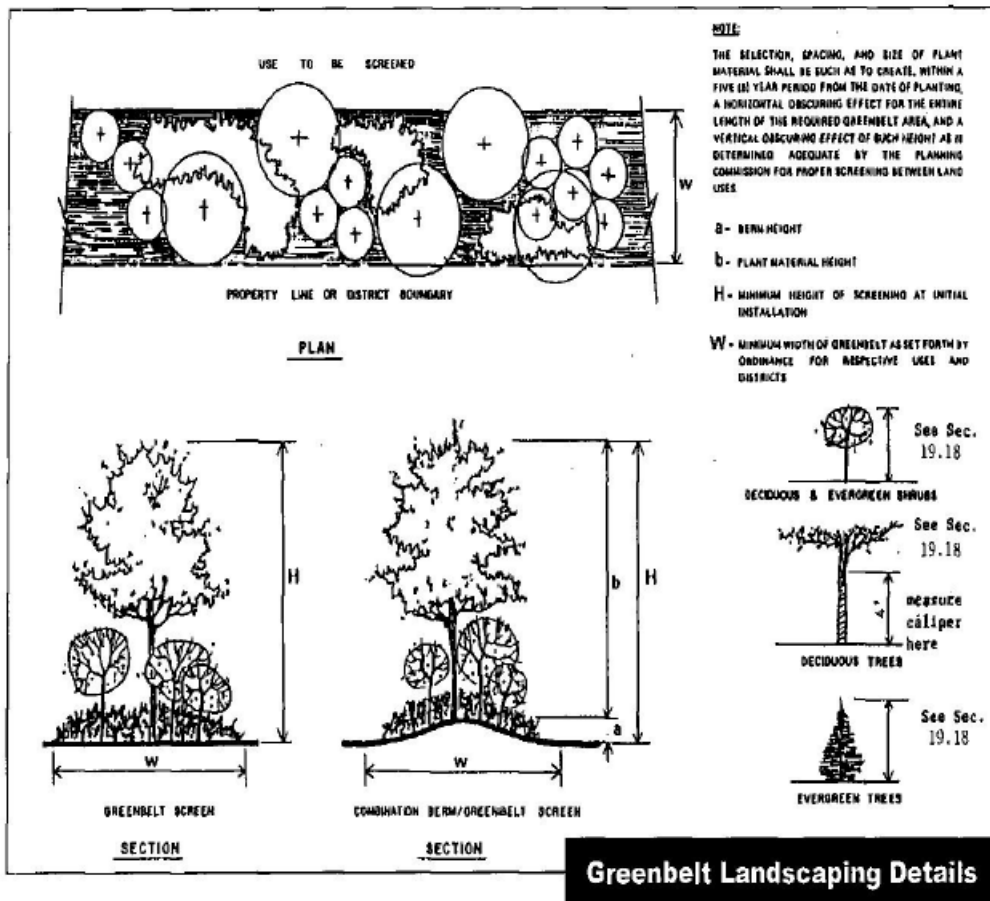
(D) When vehicles or open air display generally exceed a five-foot height, the wall shall be increased to a height not exceeding ten feet, as determined by the Planning Commission.

(E) The walls, earth berm and/or greenbelt shall have no openings for vehicular traffic or other purposes except as otherwise provided below. The buffer, whether by wall, earth berm and/or greenbelt or any combination of these, shall be constructed and/or planted in a manner so as to provide a minimum opacity of 80% in summer and 60% in winter.

(F) All masonry walls herein required shall be constructed of face brick or other approved materials as shown in the illustrations accompanying this section. The Planning Commission shall approve only materials that are durable, weather-resistant, rustproof and easily maintained; wood or wood products shall be specifically excluded.

(G) Where masonry walls or earth berms are pierced, the openings shall be so spaced as to maintain the overall obscuring character required and shall not have the effect of reducing the minimum height required. In any square yard (three feet by three feet) area of wall or berm, an opening(s) shall not exceed 20%. The arrangement of openings shall be reviewed and approved by the Planning Commission.





(H) Upon review of the site plan, the Planning Commission may waive any part or all of the wall, earth berm or greenbelt requirements, if it is determined that the intended screening effect of the wall, earth berm or greenbelt would serve no useful purpose. The Planning Commission may also consider and incorporate the preferences of the residential district property owners whose interests this section is designed to protect if the preferences do not have the effect of increasing its standards.

(I) If the Planning Commission should determine that a residential district may be a future nonresidential area, temporary waiver of the requirements of § 154.018, for an initial period not to exceed one year may be granted, provided that escrow money or surety bond in the amount of the estimated cost for erection of the wall or earth berm is filed with the township for a period not to exceed five years. Granting of waivers subsequent to the first waiver may be permitted.

(J) It shall be the responsibility of the property owner to maintain in good condition the masonry wall, earth berm, landscaping and/or greenbelt to maintain its original intent and purpose. Buffering landscaping and/or greenbelt vegetation shall be planted to achieve the minimum required obscuring effect within four years.

(Ord. passed 6-28-2006)

**§ 154.019 PLANT MATERIALS.**

(A) Whenever in this chapter a landscaped greenbelt or earth berm is required, it shall be planted prior to the issuance of a certificate of occupancy. If the development is not completed within a growing season, a temporary certificate of occupancy shall be issued for a one-year period and a bond posted of sufficient amount to ensure that the earth berm or greenbelt will be completed in accordance with ordinance provisions.

(B) Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the county, conform to the current minimum standards of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.

(C) Suitable plant materials as listed below, or equal in characteristics to these materials, with the spacing as required shall be provided.

(1) Plant material spacing:

(a) Plant materials shall not be placed closer than four feet from the fence line or property line;

(b) Where plant materials are planted in two or more rows, planting shall be staggered in rows;

(c) Evergreen trees when planted in informal groupings, they shall be spaced not more than 20 feet on center. When planted in rows, they shall be spaced not more than 12 feet on center;

(d) Narrow evergreens when planted in informal groupings, they shall be spaced not more than ten feet on center. When planted in rows, they shall be spaced not more than five feet on center;

- (e) Large deciduous trees shall be planted not more than 30 feet on center when placed in informal groupings;
- (f) Tree-like shrubs (small trees) shall not be spaced more than 15 feet on center when placed in informal groupings;
- (g) Large deciduous shrubs shall be placed not more than six feet on center when placed in informal groupings and not more than four feet on center when planted in rows; and
- (h) Small shrubs shall be planted not more than four feet on center.

(2) Minimum spacing for mature plants. Plants shall be spaced a minimum distance apart to accommodate the normally anticipated full plant size when fully grown.

(3) Species within plantings shall be varied, not all the same type.

(D) Approved plant materials:

<b><i>Approved Plant Materials</i></b>	<b><i>Minimum Height</i></b>
<b><i>Approved Plant Materials</i></b>	<b><i>Minimum Height</i></b>
<b><i>Evergreen trees</i></b>	Six feet
Juniper	
Hemlock	
Fir	
Pine	
Spruce	
Douglas Fir	
<b><i>Narrow evergreens</i></b>	Five feet
Column Hinoki Cypress	
Blue Columnar Chinese Juniper	
Irish Yew	
Pyramidal Red-Cedar	
Swiss Stone Pine	
Douglas Arbor-Vitae	
Pyramidal White Pine	
Hicks Yew	
Pyramidal Japanese	
<b><i>Tree-like shrubs (or small trees)</i></b>	Six feet
Flowering Crabapple	
Mountain Ash	
Flowering Dogwood (disease-resistant)	
Redbud	
Rose of Sharon	
Hornbeam	
Hawthorn (thornless)	
Magnolia	
Russian Olive	
Serviceberry	
Flowering Cherry, Plum and Pear (including Bradford Pear)	
<b><i>Large Deciduous Shrubs</i></b>	Six feet
Honeysuckle	
Viburnum	
Mock Orange	
Forsythia	
Lilac	
Ninebark	
Cotoneaster (Peking and Spreading)	
Hazelnut	

Euonymus	
Border Privet (hedge planting)	
Buckthorn	
Sumac	
Pyracantha	
Mugo Pine	
Barberry	
Savin Juniper	
Dogwood (Red Osier and Grey)	
Weigela	
Sargent Crabapple	
Flowering Quince	
Pfitser Juniper	
Yew	
Tall Hedge (hedge planting)	
<b>Large Deciduous Trees</b>	Three- to four-inch caliper
Oaks	
Hard Maples	
Ash (seedless)	
Hackberry	
Sycamore	
Birch	
Beech	
Ginkgo (male)	
Honey Locust (seedless, thornless)	
Sweet Gum	
Hop Hornbeam	
Linden	
<b>Small Shrubs</b>	
Regal Privet	
Potentilla	
Dwarf Mugo Pine	
Low Spreading Junipers (Hughes, Tamarix and the like)	
Cotoneaster (Cranberry, Rockspray)	
Fragrant Sumac	
Compact Burning Bush	
Spreading Yews	
Japanese Quince	
Big Leaf Winter Creeper	
Euonymus varieties	
Brown's, Ward's, Sebion Yews	
Dwarf Winged	
<b>Ground Cover</b>	
Periwinkle	
Baltic Ivy	
Euonymus varieties	
Hall Honeysuckle	
Pachysandra	
<b>Vines</b>	
Euonymus varieties	
Virginia Creeper	

Baltic Ivy	
Wisteria	

(E) Trees not permitted:

- (1) Box Elder;
- (2) Soft Maples (Red-Silver);
- (3) Elms (American);
- (4) Poplars;
- (5) Ailanthus (Tree of Heaven);
- (6) Catalpa;
- (7) Horse Chestnut (nut-bearing); and
- (8) Willows.

(F) Additional regulations:

(1) The remainder of the landscaped area that is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance;

(2) Whenever a greenbelt or earth berm is required under the provisions of this chapter, or when the Planning Commission allows the substitution of same in lieu of a wall, a detailed planting plan shall be submitted to the Planning Commission for approval prior to the issuance of a zoning compliance permit (§ 154.146). The planting plan shall indicate, to scale, the location, spacing, starting size and description for each unit of plant material proposed for use within the required greenbelt or bermed area, together with the finished grade elevations proposed therein.

(3) The Planning Commission shall review the planting plan relative to:

(a) The proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to ensure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved. See § 154.018(E);

(b) The choice and selection of plant materials so as to ensure that root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within the public right-of-way, or to abutting property owners;

(c) The proposed relationship between deciduous and evergreen plant materials so as to ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods; and

(d) The size of plant material (both starting and ultimate) to ensure adequate maturity and optimum screening effect of proposed plant materials.

(Ord. passed 6-28-2006)

#### **§ 154.020 LOT AND SUBDIVISION LIMITATIONS.**

(A) In the A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts, only one principal building, single-family dwelling or two-family dwelling (where permitted) shall be placed on a lot of record, except as may be otherwise provided herein.

(B) Where no "subdivision" of land under Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293 (the Subdivision Control Act), as amended, has taken place, and where the land therefore remains as one "lot or parcel", as in the following cases:

- (1) In the case of a licensed manufactured housing community; or
- (2) In the case of a "site condominium".

(C) In this instance, not more than one single-family dwelling, or two-family dwelling shall be constructed upon an individual "unit of ownership" within a site condominium development.

(D) No building shall be erected on land subdivided in violation of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, formerly known as the Subdivision Control Act).

(Ord. passed 6-28-2006)

#### **§ 154.021 LOTS, YARDS AND OPEN SPACES.**

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard or

other open space, including required lot area per dwelling unit, required by this chapter, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

(Ord. passed 6-28-2006)

## **§ 154.022 PROVISIONS APPLICABLE TO NONCONFORMING LOTS, USES, STRUCTURES AND CHARACTERISTICS.**

It is the intent to recognize that the elimination, as expeditiously as is reasonable, of existing structures and uses that are not in conformity with the provisions of this chapter, is as much a subject of health, safety and welfare as is the prevention of the establishment of new structures and uses that would violate the provisions of this chapter. It is, therefore, the intent to administer the elimination of nonconforming structures and uses, recognizing established private property rights, and avoiding any undue hardship. The following regulations shall apply to all nonconforming buildings and structures, or parts thereof, and nonconforming uses existing at the effective date of this chapter.

(A) *Continuance of nonconforming building.* Any nonconforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in the building or structure, except as permitted hereinafter in divisions (F), (G) and (H).

(B) *Continuance of nonconforming use.* Any nonconforming use may be continued and maintained, provided there is no increase or enlargement of the area, space or volume occupied by, or devoted to, the nonconforming use within a building or on site.

(C) *Change of use.*

(1) The nonconforming use of a building, structure or land may not be changed to a different use, unless one of the following conditions has been met:

(a) The different use is permitted in the zoning district under which the property is currently zoned, subject to site plan review and approval as required in this chapter; or

(b) The proposed use, while still nonconforming, is considered less intense than the previous nonconforming use as determined by the Planning Commission, and would bring the site closer into conformance with existing ordinance standards. A use may be deemed more intense if the Planning Commission determines that the proposed use meets any of the following criteria:

1. The proposed use generates more light, noise, air or other pollution than the current use;
2. The proposed use generates more traffic and/or turning movements, or negatively alters the traffic circulation pattern on or off the site;
3. The use generates a greater need for parking on site; and/or
4. The proposed use causes greater negative economic impacts on adjacent properties than the current use.

(2) Where a use change requires submission of a site plan, the applicant shall be required to comply with all applicable zoning provisions as is deemed reasonably feasible by the Township Planning Commission. Site plan compliance shall include, but not be limited to, such items as parking, landscaping and signage.

(D) *Abandonment; termination of nonconforming use.* Any part of a building, structure or land occupied by a nonconforming use which hereafter is abandoned and remains unoccupied for a continuous period of 12 months shall not thereafter be occupied, except by a use that conforms to the use regulations of the district in which it is located. This shall not apply to a seasonal nonconforming use of land. However, upon discontinuation for a full season with no active attempt to sell or market the property, it shall be considered abandoned and any future use shall conform to this chapter.

(E) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of the nonconforming use.

(F) *Maintenance permitted.*

(1) Except as otherwise provided in this section, a nonconforming building or structure may be maintained. The maintenance of the building or structure shall include necessary repairs and incidental alterations.

(2) The alterations, however, shall not increase the extent or degree of nonconformity of the building or structure.

(3) In a building that is nonconforming as to use regulations, no structural alterations shall be made, except those required by law or ordinance.

(4) It is further provided that the cost of the work shall not exceed 50% of the assessed valuation of the building or structure at the time the work is done.

(5) This requirement shall not be considered as prohibiting the bringing of a structure into conformity with the regulations of the district in which it is located.

(G) *Restoration of damaged building.* A lawful nonconforming building or structure, or nonconforming use occurring on a premises with a building or structure that has been damaged or partially destroyed by fire or other calamity may be restored,

and its immediately previous occupancy or use existing at the time of such damage or partial destruction may be continued or be resumed; provided the restoration is commenced within one year of the date of the partial destruction and is diligently carried on to completion.

(H) *Additions, enlargements, moving.*

(1) A building or structure that is nonconforming in regard to issues such as setback or height may be added to or enlarged if the addition or enlargement conforms to the regulations of the district in which it is located. In that case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this chapter.

(2) When a building or structure, or portion thereof, is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations, ordinances and codes of the district to which it is moved.

(I) *Expansion prohibited.* A nonconforming use of a portion of a building or structure, which building or structure otherwise conforms to the provisions of this chapter, shall not be expanded or extended into any other portion of the conforming building or structure, nor changed, except to a conforming use. If the nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of the building, structure or portion thereof, shall be in conformity to the regulations of the district in which the building or structure is located.

(J) *Nonconforming use of land; continuation of use.* The nonconforming use of land (where no building is involved) existing at the date this chapter becomes effective, may be continued, provided that:

(1) No nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and

(2) If the nonconforming use of land or any portion thereof is discontinued or changed, any future use of the land shall be in conformity with the provisions of this chapter.

(K) *Compliance with regulations for nonconforming buildings or uses.*

(1) Whenever the owner shall fail to comply with the provisions of this chapter relating to removal or discontinuance of a nonconforming use, the Zoning Administrator shall serve notice in writing on the owner or his or her agent requiring him or her to comply therewith within a reasonable time after the notice.

(2) If, after the notice, the owner fails to comply therewith, the Zoning Administrator shall take action as may be necessary, including civil action, to cause compliance with the provisions hereof.

(L) *Nonconforming lot of record; division of nonconforming lot.* Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming, or creates one or more nonconforming lots.

(M) *Use of a nonconforming lot of record.*

(1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building(s) may be erected on any nonconforming lot of record. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which the lot is located.

(2) Potential administrative yard reductions (without ZBA approval necessary): with regard to required minimum setbacks, an applicant must first attempt to comply with the maximum extent feasible. Then, in the case where it is determined by the Zoning Administrator that it is not practically feasible to fully comply, the Zoning Administrator may allow setbacks to be reduced as follows:

(a) *Front.* The minimum required front setback may be reduced to 20% of the average depth of the lot, provided that:

1. It shall not be less than the average of the front setbacks of principal structures on adjacent lots fronting on the same street (or the average front setbacks of principal structures in the block fronting on the same street); and

2. In no instance shall it be less than 30 feet.

(b) *Rear.* The minimum required rear setback may be reduced to 20% of the average depth of the lot provided that in no instance shall it be less than 20 feet.

(c) *Side.* The minimum side yard setback requirement for nonconforming lots of record in any zoning district may be reduced to not less than 10% of the lot width, but in no case shall the side yard be less than four feet for 40-foot lots and five feet for 50-foot lots.

(d) *Reduction/variance grant noted.* The Zoning Administrator shall note on the final plot plan or site plan any reduction granted under this division (M)(2) or any ZBA requirements imposed or variances granted on the nonconforming lot or parcel of record before issuing a zoning compliance permit under § 154.146.

(N) *Contiguous nonconforming lots under the same ownership.*

(1) Two or more contiguous, nonconforming lots under the same ownership shall be considered one parcel.

(2) The applicant shall not be permitted to make improvements to the parcel prior to combining the lots to create one conforming lot of record

(Ord. passed 6-28-2006; Ord. passed 1-22-2009; Ord. 06-08, passed 4-23-2012)

**§ 154.023 OFF-STREET PARKING.**

The off-street parking and loading requirements of this chapter are established to prevent congestion on the public streets, remove the hazard to all beings of emerging from between parked vehicles onto a public street, to facilitate proper storm water runoff, prevent the generation of dust into the air and make clear the availability and arrangement of spaces to all users.

(A) *Off-street parking facilities.* It shall be the duty of both the owner and occupant of any premises to provide off-street parking space as required in this section. Off-street parking lots shall comply with the following standards and regulations.

(1) Any existing off-street parking facilities being used upon the effective date of this chapter shall not hereafter be reduced below the requirements hereof for the use or a similar structure or land use. Whenever a use or an activity requiring off-street parking is created or increased in floor area, intensity of activity in some other manner, the number of off-street parking spaces shall be provided and maintained as required in this chapter.

(2) When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.

(3) All spaces shall be laid out in accordance with the following schedule. Plans for the layout of off-street parking facilities must be approved by the Planning Commission and shall be in accordance with the following minimum requirements, except that the dimension of spaces for the disabled shall be as set forth by the State Building Code:

<b>Parking Pattern</b>	<b>Maneuvering Lane Width</b>	<b>Total Width</b>		<b>Total Width</b>	
		<b>Parking Space Width</b>	<b>Parking Space Length</b>	<b>...of One Tier of Spaces Plus Maneuvering Lane</b>	<b>...of Two Tiers of Spaces Plus Maneuvering Lane</b>
0 degrees (parallel)	12 feet	8 feet	23 feet	20 feet	28 feet
30 to 53 degrees	12 feet	8.5 feet	20 feet	32 feet	52 feet
54 to 74 degrees	15 feet	8.5 feet	20 feet	37 feet	58 feet
75 to 90 degrees	25 feet	9 feet	19 feet	44 feet	63 feet

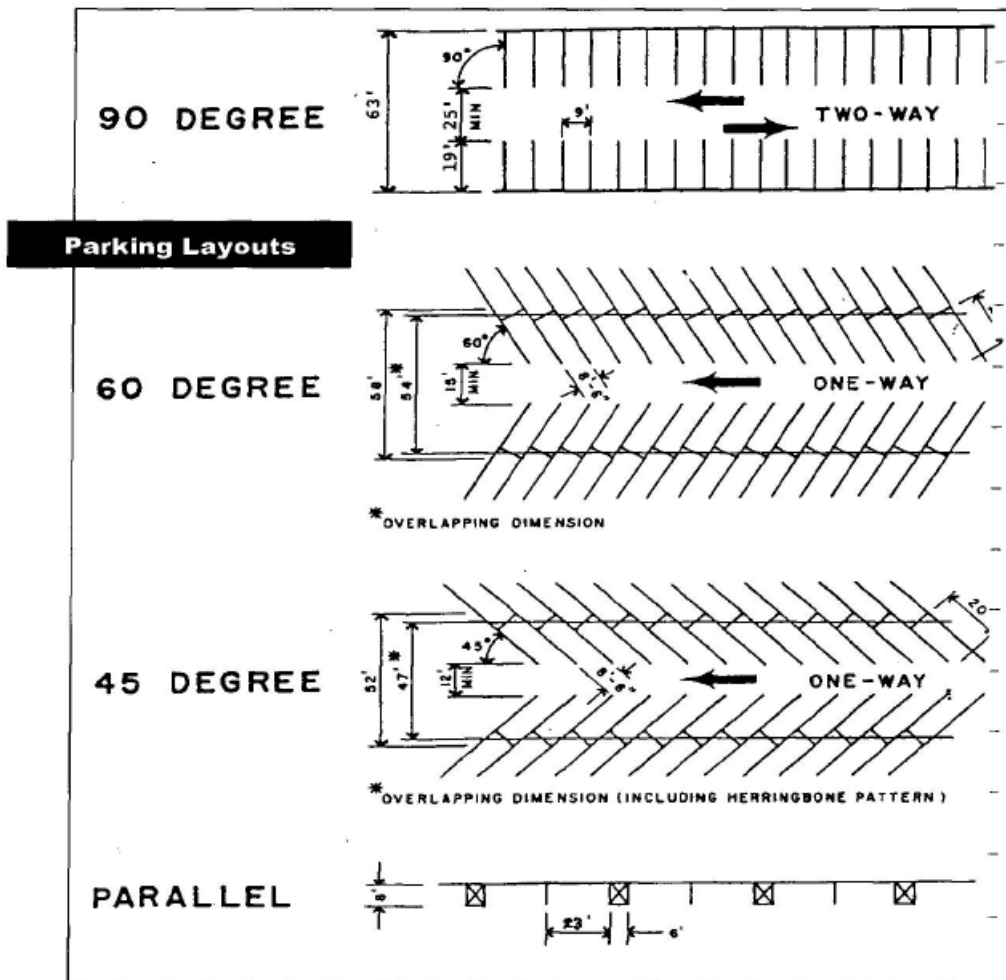
(a) All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.

(b) Parallel parking spaces shall be 23 feet in length with a six-foot maneuvering space between every group of two parking spaces. (See illustration below.)

(c) All parking lots shall have access from a clearly limited and defined driveway not less than 15 feet in width for one-way traffic and 24 feet in width for two-way traffic. A driveway shall not exceed 30 feet in width.

(d) All parking spaces shall have access from an aisle on the site to minimize backing onto a street and having a potential traffic hazard.

(e) Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.



(4) For the purpose of meeting off-street parking requirements for offices, merchandising, service or industrial uses, **FLOOR AREA** shall mean the gross floor area of the entire building.

(5) In the case of hospitals, bassinets shall not be counted as beds. In the case of stadia, sports arenas, churches and other uses where spectators occupy benches, pews or other similar seating facilities, each 20 inches of the seating shall be considered as one seat for the purpose of determining off-street parking requirements.

(6) Parking plans shall be submitted for review and approval of layout and points of access by the Planning Commission.

(7) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for the use shall be that for a listed use which is most similar as determined by the Planning Commission.

(8) Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively the facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Any such provisions or agreements for collective parking shall be set forth in a recordable instrument and recorded in the Register of Deeds, describing the lands affected by this agreement or easement.

(9) The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with this chapter, and the space so required shall be stated in the application for a building permit and shown on the plot plan or site plan and shall be irrevocably reserved for the use.

(10) The off-street parking facilities required for all uses shall be located on the lot or on property within 300 feet of the permitted use requiring the off-street parking, the distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the off-street parking facility shall not be separated from the building to be served by a major thoroughfare as may be designated in the Township Master Plan.

(11) In the GB Business Districts within the plat of the Village of Lakeport, the required number of on-site parking spaces for a subject use may be reduced by the Planning Commission, if adequate parking lanes and/or sufficient parking areas are available to the public in the business district(s) within 300 feet of the permitted use.

(12) Except for single-family detached dwelling units or farm uses located in the residential or agricultural districts, all parking areas required shall be paved with concrete or plant mixed bituminous material in accordance with plans approved by the Building Inspector. Pavement design shall meet or exceed the following standards.



(a) The compressive strength of concrete at 28 days after pouring shall be at least 3,500 pounds per square inch.

(b) Asphalt pavement shall consist of MDOT Specifications Series 1100 bituminous mixture or approved equal (260 pounds per square yard) surfacing over an approved sub-base adequately designed for sufficient thickness (minimum of six inches) and type to be compatible with expected loading and subsoil conditions.

(c) All parking areas (other than driving lanes described below) shall be paved with either six inches minimum thickness of concrete or six inches minimum thickness of stone aggregate, topped with 260 pounds per square yard of bituminous aggregate surface course.

(d) All driving lanes (not including parking lot aisles) in parking lots and multiple-family housing sites shall be constructed of either:

1. Concrete pavement of six-inch minimum thickness; or

2. "Deep strength" asphalt pavement nine inches thick with the bottom five and one-half inches constructed of bituminous base mixture material and the top three and one-half inches constructed of bituminous surface mixture material.

3. A combination asphalt pavement and aggregate base, with the bottom aggregate base constructed of a minimum of nine inches deep, 21A or 22A aggregate, with a two and one-half-inch minimum layer of 1100L 2AA (275 pounds per square yard) asphalt and a one and one-half-inch minimum layer of 1100T 20 AA (165 pounds per square yard) asphalt.

(e) Culverts and bridges shall have a minimum design loading capacity (American Association of State Highway and Transportation Officials, AASHTO, standard HS20 or greater) to provide for safe passage of emergency vehicles.

(e) In medium- to high-traffic volume settings, the Planning Commission may require that a six-inch high concrete curb be placed around the entire perimeter of the paved parking area where adjacent to grass or sidewalk areas.

(f) Alternate materials: the Planning Commission, after review and approval of design plans, may permit the use of brick, paving blocks or other similar material of adequate load-bearing nature if, in the determination of the Planning Commission, the use is appropriate in the setting proposed.

(g) Possible exception; seasonal use: for uses located in the RCC, A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts that in the opinion of the Planning Commission are primarily of a seasonal nature or are likely to have very low volumes of traffic, the Planning Commission may permit gravel parking and maneuvering areas to be installed, upon a determination by the Commission that waiver of hard surfacing requirements would not be contrary to the public interest, subject to review and approval of a site plan and construction design details. The Planning Commission may impose conditions of approval requiring installation of hard-surfaced paving if traffic volumes increase beyond a suitable level or if the use no longer operates primarily on a seasonal basis.

(13) All spaces shall be provided adequate access by means of paved maneuvering lanes.

(14) The Planning Commission may require an access easement to provide for vehicle access to adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic.

(15) Parking may be permitted in a required front yard except as provided in division (B)(5) below provided that a landscaped area ten feet in width extending the full width of the lot shall be provided between the parking lot and any lot line abutting a public street. The landscaped area shall be continuous except where pierced by approved access drives. The landscaped area shall be continuously maintained in good condition. The Planning Commission shall approve the design and plant materials to be utilized.

(B) *Off-street parking development regulations.* An approved off-street parking area as permitted under this section shall be subject to the following regulations.

(1) No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon the premises.

(2) All land between the lot boundaries of the lot on which is located a parking area and the barriers hereinafter referred to, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the general character of the district.

(3) When lighting facilities are used, reflectors shall be installed to reflect the light away from residential areas and uses and the public right-of-way.

(4) Side yards shall be maintained for a space of not less than ten feet between the side lot lines adjoining residential lots and the parking area.

(5) Whenever the parking area adjoins residential property and/or residential street or alley, a protective wall or greenbelt shall be erected and maintained between the required yard space and area to be used for parking. On other locations where a protective barrier is required, there shall be no advertising whatsoever. Bumper guards, comprising either a curb at least six inches high or steel posts 24 to 30 inches high and not more than five feet apart, set three feet in concrete, shall be provided to prevent vehicles striking the wall or shrubbery.

(6) Entrance to the parking areas shall be only from adjoining principal use or adjoining street as approved by the Planning Commission.

(7) A site plan review (except in the case of a single-family or two-family dwelling or farm uses) shall be required for the construction of any parking area whether or not the parking area is in conjunction with the construction of a structure or is a separate land use not connected with any structure. The applicant shall submit a written plan to the Planning Commission along with application for a site plan review. The plan shall show in detail at a scale of not more than 50 feet to the inch, the boundary lines of the property involved, the location and size of any structures or proposed structures thereon, parking spaces, entrances and exits, drainage structures, if any required, boundary wall; and landscaping, if required, and the proposed use of the property.

(8) Except for vehicles accessory to the principal use, it shall be unlawful to park or store a vehicle in a parking lot as permitted in this division for longer than 18 hours and it shall be unlawful to permit a person to do so.

(9) All parking areas shall offer side-by-side parking, except for individual driveways serving residential dwelling. Tandem parking, meaning vehicles parked bumper to bumper, shall be prohibited.

(C) *Paving schedule.*

(1) All paving required by this chapter shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.

(2) In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the complete installation of the paving required is prevented by inclement weather or acts of nature beyond the control of the owner, then, in that event the owner may obtain a temporary occupancy permit for a period not exceeding six months from the Building Inspector upon written request therefor, provided the owner shall:

(a) Deposit an adequate performance guarantee in accordance with §154.152;

(b) Complete the installation of the required paving in the time required by the terms of the temporary occupancy. Upon complete installation in that event, the security deposit required hereunder shall be canceled and returned to the depositor upon demand. Upon failure to completely install the paving as required herein, the security deposit required above shall be forfeited as liquidated damages, the same hereby being declared to be reasonable in view of the difficulty of more exact ascertainment of the damage incurred as a result of the failure; and

(c) If the security deposit is forfeited as provided in division (C)(2)(b) above:

1. The Township Engineer, after specific authorization by the Township Board, shall expend such amount as has been authorized by the Township Board not exceeding the total amount of the security deposit to cause the required paving installation to be made;

2. The Building Inspector shall not issue a regular occupancy permit until the paving required is completely installed; and

3. Use or occupancy of the premises after the expiration of the temporary occupancy permit and before the issuance of a regular occupancy permit shall be unlawful and a violation of this chapter.

(D) *Location and design of driveways.*

(1) All parking areas shall be provided with a safe entrance and exit from an abutting major thoroughfare. The proposed entrance and exit shall be in accordance with the installation specifications and procedures of the County Road Commission or State Department of Transportation, whichever has jurisdiction.

(2) In the cases of multiple-family, office, commercial or industrial uses accessing a private road(s), the entrance and exit for a one-way traffic flow system shall be at least 15 feet in width, and may in the case of a two-way traffic flow system be combined as one, which shall in no event be less than 30 feet in width.

(3) Any single-family or two-family residential use or farm use accessing a private road shall meet standards equivalent to those of the County Road Commission. Provided, however, in no case shall there be more than one separate exit and one separate entrance to and from a single street. The location of each entrance and exit shall be submitted for approval of the County Road Commission or the State Department of Transportation, as the case may be, and the Township Planning Commission.

(E) *Off-street waiting area for drive-through facilities.* On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay or similar arrangement, there shall be provided six off-street waiting spaces for each service window or service bay not blocking parking spaces, in addition to the use requirement. A waiting space shall be 23 feet long by ten feet wide.

(F) *Minimum number of off-street parking spaces.* The minimum number of off-street parking spaces by type of use for the storage or parking of motor vehicles for the use of owners, occupants, employees, customers or visitors of buildings or uses shall be irrevocably provided and maintained on the premises occupied by the structure of the basis of the following schedule.

(1) *Residential use.*

(a) The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground of the building they are intended to serve and shall consist of a driveway, parking apron, carport and/or garage on the basis of two parking spaces for each dwelling unit.

(b) Multiple-family residential dwellings shall have two paved off-street parking spaces for each one bedroom dwelling unit. For each additional bedroom over two per unit, one-half additional parking space shall be provided.

(c) Housing for the elderly: two for each three units, and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided and space shown on the site plan to accommodate the requirement.

(d) Manufactured housing: see §§ 154.034 and 154.035.

(2) *Institutional uses.*

<b><i>Institutional Uses</i></b>	<b><i>Number of Spaces</i></b>
<b><i>Institutional Uses</i></b>	<b><i>Number of Spaces</i></b>
Churches or temples	1 for each 3 seats in the main unit of worship
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
Hospitals	1 for each 600 square feet of gross floor area, plus 1 for each 2 employees
Homes for the aged and convalescent homes	2 for each 3 beds or occupants and each 2 staff members
Elementary and junior high schools	1 for each 1 teacher, employee and administrator, in addition to the requirements of the auditorium
Private clubs or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by Township, County or State Fire, Building or Health Codes
Private golf clubs, tennis clubs or other similar uses	1 for each 2 member families or individuals
Private parks	1 for each 2 individual members
Public recreation	1 for every 2 users at maximum capacity, plus 1 space for each employee
Senior high schools	1 for each 1 teacher, employee and administrator, plus 1 for each 10 students in addition to the requirement of the auditorium
Stadium, sports arena or similar places of outdoor assembly	1 for each 3 seats or 60 inches or benches
Theaters and auditoriums (includes commercial theaters and movie houses)	1 for each 3 seats, plus 1 for each 2 employees. If no seats, one for each 50 square feet of floor area

(3) *Business/commercial.*

<b><i>Business/Commercial Uses</i></b>	<b><i>Number of Spaces</i></b>
<b><i>Business/Commercial Uses</i></b>	<b><i>Number of Spaces</i></b>
Agricultural sales, greenhouses and nurseries, fish farm operations	1 for each 1 employee, plus 1 for each 100 square feet of actual permanent or temporary area devoted primarily to sales, plus 1 for each 1,500 square feet devoted primarily to indoor plant growing areas which are also used for display
Airports, runways and the like	1 for every 3 airplanes to be stored on the site, plus 1 for each employee
Automobile repair	1 for each 100 square feet of floor area. Wrecked vehicles shall not occupy spaces reserved for the purpose of meeting the off-street parking requirement
Automobile service stations	2 for each lubrication stall, rack or pit, and 1 for each gasoline pump
Auto wash; self-service	4 spaces for each establishment, plus 4 waiting spaces for each washing stall

Auto wash; other than self-service	4 spaces for each establishment, plus 20 waiting spaces for each washing stall or line. A properly drained drying lane 50 feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street and thereby creating a traffic hazard
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1-1/2 spaces for each additional chair
Boat berthing, in-and-out storage and in-water storage	1 space for every 2 boat berths and 1 off-street parking space for each boat available for rent. Where launching from a boat trailer is permitted, adequate space shall also be provided for the storage of boat trailers as part of any parking plan. Launching shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers at that location
Bowling alleys	6 for each 1 bowling lane
Dance halls, arcades, pool or billiard parlors, roller or ice skating rinks, indoor tennis facilities, exhibition halls and assembly halls without fixed seats	1 for each 2 persons allowed within the maximum occupancy load as established by the Township, County or State Fire, Building or Health Codes
Dry cleaners	1 parking space for each 2 employees, with a minimum of 3 spaces
Establishments for sale and consumption on the premises of beverage, food or refreshments	1 for each 100 square feet of floor area or 1 for each 2 persons allowed within maximum occupancy, whichever is greater
Fast food, drive-in and carry-out restaurants	1 space for each 2 employees, plus 1 parking space for each 2 seats intended for patrons within the restaurant building, and 1 space for each 20 square feet of building floor area available in the order-waiting area
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	1 for each 500 square feet of floor area. For that floor area used in processing or storage, 1 additional space shall be provided for each 1,000 square feet, whichever is greater
Laundromats and coin operated dry cleaners	1 for each 2 machines
Miniature, "par 3" golf courses	3 for each 1 hole, plus 1 for each 1 employee
Mortuary establishment	1 for each 50 square feet of assembly room floor space, parlors and slumber rooms
Motel, hotel or other commercial lodging establishments	One for each occupancy unit, plus 1 for each 1 employee, in addition to the requirements for ancillary facilities such as restaurants, ballrooms and the like
Motor vehicle sales and service establishment	1 for each 300 square feet of floor space of sales room, and 1 for each 1 auto service stall in the service room
Museum or art gallery	1 for each 400 square feet of floor space
Open air businesses	1 for each 500 square feet of lot area for retail sales, uses and services
Retail stores except as otherwise specified herein	1 for each 250 square feet of floor space
Specialty shops	1 for each 300 square feet of floor space specified herein

(4) *Offices.*

<b>Office Uses</b>	<b>Number of Spaces</b>
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Banks and post offices	1 for each 200 square feet of floor space, plus 1 space for each 2 employees
Business offices or administrative offices except as indicated below	1 for each 200 square feet of floor space
Clinics, medical, dental, veterinary	1 space for each employee, plus 1 space for each 150 square feet of floor space
Professional offices or doctors, dentists or similar professions	1 for each 100 square feet of floor area or 1 for each 25 square feet in waiting rooms, and 1 for each examining room dental chair, or similar use area, whichever is greater

(5) *Industrial.*

<b>Industrial Uses</b>	<b>Number of Spaces</b>
Industrial, wholesale or warehouse establishments (except for "mini-warehouses" below)	5, plus 1 for every 1-1/2 employees in the largest working shift, or 1 for every 400 square feet of floor space, whichever is determined to be the greater. Space on site shall also be provided for all construction workers during periods of plant construction
Mini-warehouses	Unobstructed parking area equal to 1 space for every 10 door openings

(G) *Off-street loading requirements.*

(1) On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

(2) The loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule.

<b>Gross Floor Area in Square Feet</b>	<b>Spaces Required</b>
0 to 1,400	None
1,401 to 20,000	1 space
20,001 to 100,000	1 space plus 1 space for each 20,000 square feet
100,000 to 500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet

(Ord. passed 6-28-2006; Ord. passed 1-22-2009) Penalty, see §154.999

**§ 154.024 RESIDENTIAL ENTRANCEWAY STRUCTURE.**

(A) In A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts, entrance-way structures including, but not limited to, walls, columns and gates marking entrances to one-family residential or multiple-family residential developments may be permitted and be located in a required yard, except as provided in § 154.013, containing corner clearance provisions, provided that entranceway structures shall comply with all codes and ordinances of the township with proper permits issued.

(B) Entranceway structures shall refer only to the development on the land upon which it is located.

(C) If located within the road right-of-way, the developer shall apply for a permit from the County Road Commission or the State Department of Transportation (whichever has jurisdiction) and shall, when approved, provide the Zoning Administrator with a copy.

(Ord. passed 6-28-2006)

**§ 154.025 SIGNS.**

The primary function of signage, as it relates to this chapter, is to identify a particular use of a parcel of property. It is not the intent of this chapter that the open spaces and lines of vision created by public rights-of-way be used for unrestricted

advertising through the use of signage. Signs will be allowed in a manner so as to provide those similar uses in similar zones the opportunity for identification exposure regardless of parcel size, although the location and size of buildings will influence the amount of signage permitted. This consistent approach is necessary to remove the need for the types of signs that compete for attention of the motorist, thereby creating traffic hazards as well as creating visual blight. It is, therefore, within the health, safety and welfare responsibility of the township that this section is promulgated.

(A) *Sign definitions.* The following definitions (see also "Sign Types Illustrated") are related to signs. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DECORATIVE DISPLAY.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

**DIRECTIONAL SIGNS.** See division (B)(3) below.

**ERECT.** To build, construct, attach, hang, place, suspend, affix or paint.

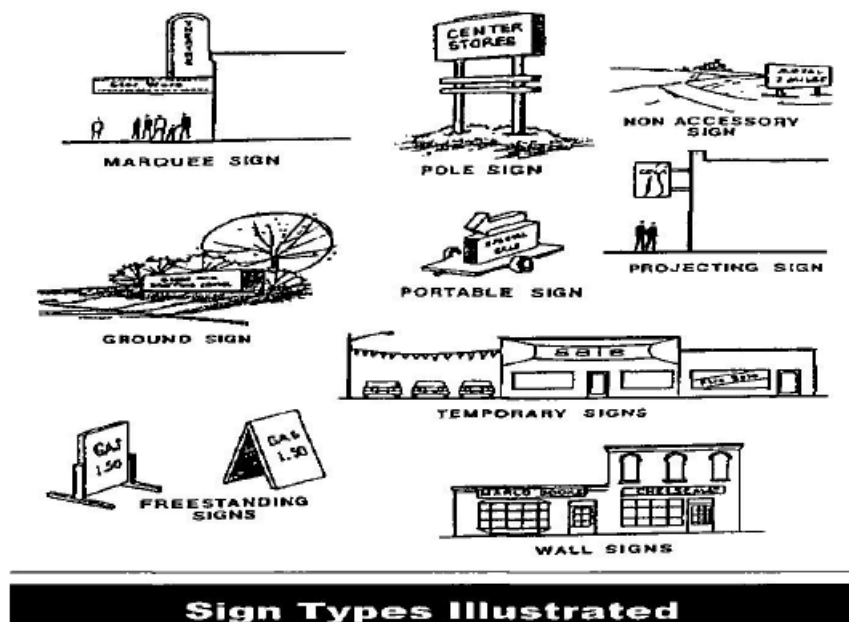
**FREESTANDING SIGN.** A sign, other than a ground sign or portable sign, which is not attached to a building and is capable of being moved from one location to another on the site on which it is located.

**GROUND SIGN.** A permanent display sign supported by one or more columns, uprights or braces or mounted directly in and upon the ground surface and having a height not in excess of six feet. Also included within this definition is a mounted corporate or business flag.

**MARQUEE SIGN.** A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building.

**NAMEPLATE.** A wall sign stating the name of a person, firm or name or description of a certain permitted use.

**POLE SIGN.** A display sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of seven feet. Also included within this definition is a corporate or business flag(s) on a pole.



**PORTABLE SIGN.** A sign and sign structure that is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered **PORTABLE** only if the sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another. Signs capable of being moved, other than from one zoning lot to another, shall be considered freestanding signs under this chapter.

**PROJECTING SIGN.** A sign that is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall or structure more than 15 inches.

**SIGN.** Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. **SIGN** shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

**SIGN, ACCESSORY.** A sign whose content has relevance to the principal use of the premises. (See also the definition of "directional sign".)

**SIGN ALTERATION.** The changing, enlarging or relocating of any sign, excluding routine maintenance and also

excluding the changing of movable parts of an approved sign that is designed for such changes or the repainting or reposting of original display matter, shall be deemed an **ALTERATION**.

**SIGN AREA.** The entire area included within the single continuous perimeter of a regular geometric form or combination of forms which encloses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, and including the area within any illuminated border. An **AREA** so created shall include all solid surfaces as well as openings. Supporting framework, bracing, structural members or decorative fence or wall that is clearly incidental to the display itself and not bearing copy or display material shall not be included in computation of **SIGN AREA**. If the sign consists of more than one section or module, all of the area, including that between sections or modules shall be included in the computation of **SIGN AREA**. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where the two faces are placed back to back, parallel to one another, and not more than 18 inches apart, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. For internally illuminated awnings or canopies, the entire surface of the canopy is included in the calculation.

**SIGN, NON-ACCESSORY.** A sign whose content does not have relevance to the principal use of the premises. (An example is shown in the illustration of sign types above.)

**TEMPORARY SIGN.** A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material (including pennants, streamers and flags other than the official flag of any nation, state or organization respectfully displayed), inflated devices with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public events. Portable signs (in the definition above) also fall under this definition of **TEMPORARY SIGN**.

**WALL SIGN.** A display sign that is painted on or attached directly to the building wall. Also included within this definition is a wall mounted corporate or business flag.

(B) *General requirements for all signs.* The following conditions shall also apply to all signs erected or located in any use district.

(1) All signs shall conform to all codes and ordinances of the township and where required to conform with the building code shall also be approved by the Building Inspector and a building permit issued.

(2) No sign, except those established and maintained by the township, county, state or federal governments, shall be erected, located or placed in, project into or overhang a public right-of-way or dedicated public easement.

(3) Signs of a utilitarian nature with no advertising intended to provide orientation and to direct traffic and pedestrian movements. The signs are for the purpose of promoting safety and ease of ingress, egress and use of site facilities and services. Because directional signs are of a noncommercial, aid-to-the-public nature, they shall be permitted in all use districts subject to Planning Commission approval in those cases requiring site plan review and subject to Zoning Administrator approval in all other instances. Directional signs are to be of an appropriate size and character to accomplish their aid-to-the-public objective.

(4) No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located and provided further that no freestanding sign, where permitted, shall exceed three feet in height.

(5) No sign above a height of two feet shall be located within, project into or overhang the triangular area formed at the intersection of street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(6) Accessory signs shall be permitted in any use district and may be located in the required front yard except as otherwise provided herein.

(7) Except as provided by division (D)(1) below (involving prohibited signs), non-accessory signs shall not be permitted in any zoning district in the township, except that non-accessory signs pertaining to real estate development located within the township and designated to promote the sale of lots or homes within a subdivision located within the township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land, unless the land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and ordinances of the township.

(8) Illumination of signs shall be only by means of white light at constant intensity. Signs may be internally or externally illuminated, however, all illumination shall be shielded, directed or shaded downward so as not to interfere with driver visibility, become hazardous to traffic or the vision of persons on adjacent streets or property. Flashing, animated or intermittent type signs shall not be permitted.

(9) Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted on the land or building intended to be rented, leased and/or sold.

(10) Any sign, including framing, now or hereafter existing, which no longer advertises a bona fide business conducted or a product or entertainment, service or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign shall be found within 30 days after written notice from the Zoning Administrator. Notice shall be sent to the property owner of record, as indicated in township tax rolls, by certified mail. The owner may petition the Zoning Board of Appeals for temporary approval to install

blank sign faces when it can be demonstrated that the sign structure is likely to be reused within one year by a future business and the sign framework is in sound structural condition.

(11) Connections to an energy source for lighting shall be in accord with all codes of the township and shall not be exposed in any way that may constitute a safety hazard to the public.

(12) Notwithstanding any other provisions of this chapter, non-commercial messages shall be permitted on any sign on which commercial messages are permitted.

(13) No sign shall include language or graphics referring to either specified anatomical areas or specified sexual activities.

(C) *Permitted signs by zoning district.* All plans for the erection of signs shall be submitted to the Zoning Administrator for review and approval and shall be further subject to all codes and ordinances of the township.

(1) *A/R-Agricultural/Residential, R-1A, R-1B, R-1C, R-2-Single and Two-Family Residential, and MHR-Manufactured Home District and RM Multiple-Family Residential Districts, sign types allowed.*

(a) For each dwelling unit, one nameplate not exceeding two square feet in area, indicating the name of the occupant.

(b) For structures or uses other than dwelling units, one identification sign not exceeding ten square feet.

(c) For churches, one accessory sign not to exceed 18 square feet, except when located on a major thoroughfare or on a roadway with a posted speed of 45 MHP or greater, in which case the size, may be increased to 32 square feet.

(d) For rental and/or management offices in a multiple housing development, an identification sign not exceeding six square feet.

(e) For lawfully permitted home occupations, one nameplate not exceeding four square feet in area indicating the name of the lawful home occupation.

(2) *O Office District, GB General Business District, sign types allowed.* Ground or pole (not both), temporary and wall signs as defined in this section and subject to the following conditions:

(a) *Ground sign.*

1. One ground sign having a sign area of not more than 72 square feet for a single face and 144 square feet for a total of all sign faces shall be permitted. The sign shall not exceed six feet in height.

2. Not more than one ground sign may be erected accessory, to any one development, regardless of the number of buildings, separate parties, tenants or uses contained therein, except that when any single development is located on a parcel of land that abuts on two or more streets, one ground sign may be erected along each street frontage.

3. The distance measured between the principal faces of any ground sign shall not exceed 18 inches.

4. Ground signs shall be setback from the planned right-of-way line in accordance with the following schedule (except that along State Hwy. M-25, the sign shall be setback two feet outside of the existing right-of-way).

<b>Maximum Height of Sign</b>	<b>Minimum Setback from Proposed R.O.W.</b>
2 feet	6 feet
2-1/2 feet	8 feet
3 feet	10 feet
4 feet	14 feet
5 feet	16 feet
6 feet	20 feet

5. Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be utilized to advertise products for sale.

6. Ground signs may be illuminated as required by divisions (B)(8) and (B)(11) above.

7. Time and temperature signs shall be permitted.

8. All ground signs shall be securely built, constructed and erected upon an approved foundation extending at least 42 inches below the material surface of the ground.

9. All letters, figures, characters, items or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Loose or missing letters, figures, characters or items shall constitute a maintenance violation.

(b) *Pole signs.*



1. Not more than one pole sign may be erected accessory to any one development, regardless of the number of buildings, separate parties, tenants or uses contained therein.
2. It shall be unlawful to erect any pole sign to a height greater than 18 feet above the level of the street upon which the sign faces. The vertical distance from all points on the bottom of the sign face to the nearest point on ground shall be not less than seven feet, and the sign shall be so erected as not to obstruct traffic vision.
3. Pole signs may be illuminated as required by divisions (B)(8) and (11) above.
4. Time and temperature signs shall be permitted.
5. All pole signs shall be securely built, constructed and erected upon posts and standards at least 42 inches below the material surface of the ground and shall be embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment.
6. All letters, figures, characters, items or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Loose or missing letters, figures, characters or items shall constitute a maintenance violation.
7. The distance measured between the principal faces of any pole sign shall not exceed 18 inches.
8. Sign height, setback (all portions of sign) and size for pole signs.

<b>Maximum Height (See division (C)(2) (b) "Pole Signs" above for method of measuring height (in feet))</b>	<b>Minimum Setback** Required from edge of proposed R.O.W. (in feet)</b>	<b>Maximum Area* of Single Sign Face (in square feet)</b>
<b>Maximum Height (See division (C)(2) (b) "Pole Signs" above for method of measuring height (in feet))</b>	<b>Minimum Setback** Required from edge of proposed R.O.W. (in feet)</b>	<b>Maximum Area* of Single Sign Face (in square feet)</b>
14	12	60
15	14	60
16	16	60
17	17	60
18	19	60
*In those instances where more than one sign face is proposed, the maximum area of all sign faces shall not exceed two times the area prescribed for a single-faced sign (See division (A)(6) Sign area for calculation of permitted sign area)		
**Except that along State Hwy. M-25, the sign shall be setback two feet outside of the existing right-of-way		

(c) *Temporary signs.*

1. Portable sign: there shall be no more than one portable sign on any one zoning lot. The portable sign shall be licensed as a temporary sign for periods not to exceed seven days in a 30-consecutive-day period and not to exceed 28 days in any one year. Each face of the sign shall not exceed 32 square feet in area and shall not exceed six feet in height. In no instance shall the sign be located so as to obstruct or occupy parking spaces or automobile or pedestrian travel lanes. The signs shall not flash or be located so as to obstruct traffic vision, and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle drivers.
2. For sale or rental of individual units, there shall be no more than one like sign, except that on a corner lot two signs, one facing each street, shall be permitted. No like sign shall exceed six square feet in area for each side of the sign. All the signs shall be removed within one week after a lease or sale contract has been signed.
3. Signs advertising buildings under construction may be erected for the period of construction and shall not exceed a face area of 32 square feet for each side of the sign. The signs shall be erected on the building or lot where the construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials and equipment used. There shall be no more than one such sign per individual contractor or supplier. All the signs shall be removed at the point an occupancy permit is granted or at project completion if no occupancy permit is required.
4. One temporary sign may be displayed for any new business or owner for a period of time not to exceed 28 consecutive days.
5. No temporary sign may have a single face area greater than 32 square feet nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall be attached so the bottom edge of the sign is not less than seven feet six inches above grade and shall not exceed 12 feet in overall height.
6. No temporary sign shall be strung across any public right-of-way, nor shall any temporary sign project beyond the property line, except as part of an authorized public event.

7. Temporary signs shall be removed promptly at the end of the display period provided for above.

8. Temporary signs found by the Zoning Administrator to be in a torn or damaged condition must be removed by the owner within three days after his or her receipt of notice to do so from the Zoning Administrator. Temporary signs found to be unsafe shall be removed immediately upon receipt of notice from the Zoning Administrator.

(d) *Wall signs.*

1. Wall signs may be provided on all street sides, front sides or parking lot sides of a building, and the total surface area of all wall signs shall not exceed 10% of the area of the front elevation (including doors and windows) of the principal building or three square feet for each lineal foot of building frontage, or 100 square feet, whichever is less. Where a single principal building is devoted to two or more businesses or commercial uses, the operator of each use may install a front wall sign. The maximum area of each sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying the proportion of the total sign area permitted from the front wall of the building; or the percent agreed to by the occupants, total not to exceed the above area limitations. It is the responsibility of the applicant to provide the required information when applying for a sign permit.

2. The sign may be illuminated as required by divisions (B)(8) and (11).

3. Time and temperature signs shall be permitted.

4. All wall signs of a greater area than 50 square feet shall have a surface or facing of noncombustible material.

5. Limitation on placement: no wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.

6. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed 12 inches, provided clearance of not less than seven feet six inches is maintained below the sign if the sign projects more than four inches. The sign shall not project above the roofline.

7. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. The method of attachment shall be stated on the permit application.

(3) *RCC Recreation, Conservation and Cemetery Districts sign types allowed.* All sign types allowed and as controlled for the O and GB Districts.

(4) *I Industrial Districts sign types allowed.* All sign types allowed and as controlled for the O and GB Districts.

(5) *Permitted signs accessory to churches, schools or nonprofit institutions; sign types allowed (all use districts).* Churches, colleges, schools, buildings housing governmental functions and utilities of the township, county or state or any subdivision thereof are permitted to erect signs. The signs, when of a permanent nature, shall meet all the requirements of this chapter and other ordinances of the township except as provided herein and may include ground, portable, pole, temporary and wall signs as defined in this chapter. Temporary signs advertising special events may be allowed for periods not to exceed two weeks.

(D) *Prohibited signs.* Any sign type that is not defined within this chapter shall be subject to review and approval by the township. The following signs are prohibited within the township, except as otherwise provided for in division (C)(2)(c) above (Temporary Signs):

(1) Non-accessory signs, except along a state highway provided that they shall conform to all requirements for signs by sign type (i.e., ground, pole, wall and the like) for the zoning district in which they are located, including but not limited to: number, area, height, lighting and setback. The number and area of the signs shall fall within, and shall not be in addition to, the limits provided for each sign type for the district in which located;

(2) String lights used in connection with business premises for commercial purposes, other than holiday decorations;

(3) Any sign unlawfully installed, erected or maintained;

(4) Signs on any fencepost, tree, utility pole or similar object;

(5) Any sign or banner erected upon or across any public right-of-way or dedicated public easement except as otherwise provided within this section;

(6) Signs that incorporate flashing lights in any manner;

(7) Any sign or other advertising structure upon which is displayed any obscene, indecent or immoral matter. Any sign that includes language or graphics referring to either specified anatomical areas or specified sexual activities;

(8) Signs which move, rotate or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise, including swinging signs;

(9) Strings of flags, streamers or pennants;

(10) Inflated or deflated membrane devices;

- (11) Signs on park-type benches;
- (12) Freestanding signs;
- (13) Any sign on the roof of any building;
- (14) Marquee signs;
- (15) Projecting signs; and

(16) Vehicles used as signs: Any sign on a motor vehicle or trailer which is parked in front of or at a business, or in a manner so that it is visible from a public street or from a residential zoning district, which is used primarily for the purpose of advertising a business, product or service is prohibited.

(E) *Nonconforming signs.*

(1) All signs which were in existence as of November 20, 1996, and which were permanently affixed to real property that do not conform to the provisions of this chapter shall be permitted to continue until a time as they are removed or until any structural or configuration changes are necessary, at which time they shall conform to the provisions of this chapter. The provisions of this division (E) shall not apply to electrical maintenance, repainting or changing of the message.

(2) A property that is a nonconforming use of land under §154.022, shall not be permitted to add additional signs to the buildings or property, other than those already existing at the effective date of this chapter. Signs on nonconforming uses shall be maintained in good repair or be removed, and the removal shall be conditional to divisions (F) and (G) below.

(3) No permits for the installation, erection or placement of any new signs shall be issued while a nonconforming sign or an unlawful sign remains in use upon the same premises.

(4) Notwithstanding any other provision of this chapter, a lawful nonconforming accessory pole sign existing at the effective date of this chapter and located within a GB District, may (within 90 days of the date of casualty) be replaced or reconstructed if damaged or destroyed by wind, fire, flood, vehicles or by other casualty, provided the replacement or reconstruction will not create a greater nonconformity than existed prior to the damage or destruction.

(F) *Unsafe or damaged signs.* Signs shall be subject to inspections, and when the condition of a sign is questionable, the owner or occupant shall obtain a professional engineer's report, certifying the condition of the sign. Failure to submit the report and make any specified corrections is a direct violation which will result in court action and order for the sign removal.

(G) *Sign maintenance.* All signs, including those for which a permit is not required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion resistant, noncombustible materials shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair so as to present a neat and orderly appearance and so as not to create visual blight within the township. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign, must be well maintained and in good repair. Loose or missing letters, figures, characters or items shall constitute a maintenance violation. Signs that lack maintenance shall be removed. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

(H) *Sign permits required.* It shall be unlawful for any person to erect, replace, repair (if cost of reconstruction or repair exceeds 50% of the reproduction cost of the sign), alter or relocate any sign within the township, as defined in this section, without first obtaining a permit from the Zoning Administrator, with the exception of the following.

(1) *Signs that are not subject to regulation under this chapter.*

(a) Wall signs used as nameplates, not exceeding two square feet in area; occupational signs denoting only the name and profession of the occupant in a commercial, public or other institutional building and not exceeding two square feet in area;

(b) Message boards not over 20 square feet in area for governmental, educational and religious institutions when the same are located on the premises of the institutions; provided, however, if the signs are electrically illuminated, an electrical permit must be obtained;

(c) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum;

(d) Traffic or other municipal signs, legal notices, danger and temporary emergency or non-advertising signs;

(e) Signs advertising the rental, sale, lease or open house of the property upon which they are located;

(f) Flags of recognized federal, state, county or township governments, but not including corporate or business flags;

(g) Decorative displays, except for those that occupy a public right-of-way as regulated by this section;

(h) No hunting signs, no fishing signs, no trespassing signs; and

(i) Political signs relating to the election of a person to public office, relating to a political party, or a matter to be voted upon at an election called by a public body, provided:

1. They are placed outside the highway or road right-of-way and in no way create a traffic hazard due to reduced vision of motorists or pedestrians;
2. Permission has been obtained from the property owner or occupant; and
3. That the signs are erected no earlier than 60 days prior to the election and are removed no later than ten days after the election.

(2) *Application for sign permit.* Applications for permits shall be made upon forms provided by the Zoning Administrator or other designated official and shall contain or have attached thereto the following information:

- (a) Name, address and telephone number of the applicant and landowner;
- (b) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
- (c) Position and location of the sign or other advertising structure in relation to nearby buildings or structures;
- (d) Two blueprints or drawings of the sign showing specifications and methods of construction and attachment to the building or in the ground;
- (e) Name of sign company, person, firm, corporation or association erecting the structure;
- (f) In all cases where wiring is to be used in connection with the structure, it shall comply with the Township Electrical Code. The Electrical Inspector shall approve and affix his or her signature to the permit if it is deemed necessary by the Electrical Inspector; and
- (g) Other information as the Zoning Administrator shall require to show full compliance with this section and all other ordinances of the township.

(3) *Sign permit fee.* It shall be unlawful for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for the erection or alteration and a permit fee paid to the township according to the schedule as shall be established from time to time by resolution of the Township Board.

(4) *Sign permit revocable at any time.*

(a) All rights and privileges accrued under the provisions of this section or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within six months after the date of issuance, the permit shall become null and void and a new permit shall be necessary to continue the project.

(b) Partially completed signs, if abandoned, shall be removed by the erector upon notice from the Zoning Administrator, an opportunity for the permit holder to respond and a final determination by the Township Board.

(5) *Permit number.* Every sign shall have placed in a conspicuous place thereon, in letters not less than one-half inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

(Ord. passed 6-28-2006) (Ord. passed 10-20-2008) Penalty, see §154.999

#### **§ 154.026 STREETS, ALLEYS AND RAILROAD RIGHTS-OF-WAY.**

All streets, private roads, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the street or alley that serves as a district boundary. The zoning of the street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

(Ord. passed 6-28-2006)

#### **§ 154.027 SWIMMING POOLS.**

All swimming pools, as defined in the State Building Code, as may be hereinafter amended, that are proposed to be erected in the township shall comply with the State Building Code and the following requirements.

(A) *Application.* The application for a zoning compliance permit (see §154.146) to erect a swimming pool shall include the name of the owner, a plot plan, location of adjacent buildings, and nearby fences or other structures.

(B) *Pool location.* Pools may be located in the rear yard of any residential property, the front yard of any property abutting Lake Huron or the side yard of a residential property on a corner lot. The minimum side yard setback of the pool as measured from the outside pool wall to the lot line shall comply with § 154.063. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four feet between pool wall and any building on the lot.

(C) *Pool fences.* Pool fences shall be at least the minimum height provided by the state building codes and not more than 48 inches tall or the minimum height provided by the state building codes, whichever is greater. Pool fences shall be located not less than five feet and not more than 20 feet from the nearest outside wall of the pool.

(Ord. passed 6-28-2006) (Ord. passed 7-6-2010)

#### **§ 154.028 BOATS, RVS AND HOBBY VEHICLES IN THE YARD.**

(A) Parking and storage in residential yards of RVs, boats, personal watercraft, snowmobiles, machinery, golf carts and similar private-use vehicles (hereinafter called "hobby vehicles").

(1) If property is over two acres, the property owner may park his or her hobby vehicles on the driveway during the season of use. Hobby vehicles also may be parked elsewhere in the front yard, except within the required front yard setback. Off-season, hobby vehicles may be stored in a side or rear yard, except that minimum setbacks must be observed and screening from view of adjacent property may be required upon investigation by the Zoning Administrator. No limitations are placed on the number of hobby vehicles that household occupants may park or store if they own them.

(2) For lots under two acres that meet the minimum lot size for their district:

(a) The property owner's hobby vehicles may be parked on the property for the season of use. Except when parked on the driveway, the vehicle may not be parked within ten feet of the edge of the road;

(b) Off-season storage of seasonal hobby vehicles is not permitted in front yards; and

(c) No hobby vehicles except those owned by household occupants, their parents and/or their children may be stored or continuously parked on the property.

(3) For lots under the minimum size in the R-1 District, the property owner's boat or other hobby vehicle may be parked for up to one week in the front, back or side yard, so long as it does not block any portion of the street or sidewalk.

(a) Off-season storage of seasonal hobby vehicles is not permitted in front yards, except those fronting on Lake Huron.

(b) No hobby vehicles except those owned by household occupants may be stored or parked on the property.

(B) The Zoning Administrator, upon notifying the property owner of the ordinance, may grant a reasonable time for removal of an improperly parked or stored hobby vehicle. An extension shall be in writing and be issued on a one-time-only basis per property owner.

(C) Condominiums, subdivisions and private road associations may make their own regulations, which may be more restrictive, but shall not be less restrictive than those herein.

(Ord. passed 6-28-2006)

#### **§ 154.029 MANUFACTURED HOUSING OUTSIDE OF MANUFACTURED HOUSING COMMUNITIES.**

Manufactured houses that do not conform to the standards of §154.003 shall not be used for dwelling purposes within the township unless located within a manufactured housing community or a manufactured housing plat zoned for those uses, or unless used for temporary residence purposes as hereinafter provided.

(Ord. passed 6-28-2006)

#### **§ 154.030 HOME OCCUPATIONS.**

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards, unless otherwise specified elsewhere in this chapter.

(A) Home occupations must be customarily incidental to the use of the dwelling as a residence.

(B) No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.

(C) The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

(D) Only the residents of the dwelling unit may be employed on the premises.

(E) The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. No more than ten customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of the home occupation shall be met off the street and other than in the required front yard.

(F) No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.

(G) One non-illuminated nameplate, not more than four square feet in area, shall be permitted. The sign shall be attached flat to the building wall, and shall display only the name and occupation of a resident on the premises.

(H) A home occupation shall not create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned

residential district.

(Ord. passed 6-28-2006)

## **§ 154.031 REGULATION OF CONDOMINIUM DEVELOPMENTS.**

The following regulations shall apply to all condominium developments within the township.

(A) *Initial information.* Concurrently with notice required to be given the township, pursuant to § 71 of Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium project shall provide the following information:

(1) The name, address and telephone number of:

(a) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee);

(b) All engineers, attorneys, architects, planners or registered land surveyors associated with the project; and

(c) The developer or proprietor of the condominium development.

(2) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers;

(3) The acreage content of the land on which the condominium development will be developed;

(4) The purpose of the development (for example, residential, commercial, industrial and the like);

(5) Approximate number of condominium units to be developed on the subject parcel;

(6) Whether or not a community water system is contemplated; and

(7) Whether or not a community septic system is contemplated.

(B) *Information to be kept current.* The information shall be furnished to the Township Zoning Administrator and shall be kept updated until a time as a certificate of occupancy has been issued, pursuant to § 154.147.

(C) *Site plans for new projects, application and review fees.*

(1) Review procedures: All condominium plans submitted to the township shall follow the same review process as outlined in division (I)(1) below.

(2) All condominium plans shall meet the design requirements outlined in division (I)(4) below.

(3) Prior to recording of the master deed, required by § 72 of Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, the condominium development shall undergo site plan review and approval, pursuant to § 154.150. In addition, the township shall require appropriate engineering plans, including as-built drawings and inspections, prior to the issuance of any certificates of occupancy.

(4) Application and review fees for condominium developments shall be established by resolution of the Township Board. In addition to the application fee, and prior to plan review, the applicant shall deposit with the township an amount sufficient to cover the estimated cost of reasonable engineering and legal reviews. If the actual cost of the reviews exceeds the amount initially deposited, the applicant shall reimburse the township for the balance of the cost prior to the issuance of any permits for the project. Unused deposits shall be returned to the applicant upon final completion and inspection of the project.

(D) *Site plans for expandable or convertible projects.* Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to § 154.150.

(E) *Master deed, restrictive covenants and "as-built" survey to be furnished.* The condominium development developer or proprietor shall furnish the Zoning Administrator with the following: one copy of the recorded Master Deed; one copy of all restrictive covenants and two copies of an "as-built survey". The "as-built survey" shall be reviewed by the Township Engineer for compliance with township ordinances. Fees for this review shall be established by resolution of the Township Board.

(F) *Monuments required.*

(1) *All condominium projects.* All condominium projects shall be marked at their boundaries with monuments meeting the requirements of division (F)(3)(a) below.

(2) *Site condominium projects.* All condominium developments, which consist in whole or in part of condominium units which are residential, commercial or industrial building sites, mobile home sites or recreational sites, shall be marked with monuments as provided in this division (F).

(3) *Miscellaneous.*

(a) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long

and completely encased in concrete at least four inches in diameter.

(b) Monuments shall be located in the ground at these locations: at all angles in the boundaries of the condominium development, at the intersection lines of streets, at the intersection of the lines of streets with the boundaries of the condominium development, and at the intersection of alleys with the boundaries of the condominium development, at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys, and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(c) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

(d) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

(e) All required monuments shall be placed flush with the ground where practicable.

(f) All unit corners, all intersections in the boundary or boundaries of all limited common elements, and all intersections in the boundary or boundaries of common elements shall be monumented, in the field, by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.

(g) The Township Board may waive, for a reasonable time, not-to-exceed one year, the placing of any of the required monuments and markers, on the condition that the proprietor deposits, with the Township Clerk, in an amount to be established by the Township Board, by resolution: cash, a certified check or irrevocable bank letter of credit to the township, whichever the proprietor selects. The cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate, issued by a surveyor, that the monuments and markers have been placed as required within the time specified.

(G) *Compliance with federal, state and local laws.* All condominium developments shall comply with federal and state statutes and local ordinances.

(H) *Temporary certificate of completion.* The Zoning Administrator may issue a temporary certificate of completion of the condominium development before all improvements, required by this chapter are installed, provided that an adequate performance guarantee, as set forth in division (I)(19) below, has been provided to provide for the installation of improvements before the expiration of the temporary certificate of completion and without expense to the township.

(I) *Site condominiums.*

(1) *Review procedures.* Pursuant to authority conferred by § 141 of the Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board, following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, development layout and design and compliance with all requirements of the Condominium Act and this chapter. The review process shall consist of two steps.

(a) *Preliminary plan review.* In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations, and the consistency of the plans with all applicable provisions of this chapter and Master Plan. Plans submitted for preliminary review shall only be required to include information specified in divisions (I)(2)(a) through (d) below of the submission requirements as set forth below. Section 154.150, site plan review information not required at this stage. The plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate, and as determined by the Planning Commission.

(b) *Final plan review.* Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by divisions (I)(2)(a) through (i) below of the submission requirements as set forth below and the requirements for site plans contained in § 154.150. Plans shall be reviewed by the Zoning Administrator, Township Planner, township attorney and/or the township engineer. Further, the plans shall be submitted for review and comment to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission. The Township Board may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment on the plans.

(2) *Exhibits required.* In addition to the requirements of § 66 of the Condominium Act, being M.C.L.A. § 125.166, and the requirements for site plans contained in § 154.150, all plans for site condominium projects presented for approval shall contain the following information:

(a) Survey of the condominium subdivision site;

(b) A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, floodplains, wetlands and woodland areas;

- (c) The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets;
- (d) A generalized plan for the provision of utilities and drainage systems;
- (e) A copy of the master deed and a copy of all restrictive covenants to be applied to the project;
- (f) A utility plan showing all sanitary sewer, water and storm drainage improvements, including all easements to be granted to the township for repair and maintenance of all utilities;
- (g) A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision;
- (h) A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities; and
- (i) A mechanism contained in the master deed and/or bylaws providing for the continued maintenance of all common elements.

(3) *Condominium development.* A site condominium development, whether intended for residential, commercial or industrial use shall be subject to all of the requirements and standards of the applicable zoning district in which the development is located.

(4) *Design.* The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this chapter. Unless otherwise provided herein, all newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections, including bituminous or concrete paving standards, as set forth in the manual entitled "Procedures and Specifications for Plat Street Development" adopted January 17, 1995, as amended, issued by the County Road Commission.

(a) Location, arrangement and design of streets.

1. The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
2. The street layout shall include local streets so laid out that their use by through traffic shall be discouraged.
3. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
4. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of the right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. The distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
5. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
6. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.
7. Should a proposed condominium development border upon a public road for which the existing right-of-way is less than the planned right-of-way as shown on the County Thoroughfare Plan (or Township Thoroughfare Plan if one has been adopted), additional right-of-way in the amount necessary to conform to the thoroughfare plan shall be dedicated to the state or county (as may be applicable) as a condition of approval.
8. For projects in which private roads are proposed, the proposed condominium shall have fee simple ownership of all means of ingress and egress by which the proposed condominium is to be connected to a public road or street. Shared ownership of ingress and egress or other modification of this requirement must be approved by the Planning Commission after first receiving a recommendation from the Township Planner and other professional reviewers as deemed appropriate.

(b) *Street right-of-way, pavement widths and other requirements.*

1. Culverts and bridges shall have a minimum design loading capacity (American Association of State Highway and Transportation Officials, AASHTO, standard HS20 or greater) to provide for safe passage of emergency vehicles.
2. Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

<b>Street Type</b>	<b>Right-of-Way Width</b>	<b>Pavement Width*</b>
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<b>Street Type</b>	<b>Right-of-Way Width</b>	<b>Pavement Width*</b>
<b>Curbed Streets (Enclosed Drainage)</b>		
Collector streets	86 feet	36 feet
Industrial streets	86 feet	36 feet
Local residential and other types of streets w/utilities within the right-of-way	66 feet	30 feet**
Local residential and other types of streets w/utilities outside of right-of-way	60 feet	30 feet**
Cul-de-sac	75-foot radius	56-foot outside radius 34-foot inside radius 22-foot width
<b>Uncurbed Streets (Open Drainage)</b>		
Collector streets	86 feet	22 feet
Local residential and other types of streets	80 feet	22 feet
Cul-de-sac	75-foot radius	56-foot outside radius
*Pavement width is measured from back of curb to back of curb.		
**Streets providing access to more than 50 lots shall have a pavement width of 36 feet.		
<b>Certain referenced streets defined:</b>		
Half street	A street so constructed that it only allows travel of one vehicle (e.g., automobile width) going in either direction. Typically a half street will be one-half, or about one-half the width required.	
Marginal access street	A local street parallel and adjacent to a collector thoroughfare, a major or secondary thoroughfare and intercepts other local streets and controls access to a collector thoroughfare, a major or secondary thoroughfare, sometimes referred to as a frontage street. A marginal access street will often provide direct access to abutting land and will also provide for local traffic movements.	
Reverse frontage street	A local street which runs generally parallel to, but removed one condominium unit (e.g., lot) width from a collector thoroughfare, a major or secondary thoroughfare and intercepts other local streets and controls access to a collector thoroughfare, a major or secondary thoroughfare. A reverse frontage street by providing direct access to abutting land is intended to eliminate the need for condominium units (e.g., lots) to obtain access from a collector thoroughfare, a major or secondary thoroughfare.	
Collector street	A street that typically has a planned right-of-way of 86 feet and has three purposes. First, it collects traffic from local streets and distributes that traffic to local destinations or major or secondary thoroughfares. Second, it funnels through traffic from major and/or secondary thoroughfares to local destinations. Third, a collector street can provide internal circulation and access to major shopping centers and industrial parks.	
Industrial street	A street intended primarily to serve traffic within an area of industrial development or proposed industrial development. Those streets are typically constructed to a standard that accommodates vehicles carrying heavy loads.	

3. No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission. The master deed shall contain adequate mechanisms to ensure that streets will be properly maintained. These provisions shall be reviewed and approved by the township's engineer and attorney. If the street is private, policing of "no parking" shall be the responsibility of the condominium association. If the association fails to

adequately police "no parking", the township may warn and/or fine the association in accordance with policy, law and terms adopted by the Township Board.

4. Minimum length for cul-de-sac streets shall be 140 feet. Maximum length for cul-de-sac streets shall not exceed one-half mile, measured from the centerline intersection of streets to the center point of the cul-de-sac circle.

5. Curbs and gutters, when provided, shall be constructed in accordance with the standards and specifications adopted by the County Road Commission. All traffic islands and medians shall be provided with concrete curbing.

6. All driveway openings onto streets or access across road ditches shall be as specified by the County Road Commission or the State Department of Transportation as applicable.

7. All streets that are not dedicated to the public shall be properly maintained. The surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to ensure that streets will be properly maintained. Those provisions shall be reviewed and approved by the township's engineer and attorney.

(c) *Easements.*

1. Location of utility easements shall be provided as necessary for utilities. The easements shall be a total of not less than 12 feet wide, and six feet from each proposed condominium unit site.

2. Recommendations on the proposed layout of telephone, television, natural gas and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.

3. Easements six feet in width, three feet from each condominium unit site shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)."

(5) *Condominium units within site condominium developments.* Condominium units within site condominium developments shall conform to the following standards.

(a) The unit size, width, depth and shape of any site condominium shall be appropriate for the location and type of development contemplated.

(b) Condominium unit areas and widths and building setback lines shall conform to at least the minimum lot and setback requirements of this chapter for the district in which the site condominium is proposed.

(c) Condominium units situated on corners in residential condominium subdivisions shall be at least 20 feet wider than the minimum lot width permitted by this chapter. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.

(d) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum by the Planning Commission. The Planning Commission may vary from this maximum due to physical conditions of the land or other circumstances that may justify greater depth.

(e) Condominium units intended for purposes other than residential use shall be specifically designed for those purposes, and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with this chapter.

(f) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in the zoning ordinance for "lots".

(g) Side condominium unit lines shall be at right angles or radial to the street lines.

(h) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.

(i) Condominium units shall have a front-to-front relationship across all streets where possible.

(j) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of the condominium unit, provided the buildable area of the condominium unit has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(6) *Blocks.*

(a) Maximum length for blocks shall not exceed 1,320 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.

(b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(7) *Natural resources.* The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, wetlands, water courses and similar community assets. (See § 154.150(C), concerning site plan review criteria.) The proprietor must consider preservation of drainage and natural stream channels. The provision of adequate barriers, where appropriate, shall be required.

(8) *Privately held reserve strips controlling access to public streets.* Privately held reserve strips controlling access to public streets shall be prohibited.

(9) *Reserve strips; public.* A one-foot reserve may be required to be placed at the end of a "stub" of "dead-end" public streets that terminate at condominium boundaries and between half-streets. These reserves shall be deeded in fee simple to the township for future public street purposes.

(10) *Public sites.* Where a proposed park, playground, school, recreational area, public access to water frontage or other public use, shown on the Master Plan (or delineated or specified by official action of the Planning Commission), is located in whole or in part within a site condominium development, the Township Board may request, but not require, that a suitable area for this purpose be dedicated to the public or reserved for public purchase. If, within two years of master deed recording, the purchase is not agreed on, the reservation may be canceled or shall automatically cease to exist. The master deed shall contain a provision permitting the dedication or sale of common elements for this purpose.

(11) *Greenbelts or landscaped screen plantings.* Greenbelts or landscaped screen plantings, the configuration and design of which is subject to the review and approval of the Planning Commission, shall be required to be located between residential site condominium developments and adjacent major arterial streets.

(12) *Provision of common elements (excluding roads).* In the case of residential developments, not less than 2-1/2% of the gross land area of the parcel to be developed as a "site condominium" shall be designated as a general common element (excluding roads). The common element shall be permanently reserved for use as active or passive recreational areas or natural resource preserve or a combination of both. These areas shall be designed to accommodate the needs of all age groups (as may be applicable to the anticipated occupancy type). The location, configuration and development plans for these areas shall be subject to the review and approval of the Planning Commission. The Planning Commission may waive this requirement in instances where it is not feasible or practical due to the small size of a proposed development or where adequate parkland and/or natural areas are already available in the immediate vicinity.

(13) *Sidewalks.* Except as otherwise provided herein, the developer shall install concrete sidewalks in all site condominium developments. Sidewalks shall be a minimum of five feet in width along both sides of local streets and six feet in width along all collector streets and major thoroughfares.

(a) The sidewalks shall be increased to eight feet in width (and may be constructed of asphalt) in order to safely accommodate bicycle traffic, when the additional width is indicated on a plan for the area as adopted or required by the Planning Commission or Township Board.

(b) Sidewalks shall be placed within the street right-of-way and shall be located one foot from the edge of the right-of-way. Sidewalks shall also be constructed within the public right-of-way along existing public roadways on the side or sides of the roadway abutting the site condominium development. In instances where the right-of-way of an adjacent public roadway is not sufficient to construct the sidewalk, the developer shall dedicate additional land as may be necessary to the County Road Commission or State Department of Transportation, as applicable. Access to all general common areas shall be provided.

(c) Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the sidewalk requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than 100 feet, sidewalks along internal streets shall not be required.

(14) *Utilities.*

(a) *Storm drainage.* An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the township engineer, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Township Board may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the determination of the Township Board, dedication of the same would be in the best interest of the township.

(b) *Sewage disposal.* When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the township engineer, shall be installed in a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed providing they are approved by the State or County Health Department, as applicable. The Township Board may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the determination of the Township Board, dedication of the same would be in the best interest of the township. When located on private property, appropriate easements to permit access for maintenance by the township shall be provided.

(c) *Water supply.* When a proposed site condominium is located within, adjacent to or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, in

accordance with township standards and as approved by the township engineer, shall be constructed in a manner so as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the State or County Health Department, as applicable. The Township Board may require that all water lines and appurtenances connecting to the public water supply system be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the township. When located on private property, appropriate easements to permit access for maintenance by the township shall be provided.

(d) *Requirements for underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services, distributed by wire or cable, to be placed entirely underground throughout the development area; and the conduits or cables shall be placed within private easements provided to the service companies by the developer, or within dedicated public ways; provided, only, that overhead lines may be permitted upon written recommendation of the township engineer and the approval of the Planning Commission at the time of site plan approval, where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design or character of the development. All the facilities, placed in dedicated public ways, shall be planned so as not to conflict with other underground utilities. All the facilities shall be constructed in accordance with standards of construction approved by the State Public Service Commission. All drainage and underground utility installations, which traverse privately held property, shall be protected by easements granted by the proprietor.

(15) *Street names and signs.* For the purpose of ensuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with preexisting streets within the township, postal zone or (9-1-1) local telephone calling area. For private streets, in addition to the above requirements, signs, meeting County Road Commission standards, with the words "Not a Public Street", shall be installed and maintained at all points where private streets meet public streets.

(16) *Street lighting.* For the purpose of protecting public safety, streetlights meeting the standards of the County Road Commission and of the utility provider shall be installed and maintained within the condominium development at all street intersections. The association of co-owners shall be responsible for the full cost of operation of streetlights.

(17) *Street trees and landscaping.*

(a) Street trees shall be provided in the ratio of at least one per dwelling unit and shall be placed in the street right-of-way approximately midway between the sidewalk and the curb, or upon Planning Commission approval shall be placed up to five feet behind the road right-of-way line to avoid potential conflicts with utilities. Trees shall be deciduous shade trees, not be less than eight feet in height at time of planting, and shall be of a species and variety approved by the Planning Commission.

(b) See § 154.019(D) and (E) for a list of approved plant materials and a list of trees that are not permitted.

(c) All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.

(18) *Final documents to be provided.* After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan in digital format (e.g., AutoCAD or similar). The Planning Commission may approve acceptance of an alternate copy on a Mylar sheet of at least 13 inches by 16 inches with an image not to exceed ten and one-half by 14 inches.

(19) *Improvements, performance guarantees.*

(a) The improvements set forth under this section are to be considered as the minimum acceptable standard. All those improvements for which standards are not specifically set forth shall conform to generally accepted municipal engineering standards as determined by the township engineer. All improvements must meet the approval of the Township Board.

(b) Prior to the undertaking of any improvements, the proprietor shall deposit with the Township Clerk: cash, a certified check or irrevocable bank letter of credit running to the township, whichever the developer selects, to ensure the faithful completion of all improvements within the time specified. The Township Board shall set the amount of the deposit based on an estimate by the township engineer. Completed construction of all improvements shall be approved by the township's designated official before issuance of any certificate of occupancy. The Township Board shall release funds for the payment of work as it is completed and approved by the township.

(c) Prior to the acceptance by the township of improvements, the developer shall post a two-year cash maintenance bond in an amount set by the Township Board.

(d) Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this section and/or any other standards and requirements which may from time to time be established by ordinance or published rules of the township.

(J) *Area, height and placement requirements.*

(1) When dwellings are to be constructed within a condominium development that is not classified as a "site condominium", minimum lot area and minimum lot width requirements shall not apply. In such cases, maximum permitted

dwelling density shall not exceed two-thirds of that permitted by § 154.063(B), Schedule Note I.

(2) Dwelling unit placement shall be governed by the front, side and rear setback requirements provided in the schedule, which shall be applied in the same manner as if lot or unit lot lines were present.

(K) *Roadways within housing developments.* In housing developments where internal roadways are provided to serve attached or detached dwelling units, which have individual driveways leading to or serving as the parking area for each dwelling unit, the roadways shall be designed and constructed to meet the standards set forth in division (I)(4) above.

(Ord. passed 6-28-2006) (Ord. passed 1-22-2009)

### **§ 154.032 OPEN SPACE PRESERVATION DEVELOPMENT (RESIDENTIAL CLUSTERING OPTION).**

(A) *Statement of purpose.* The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: maintaining the character of the area, maintaining an image of open space, permanently preserving open space and natural resources, protecting a portion of lands for agriculture and farming, and achieving a balance between farming, open space and residential growth.

(B) *Eligibility under the Township Zoning Act (Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended).* To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one-half acre (21,280 square feet) or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one-third acre (14,520 square feet) or larger minimum lot size. In the township, the Open Space Preservation Development (Residential Clustering) Option shall be a permitted use in the A/R, R-1C and R-2 Districts.

(C) *Method of land division.* Home sites may be developed under this option as a subdivision, a site condominium or land division.

(D) *Open space retained.* To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).

(1) *Primary Conservation Areas (PCA).* This category consists of wetlands, lands that are generally inundated (under ponds, lakes, creeks and the like), land within the 100-year floodplain, and soils subject to slumping. The full area of these lands shall be preserved. Fifty percent of these (PCA) lands shall be subtracted from the parcel total acreage toward an "Adjusted Tract Acreage for Yield". See division (E) below.

(2) *Existing Permanent Easement Areas (EPEA).* Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement (public and private) prohibiting future development (Co. drain easements, existing and planned public road ROWs, utility easements and the like) shall also be subtracted from the parcel total acreage toward an "Adjusted Tract Acreage for Yield". See division (E) below.

(3) *Secondary Conservation Areas (SCA).* At least 50% of the remaining land (that full portion which is not a primary conservation area or an easement conservation area) shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. The density credit may be applied to other unconstrained parts of the site. This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads.

(4) All dedicated areas (under divisions (D)(1), (2) and (3) above) shall be outside the boundaries of the proposed lots.

(E) *Density limit (yield plan).* The permitted density may be modified if a density bonus(es) is approved by the Planning Commission as provided under division (F) below. The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area:

(1) Less 50% of the primary conservation areas (PCAs) as defined in the division (D)(1) above;

(2) Less land required for existing permanent easement areas (EPEAs) under division (D)(2) above; and/or

(3) Divided by the minimum lot area set forth in the schedule of regulations for the district involved. This produces the "yield plan" number of lots.

(F) *Density bonus.*

(1) *General.*

(a) To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to 30% depending upon the physical characteristics of the site and upon a determination by the Commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this section, provided all other requirements of this section are met.

(b) Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this Conservation Endowment Fund shall be restricted to interest from the Fund and shall be used to offset continuing open space monitoring and maintenance costs.

(2) *Public access.*

(a) To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each two acres of public access land provided.

(b) Note: land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired.

(c) Public access to or along water bodies may be desired. Historic, archaeological or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.

(d) Fifty percent of the proceeds from the sale of the bonus lot(s) shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance and inspection costs.

(3) *Conservation endowment and public access endowment payments.* To ensure preservation and payment of bonus proceeds, the developer shall make proportional payments out of all lot sales as follows. An average projected proceed value shall be established and then corrected based on actual sales after each subsequent one-quarter of the total lots are sold. The proportional payments shall be equal to the percentage of bonus lots to the total number of lots multiplied by the average lot sale proceeds (as projected and corrected) multiplied by 0.5. Each subsequent conservation endowment payment shall be adjusted to account for the corrected proceed average and to make additional payment (or receive credit) for past sale proceeds in accord with each new average.

(G) *Minimum lot size.* The conventional minimum lot area and width requirements set forth in the schedule of regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low-density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and County Health Department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields). See criteria in division (O) below.

(H) *Method of preservation.* The areas in open space, recreation, agriculture or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the Township Attorney and the Township Planning Commission.

(1) *Home Owners Association (HOA).* Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

(2) *Protective covenants.* The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a homeowners association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

(3) *Condominium Association.* All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

(4) *Fee simple dedication to a unit of government.* The open space lands are dedicated to a unit of government (township, village, city, school district, county, state or federal and the like). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

(5) *Conservation easements.* The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a check and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.

(6) *Public trust.* The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies that may require these reports. The two entities shall enter into an agreement stating that the trust, whose

only purpose is to protect open lands and other protected resource areas, shall protect these spaces of the development.

(7) *Conveyance of any unused development rights.* Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use, but permanently giving up the right to ever develop it.

(I) *Frontage on internal road.* All lots shall front only upon an approved public or private road that is internal to the development. No lots may be created that front upon existing public roads.

(J) *Road standards.* All internal public roads shall be designed and constructed to meet all requirements of the County Road Commission (SCCRC) and as may be set forth in the township's subdivision regulations or the township's site condominium requirements. All internal public roads shall be dedicated to the SCCRC, be accepted and be incorporated into the SCCRC road system. All internal private roads, shared driveways and driveways shall be designed and constructed to meet all requirements of §§ 156.01 through 156.10, and 156.99.

(K) *Setbacks.* Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located.

(1) Dwelling units and structures shall be set back a minimum of 50 feet from any perimeter lot line of the parent parcel, except that they shall be set back at least 100 feet from any planned public road right-of-way which borders the perimeter of the project site.

(2) Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.

(L) *Landscaping.*

(1) To maintain the rural or very low-density suburban character of the district, the frontage along the perimeter public road(s) shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible.

(2) Scenic vistas from the perimeter public road(s) shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for those areas shall be reviewed and approved by the Planning Commission.

(3) Existing natural screens, or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this section.

(M) *Sewage disposal and water supply.*

(1) Use of on-site wells and public water supply and septic systems is anticipated in the township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the County and/or State Health Department. Public water and sewage disposal systems shall not be extended to serve projects developed under this section if the site lies beyond an urban services area boundary, as may be set forth within the Master Plan, except in those instances where the utilities already are located at the perimeter of the site.

(2) Portions of the open space may be used, if approved by the Planning Commission and the County Health Department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than 10% of the required minimum open space.

(N) *Pedestrian linkages to open space.* To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space(s).

(O) *Site plan.* Approval under this section requires that a site plan meeting the requirements of §154.150 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submission of additional documents as specified or called for herein.

(1) The Planning Commission shall consider the following general evaluation guidelines:

(a) Protects and serves all floodplains and wetlands;

(b) If development must be located on open fields or pastures because of greater constraints in all other parts of the site dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads;

(c) Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters;

(d) Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than five acres);

- (e) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares;
- (f) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features;
- (g) Protects wildlife habitat areas of species listed as endangered, threatened or of special concern;
- (h) Designs around and preserves sites of historic, archaeological or cultural value, their environs and their related features (e.g., stone walls, earthworks and burial grounds);
- (i) Protects rural roadside character;
- (j) Landscapes common areas (such as community greens), cul-de-sac islands and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value;
- (k) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots;
- (l) Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas and provide convenient access from home sites; and
- (m) Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

(2) The Planning Commission also shall consider the following specific evaluation guidelines.

(a) *Location of house sites.* House sites should generally be located not closer than 100 feet from primary conservation areas, but may be situated within 50 feet of secondary conservation areas to provide buffering distances and afford enjoyable views. The building "foot print" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission.

(b) *Street and lot layout.* When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.

(c) *Lot lines.* These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".

(P) *Site condominium, subdivision approval or land division.* A project approved under this section shall also comply with all requirements of the township, county and state for a site condominium, subdivision or land division as may be applicable, and shall follow all the steps and procedures for approval required therein. If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted.

(Q) *Application and approval process.*

(1) The applicant shall prepare and present the following exhibits to the Planning Commission for review and approval. The Planning Commission shall submit the applicant's exhibits to the Township Planner for a recommendation. As may be necessary or advisable, a recommendation from the Township Engineer may also be sought during the preliminary approval process.

(a) Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas (PCAs) and all existing permanent easement areas (EPEAs) as defined in the paragraphs under divisions (D)(1) and (2) above, and shall accurately demonstrate the maximum number of lots or parcels in accordance with division (E) above.

(b) Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.

(c) Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.

(d) A site walkabout may be scheduled for the applicant, Planning Commissioner(s) and the local governmental staff and/or consultants.

(2) Planning Commission site plan review procedures (see §154.150) are required in all eligible districts (A/R, R-1C, R-2) for this permitted use leading to a determination of approval, approval with conditions or disapproval.

(3) Any legal instruments (easements, covenants and the like) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the Township Attorney. Any approved easements, covenants or other legal instruments that run with the land are to be recorded with the county Register of Deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

(Ord. passed 6-28-2006)



### § 154.033 REVIEW AND PRELIMINARY APPROVAL OF MANUFACTURED HOUSING COMMUNITY PLANS.

(A) *Review.* Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community or construction of any building within the community that was not previously approved, a plan shall be presented to the Planning Commission for its review and approval.

(B) *Application.* All plans submitted to the Planning Commission for review under this section shall contain the following information:

(1) Every preliminary site plan submitted for review by the Planning Commission shall be a complete application and in accordance with the requirements of this chapter. Fifteen copies of the preliminary site plan shall be submitted with the application;

(2) The name and address of the property owner and developer;

(3) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, architectural or planning firms responsible for the preparation of the site plan;

(4) The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more;

(5) All property lines are to be shown in dimension;

(6) The location and height of all existing structures on and within the subject property, and within 100 feet of the property's perimeter;

(7) The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas and community buildings;

(8) The location of all proposed open space and recreation areas with written assurance that it meets the requirements of Rule 946 of the Manufactured Housing Commission;

(9) The location of all proposed landscaping and buffering;

(10) The location and the pavement and right-of-way width of all abutting roads, streets or alleys;

(11) The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls;

(12) Location of all fire hydrants, if applicable;

(13) The number of manufactured housing sites proposed;

(14) The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal;

(15) Utility and other easements;

(16) Existing wetlands;

(17) A description of storm water management facilities with written assurance that surface drainage facilities will meet the requirements and standards of part of the MDEQ (Michigan Department of Environmental Quality);

(18) Proposed sign locations; and

(19) A statement of all required setbacks and separation distances.

(C) *Detailed construction plans shall not be required.* Provided, however, that detailed construction plans shall not be required to be submitted to the township.

(D) *Fee.* Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

(E) *Decision.*

(1) The Planning Commission shall review the plan for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the ordinance and regulations, it shall be approved.

(2) The plan shall be approved, approved with conditions or denied within 60 days after received by the township, unless the applicant consents to allow a longer period of review.

(F) *Copy of final construction plan.* A copy of the final construction plan shall be submitted to the township upon approval by the State Department of Consumer and Industry Services.

(G) *Noncompliance.* Any substantial noncompliance with the approved preliminary site plan shall be reported along with all pertinent evidence to the Manufactured Housing Division of the State Department of Consumer and Industry Services, or successor department or agency, for remedy.

(Ord. passed 6-28-2006)

#### **§ 154.034 MANUFACTURED HOUSING COMMUNITY REQUIREMENTS.**

State-licensed manufactured housing communities (also previously known as mobile home parks) are a permitted use in the MHR, Manufactured Home Residential District subject to the following requirements for this high-density land use.

(A) *Site size.* A 15-acre site shall be the minimum site size.

(B) *Access and roads.*

(1) The proposed site location shall be governed by the requirements of § 11 of the Mobile Home Commission Act, being M.C.L.A. § 125.2311, and Rule 920(1)(b) of the Manufactured Housing Commission Rules.

(2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.

(3) All internal roads shall be constructed of concrete or bituminous asphalt and be supported by a suitable sub-grade in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO).

(4) Maximum cul-de-sac length shall be 1,000 feet. A blunt-end road is prohibited. An internal road that has no exit at one end shall terminate with an adequate turning area that is to be approved by the Township Fire Chief. Parking shall not be permitted within the turning area.

(5) Safe-sight distance shall be provided at intersections.

(6) An offset at an intersection or an intersection of more than two internal roads is prohibited.

(7) The following types of internal roads shall have driving surfaces that are not less than the following widths:

(a) One-way, no parking: 16 feet;

(b) Two-way, no parking: 21 feet;

(c) One-way, parallel parking, one side: 23 feet;

(d) One-way, parallel parking, two sides: 33 feet;

(e) Two-way, parallel parking, one side: 31 feet; and

(f) Two-way, parallel parking, two sides: 41 feet.

(8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows.

(a) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.

(b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and the ingress and egress road shall not have squared corners.

(d) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required setback, except that required clear vision areas as provided under § 154.013 shall be maintained. The entranceway structure(s) shall comply with the State Building Code. A driveway permit shall be obtained from the County Road Commission or State Department of Transportation (whichever has jurisdiction) and must approve the proposed entranceway structures if located within the public road right-of-way.

(9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of the system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

(10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

(C) *Driveways.*

(1) Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse and other materials.

(2) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and

horizontal alignment for safe and convenient ingress and egress.

(D) *Resident vehicle parking.*

(1) All home sites shall be provided with two parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions.

(a) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.

(b) The parking spaces may be either in tandem or side-by-side. If spaces are in tandem, then the width shall not be less than nine feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 18 feet and the length shall be not less than 20 feet.

(3) If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of nine feet and a clear length of 20 feet.

(4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of nine feet and a clear length of 20 feet.

(E) *Visitor parking facilities.*

(1) A minimum of one parking space for every three home sites shall be provided for visitor parking.

(2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.

(3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of nine feet and a clear length of 20 feet.

(F) *Sidewalks.*

(1) Public sidewalks: concrete sidewalks, five feet in width, shall be required along that portion of a community fronting along public road(s). The sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way line.

(2) (a) Sidewalks shall also be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community.

(b) Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking and recreation areas.

(3) All sidewalks shall be constructed in compliance with all of the following requirements:

(a) Sidewalks shall have a minimum width of four feet and shall be constructed in compliance with Public Act 8 of 1973, being M.C.L.A. §§ 125.1361 *et seq.*, an act that regulates sidewalks for disabled; and

(b) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

(4) An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch or deck of the dwelling if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(5) No portion of any off-street parking area shall be considered part of the sidewalk system.

(G) *Lighting.*

(1) Access points of the community from the public road shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.

(2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.15-foot candle.

(3) Internal roads, parking bays and sidewalks shall be illuminated at not less than 0.05-foot candle.

(4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory.

(H) *Utilities.*

(1) All electrical, telephone, cable television, natural gas and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.

(2) All manufactured housing sites and all other buildings within the community shall be connected to the water system

of the township, if it is available to the community, or to another state-approved system. The community water system shall conform to Part 2-4 of the State Department of Environmental Quality manufactured housing community standards.

(3) Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.

(4) All manufactured housing sites and all other buildings within the community shall be connected to the public sanitary sewage system of the township, if it is available to the community within 200 feet at the time of preliminary site plan approval. If a public sewer system is unavailable, the proposed development shall connect to a state-approved sewage system. The community's sanitary sewage system shall conform to the State Department of Environmental Quality manufactured housing community standards.

(5) All storm sewers shall be constructed in accordance with Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the County Drain Commissioner, pursuant to § 11(3) of Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended.

(l) *Individual home site size, spacing, setback and fence requirements and pool location.*

(1) *Home site area.*

(a) The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit.

(b) This 5,500 square feet average may be reduced by 20% provided that each individual site shall be equal to at least 4,400 square feet.

(c) For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

(d) This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and division (K) below. (Open Space Requirements) of this chapter.

(2) *Required distances between homes and other structures.*

(a) Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall support line or foundation line, whichever provides the greater distance:

1. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes;

2. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road;

3. Ten feet from either of the following:

a. The parking space on an adjacent home site; or

b. An attached or detached structure or accessory of an adjacent home that is not used for living purposes.

4. Fifty feet from permanent community-owned structures, such as either of the following:

a. Club houses; or

b. Maintenance and storage facilities.

5. One hundred feet from a baseball or softball field; and

6. Twenty-five feet from the fence of a swimming pool.

(b) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.

(c) Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:

1. Ten feet from the edge of an internal road;

2. Seven feet from a parking bay off a home site;

3. Seven feet from a common sidewalk; and

4. Twenty-five feet from a natural or human-made lake or waterway.

(d) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the

two long sides and the entrance side:

1. Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk; and

2. Roof overhangs shall be set back two feet or more from the edge of the internal road.

(e) Steps and their attachments shall not encroach into parking areas more than three and one-half feet.

(3) *Setbacks from property boundary lines.*

(a) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.

(b) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

(4) *Fences on individual home sites.* Fences on individual home sites shall be uniform in height, not to exceed 36 inches, and shall be constructed in a manner so as to provide firefighters an access to at least two gates.

(5) *Pool location.* Free-standing swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway. Swimming pools, spas, hot tubs and similar devices are further regulated under § 154.027, concerning swimming pools, if provided, shall be in compliance with Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*, as amended, and the rules promulgated thereunder.

(J) *Screening/landscaping.* Manufactured housing communities shall provide the following screening, buffering and landscaping.

(1) If a manufactured home development abuts an existing residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.

(2) In all cases, a community shall provide screening along the boundary abutting a public right-of-way.

(3) The landscaping shall consist of evergreen trees or shrubs that are spaced so they provide a continuous screen at maturity.

(4) Landscape material shall consist of evergreen trees a minimum of four feet in height at installation and evergreen shrubs a minimum of three feet in height at maturity.

(5) The Planning Commission may approve alternative screening techniques (earth berms, fences and the like) based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.

(6) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

(K) *Open space requirements.*

(1) A community that contains 50 or more sites shall have not less than 2% of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, basketball courts and lawn game areas.

(2) Required setbacks may not be used in the calculation of open space area. No part of a wastewater lagoon(s) and any appurtenances thereto shall be considered a part of any required open space.

(L) *Site constructed buildings, dwellings and additions to manufactured homes.*

(1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their HUD approved accessory buildings, shall be reviewed by the township at the time of submission for a building permit under the State Building Code, unless approved as part of the original plan for the community.

(2) The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.

(3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless wall or greenbelt (see § 154.018) is provided for that area.

(4) Site-built single-family dwellings may be located in a community as follows:

(a) One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less;

(b) Two single-family dwellings may be permitted for the exclusive use of the community owner, manager or caretaker in a community in excess of 30 acres; and

(c) Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the R-1A Single-Family Residential District.

(5) Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes and any site built garages or carports shall comply with the State Building Code. A carport or garage shall not exceed 576 square feet.

(M) *Signs.*

(1) There shall be a maximum of one sign per road frontage with an entrance that shall bear only the name of the community.

(a) The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type.

(b) One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community.

(c) For multiple entrances, a 16-square-foot sign shall be permitted at each entrance after the first.

(d) Signs may be doubled-faced, but each side of the sign shall have identical copy and be flush with the other side.

(e) Signs shall not exceed eight feet in height.

(2) Signs purely for traffic regulation and direction within the manufactured housing community may be utilized as required.

(N) *Boats, RVs and hobby vehicles storage.*

(1) If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for the vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this chapter and shall be adequately locked, fenced and permanently buffered.

(2) The storage shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless a wall or greenbelt (§ 154.018) is provided for that area.

(O) *Compliance with regulations.* The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the State Manufactured Housing Commission, as amended from time to time.

(Ord. passed 6-28-2006)

**§ 154.035 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES/OPERATION OF COMMUNITIES.**

(A) *Home size.* Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.

(B) *Installation.* The installation of manufactured housing on each site within the community shall conform to the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

(C) *Skirting.* Skirting shall be installed around all manufactured housing units and meet all of the following requirements.

(1) All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that the installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the State Manufactured Housing Commission.

(2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the under-body from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

(D) *Storage of personal property.*

(1) Except as otherwise noted in this chapter, no personal property, including tires, shall be stored outside or under any manufactured housing, or within carports which are open on any side. Towing mechanisms, including axles, are not subject to this provision.

(2) Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.

(3) Storage sheds with a maximum area of 144 square feet may be placed upon any individual manufactured housing site for the storage of personal property.

(E) *Towing mechanisms.* Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however be stored under manufactured homes within a community.

(F) *Use.* A manufactured home shall be used only as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

(G) *Vehicle repair/inoperable vehicle storage.* No major vehicular repair, changing of oil or use of other potentially hazardous materials or procedures is permitted within the community. Further, no vehicles which are inoperable for a period of 72 consecutive hours shall be stored and/or remain in any outdoor area associated with the developed community property. The community shall comply with the requirements of § 154.028.

(H) *Occupancy.* No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to building official inspection and approval.

(I) *Manufactured home sales.* New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale, pursuant to § 28A of the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended.

(J) *Community maintenance.* The owner or operator of any community shall be responsible for all private street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community. The community's owner or operator shall also maintain the sidewalks, open space and common area facilities.

(K) *Storage of combustible items.* Individual fuel oil, liquid petroleum or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.

(L) *Garbage containers.* Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.

(M) *Fire extinguishing equipment.* Every community shall be equipped with fire extinguishing equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

(Ord. passed 6-28-2006)

### **§ 154.036 COMMUNITY SEWER SYSTEM.**

(A) *Intent and purpose.* Pursuant to Public Act 451 of 1994, being M.C.L.A. §§ 324.11501*et seq.*, as amended, the State Department of Environmental Quality ("MDEQ") is authorized to issue permits for onsite sewage disposal systems that service more than one property (referred to herein as a "community sewer system"). In issuing a Part 41 permit, the MDEQ may no longer require that the township adopt a resolution stating that the township will assume responsibility for the operation, maintenance, and in the event of system failure, clean-up of the proposed system, if the owner fails to do so. While the township recognizes that it cannot be forced to assume the responsibilities for a community sewer system, and a community sewer system may be in the best interests of the health, safety and welfare of the township and the residents in some circumstances, the township requires assurance that should a Part 41 permit be issued, the township shall not incur any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system. To this effect, this chapter is intended to regulate community sewer systems to provide those assurances.

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

**ACT 451.** Public Act 451 of 1994, being M.C.L.A. §§ 324.11501*et seq.*, as amended.

**ASSOCIATION.** For a condominium development, shall have the same meaning as "association of co-owners" found in Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended. For a subdivision or other development, it shall mean an association of homeowners or property owner organized to deed restrictions and/or restrictive covenants in a particular development.

**COMMUNITY SEWER SYSTEM or SYSTEM.** A facility for the transportation, collection, processing, or treatment of sanitary sewage, which is owned by a non-governmental entity and which services or which is proposed to service more than one structure.

**DEVELOPMENT.** Includes a subdivision as defined by Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, a condominium pursuant to the provisions of Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended, or any group of dwellings or structures which are proposed to be serviced by a community

sewer system.

**DEVELOPMENT DOCUMENTS.**

(a) For a condominium project, the master deed and bylaws provided by Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended: and

(b) With regard to subdivisions or other developments, deed restrictions and/or restrictive covenants.

**DWELLING.** A structure primarily designed or used for residential purposes.

**EXPANSION.** Any activity whereby additional structures or users shall be added to an existing system.

**MDEQ.** The Michigan Department of Environmental Quality, or its successors.

**OWNER.** The owner of a fee simple, or a land contract interest, in real property or the owner of a unit in a condominium, of property which is serviced or is proposed to be serviced by a community sewer system.

**PART 41 PERMIT.** A permit issued in accordance with the Provisions of Part 41 of Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*

**PUBLIC SANITARY SEWER SYSTEM.** A publicly-owned sanitary sewer system.

**SANITARY SEWER SYSTEM.** A facility for transportation, collection, processing or treatment of sanitary sewage.

**STRUCTURE.** A building in which toilet, kitchen, laundry, bathing or other facilities that generate water carrying sanitary sewage are used for household, commercial, industrial or other purposes.

(C) *Regulations.*

(1) Except as provided in this chapter, it shall be unlawful to construct, install or operate a community sewer system to service a development within the township.

(2) The township shall grant approval of a community sewer system only after the applicant has provided all information and met all the requirements contained in this chapter.

(D) *Requirements for approval.*

(1) Any community sewer system shall comply with the terms of this chapter, applicable standards of the MDEQ, Michigan Department of Public Health, and the County Health Department, and any other applicable laws and regulations of the federal government, the state, the county and the township, as they may not exist or are hereafter adopted or amended. The system shall only be permitted within the R-1A, R-1B, R-2, MHR or RM Zoning Districts.

(2) No new community sewer or an expansion of an existing system shall be constructed, installed or operated within the township unless the plans for the installation and system design have been approved by the township, the County Health Department, the State Department of Public Health, and/or state department of environmental quality (MDEQ) (whichever had jurisdiction) as conforming with their regulations and a permit issued in accordance therewith, and any other applicable government unit having jurisdiction over the system.

(3) The applicant shall provide the following to the township before approval for a community sewer system may be granted:

(a) A certification from the system engineer indicating that the system as designed and constructed will adequately process sanitary sewage and waste as required by applicable laws and regulations of the federal government, state, county and the township. The township engineer shall review and make a recommendation regarding the adequacy of the certification;

(b) An executed agreement between the applicant, owner and/or association (which must be formed and made a party to any agreement executed hereunder), and the County Drain Commissioner Office, or another operator as determined by the township, in its sole discretion, to be properly certified and possessing the required ability to operate and manage the system.

1. The agreement shall contain provisions for: operation and maintenance of system; collection of charges for connection to, use and replacement of the system; and compliance with all applicable governmental laws, ordinances, regulations and agreements regarding the system.

2. The agreement shall provide that it may not be terminated without township approval. The language of the agreement shall be approved by the township attorney and township engineer prior to granting of township approval.

(c) An executed agreement between the applicant, owner and/or association, and the township in a form acceptable to the township. The agreement shall provide the terms and conditions related to the township's obligation to oversee the system and shall specify:

1. The applicant, owner and/or association shall be responsible for operation and maintenance of the system;

2. The individual or entity responsible for the operation and maintenance on behalf of the applicant, owner and/or association;



3. Standards for operation, maintenance, repair and/or replacement of the system;

4. The applicant, owner and association shall jointly and severally indemnify the township from any and all costs and liability incurred by the township with respect to operation, maintenance, repair and replacement of the system;

5. The applicant, owner and/or association shall provide an escrow, bond or letter of credit in an amount determined by the township to satisfy all costs relating to the maintenance, operation, repair and/or replacement of the system. The amount of the escrow, bond or letter of credit account shall be established by the township prior to granting approval for the system;

6. The applicant, owner and/or association shall pay an application fee designed to reimburse the township for all its expenses involved in review of the construction and design of the system, or preparing or reviewing any documents referenced in this chapter, including review by the township engineer and township attorney, as required;

7. That should the designed individual entity fail to comply with any requirements listed in division (D)(3) above, that the township, may but is not required to, enter with or without notice onto the property, perform any necessary maintenance, repair, replacement and/or operation, with the applicant, owner and/or association reimbursing the township all costs resulting from the activity, plus a 25% administration fee; and that in default of the payment, the township shall be entitled to withdraw any or all of the escrow, bond or letter of credit account referenced in division (D)(3)(c)5. above, without the consent of the applicant, owner, association or any other person or entity and additionally undertake whatever collection proceedings are available to it by law including, but not limited to, the addition of the costs to the tax roll to be collected in the same manner as special assessments are assessed against any real property, or interest therein serviced by the system;

8. The applicant, owner and/or association shall provide for the maintenance of a policy of casualty insurance for the replacement value of the insurable components of the system and a policy of comprehensive general liability insurance with limits acceptable to the township, naming the township as an additional insured;

9. The township may, at its sole discretion, require that the community sewer system by abandoned and all properties in the development be connected to any publicly-owned community sewer system which may be constructed in the future abutting the development or easements abutting the development; and

10. In the event a publicly owned sewer system is created or if, notwithstanding the provision of this chapter, the township is required to assume responsibility for the system, the township shall have the option to purchase for the sum of \$1: marketable title to any lands required to be titled in the name of the township by governmental or regulatory requirements; or easements reasonably deemed by the township to be necessary in conjunction with the township's assumption of responsibility for community sewer system or future publicly-owned community sewer system.

(4) The applicant, owner and/or association shall also agree that provisions of the development documentation referenced in the preceding section shall also be included in a separate document, in form approved by the township attorney, and included within the condominium project, or in a separate recordable document for other developments, and delivered to the prospective purchaser prior to the execution of a purchase agreement for property proposed to be serviced by a community sewer system.

(5) A permanent and irrevocable easement, in recordable form, shall be granted by the applicant, owner and/or association to the township and its employees, agents and assigns authorizing them to enter onto the property upon which the system is located for the purpose of inspections. The easement shall also permit, but not require, the township access for the purpose of improving, repairing, maintaining and/or replacing the system area and require that the system area shall be maintained and to be accessible at all times, prohibiting any structures or landscaping within the area that would unreasonably interfere with the access.

(6) No building permit shall be used for any structure or development proposed to be serviced by a community sewer system until the township has inspected and approved the system in accordance with the terms and provisions of this chapter.

(7) Anything in this chapter to the contrary notwithstanding, the township shall not be responsible for or obligated to perform any needed or desired repairs, maintenance, improvement and/or replacement of the system or any portion thereof. Any like repairs, maintenance improvement and/or replacement undertaken by the township shall be in its sole and absolute discretion.

(8) At the time any approval for a community sewer system is granted, the township may condition such approval upon the applicant and current and future owners of property proposed to be serviced by the system and/or any association to adhere to certain operational and maintenance requirements. The contractor and/or association shall furnish periodic operating reports in accordance with the maintenance requirements and schedule. Any requirements shall be made a part of the development documents.

(9) The development documents referenced in divisions (D)(3) and (4) shall be recorded at the office of the County Register of Deeds. After approval by the township, the development documents, as they pertain to the system, shall not be changed without township approval, which restriction shall be expressly stated in the documents.

(10) The association, individual owners and/or users of the system shall be responsible for all costs involved in the installation, operation, maintenance, repair, replacement and liability associated with the system. The township may, at its option, elect to collect all costs it may incur in the connection with the system pursuant to the other provisions of this chapter, or by direct court action against the association, owners and/or users of the system.

(E) *Enforcement and penalties.*

(1) *Civil remedies.* The provisions of this section shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction. Any violation of this section is deemed to be a nuisance per se.

(2) *Criminal remedies.* An person convicted of a violation of this chapter , or any person who knowingly makes any false, statements, representations or certifications in any application, record, pan or other document, filed or required to be maintained pursuant to this section, shall upon conviction be punished by a fine of not more than \$500 or imprisonment in the county jail for a period of time not to exceed 90 days, or both the fine and imprisonment, in the discretion of the court, together with the costs of prosecution. Each day this section is violated shall constitute a separate offense.

(Ord. passed 6-28-2006) (Ord. passed 10-20-2008) Penalty, see §154.999

## **ZONING DISTRICTS AND MAP**

### **§ 154.050 DISTRICTS ESTABLISHED.**

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

(A) Residential districts:

- (1) A/R, Agricultural/Residential District;
- (2) R-1A, Single-Family Residential District;
- (3) R-1B, Single-Family Residential District;
- (4) R-1C, Single-Family Residential District;
- (5) R-2, Two-Family Residential District;
- (6) MHR, Manufactured Home Residential District; and
- (7) RM, Multiple-Family Residential District.

(B) Nonresidential districts:

- (1) RCC, Recreation, Conservation and Cemetery District;
- (2) O, Office District;
- (3) GB, General Business District; and
- (4) I, Industrial District.

(Ord. passed 6-28-2006)

### **§ 154.051 BOUNDARIES SHOWN ON OFFICIAL ZONING MAP.**

(A) The boundaries of these districts are hereby established as shown on the official zoning map, which accompanies this chapter, which is incorporated by reference herein and which map with all notations, references and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(B) The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words:

“This is to certify that this is the official zoning map referred to in §154.051 of the code of the Township of Burtchville: Adopted August 15, 2016.”

(C) If, in accordance with provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, those changes shall be made on the official zoning map after the amendment has been approved by the Township Board together with an entry on the official zoning map as follows:

“On (date), by official action of the Township Board, the following change(s) were made (brief description with reference number to Board proceedings).”

(Ord. passed 6-28-2006; Res. 2016-08-15.1, passed 8-15-2016)

**Cross-reference:**

*Burtchville Township Zoning Map, see Appendix A*

*Burtchville Township Zoning Detail, see Appendix B*

### **§ 154.052 DISTRICT BOUNDARIES INTERPRETED.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply.

- (A) Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to

follow the centerlines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(C) Boundaries indicated as approximately following township limits shall be construed as following township limits.

(D) Boundaries indicated as parallel to, or extensions of, features shall be so construed. Distances that are not specifically indicated on the zoning map shall be determined by the scale of the map.

(E) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by divisions (A) through (D) above, the Zoning Board of Appeals shall interpret the district boundaries.

(F) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.

(Ord. passed 6-28-2006)

#### **§ 154.053 DISTRICT REQUIREMENTS.**

All buildings and uses in any district shall be subject to the provisions of §§154.001 through 154.036 and §§ 154.075 through 154.079.

(Ord. passed 6-28-2006)

#### **§ 154.054 RCC RECREATION, CONSERVATION AND CEMETERY DISTRICT.**

(A) *Statement of purpose.* The Recreation, Conservation and Cemetery District provides for land used for recreation, for conservation purposes, and for cemeteries. This district includes the Lakeport State Park, Burtchville Township Park, Dixie Park and cemeteries.

(B) *Permitted uses.* The following uses are permitted in the Recreation, Conservation and Cemetery District:

- (1) Publicly owned and operated parks and recreational facilities;
- (2) Conservation areas dedicated for public use or access;
- (3) Cemeteries;
- (4) Accessory uses, buildings and structures customarily incident to the above uses. See §154.063;
- (5) Accessory signs in accordance with § 154.025(C)(3);
- (6) Communication towers as provided in § 154.134; and
- (7) Uses similar to the above uses.

(C) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

#### **§ 154.055 A/R AGRICULTURAL/RESIDENTIAL DISTRICT.**

(A) *Statement of purpose.* The Agricultural/Residential District encourages farms on land resources needed for agricultural production, fosters rural lifestyles and regulates the encroachment from untimely suburban and urban development. Land uses commonly found within the Agricultural/Residential District include farming, woodland, farmsteads, large lot rural non-farm dwellings, open space, outdoor recreation and similar extensive land uses. In the future, based upon the township's Comprehensive Development Plan, Agricultural/Residential Districts may be converted to other zoning districts to accommodate expansion of suburban and more urban areas.

(B) *Permitted uses.* The following uses are permitted in the Agricultural/Residential District:

(1) Farms, when located on a parcel of land ten acres or more in area located outside the boundaries of either a proprietary or supervisor's plat. A farm shall be subject to the health and sanitary regulations of the county and the state. No farm shall be operated for the disposal of garbage, sewage (except when the sewage is applied by state approved methods for the purpose of fertilizing the soil on a farm and when approved by the Township Board), rubbish, offal or rendering plants, or for slaughtering of animals (except such animals as may have been raised on the premises for consumption by persons residing on the premises);

(2) Raising of livestock and farm animals (but not including feedlots) for the purpose of this chapter, shall constitute a farm and require at least ten acres. No livestock or animal buildings or pens shall be located closer than 50 feet from any abutting residential district. (Michigan's "generally accepted agricultural and management practices" (GAAMPS) may require a greater setback.) All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition. The farm operator is advised that raising livestock and farm animals should be conducted and sited in accordance with the state "generally accepted agricultural and management

practices” (GAAMPS) under Public Act 94 of 1995, being M.C.L.A. § 286.472. The township explicitly leaves GAAMPS enforcement to the state and is not, by reference herein, incorporating them into the ordinance;

(3) An accessory residential animal hobby on non-farm lots or parcels outside of an existing residential plat, subdivision and condominium development, unless the development is originally designed to provide for the accessory residential animal hobbies as provided herein.

(a) Raising of hobby animals on parcels of land less than ten acres in area shall be limited to one animal unit (except horses and cattle. All other animal types not in the table on the next page are to be calculated thus: 1,000 pounds live weight equals one animal unit) for the first five acres, plus one additional animal unit for each two additional acres.

(b) The use shall be accessory to an existing residence located on the same lot or parcel. Animals kept for a 4-H project are included under this permitted use. All hobby animals shall be kept within a fenced enclosure. No hobby animals or animal buildings, pens or corrals shall be located closer than 50 feet from any abutting property line, except that hobby animal paddocks may extend to one foot from the property line or to a property line fence established between neighbors with a mutual agreement required to be recorded at the Register of Deeds for any fence on a property line.

(c) All hobby animals or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or a public nuisance. Storage or piling of waste products shall be confined to areas where hobby animal buildings and quarters are permitted (accessory building) and away from wells, water bodies and drainage ways.

(d) Notwithstanding the below table, offspring of the hobby animals may be kept on the premises for the time period that is customary for the species.

(e) A plot plan only (not a full site plan) is required for this use. See §154.151.

(f) On parcels of five to 6.99, seven to 8.99 or nine to 9.99 acres, the following numbers of hobby animals shall be allowed.

<b>Number of Residential Animals Allowed On</b>			
<b>Type of Hobby Animal</b>	<b>5 to 6.99 acres</b>	<b>7 to 8.99 acres</b>	<b>9 to 9.99 acres</b>
<b>Number of Residential Animals Allowed On</b>			
<b>Type of Hobby Animal</b>	<b>5 to 6.99 acres</b>	<b>7 to 8.99 acres</b>	<b>9 to 9.99 acres</b>
Cattle (slaughter and feeder)	2	3	4
Horse	2	3	3
EQUIVALENTS*			
Mature dairy cattle (milked or dry)	-	1	2
Swine**	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying hens	30	60	90
Ducks	5	10	15
Ostrich, emu, lama	2	4	6
*The animal equivalents shown here are based on U.S. Code of Federal Regulations: 40 C.F.R. Appendix B (§ 122.23)			
**Each weighing over 25 kilograms, approximately 55 pounds.			

(4) Farm buildings, plant and tree nurseries, and greenhouses;

(5) Farm markets for sale of agricultural products raised or grown on the farm premises and agriculture-related items; when carried on entirely within the farm dwelling or accessory buildings (including roadside stands), and only when carried on as an accessory use to a farm.

(a) In the case of roadside sales and roadside stands, the sale shall not extend for more than nine months. The roadside stand shall be located not less than ten feet from the existing road right-of-way, and an open area for patron’s parking shall be provided subject to the same ten-foot setback.

(b) All structures or buildings used for the sale shall be of portable construction, temporary, non-permanent and not anchored to the site. The structures must be removed from the front yard of the premises within 30 days of the termination of the sale.

(6) Single-family detached dwellings. The requirements a single-family dwelling must meet to locate in this district are included in the definition of single-family dwelling. Additional requirements related to area, height and placement on a lot are given under § 154.063. A plot plan is required under § 154.151;

(7) Single-family detached dwellings developed in accordance with a residential clustering option as set forth in § 154.032;

(8) Foster family homes (one to four children) and foster group homes (five to six children) as defined in §154.003;

(9) Family day care homes (one to six children) as defined in §154.003;

(10) State-licensed residential care facilities for six or fewer persons;

(11) Garage sales, yard sales or similar types of sales, provided that no like sale shall take place for a period of more than four days and no residence shall be permitted more than three sales per year with at least 14 days between sales;

(12) Home occupations as defined (§ 154.003) and as regulated (§ 154.030);

(13) Public and parochial elementary, intermediate and secondary schools;

(14) Publicly owned and operated parks and recreational facilities;

(15) Accessory buildings and structures customarily incidental to any of the above uses when located on the same property. See § 154.063(R) and § 154.009;

(16) Personal storage buildings, subject to the following requirements. A personal storage building is considered to serve the same function as a residential garage, namely for the storage of the property owner's vehicles and household items. However, a personal storage building is not required to be accessory to a residential structure or other use.

(a) One such building is permitted per lot of at least three acres in the A/R District.

(b) The height, length and width shall not exceed the dimensions allowable under §154.009(C)(4).

(c) The building's location on the lot shall accommodate a future residential dwelling of a size typical of the neighborhood and accessory uses such as a driveway and septic system and shall accommodate yard setbacks and other requirements of § 154.063. In addition, the building shall be located no closer than 200 feet to the planned right-of-way line and be served by a driveway that can accommodate the township's emergency response vehicles.

(d) An application for a building permit for a personal storage building shall meet the requirements of §154.151 and include sufficient information for the Zoning Administrator to determine that the requirements above also will be met.

(e) No home occupation or commercial use or use as living quarters is permitted in a personal storage building or on the premises in other than a dwelling.

(f) Outdoor storage of items is permitted in the rear of the building.

(g) If and when a building permit is issued for a residential dwelling on the property or other lawful primary use is made of the property, the personal storage building shall be automatically reclassified as an accessory building, subject to the requirements of such, and shall be included in the calculation of lot coverage and for other district regulations.

(17) Storage of a contractor's commercial vehicles and equipment: Storage of commercial vehicles and equipment, such as but not limited to that used by a contractor, a builder, an excavator, a landscaper, a construction company or a snow removal business (pickup trucks, vans, delivery vehicles, snow plows, lawn maintenance equipment, tank trucks, semi-trailers and trailers, and construction equipment) is permitted after review and approval by the Planning Commission of a plot plan, subject to the conditions below.

(a) All the uses shall be located on a major thoroughfare or secondary road, as shown in the Comprehensive Master Plan for the township.

(b) All equipment or stored materials shall be set back at least 150 feet from all property lines.

(c) Adequate off-street parking shall be provided to serve the expected number of users of the commercial vehicles and for the storage of the commercial vehicles.

(d) No on-site employees shall be permitted other than members of the household.

(e) The number of commercial vehicles or pieces of equipment on-site shall be limited to five. For purposes of counting, a truck and trailer normally used together and stored together will be counted as one vehicle. A piece of equipment that is stored on the trailer of a truck/trailer combination shall not be counted as an additional vehicle.

(f) Vehicles stored within a building will not be counted for the above limitations.

(g) Any hazardous materials, such as but not limited to, gasoline, diesel fuel and motor oils, shall conform to all requirements for hazardous materials under state law.

(h) Storage of materials, such as, but not limited to, topsoil, dirt, gravel, limestone and crushed concrete, stored on the premises for use in commercial activity will be limited to occupying no more than 3,000 square feet of contiguous ground, free standing piles and in bins. There shall be adequate means provided to prevent these materials from spreading to

adjacent properties or waterways due to wind or rain.

(i) Whenever the proposed use is adjacent to a residential zoning district or use, the Planning Commission may require that a landscaped greenbelt and berm if necessary be provided in order to provide proper screening of the vehicle(s), equipment or material storage from the residential district or use.

- (18) Private recreational areas in accordance with the standards of §154.113;
- (19) Public and private conservation areas; and
- (20) Accessory signs in accordance with §154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150), except as otherwise provided herein. Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135, and in this section below:

(1) Summer housing and migratory labor camps used for seasonal labor between April 1 and November 15, provided that the building or structure complies with these regulations:

(a) All buildings or structures shall be maintained in a safe and sanitary condition and shall be furnished with a safe and sanitary water supply and sewage disposal facilities that are no less than those required by the County and State Health Departments; and

(b) All buildings or structures shall be located so as to comply with regulations for structures in an Agricultural/Residential District as set forth § 154.063, with the exception that no building shall be located nearer than 50 feet to any side property line.

- (2) Plant and tree nurseries and greenhouses with sales areas;
- (3) Commercial and open-to-the-public stables, kennels and animal clinics as provided in §154.115;
- (4) Quarries, mining and extraction as provided in §154.104;
- (5) Large-scale outdoor recreational uses, as provided in §154.114;
- (6) Gun and hunt clubs, shooting and archery ranges as provided in §154.129. Note: does not apply to activity of a property owner or resident upon his or her own property for personal use;
- (7) Combat game areas, as provided in §154.128;
- (8) Cemeteries, as provided in § 154.130;
- (9) Personal use aircraft landing fields as provided in §154.133;
- (10) Communication towers as provided in §154.134;
- (11) Feedlots and the raising of fur-bearing animals as provided in §154.109. Note: the special approval uses below are also special approval uses in the residential districts;
- (12) Group day care home as provided in §154.116 and boarding and rooming houses as provided in §154.119;
- (13) Bed and breakfast establishments as provided in § 154.107;
- (14) Churches and public buildings as provided in §§154.110 and 154.111;
- (15) Golf courses, including driving ranges or miniature golf courses only when accessory to a regular golf course of nine holes or more, as provided in § 154.112;
- (16) Utility provider buildings, telephone exchange buildings, electric transformer stations, and substations, and gas regulator stations, but not including storage yards when operation requirements necessitate the locating within the district in order to serve the immediate vicinity as provided in § 154.106;
- (17) High-pressure gas or high-voltage (120 kV or greater) electric transmission lines as provided in §154.099;
- (18) Uses similar to the above uses (divisions (C)(1) through (17)); and
- (19) Accessory uses, buildings and structures, customarily incident to the above uses. See §§154.009 and 154.063(R).

(D) *Area, height And placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006) Penalty, see § 154.999

#### **§ 154.056 R-1A, R-1B AND R-1C SINGLE-FAMILY RESIDENTIAL DISTRICTS.**

(A) *Statement of purpose.* The R-1A, R-1B and R-1C Districts are distinguished by different minimum lot sizes and setbacks as shown in the Schedule of District Regulations, § 154.063.

(1) The Single-Family Residential Districts encourage the construction of, and the use of the land for, dwellings at a density without overcrowding, where public facilities can be provided at reasonable cost.

(2) The Single-Family Residential Districts seek to protect an environment conducive to the enjoyment of home and family living by discouraging heavy traffic on local residential streets; by not allowing new commercial, industrial and other uses that interfere with residential uses; and by phasing out existing nonconforming uses.

(3) In the Single-Family Residential Districts special provision is made for uses that, because of their character or size, create a need for public facilities and services that are significantly different from that anticipated from single-family developments. These needs include: fire and police protection, water supply, wastewater collection and treatment, streets.

(B) *Permitted uses.*

(1) The permitted residential uses in the R-1A and R-1B Single-Family Residential Districts are the same as those permitted in the Agricultural/Residential District under § 154.055(B)(6), (8) through (15) and (20).

(2) The permitted residential uses in the R-1C Single-Family Residential Districts are the same as those permitted in the Agricultural/Residential District under § 154.055(B)(3), (6) through (15) and (20), which includes the residential clustering option, as set forth in § 154.032.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150), except as provided herein. Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135, and in this section below.

(1) Special approval land uses as listed and as regulated under §154.055(C)(12) through (19).

(2) Private recreational areas as provided in §154.113.

(D) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

**§ 154.057 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

(A) *Statement of purpose.*

(1) The Two-Family Residential District is established to provide an environment suitable for families who typically have children, but families of smaller size than those residing in the Single-Family Residential Districts.

(2) To achieve this goal, uses are primarily limited to moderately low-density two-family dwelling units, plus certain residentially related uses designated to provide an acceptable neighborhood environment.

(3) The district may also provide a transition between higher-density residential districts or nonresidential districts and low-density Single-Family Residential Districts.

(4) The Two-Family District also permits the construction of residences at a slightly higher density than Single-Family.

(B) *Permitted uses.*

(1) All permitted uses as regulated in the R-1A, Single-Family Residential District;

(2) Two-family dwellings;

(3) Single-family detached dwellings and two-family dwellings developed in accordance with a residential clustering option as set forth in § 154.032; and

(4) Accessory buildings and structures customarily incidental to any of the above uses when located on the same property (§§ 154.009 and 154.063(B)(18)).

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150), except as provided herein. Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135, and in this section below.

(1) Special approval uses as listed and as regulated under §154.055(C)(12) through (19).

(2) Private recreational areas as provided in §154.113.

(D) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

**§ 154.058 MHR MANUFACTURED HOME RESIDENTIAL DISTRICT.**

(A) *Statement of purpose.* The MHR, Manufactured Home Residential District is a higher-density residential district. The rules applicable to the district are those set forth by the State Manufactured Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the township's other zoning districts.

(B) *Permitted uses.*

(1) All principal and special land uses permitted and as regulated in the R-2, Two-Family Residential District, except permitted use as related to residential clustering option.

(2) Manufactured housing communities (previously known as mobile home parks), and subject to the requirements as established and regulated by Public Act 419 of 1976, being M.C.L.A. §§ 125.2301 *et seq.*, as amended, and §§ 154.033, 154.034 and 154.035.

(3) Accessory uses, buildings and structures customarily incidental to any of the above uses. (See §154.063(B)(18) and § 154.009.)

(4) Accessory signs in accordance with § 154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150), except as provided herein. Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135 and in this section below.

(1) Special approval land uses as listed and regulated under §154.055(C)(12) through (19).

(2) Nursery school, day nursery and child care centers as regulated under §154.117.

(D) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

#### **§ 154.059 RM RESIDENTIAL MULTIPLE-FAMILY DISTRICT.**

(A) *Statement of purpose.* The RM, Residential Multiple-Family District is designed to permit a more intensive residential use of land with various types of multiple dwellings and related uses. These areas would be located near major streets for good accessibility. Various types and sizes of residential accommodations for ownership or rental would be provided to meet the needs of the different age and family groups in the community.

(B) *Permitted uses.*

(1) Principal permitted uses are the same as those permitted in the Agricultural/Residential District under §154.055(B)(6) through (15), and (20);

(2) Multiple-family dwellings including:

(a) Apartment houses;

(b) Row or townhouse dwellings;

(c) Efficiency units; and

(d) Two-family dwellings.

(3) Community garages serving the principal residential building, allowing space for no more than two passenger vehicles for each dwelling unit;

(4) Maintenance and management buildings to serve the multiple dwellings;

(5) Private swimming pool designed and operated only for occupants of the principal building and their personal guests;

(6) Off-street parking and loading in accordance with §154.023;

(7) Uses similar to the above uses;

(8) Accessory uses, buildings and structures customarily incidental to any of the above uses when located on the same property. (Also see § 154.063(B)(18) for additional guidance. Communication towers are not permitted in this district); and

(9) Accessory signs in accordance with §154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150). Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135 and in this section below.

(1) Any uses (§ 154.055(C)(12) through (19)) permitted after special approval in the A/R District are permitted in this



district subject to all requirements for those uses in zoning district where first permitted;

- (2) Nursery school, day nursery and child care centers as regulated under §154.117;
- (3) Boarding and rooming houses as provided in §154.119; and
- (4) Orphanage, foster home, homes for the aged, indigent, physically or mentally disabled as provided in §154.118.

(D) *Required conditions.*

(1) Vehicle access shall be provided by a paved thoroughfare(s) or private road, and use of one or more local thoroughfares with less than a standard 66-foot right-of-way (ROW) shall be prohibited, unless the applicant proposes an alternate remedy approved by the Planning Commission as part of site plan review (See § 154.150.) The intent of the requirement is to minimize the impact of multiple-family development on single-family residential streets that are too narrow to handle increased traffic volumes. This provision is applicable when a site plan is presented for all new construction on a parcel or for renovation affecting more than 50% of the footprint of the existing primary structure.

(2) In reviewing an applicant's proposal for vehicular access to the property via adjacent local thoroughfares, the Planning Commission shall consider whether:

(a) The proposed plan for access results in a county-approved road width for the portion of the local thoroughfare to be used for access;

(b) The proposed plan provides for off-site turning lanes from and to an adjacent major, secondary or collector thoroughfare, thereby reducing the impact of increased traffic on the local residential thoroughfare;

(c) The proposed plan provides for linking off-site safe, non-motorized traffic along adjacent portions of any local thoroughfare involved in the plan;

(d) The site plan shows measurements, construction details and planned signage relating to any proposed off-site entrance route(s) and related turning lane(s); and

(e) In the case of a private road being used, the applicant has proposed a workable, long-term method and/or schedule of providing for the future maintenance of any off-site widened portion or portions of a local thoroughfare(s) to be used as an entrance route(s), implementation of which plan shall be a condition of approval.

(E) *Height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

**§ 154.060 O OFFICE DISTRICT.**

(A) *Statement of purpose.* The Office District is intended to permit office uses, office sales uses and certain personal services. This use district when not a part of a shopping center or other business district is intended to serve the function of land use transition between business districts and adjacent residential districts. Office districts normally will be located along major thoroughfares.

(B) *Permitted uses.* In an O Office District, no land, building, structure or premises except as otherwise provided in this chapter shall be erected, altered or used except for one or more of the following uses: the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 (published by the U.S. Office of Management and Budget) and is intended to provide a general guide of uses intended under each heading. However, if it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required:

(1) Office buildings for any of the following occupations: real estate; insurance; executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales subject to the limitations contained below in division (D) below;

(2) Public utility buildings, offices, telephone exchanges, but not including storage yards, transformer stations, substations or gas regulator stations;

(3) Churches;

(4) Government buildings and uses;

(5) Publicly owned and operated parks and recreational facilities;

(6) Other similar uses not permitted elsewhere, as determined by the Planning Commission; and

(7) Accessory signs in accordance with §154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150). Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.134, and in this section below. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 (published by the U.S. Office of Management and Budget) and is intended to provide a general guide of uses intended under each

heading:

(1) Commercial office supply stores and office service establishments, when a part of a large O Office District that by the nature of its size and complexity would require these attendant services;

(2) High-pressure gas or high-voltage (120 kV or greater) electric transmission lines as provided in §154.099;

(3) Telephone exchanges, and static transformer stations, gas regulator stations and other utility provider buildings as provided in § 154.106;

(4) Nursery school, day nursery and child care center as provided in §154.117;

(5) Medical office, including clinics, but not animal clinics;

(6) Banks, credit union offices, savings and loan associations (522110 - 522130), stock brokerage and similar uses;

(7) Art galleries and photographic studios, except those defined as adult entertainment uses, and interior decorating studios;

(8) Personal service establishments including barber shops (812111), beauty shops (812112), and health salons, except those defined as adult entertainment uses; and

(9) Communication towers as provided in § 154.134.

(D) *Required conditions.*

(1) The outdoor storage of goods or materials is prohibited.

(2) Warehousing or indoor storage of materials, beyond that actually incidental to the above permitted uses, is prohibited.

(3) Off-street parking and loading in accordance with §154.023.

(4) Vehicle ingress and egress using local thoroughfares with less than a 66-foot right-of-way shall be prohibited, unless the property owner proposes a remedy approved by the Planning Commission as part of site plan review (See § 154.150.) The intent is to minimize the impact of commercial development on residential streets that are too narrow to handle increased traffic volumes. This provision is applicable when a site plan is presented for all-new construction on a parcel or for renovation affecting more than 50% of the footprint of the existing primary structure. In reviewing an applicant's proposal for vehicular access to the property via adjacent local thoroughfares, the Planning Commission shall consider whether:

(a) The proposed plan for access results in a county-approved road width for the portion of the local thoroughfare to be used for access;

(b) The proposed plan provides turning lanes from and to an adjacent major, secondary or collector thoroughfare, thereby reducing the impact of increased traffic on the local residential thoroughfare;

(c) The proposed plan provides for safe, non-motorized traffic along adjacent portions of any local thoroughfare involved in the plan;

(d) The site plan shows measurements, construction details and planned signage relating to any proposed entrances and turning lanes; and

(e) In the case of a private road (local thoroughfare) being used, the applicant has proposed a workable, long-term method and/or schedule of providing for the future maintenance of any widened portion or portions of the local thoroughfare, implementation of which plan shall be a condition of approval.

(E) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

#### **§ 154.061 GB GENERAL BUSINESS DISTRICT.**

(A) *Statement of purpose.* The GB General Business District is intended to permit a wide range of business and entertainment activities. The permitted uses would serve not only nearby residential areas, but also people further away for types of businesses and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular and pedestrian traffic and may be characterized by an integrated or planned cluster of establishments served by a common parking area. Alternatively, the districts may also be located along state, or other major thoroughfares, where the sites are easily accessible to large volumes of traffic. The GB Districts in the township would reflect major existing shopping concentrations, other commercial uses along major highways and desired future commercial centers as proposed in the Comprehensive Master Plan that are needed to serve adequately the future population of the township.

(B) *Permitted uses.* In all GB, General Business Districts, no building or land shall be erected or used except for one or more of the following uses. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 (published by the U.S. Office of Management and Budget) and is intended to provide a

general guide of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then special land use approval shall be required. Any business or use proposing a drive-through facility shall only be considered under special land use approval procedures:

- (1) All principal permitted uses in the O Office District, subject to all requirements for such uses in zoning districts where first permitted;
- (2) Hardware store (444130);
- (3) General merchandise and variety stores (452990);
- (4) Convenience food stores (445120);
- (5) Specialty food retail stores (including dairy product store (445299));
- (6) Doughnut shops and ice cream parlors (722213);
- (7) Candy, nut and confectionary store (445292);
- (8) Drug stores (446110);
- (9) Beauty shop (812112);
- (10) Barber shop (812111);
- (11) Coin-operated laundries and dry cleaning (812310);
- (12) Banks, credit union offices, savings and loan associations (522110 - 522130), stock brokerage, branch offices of the same and similar uses;
- (13) Florists (453110);
- (14) Miscellaneous retail stores:
  - (a) Beer, wine and liquor stores (445310);
  - (b) Sporting goods store and bicycle shop (451110);
  - (c) Bait shops;
  - (d) Book store (451211)(453310);
  - (e) Stationery store (453210);
  - (f) Jewelry store (448310);
  - (g) Hobby, toy and games shop (451120);
  - (h) Gift, novelty and souvenir shop (453220);
  - (i) Luggage, and leather goods store (448320);
  - (j) Sewing, needlework and piece goods store (451130); and
  - (k) News dealers and newsstands.
- (15) Paint and wallpaper stores (444120);
- (16) Electronic shopping and mail-order houses (454110), only in conjunction with a retail showroom;
- (17) Meat (445210) and fish (445220) markets;
- (18) Fruit store and vegetable market (445230);
- (19) Retail baked goods stores (445291), including bakery with product made on the premises for immediate consumption (722213);
- (20) Apparel (4481) and accessory store (448150);
- (21) Furniture, home furnishings and equipment store (442);
- (22) Eating and drinking places (722110) except drive-in, fast food or carry-out restaurants (722211), and except those adult-oriented entertainment uses permitted after special approval as provided in division (C)(10) below;
- (23) Miscellaneous retail stores (453), except manufactured (mobile) home dealers (453930), see §154.061(D);
- (24) Real estate and developer office (531);
- (25) Personal services (8121), except escort services (812990), massage parlors and tattoo parlors (812199) or any other adult service or business regulated under § 154.061(C)(10);
- (26) Business services (54, 55, 561), except display advertising services (541850);

- (27) Electrical repair shops (8112);
- (28) Watch, clock and jewelry repair (811490);
- (29) Re-upholstery and furniture repair (811420);
- (30) Small repair shop (8114), except blacksmith, boiler repair, cesspool cleaning, brick cleaning, horseshoeing, motorcycle repair, replating, septic tank cleaning and tractor repairing;
- (31) Videotape, DVD and CD rental shop (532230), except rental of adult video, DVD and CD pictures or movies;
- (32) Membership organizations (813410), including community service clubs;
- (33) Medical office, including clinics, but not animal clinics;
- (34) Museums (712110) and art galleries (453920);
- (35) Art shops and photographic studios (except those defined as adult entertainment uses, and interior decorating studios);
- (36) Personal service establishments including health salons (except those defined as adult entertainment uses);
- (37) Commercial services: offices and showrooms of plumbers, electricians, decorators or similar trades. The ground floor premises facing upon and visible from any abutting street shall be used only for pedestrian entrances, offices or display. All storage of material or any incidental repair or fabrication shall be within the confines of enclosed buildings;
- (38) Temporary outdoor sales: the temporary outdoor display and sale of live plants, cut flowers or Christmas trees, which are not part of an otherwise approved open-air business (see § 154.061(C) and § 154.126), provided the display or sale is for a period of not more than 60 days per year and is in accordance with § 154.061(D);
- (39) Other similar uses not permitted elsewhere, as determined by the Planning Commission;
- (40) Accessory buildings to any use herein;
- (41) Accessory uses to any use herein;
- (42) Temporary buildings pursuant to the establishment of a permanent building and permitted use subject to § 154.153; and
- (43) Accessory signs in accordance with §154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150), except as otherwise provided herein. Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.135 and in this section below. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 (published by the U.S. Office of Management and Budget) and is intended to provide a general guide of uses intended under each heading:

- (1) Nursery school, day nursery and child care center as provided in §154.117;
- (2) Lumber and other building materials dealers (444190) as provided in §154.103;
- (3) Open air business uses;
- (4) Open air sale of mobile homes and manufactured home dealerships (453930), recreational vehicles (441210), motorcycles (441221) or other motor vehicle sales areas (other than trucks, automobiles and homeowners' gardening equipment and the like) as provided in § 154.126;
- (5) New automobile and truck agency sales and showrooms (441110) as provided in §154.124 and used automobile and truck sales (441120) as provided in § 154.125;
- (6) Passenger car rental and leasing (53211);
- (7) Department stores (452110) and warehouse clubs and superstores (452910);
- (8) Gasoline service stations (447) as provided in §154.122;
- (9) Drive-in, fast food or carry-out restaurants (722211), provided in §154.127;
- (10) Adult bookstores, adult motion picture theaters, massage parlors (812199), nude modeling studios and premises for nude entertainment, all subject to the following regulations:
  - (a) It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio or premises for nude entertainment except in the GB General Business District;
  - (b) No like uses may be permitted in the GB General Business District, within 225 feet (as measured from the nearest lot line of the protected use to the location of the proposed use) of any: dwelling; district zoned A/R, R-1A, R-1B, R-1C or R-2; church, school, playground or youth center;

(c) Any of the above stated adult entertainment uses shall not be located within a 1,000-foot radius (as measured from the nearest lot line of the protected use to the nearest lot line of the location of the proposed use) of any other like use; and

(d) Public display (visible from the exterior) of merchandise for sale or viewing shall be prohibited.

(11) Direct selling establishments (4543) including fuel dealers and bottled water providers;

(12) Hotels and motels (721110), and tourist courts as provided in §154.108;

(13) Personal services (812199) not previously described as a permitted use in this district;

(14) Motor vehicle repair and service facilities not previously described as permitted uses in this district (8111), as provided in § 154.123, except car washes (811192);

(15) Repair services not previously described as permitted uses in this district (811);

(16) Motion picture theaters (512131), except drive-in theaters (512132);

(17) Outdoor theaters, including drive-in theaters (512132), (except adult motion picture theaters) as provided in § 154.100;

(18) Theatrical producers (711310) and dinner theaters (711110);

(19) Amusement and recreation centers and services (see § 154.120) not previously described as permitted uses in this district (713120, 713940, 713950, 713990), except racing (711212) as provided in §§ 154.101 and 154.102;

(20) High-pressure gas or high-voltage (120 kV or greater) electric transmission lines as provided in §154.099;

(21) Telephone exchanges, and static transformer stations, gas regulator stations and other utility provider buildings as provided in § 154.106;

(22) Motor vehicle washing, conveyor or non-conveyor type (811192) as provided in §154.121;

(23) Mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis as provided in § 154.131;

(24) Retail nurseries, lawn and garden supply stores (444220);

(25) Supermarkets and other grocery stores (445110) except convenience stores (445120);

(26) Dance halls (713990), studios (541430) and schools (611);

(27) Flea markets (453310) in accordance with division (D) below; and

(28) Particular uses listed under division (B) above as permitted uses, where it is determined by the Planning Commission that the effects of the particular use will extend beyond the site.

(D) *Required conditions.*

(1) Outdoor display of merchandise shall be limited as noted in divisions (B) and (C) above, except for open-air display uses approved by the Planning Commission;

(2) Outdoor display of merchandise shall be kept back at least 80 feet from the centerline on all roads;

(3) Outdoor storage shall be limited to the side or rear yard and totally enclosed with view-obscuring screening as specified by the Planning Commission based on § 154.018, when adjacent to any residential district or open to public view;

(4) Off-street parking and loading in accordance with §154.023; and

(5) Vehicle ingress and egress using local thoroughfares with less than a 66-foot right-of-way shall be prohibited, unless the commercial property owner proposes a remedy approved by the Planning Commission as part of site plan review. (See § 154.150.) The intent is to minimize the impact of commercial development on residential streets that are too narrow to handle increased traffic volumes. This provision is applicable when a site plan is presented for all new construction on a parcel or for renovation affecting more than 50% of the footprint of the existing primary structure. In reviewing an applicant's proposal for vehicular access to the commercial property via adjacent local thoroughfares, the Planning Commission shall consider whether:

(a) The proposed plan for access results in a county-approved road width for the portion of the local thoroughfare to be used for access;

(b) The proposed plan provides turning lanes from and to an adjacent major, secondary or collector thoroughfare, thereby reducing the impact of increased traffic on the local residential thoroughfare;

(c) The proposed plan provides for safe, non-motorized traffic along adjacent portions of any local thoroughfare involved in the plan;

(d) The site plan shows measurements, construction details and planned signage relating to any proposed entrances and turning lanes; and

(e) In the case of a private road (local thoroughfare) being used, the applicant has proposed a workable, long-term method and/or schedule of providing for the future maintenance of any widened portion or portions of the local thoroughfare, the implementation of which plan shall be a condition of approval.

(E) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

#### **§ 154.062 I INDUSTRIAL DISTRICT.**

(A) *Statement of purpose.* The Industrial District is established as a district in which the principal uses allowed are wholesale activities, warehousing, manufacturing, fabrication or processing.

(1) For the Industrial District, in promoting the general purpose of this chapter, the specific intent of this section is:

(a) To control nuisance effects of warehousing, wholesale activities, and industry such as smoke, noise, odor, dust, dirt, glare, vibrations and other adverse effects so that the uses will be compatible with other land uses such as commercial or residential;

(b) To encourage industrial uses to locate on major highways so that traffic generated by these uses will not utilize local residential streets; and

(c) To control open outdoor storage of materials.

(2) More intensive industrial uses may be provided for by special land approval use procedures.

(B) *Permitted uses.*

(1) Any of the following uses conducted wholly within a completely enclosed building:

(a) Warehousing and wholesale establishments, and storage buildings (other than those accessory to an adjoining retail use). Mini-warehouses subject to standards in § 154.131;

(b) The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops;

(c) The manufacture, compounding, assembling or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, metals such as iron or aluminum, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood or yarns;

(d) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas;

(e) Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other small molded rubber products;

(f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stamping);

(g) Laboratories, whether experimental, film or testing;

(h) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like; and

(i) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform to the performance standards of the township governing noise, smoke and other factors.

(2) Storage of a contractor's commercial vehicles and equipment;

(3) Off-street parking and loading as required in § 154.023;

(4) Publicly-owned buildings, utility provider buildings with service yards; water and sewage pumping stations;

(5) Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises; and

(6) Accessory signs in accordance with § 154.025.

(C) *Special approval land uses.* Special approval land uses are permitted subject to the procedures set forth in §§ 154.090 through 154.098, which include a public hearing. A site plan is required for all special approval uses (§154.150). Section 154.095 provides general standards to guide action by the Township Planning Commission. For a specific land use, additional standards are specified in §§ 154.099 through 154.134, and in this section below:

(1) High-pressure gas or high-voltage (120 kV or greater) electric transmission lines as provided in §154.099;

(2) Outdoor theaters (except adult motion pictures theaters) as provided in §154.100;

- (3) Motorized vehicle race and horse and dog race tracks as provided in §§154.101 and 154.102;
- (4) Lumber and building material dealers as provided in §154.103;
- (5) Quarries as provided in § 154.104;
- (6) Junkyards, auto salvage or wrecking yards, waste or scrap recycling operations, and refuse transfer stations as provided in § 154.105;
- (7) Telephone exchanges and static transformer stations, gas regulator stations and other utility provider buildings as provided in § 154.106;
- (8) Personal use aircraft landing fields as provided in §154.133;
- (9) Communication towers as provided in § 154.134;
- (10) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform to the performance standards of the township governing noise, smoke and other factors;
- (11) Electric power generating facilities together with all necessary uses;
- (12) Any industrial use requiring outdoor storage;
- (13) Accessory buildings, structures and uses that are customarily incidental to any of the above uses when located on the same premises; and
- (14) Publicly owned and operated parks, and recreational facilities.

(D) *Area, height and placement requirements.* The building, height, lot coverage, floor area, lot size and setbacks shall be determined in accordance with the schedule of regulations set forth in § 154.063.

(Ord. passed 6-28-2006)

**§ 154.063 DISTRICT REGULATIONS.**

Schedule of regulations limiting height, bulk, density and area by zoning district:

District	Minimum Lot Size		Minimum Yard Setbacks (B) (per lot in feet)				Maximum Height of Structures (E)		Maximum Lot Coverage	Minimum Floor Area
	Area	Width (in feet)	Front (C)	Minimum Side (D)	Total of Two	Rear	Stories	Feet	By Buildings	Per Unit
RCC - Recreation, Conservation and Cemetery	-	-	-	25	50	50	2	30	-	-
A/R (R)(L) Agricultural/ Residential	2.5 acres	165 (C)	50(C)(L)	20	40	50	2	30(G)	30%	(S)
R-1A (R)(L) Single-Family Residential	12,000 square feet	75 (C)	30(C)(L)	10	20	30	2	30	30%	(S)
R-1B (R)(L) Single-Family Residential	20,000 square feet	100 (C)	35 (C)(L)	15	30	30	2	30	30%	(S)
R-1C (R)(L) Single-Family Residential	2.5 acres	165 (C)	40 (C)	20	40	40	2	30	25%	(S)
R-2 (H)(R)(L) Two-Family Residential	2.5 acres	165 (C)	40 (C)	20	40	50	2	30	30%	(S)
MHR (R) Manufactured Home Residential	-	-	-	-	-	-	2	30	-	-
RM (H)(R) Multi-Family Residential	(I, J)	-	40	25	50	50	2	30	30%	(k)

O Office	15,000 square feet	80	25 (M, Q)	15 (N)	30 (N)	20	2	30	30%	-
GB General Business	-	-	20 (O, P, Q)	(N)	(N)	20	2	30	-	-
I Industrial	-	-	30 (O, P, Q)	15 (P)	30 (P)	30 (P)	2	30	50%	-
Division (B) below contains the regulations referred to in the schedule above										
For example, the "(A)" at the end of the schedule's title corresponds to division (B)(1) below										

*District regulations.* Note: letters shown as footnotes in the chart above correspond with letters of items below.

(A) *Conformance.* No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the building area, placement and height regulations of the district in which the building is located; and except in conformity with the lot area, width and coverage regulations of the district in which the building is located.

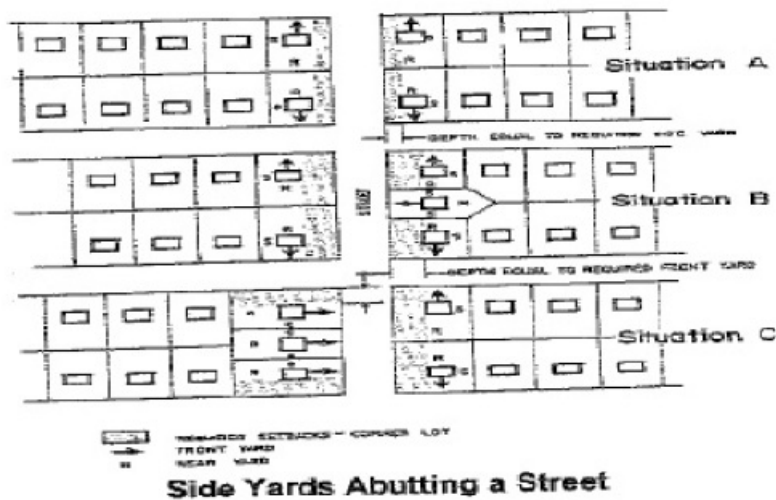
(B) *Minimum yard setbacks.*

(1) For lots adjacent to a county road or state highway, the yard setbacks shall be measured from the edge of the planned right-of-way for the roads and highways to the building or structure on a lot. In determining the location of the edge of the planned right-of way, the centerline of a planned right-of-way, as set forth in the adopted Township Thoroughfare Plan, shall be considered to coincide with the centerline of the existing thoroughfare.

(2) In the event that no Township Thoroughfare Plan shall have been adopted, the County Thoroughfare Plan or MDOT planned right-of-way. In an instance where the defined existing road right-of-way is less than 66 feet, the front yard setback shall be based on the average front yard setback of the existing structures on the lots adjacent to the subject property.

(C) *Frontage and street access requirements.* Buildings and lots shall comply with § 154.007.

(D) *Side yards.* In the case of a rear yard abutting a side yard, or where a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. See illustration below. Also see division (B)(12) below for possible inclusion in yard averaging.



(E) *Permitted height.*

(1) No building in any zoning district shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that a structure may exceed the height limits herein prescribed for the following:

- (a) Roof structures for the housing of elevators;
- (b) Stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building;
- (c) Fire or parapet walls; and

(d) Skylights, towers, cupolas, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks or structures similar in function and appearance to those listed above.

(2) No like structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located;



nor shall the structure have a total area greater than 10% of the total square footage of the top floor or attic, whichever is less; nor shall the structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.

(3) The erection of commercial radio and television transmitting, relay or other types of antenna towers, where permitted, shall abide by the regulations set forth in § 154.134.

(F) *Reserved.* This division is reserved for future use.

(G) *Height of farm buildings.* In the Agricultural/Residential District, silos are permitted to a maximum height of 90 feet and storage barns are permitted to a maximum height of 40 feet.

(H) *Single-family dwellings in R-2 or RM Districts and Two-Family Dwellings in RM Districts.* Where one and two-family dwelling units are permitted, minimum lot area and minimum lot width shall be determined as follows:

<b>Single-Family Dwellings</b>	
Minimum lot width	165 feet
Minimum lot area	2.5 acres
Setbacks, heights, lot coverage and floor area shall comply with the R-1C District requirements	

<b>Two-Family Dwellings</b>	
Minimum lot width	165 feet
Minimum lot area	2.5 acres
Setbacks, heights, lot coverage and floor area shall comply with the R-2 District requirements	

(I) *Multiple-family dwelling projects; calculation of maximum number of units.*

(1) In multiple-family dwelling projects, the total number of rooms of 80 square feet or more (not including kitchen, dining and bathrooms) shall not be more than the area of the parcel, in square feet, divided by 1,600.

(2) All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency type, and not more than 20% one bedroom units.

(3) In the case of an apartment complex intended specifically for senior citizens or disabled persons, the Planning Commission may allow the 20% limitation on one bedroom apartments to be increased to a maximum of 90%.

(4) For multiple-family dwellings projects, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency	1 room
One bedroom	2 rooms
Two bedrooms	3 rooms
Three bedrooms	4 rooms

(5) Plans presented showing one-, two- or three-bedroom units and including a den, "library" or other extra room shall count the extra room as a bedroom for the purpose of computing density.

(6) In multiple-family dwelling projects, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way, either interior or bounding roads.

(J) *Multiple-family dwelling projects; calculation of space between buildings.*

(1) In multiple-family dwellings projects, front, side or rear yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel.

(2) In those cases the minimum distance between any two buildings shall be regulated according to the length and height of the buildings, and in no instance shall this distance be less than 30 feet. (See following formula.)

(3) In multiple-family projects, areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than 30% of the area of any required yard or any required minimum distance between buildings.

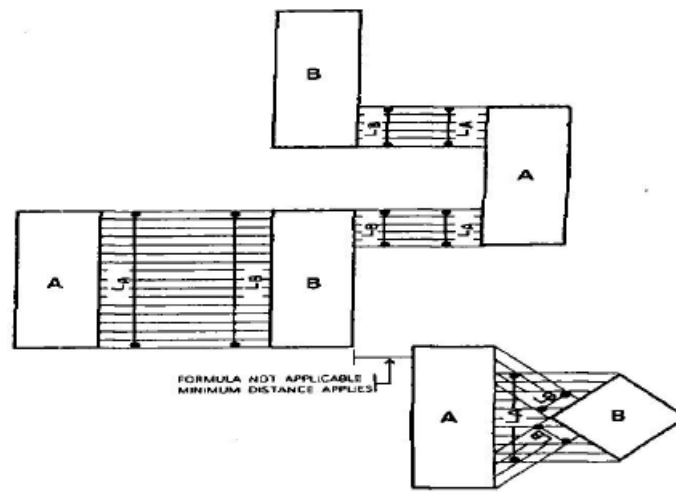
(4) In a Multiple-Family District the maximum horizontal length of any one building shall be 180 feet, measured along any single front, side, rear or other exterior wall elevation.

(5) In a Multiple-Family District the formula for regulating the required minimum distance between two buildings is as follows:  $S = LA + LB + 2(HA + HB)/6$ , where S = Required minimum horizontal distance between any wall of building A and

any wall of building B or the vertical prolongation of either.

(6) LA - Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

(7) LB - Total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B of which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.



$$\text{MIN. DISTANCE BETWEEN BUILDINGS} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

**Calculation of Distance Between Multiple-Family Dwellings**

HA = Height of building A.

(8) The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. 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.

(9) HB = Height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. 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.

(K) *Multiple-family dwelling projects; minimum floor areas.* Minimum floor area per dwelling units in square feet for multiple-family dwellings are as follows:

Efficiency unit	500 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet
Four-bedroom unit	1,200 square feet

(L) *Averaged yard setback.*

(1) In a case where the front yards (or respectively rear yards) of two or more existing permitted principal structures, then any principal structure subsequently erected on that side of the street shall not have less than and need not have greater than the average depth of the front yards (or respectively rear yards) of the two or more existing principal structures:

- (a) Are located in any block in existence on the effective date of this chapter;
- (b) Are within the same zoning district; and
- (c) Are on the same side of the street; but
- (d) Have less than the required minimum front (or respectively rear) yards.

(2) Averaged side yard: in a case where there is an undeveloped lot of record which has a side yard included within a

row of two or more developed front yards (or respectively a row of rear yards), then any principal structure subsequently erected on the lot shall not have an affected side yard with less than and need not have an affected side yard greater than the average depth of the existing developed yards facing on that street.

(M) *Business uses; parking in front yard (conditions).*

(1) Off-street parking may be permitted to occupy a required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways and the nearest planned right-of-way.

(2) The landscaped area shall conform to the provisions of §§154.018 and 154.019.

(N) *Business uses; waiver of side yard(s).*

(1) The Planning Commission may waive one or both side yard requirements of buildings in the O and GB Districts provided that adequate access to the rear of the property is provided by one of the following manners:

(a) There shall be provided on every lot in an O and GB Districts on which is located a permitted building at least one side yard not less than 20 feet wide for access to the rear yard. If the permanent building is not placed on the property line of the remaining side to allow for a common wall, then a setback of at least three feet is required for maintenance;

(b) A dedicated alley or service aisle or permanent easement of access to the rear of the property is provided; or

(c) An overall master site development plan is presented to the Planning Commission, agreed upon by all affected property owners; which plan includes building elevations for the commercial center, adequate off-street parking and loading area, access to all buildings and the rear of the property for police and fire vehicles.

(2) Side yard requirements for the O and GB Districts shall not be waived if any one of the following conditions exist:

(a) Where side yards are adjacent to a public right-of-way;

(b) Where side yards abut property zoned in a Residential District; or

(c) Where the continuous development of stores exceeds 500 feet.

(O) *Industrial uses; parking in yard (conditions).*

(1) Off-street parking may be permitted in a portion of the required front yard provided that the off-street parking is not located within 50 feet of the front lot line. Any portion of a required front yard not used for off-street parking shall be planted in lawn, landscaped and maintained in a healthy and growing condition.

(2) Required side or rear yards may be used for off-street parking or loading and unloading provided that in those instances the Planning Commission shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for firefighting or other emergency type equipment.

(P) *Industrial uses; additional conditions.* For appearance of industrial buildings see §154.010.

(1) No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any residential district.

(2) A heavily planted, completely obscuring, year-round greenbelt not less than 20 feet wide, an obscuring wall or a landscaped earth berm (as approved by the Planning Commission) shall be provided on those sides of the property used or planned for open storage, parking or service drives, loading, unloading or servicing, and abutting land zoned A/R, R-1A, R-1B, R-1C, R-2, MHR or RM.

(3) The extent of the greenbelt, wall or berm may be determined by the Planning Commission on the basis of usage. The wall shall not be less than six feet in height and may, depending upon land usage, be required to be eight feet in height. The greenbelt, wall or berm shall be subject further to the requirements of §§ 154.018 and 154.019.

(Q) *Commercial and industrial uses; access through residential districts prohibited.*

(1) Access to office, commercial or industrial uses shall not be through property zoned A/R, R-1A, R-1B, R-1C, R-2, MHR or RM.

(2) For greenbelt, wall, berm requirements, see §154.018. For fence and wall requirements, see § 154.017. For off-street parking requirements, see § 154.023.

(R) *Accessory buildings, structures and uses.*

(1) Buildings accessory to residential dwellings shall comply with §154.009. Swimming pools shall comply with § 154.027.

(2) Open parking and storage of hobby vehicles shall comply with §154.028.

(3) Off-street parking shall comply with § 154.023.

(4) Communication towers shall comply with § 154.134.

(5) Wind energy conversion systems shall comply with § 154.132.

(6) Accessory signs shall comply with § 154.025.

(7) Fences and walls shall comply with § 154.017.

(8) Greenbelts, walls and berms shall comply with § 154.018.

(S) *Minimum floor areas.* Minimum floor areas per unit for single- and two-family dwellings are as follows:

(1) One-bedroom unit: 750 square feet;

(2) Two-bedroom unit: 864 square feet;

(3) Three-bedroom unit: 1,000 square feet; and

(4) Four-bedroom unit: 1,200 square feet, plus 120 square feet for each additional bedroom over four.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008)

## GENERAL EXCEPTIONS

### § 154.075 ACCESS THROUGH YARDS.

(A) For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front yards and side yards.

(B) Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

(Ord. passed 6-28-2006)

### § 154.076 DWELLING IN A NONRESIDENTIAL DISTRICT.

This chapter does not permit dwellings to be constructed in the Business or Industrial Districts. However, the sleeping quarters of a watchman, a caretaker or living quarters as a secondary use may be permitted in these districts in conformance with the specific requirements of the particular district.

(Ord. passed 6-28-2006)

### § 154.077 ESSENTIAL SERVICES.

Essential services, except for high-voltage electric transmission lines and high-pressure gas transmission lines, shall be exempt from application of this chapter.

(Ord. passed 6-28-2006)

### § 154.078 PROJECTIONS INTO YARDS.

Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details that are normally demountable.

(Ord. passed 6-28-2006)

### § 154.079 VOTING PLACE.

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

(Ord. passed 6-28-2006)

## SPECIAL LAND USE APPROVAL REQUIREMENTS

### § 154.090 SPECIAL LAND USE APPROVAL REQUIREMENTS.

(A) The formulation and enactment of this subchapter is based upon the division of the township into districts in each of which is permitted specified uses that are mutually compatible.

(B) In addition to the permitted compatible uses, however, certain other uses may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location.

(C) These uses, due to their peculiar location needs or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

(Ord. passed 6-28-2006)

#### **§ 154.091 AUTHORITY TO GRANT PERMITS.**

The Planning Commission, as provided by this subchapter, shall have the authority to grant special land use approval permits, subject to the conditions of design, operation and safeguards as may be determined for all special approval land uses specified in the various provisions of this chapter.

(Ord. passed 6-28-2006)

#### **§ 154.092 APPLICATION AND FEE.**

Application for any special land use approval permit permissible under the provisions of this chapter shall be made to the Planning Commission through the Township Clerk by filing an official special approval land use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township Board.

(Ord. passed 6-28-2006)

#### **§ 154.093 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION.**

An application for a special land use approval permit shall contain: the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; a site plan in accordance with § 154.150, except as provided herein, and a statement of supporting data, exhibits, information and evidence regarding the required findings set forth in this chapter.

(Ord. passed 6-28-2006)

#### **§ 154.094 PUBLIC HEARING AND NOTICES.**

(A) Upon receipt of an application for a special land use permit which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper that circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, 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.

(B) The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification.

(C) Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice.

(D) 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.

(E) The notice shall:

- (1) Describe the nature of the special land use request;
- (2) Indicate the property that is the subject of the special land use request;
- (3) State when and where the special land use request will be considered;
- (4) Indicate when and where written comments will be received concerning the request; and
- (5) Indicate the date, time and place where the public hearing on the special land use will be held.

(Ord. passed 6-28-2006; Ord. passed 7-6-2010)

#### **§ 154.095 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.**

(A) The Planning Commission shall review the particular circumstances and facts of each proposed use with respect to the proposed site, lot or parcel.

(B) In addition to the specific standards applicable to certain types of special land uses, as set forth beginning with § 154.099, the following required general standards shall comprise the Planning Commission's criteria for reviewing and approving or rejecting a special land use application:

- (1) Will be in accordance with the general objectives, intent and purposes of this chapter:
  - (a) Will be consistent with maintenance of the public health, safety and welfare; and
  - (b) Will be of a location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
- (2) Will be served adequately by essential public facilities and services such as highways, streets, police and fire

protection, drainage structures, refuse disposal or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service;

(3) Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts;

(4) Will be compatible with adjacent uses of land and the natural environment:

(a) Will be of a location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood;

(b) Will be designed so that the location, size, intensity, site layout and periods of operation of any proposed use shall eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights;

(c) Will be designed so that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings; and

(d) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.

(5) Will promote the use of land in a socially and economically desirable manner; and

(6) Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.

(Ord. passed 6-28-2006)

#### **§ 154.096 DETERMINATION AND IMPOSITION OF CONDITIONS.**

(A) If the facts in the case establish that the findings and standards set forth in this subchapter apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose the reasonable conditions of use as is determined necessary to protect the best interest of the township and the surrounding property, and to achieve the objectives of this chapter.

(B) Conditions imposed shall meet all of the following requirements:

(1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

(2) Be related to the valid exercise of the police power, and purposes, which are affected, by the proposed use or activity; and

(3) Be necessary to meet the intent and purpose of this subchapter, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(C) The conditions imposed with respect to the approval of a land use or activity shall be established in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that subsequently are so changed.

(Ord. passed 6-28-2006)

#### **§ 154.097 APPROVAL AND APPEAL PROCEDURES.**

(A) *Approval, grant of permit.* Upon holding a public hearing, and findings that the applicant has satisfactorily met all the requirements of this subchapter, the Planning Commission shall within 30 days grant a special land use approval permit. The Planning Commission's decision on a special approval land use application shall be incorporated in a statement that contains the conclusions relative to the special approval under consideration and that specifies the basis for the decision, and any conditions imposed. Upon approval, a special land use approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk and Zoning Administrator. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel. The statement of conditions will be recorded in the County Register of Deeds.

(B) *Appeal to Circuit Court.* Decisions of the Planning Commission on special land uses shall be final. A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to Circuit Court within the time allowed by law.

(Ord. passed 6-28-2006)

#### **§ 154.098 VOIDING OF SPECIAL APPROVAL LAND USE PERMIT.**

(A) A special land use permit shall lapse and cease to be in effect:

- (1) If the special use has not commenced within 18 months of the approval date;
- (2) If work has not commenced on structures or other property improvements shown on a site plan approved in the process of granting the permit;
- (3) If the special use has been abandoned for a period of six months; or
- (4) If work to complete the building of structures or to make other property improvements shown on the approved site plan has been abandoned for a period of six months.

(B) The Planning Commission may grant a special land use permit holder one or more six-month extensions of time if good cause is shown and the request for an extension is received by the Planning Commission chairperson prior to the permit's expiration.

(C) If the special land use permit sent to the applicant and on file in the Township Clerk's Office and recorded in the County Register of Deeds is dated and includes a notice of the above circumstances under which the permit can lapse and become void, the township is under no further obligation to notify the property owner before a permit is declared void.

(D) Violation of an approval requirement or of a condition imposed in accordance with §154.096 shall be considered a violation of this subchapter and grounds for the Zoning Administrator to suspend the special approval land use permit until review by the Planning Commission.

(1) After notice to the permit holder and a hearing, the Planning Commission shall determine if a violation has indeed occurred.

(2) In the case of a violation, the Planning Commission shall direct the corrective action as it determines is necessary to bring conformance with this chapter, or the Planning Commission shall cancel the special approval land use permit in question.

(Ord. passed 6-28-2006)

#### **§ 154.099 HIGH-PRESSURE GAS, HIGH-VOLTAGE ELECTRICAL TRANSMISSION LINES.**

High-pressure gas transmission lines and high-voltage electric transmission tower lines may be permitted in any district subject to the following special land use approval requirements.

(A) *General regulations.*

(1) All the utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.

(2) The loss of any active agricultural use on property shown as prime or unique farmland on the soil conservation service's important farmland map of the county shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.

(3) Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.

(4) Noncompliance with any part of this subchapter, or any other township ordinance, shall be grounds for the township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order the use to be discontinued.

(5) Prior to commencement of construction, any approvals granted hereunder are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.

(6) The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the township.

(7) The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

(B) *Requirements for high-voltage electric transmission lines of 120kV or greater.*

(1) High-voltage electric transmission lines of more than 345 kV shall not be located closer than 500 feet to occupied residences. Existing 345 kV lines shall not be energized at a higher voltage level when located closer than 500 feet to occupied residences.

(2) Corridor width shall be a minimum of two times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.

(3) Where operating voltages will exceed 345 kV, the township shall evaluate an area one-quarter mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed 100 in any two-mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.

(4) The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the corridor right-of-way.

(5) No such line or system shall cause radio or TV interference within residential dwellings in the township, and if that happens it will be considered a public nuisance, subject to abatement.

(6) "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission may require fencing at those road crossings that it determines are in need of additional protective measures.

(7) Any area destroyed by necessity in the construction of the approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.

(8) (a) Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

<i>Sound Level</i>	<i>Adjacent Use</i>	<i>Where Measured</i>
40 dBA	Residential	Common property line
40 dBA	Agricultural	Common property line
60 dBA	Commercial	Common property line
75 dBA	Industrial	Common property line

(b) The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, shall be required.

(9) During the construction or repair of any facilities approved hereunder, the following shall be required:

(a) All internal roads shall be kept dust free by chemical treatment;

(b) Any damage to public or private roads, fences, structures or facilities shall be repaired immediately;

(c) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete; and

(d) All construction operations shall be confined to daylight hours - Monday through Saturday - unless permitted in writing by the Planning Commission.

(10) At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. The Planning Commission may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the township from any claims arising out of the construction or operation of a project approved herein.

(11) When the lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five days notice, shall be required to raise the lines for necessary passage of any barn, building, house or other object over the public ways.

(12) If any court or the State Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission.

(13) The township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and the reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that the lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.

(14) After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test the line for compliance with the standards contained herein, and submit a report of the test results to the township.

(Ord. passed 6-28-2006)

#### **§ 154.100 OUTDOOR THEATERS.**

Outdoor theaters may be permitted in the GB General Business or I Industrial Districts subject to the following special land use approval requirements.

(A) Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a nonresidential district.



(B) The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.

(C) Points of ingress and egress shall be available to the outdoor theater only from abutting major thoroughfares.

(D) All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.

(E) The area shall be laid out and screened so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.

(F) All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

(Ord. passed 6-28-2006)

#### **§ 154.101 MOTORIZED VEHICLE RACETRACKS.**

Motorized vehicle racetracks (including midget, auto, motorcycle and go-cart tracks, and not including tracks for personal use) may be permitted in the I Industrial District, subject to the following special land use approval requirements.

(A) Because motorized vehicle racetracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.

(B) All parking shall be provided as off-street parking within the boundaries of the development.

(C) All access to the parking areas shall be provided from a major thoroughfare.

(D) All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

(Ord. passed 6-28-2006)

#### **§ 154.102 HORSE AND DOG RACETRACKS.**

Horse and dog racetracks may be permitted in the I Industrial District, after special approval, subject to the following special land use approval requirements.

(A) Because horse and dog racetracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land that abuts land zoned for industrial purposes on all sides of the parcel in question.

(B) All parking shall be provided as off-street parking within the boundaries of the development.

(C) All access to the parking areas shall be provided from a major thoroughfare.

(D) All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

(Ord. passed 6-28-2006)

#### **§ 154.103 LUMBER AND BUILDING MATERIAL DEALERS.**

Lumber and building material dealers may be permitted in the GB General Business and I Industrial Districts, subject to the following special land use approval requirements.

(A) The site shall abut only land zoned General Business or Industrial.

(B) All storage of building materials shall be within enclosed buildings, or storage sheds, except that outdoor storage may be permitted when within an area enclosed by an obscuring fence or wall not less than six feet nor more than eight feet in height. Screening slats placed in a chain link fence shall not be accepted as a suitable screening device.

(Ord. passed 6-28-2006)

#### **§ 154.104 QUARRIES.**

Because the commercial removal of soil, sand, gravel, stone and other earth materials is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some (but not necessarily all) cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, the use may be permitted only in the I Industrial or A/R Agricultural/Residential Districts, subject to the following special land use approval requirements.

(A) There shall be not more than one entranceway from a public road to the lot for each 500 feet of street frontage.

(B) The removal, processing, transportation and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.

(C) No digging or excavating shall take place closer than 100 feet to any lot line or public right-of-way.

(D) All roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be paved, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

(E) Any odors, smoke, fumes or dust generated on the lot by any digging, excavating, processing, stockpiling or transportation operation and borne or able to be borne by the wind shall be confined within the lines of the lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

(F) The removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse or water body outside the lines of the lot on which the use shall be located.

(G) The removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot, that the removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that the removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this division (G), shall take place after the date of the cessation of operation.

(H) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district.

(I) If a commercial removal of soil, sand, gravel, stone or other earth materials by reasons of its depth or other conditions constitutes or is reasonably likely to constitute a danger to public health, safety or welfare, then a fence shall be erected around it. The fence shall be six feet in height, shall be adequate to prevent trespass, and shall be placed no closer than 50 feet to the edge of any slope.

(J) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural.

(K) The operator shall file with the Planning Commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage courses and/or other improvements contemplated. The plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans for restoration shall be included with the plans.

(L) The operator shall file with the township a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond, which will reflect the anticipated cost of restoration, shall be fixed by the township. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

(M) The operator shall file with the County Road Commission a bond for maintenance of, and dust control on, the public road(s) providing access to the site.

(Ord. passed 6-28-2006)

#### **§ 154.105 JUNK YARDS, AUTOMOBILE SALVAGE OR WRECKING YARDS, WASTE OR SCRAP RECYCLING OPERATIONS AND REFUSE TRANSFER FACILITIES.**

These uses may be permitted in the I Industrial Districts subject to the following special land use approval requirements. (Junkyards may also be subject to additional local licensing requirements by separate ordinance.) In cases where there are conflicting requirements, the most restrictive requirements shall govern.

(A) These uses may only be located upon a site where abutting lands are zoned for nonresidential purposes on all sides.

(B) All parking shall be provided as off-street parking within the boundaries of the development.

(C) Any required front yard setback shall not be used for providing off-street parking, but must be landscaped.

(D) All sides of the development shall be screened with an un-pierced fence or wall at least eight feet in height and not less than the height of the materials on the lot on which a stated use is located.

(E) The above required fence or wall shall be no closer to the lot lines than the yard requirements for buildings or structures permitted in the district.

(F) All junk, waste or scrap materials shall be exclusively contained behind the fence or wall.

(G) All roads, driveways, parking lots and loading and unloading areas within the use shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by wind-borne dust to adjoining property and public roads.

(H) In order to protect the community from the danger of the leaching or runoff of chemicals or substances into the

groundwater or surface water, these uses shall not be located upon lands classified as "wetlands" as defined on the national wetland inventory map or upon a determination by the MDEQ, nor upon lands lying within the 100-year floodplain, as defined on the federal flood insurance rate map, or federal flood hazard boundary map.

(Ord. passed 6-28-2006)

#### **§ 154.106 TELEPHONE EXCHANGE AND STATIC TRANSFORMER STATIONS, GAS REGULATOR STATIONS AND OTHER PUBLIC UTILITY BUILDINGS.**

These uses may be permitted in all districts, subject to the following special land use approval requirements:

(A) No public business office or any storage yard or storage building is operated in connection therewith;

(B) The exchanges, transformer stations or transformer mats are located not less than 15 feet from any interior side property line, 25 feet from its front property line, and 30 feet from its rear property line; and

(C) All required yards are to be landscaped and maintained.

(Ord. passed 6-28-2006)

#### **§ 154.107 BED AND BREAKFAST ESTABLISHMENTS.**

Bed and breakfast establishments may be permitted as a special approval land use in A/R, R-1A, R-1B, R-1C, R-2 and RM Residential Districts and as a permitted use in the GB, General Business District upon review and approval of a plot plan and subject to the following special land use approval requirements.

(A) The rooms utilized are not specifically constructed for rental purposes. Each bed and breakfast establishment shall contain not less than two bedrooms for rent.

(1) A structure shall not be eligible for bed and breakfast use unless it contains at least 2,000 square feet of gross floor area.

(2) Adequate living space must be preserved for the owner/innkeeper quarters; this must include a separate bedroom for owner/innkeeper and bedrooms for other family members residing on the premises.

(B) The dwelling unit that contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. The owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.

(C) Parking, driveway and maneuvering area shall be provided in accordance with §154.023.

(D) Off-street parking is provided as follows: two spaces for the primary residential uses, plus one-half per single bed equivalent, plus one space for each employee on the largest shift.

(E) Parking must be screened from residential uses as specified in §154.018.

(F) Lighting must be directed away from residential uses.

(G) Food may be served in a bed and breakfast establishment only to persons renting a room and only during their stay at the establishment, except in the GB General Business District.

(Ord. passed 6-28-2006)

#### **§ 154.108 HOTELS AND MOTELS.**

These uses may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) Vehicular ingress and egress from the site shall be onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet in width.

(B) No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.

(C) Each unit shall contain no less than 250 square feet of floor area.

(D) Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

(Ord. passed 6-28-2006)

#### **§ 154.109 FEEDLOTS AND RAISING OF FUR-BEARING ANIMALS.**

(A) Feedlots may be permitted upon special approval in the A/R Agricultural/Residential District subject to the following special land use approval requirements.

(1) Any pen, corral or structure where barnyard animals are maintained as a feedlot, or where swine are raised shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under Public Act 94 of 1995, being M.C.L.A. § 286.472.

(2) The raising of fowl, poultry, quail or other game birds shall be conducted within an adequately fenced area or an enclosed building and shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under Public Act 94 of 1995, being M.C.L.A. § 286.472. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.

(B) The raising of fur-bearing animals, including mink and rabbit, may be permitted upon special approval in the A/R Agricultural/Residential District when located on a continuous parcel of land ten acres or more in area with all buildings and outdoor runs set back 100 feet or more from all property lines; with the exception of raising mink, which shall be conducted on a continuous parcel of land 40 acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four feet in height and set back from all property lines a minimum distance of 400 feet.

(Ord. passed 6-28-2006)

#### **§ 154.110 CHURCHES.**

Churches and other facilities normally incidental thereto may be permitted upon special approval in the A/R, R-1A, R-1B, R-1C, R-2, RM Residential Districts subject to the following special land use approval requirements. These requirements do not apply to churches in the O Office and GB, General Business Districts, as they are permitted uses.

(A) The site is so located as to have at least one property line abutting a public thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto the major thoroughfare, or a marginal access service drive thereof.

(B) Front and side yards shall be equal to at least one and one-half the height of the main building. The height limitations set forth in § 154.063 shall not apply to churches.

(C) Off-street parking shall be provided in accordance with the provisions of §154.023. No off-street parking area may occupy a required front yard.

(D) Whenever an off-street parking area is located within 50 feet of the abutting property line of a residential district, a continuous and obscuring protective screening device at least four feet six inches in height, but not more than six feet in height, shall be provided along the sides of the parking area adjoining the residentially zoned land. The screening device shall comply with the provisions of §§ 154.018 and 154.019.

(E) The site shall not be used for dwelling purposes, except that residential dwelling facilities may be provided for regular employees of the church and their families. These dwelling units or quarters shall comply with the minimum requirements for dwellings in that district.

(F) Accessory structures shall not exceed one story or 14 feet in height.

(G) For the purpose of ensuring that large churches are located within or adjacent to the urban portion of the township where adequate infrastructure is available to service the facility and not in an inappropriate rural setting where the services are not available, and for the protection of the public health, churches having seating capacity in the main sanctuary for 100 or more persons shall not be approved unless accessible from a paved road and connected to public water and, if available, public sewer facilities.

(Ord. passed 6-28-2006)

#### **§ 154.111 GOVERNMENT BUILDINGS.**

Government buildings and uses may be permitted as special approval land uses in the A/R, R-1A, R-1B, R-1C, R-2 and RM Residential Districts subject to the following special land use approval requirements. These requirements do not apply to government buildings in the O Office and GB General Business Districts, as they are permitted uses.

(A) The site is so located as to have at least one property line abutting a public thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto the major thoroughfare, or a marginal access service drive thereof.

(B) The depth of the front and rear yard and the width of each side yard shall not be less than 50 feet.

(C) Front and side yards shall be equal to at least one and one-half the height of the main building. The height limitations set forth in § 154.063 shall not apply to government buildings.

(D) Off-street parking shall be provided in accordance with the provisions of §154.023. No off-street parking area may occupy a required front yard.

(E) Whenever an off-street parking area is located within 50 feet of the property line of an abutting residential district, a continuous and obscuring protective screening device at least four feet six inches in height, but not more than six feet in height, shall be provided along the sides of the parking area adjoining the residentially zoned land. The screening device shall comply with the provisions of §§ 154.018 and 154.019.

(F) The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for regular employees of the governmental building(s) and their families. The dwelling units or quarters shall comply with the minimum requirements for dwellings in the district in which located.

(G) Accessory structures shall not exceed one story or 14 feet in height.

(H) For the purpose of ensuring that large governmental buildings are located within or adjacent to the urban portion of the township where adequate infrastructure is available to service the facility and not in an inappropriate rural setting where the services are not available, and for the protection of the public health, governmental buildings having an occupancy capacity of 100 or more persons shall not be approved unless accessible from a paved road and connected to public water and, if available, connected to public sewer facilities.

(Ord. passed 6-28-2006)

#### **§ 154.112 GOLF COURSES.**

Golf courses may be permitted in the A/R, Agricultural/Residential, R-1A, R-1B, R-1C, R-2 and RM Residential Districts subject to the following special land use approval requirements.

(A) The site is so located as to have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereto.

(B) All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.

(C) Major accessory uses that are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a clubhouse. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.

(D) Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate or turnstile.

(E) Off-street parking shall be provided in accordance with the provisions of §154.023.

(Ord. passed 6-28-2006)

#### **§ 154.113 PRIVATE RECREATIONAL AREAS.**

Private recreational areas not open to the general public. Institutional community or neighborhood recreation centers and neighborhood association swimming pools may be permitted as a special approval land use in the R-1A, R-1B, R-1C and R-2 Residential Districts and as a permitted use in the A/R District subject to the following special land use approval requirements.

(A) The subject property is so located as not to hinder the natural and presumed residential development of the area.

(B) The depth of the front and rear yards and the width of each side yard shall not be less than 50 feet.

(C) Off-street parking shall be determined on the basis of one parking space for each 500 square feet of land area devoted to these uses. Off-street parking shall be in accordance with the provisions of § 154.023.

(D) Whenever an off-street parking area is located within 50 feet of an adjoining residentially zoned property line, a continuous and obscuring screen at least four feet six inches in height, but not more than six feet in height, shall be provided along the sides of the parking area adjoining the residentially zoned land. The screen shall comply with the provisions of §§ 154.018 and 154.019.

(Ord. passed 6-28-2006)

#### **§ 154.114 LARGE-SCALE OUTDOOR RECREATIONAL USES.**

(A) Large-scale outdoor recreational uses, including recreational fields (football, softball, baseball, soccer and similar activities), tennis courts, basketball courts, ice skating rinks, music concert pavilions and band shells, ski facilities, picnic grounds, miniature golf courses, golf driving ranges, campgrounds, small-boat rental, swimming facilities, kiddie-type rides and tracks for off-road vehicles or similar uses for physical and outdoor exercises may be permitted in the A/R Agricultural/Residential Districts subject to the following special land use approval requirements.

(B) Not included under "large scale outdoor recreational uses" and regulated elsewhere in this chapter are the following: motorized vehicle race tracks, horse or dog tracks, combat game areas, gun clubs, golf courses, outdoor theaters, amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions. (Personal recreational activities or uses are not subject to this section.)

(1) The subject property is at least 20 acres or more in area and is located on a major thoroughfare having an existing or proposed right-of-way of not less than 120 feet.

(2) All development features including the principal building and spectator seating facility shall not be closer than 200 feet to a public street or land zoned residential except, where natural topographical conditions are such that the development features would be screened from view, this requirement may be modified.

(3) No activity shall take place within 30 feet of the perimeter of the recreational area. All those activities shall be screened from abutting land zoned residential by means of a protective screening device as determined by the Planning Commission that meets the requirements of §§ 154.018 and 154.019.

(4) Exterior lighting shall be installed in a manner so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent roads.

(5) Adequate trash containers shall be provided on the site. The site shall be periodically cleared of debris so that wind-blown litter does not accumulate on adjacent properties.

(6) In order to ensure that the recreational use is compatible with adjacent land uses, the Planning Commission may require such items as landscaped buffer strips with berms, off-site street improvements, fencing security facilities and other improvements in order to ensure that excessive dust, noise, traffic, lighting glare and trespassing are not inflicted on adjacent properties.

(7) Related accessory commercial uses such as refreshment stands, concession counters and sit-down restaurants which may include the sale of alcoholic beverages, retail shops selling or renting sport and recreational items such as a "pro shop" or rental equipment store, office buildings relating to the management of the recreational use, spectator seating and service areas including locker rooms, showers, restrooms and similar facilities may be permitted in conjunction with the recreational uses when it is clearly incidental to the main recreational character of the use. Those related accessory uses shall not include the sale, servicing or repair of any vehicles or equipment used on the site except that owned by the proprietor.

(8) Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate or turnstile.

(9) Off-street paved parking shall be constructed in accordance with §154.023 except that the Planning Commission may waive requirements for paved parking areas, maneuvering lanes and drives for campgrounds, parks, riding stables and other similar outdoor recreational uses where because of their rural or rustic nature, hard-surfaced parking would, in the opinion of the Planning Commission, detract from the nature of the recreational facility.

(10) Permitted accessory uses that are generally of a minor commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreational use itself, such as a maintenance garage, may be located in a separate building.

(Ord. passed 6-28-2006)

#### **§ 154.115 OPEN-TO-THE-PUBLIC PUBLIC OR COMMERCIAL STABLES, KENNELS AND VETERINARY CLINICS.**

(A) An open-to-the public or commercial stable or a kennel and veterinary clinic may be permitted in the A/R Agricultural/Residential Districts subject to the following special land use approval requirements.

(1) The subject property is so located as not to hinder the natural and presumed residential development of the area.

(2) The subject property contains a minimum of five acres.

(3) The stable, barn or kennel is located 100 feet from any neighboring residential use. All runs or breeding areas shall be enclosed by a chain link fence not less than six feet in height.

(4) If the use is of a commercial nature, off-street parking shall be provided in accordance with the provisions of § 154.023.

(B) Veterinary clinics shall also be allowed as a special approval land use in the GB, General Business District, provided that there are no outdoor runs for animals, and that there be no boarding, no noise, and no odor.

(Ord. passed 6-28-2006)

#### **§ 154.116 GROUP DAY CARE HOME.**

Group day care home (as defined §154.003 and under Public Act of 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128, as amended) with seven to 12 children may be permitted in the A/R, R-1A, R-1B, R-1C, R-2, MHR and RM Districts, subject to the following special land use approval requirements.

(A) Adequate ingress and egress, parking and circulation shall be provided on the site.

(B) The lot or parcel on which the use is located shall be located no closer than 1,500 feet to any of the following:

(1) Another group day care home;

(2) An adult foster care group home licensed by the State Department of Social Services;

(3) A facility offering substance abuse treatment and rehabilitation service to seven or more persons, licensed by the State Office of Substance Abuse Services; or

(4) A community corrections center, resident home, halfway house or similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.

(C) The construction and use shall be licensed by the State Department of Social Services prior to beginning operation, including the minimum regulations and requirement regarding play space.

(Ord. passed 6-28-2006)

#### **§ 154.117 NURSERY SCHOOL, DAY NURSERY AND CHILDCARE CENTERS.**

Nursery schools, day nurseries and childcare centers may be permitted in the MHR and RM Residential Districts, O Office District and GB Business Districts subject to the following special land use approval requirements.

(A) The childcare center shall be licensed by the State Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.

(B) Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children, outside of any public right-of-way.

(Ord. passed 6-28-2006)

#### **§ 154.118 ORPHANAGE, FOSTER HOME, HOME FOR THE AGED, INDIGENT OR PHYSICALLY OR MENTALLY DISABLED.**

An orphanage, foster home or a home for the aged, indigent, physically or mentally disabled, a rest or convalescent home may be permitted in the RM Multiple-Family Residential District subject to the following special land use approval requirements.

(A) All vehicular ingress and egress from the site shall be directly onto a public road having a planned right-of-way of not less than 86 feet.

(B) The maximum extent of development and occupancy shall not exceed 30 persons, patients or residents per acre of land.

(C) No building other than a structure for strictly residential purposes shall be closer than 60 feet to any property line.

(D) State licensed homes for six or fewer residents shall be a permitted use in all districts where single-family homes are a permitted use.

(Ord. passed 6-28-2006)

#### **§ 154.119 BOARDING AND ROOMING HOUSES.**

Boarding and lodging houses, rooming houses and tourist homes may be permitted in A/R, Agricultural/Residential, R-1A, R-1B, R-1C, R-2, MHR and RM Residential Districts, subject to the following special land use approval requirements.

(A) Not more than five sleeping rooms for the development.

(B) Adequate parking shall be available on-site.

(C) Maximum density of 20 persons per acre for the development.

(Ord. passed 6-28-2006)

#### **§ 154.120 AMUSEMENT AND RECREATION SERVICES.**

(A) *Indoor recreation.* Recreation centers similar to bowling alleys, skating rinks, racquet sports, archery ranges, arcades and similar forms of recreation or amusement may be permitted in the GB General Business District provided they are conducted wholly within an enclosed building.

(B) *Amusement-oriented outdoor recreation.* Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions, miniature golf courses, and golf driving ranges may be permitted in the GB General Business District subject to the following special land use approval requirements.

(1) Site shall not abut any residential district directly or across a street.

(2) Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches in height.

(3) No loudspeaker or public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.

(Ord. passed 6-28-2006)

#### **§ 154.121 MOTOR VEHICLE WASHING.**

Motor vehicle washing, conveyor- or non-conveyor-type, may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) All cleaning operations shall be completely enclosed within a building, excepting points of ingress and egress.

(B) A hard-surfaced driveway of one or more lanes shall be constructed on the parcel in a manner so as to provide for a continuous movement of cars into the wash rack.

(C) The driveway so provided shall be not less than ten feet wide for a single lane and not less than ten additional feet in width for each additional lane.

(D) Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitably protected from interference by other traffic.

(E) The total length of the required lane or lanes so provided for a conveyor-type wash rack shall be determined by the overall length of the building, including areas having sidewalls but no roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is 80 feet or less in overall length, the total required lanes shall be not less than 400 feet in length. Where the building exceeds 80 feet in length, the length of the required lane or lanes shall be increased 50 feet for each ten feet of or fraction thereof by which the building exceeds 80 feet in overall length.

(F) For a non-conveyor-type auto wash, five waiting spaces, each 20 feet in length, shall be provided for each washing stall on the entrance side of the stall and two spaces per stall shall be provided on the exit side for a drying area.

(G) The site shall be designed in a manner so that no operations are conducted off the parcel.

(H) A building setback of at least 60 feet must be maintained from the proposed or existing street right-of-way.

(I) Ingress and egress points shall be located at least 60 feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.

(J) The site shall be drained so as to dispose of all surface water in a way so as to preclude drainage of water onto adjacent property.

(K) Gasoline sales shall be permitted on the property provided there is compliance with division (D) above, and § 154.122(A) through (H).

(Ord. passed 6-28-2006)

#### **§ 154.122 GASOLINE STATIONS.**

Gasoline service stations may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) One hundred and fifty feet of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.

(B) The lot shall contain not less than 22,500 square feet in area.

(C) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.

(D) Driveway widths entering the gasoline station shall have a width of 30 feet.

(E) Any driveway approach shall enter the property not less than 25 feet from the intersection formed by the existing or proposed right-of-way lines as set forth in the township Thoroughfare Plan, and not less than ten feet from any adjoining nonresidential property line nor less than 25 feet from any abutting residential district. The angle of intersection of any driveway along the principal street(s) shall not be more than 60 degrees.

(F) Curbs, in accordance with standard township specifications, shall be constructed on all streets adjacent to the gasoline station site.

(G) Damaged or disabled motor vehicles shall not be parked except on a temporary basis for 72 hours or less. Junk parts and junk vehicles shall not be kept outside of the building.

(H) Prohibited activities include, but are not limited to: motor vehicle body repair; undercoating; painting; tire recapping; engine and transmission rebuilding; motor vehicle dismantling; upholstery work; and other activities whose adverse external physical effects would extend beyond the property line.

(Ord. passed 6-28-2006)

#### **§ 154.123 MOTOR VEHICLE REPAIR AND SERVICE FACILITIES.**

Motor vehicle repair and service facilities may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) All activities shall be conducted in an enclosed building.



(B) All buildings shall be set back not less than 40 feet from all existing or proposed street right-of-way lines, whichever is greater.

(C) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.

(D) There shall be no outdoor parking of damaged motor vehicles except on a temporary basis not to exceed 72 hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

(E) Parking shall be provided on the site at a ratio of one parking space for each 100 square feet of site area.

(F) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(Ord. passed 6-28-2006)

#### **§ 154.124 NEW AUTOMOBILE AND TRUCK SALES AND SHOWROOMS.**

New automobile and truck sales and showrooms may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) The automobile and truck sales must be located on a site having a frontage on a major thoroughfare of not less than 120 feet and an area of not less than two acres.

(B) Ingress and egress to the outdoor sales area shall be at least 60 feet from any point of intersection formed by the existing or proposed right-of-way lines, whichever is greater.

(C) Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.

(D) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

(E) The outside display of new and used automobiles and trucks shall be permitted and the storage area shall occupy no more than 35% of a lot which is used for vehicle sales.

(F) A 15-foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.

(G) No outside loudspeaker or outside public address system shall be used.

(Ord. passed 6-28-2006)

#### **§ 154.125 USED AUTOMOBILE AND TRUCK SALES.**

Used automobile and truck sales may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) The used automobile and truck sales must be located on a site having a frontage on a major thoroughfare of not less than 100 feet and an area of not less than 10,000 square feet.

(B) Ingress and egress to the outdoor sales area shall be at least 60 feet from any point of intersection formed by the existing or proposed right-of-way lines, whichever is greater.

(C) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted.

(D) A 15-foot landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of used automobiles or trucks.

(E) No outside loudspeaker or outside public address system shall be used.

(F) Any person selling more than two vehicles per year shall be defined as a used car dealer and shall be located only in a GB General Business District.

(Ord. passed 6-28-2006)

#### **§ 154.126 OPEN-AIR DISPLAY AND SALE OF RECREATIONAL VEHICLES, MOTORCYCLES OR OTHER MOTOR VEHICLE SALES AREAS OTHER THAN TRUCKS, AUTOMOBILES AND HOME OWNERS' GARDENING EQUIPMENT AND THE LIKE.**

Open-air display and sale of recreational vehicles, motorcycles or other motor vehicle sales areas other than trucks and automobiles, homeowners' gardening equipment and the like, may be permitted in the GB General Business District, provided that the vehicles are displayed on a paved surface complying with the provisions of § 154.023, there is no outside storage, and further provided that there be no display in areas that are required for parking, aisles, loading or sidewalks. Ingress and egress to the site shall be at least 25 feet from a street intersection or adjacent residential district.

(Ord. passed 6-28-2006)

#### **§ 154.127 DRIVE-IN, FAST FOOD, DRIVE-THROUGH OR CARRY-OUT RESTAURANTS.**

Drive-in, fast-food, drive-through or carry-out restaurants may be permitted in the GB General Business District subject to the following special land use approval requirements.

(A) Must directly front upon and have its ingress and egress points from a major thoroughfare.

(B) Ingress and egress points shall be located at least 30 feet from the intersection of any two streets. The measurement shall be made from the intersection of the two streets' existing right-of-way lines to the nearest edge of the curb radius of the driveway.

(C) The minimum distance of any driveway to the property line shall be seven feet. The minimum distance between driveways on the site shall be 65 feet measured from the two closest driveway curbs.

(D) Concrete curbing six inches in height shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways so as to prevent vehicular encroachment onto or over the adjoining property or vehicular damage to buildings.

(E) All outside trash receptacles (except those intended for use by the customer) shall be located within a six-foot high enclosure constructed of an obscuring material and shall be provided with obscuring gate of same height.

(F) If adjacent to a residential district, no outside loudspeaker or outside public address system shall be permitted.

(Ord. passed 6-28-2006; Ord. 06-08, passed 4-16-2012)

#### **§ 154.128 COMBAT GAME AREAS.**

Combat game areas in which participants use air guns or other similar devices that are intended only to "mark" participants and not injure them may be permitted in the A/R Agricultural/Residential District subject to the following special land use approval requirements.

(A) The site shall contain a minimum of 20 acres. The site shall not abut any residential district directly or across a street. The site shall have direct access to a public road.

(B) A 200-foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.

(C) No trespassing signs shall be placed in prominent locations.

(D) The applicant shall provide off-street parking subject to standards established by the Planning Commission.

(E) Toilet facilities shall be provided and shall be approved by the County Health Department.

(Ord. passed 6-28-2006)

#### **§ 154.129 GUN AND HUNT CLUBS, SHOOTING AND ARCHERY RANGES.**

Gun and hunt clubs, shooting and archery ranges, including state-licensed game bird hunting preserves, may be permitted in the A/R Agricultural/Residential Districts subject to the following special land use approval requirements. (Personal hunting and target shooting activities or uses are not subject to this section.)

(A) It must be located on a parcel of 40 acres or more in area.

(B) The parcel must be located at least 450 feet from a lot line of any adjacent residential district.

(C) All ingress and egress from the parcel must be directly from a public road.

(D) Off-road parking must be provided.

(E) No on-road parking shall be permitted.

(F) All new gun clubs, shooting and archery ranges and any additions to those uses shall be designed by an engineer or architect licensed by the state.

(G) All new shooting ranges shall meet the design standards of the National Rifle Association. Basic measures to provide for projectile containment have not changed dramatically for well over 30 years. These measures include: backstops, sideberms and sidewalls, baffles, target placement, use of natural features such as mountains or rolling hills, sloping floor or grade of the range. Various standard range lengths and other characteristics are to be designed into a proposed facility in accordance with the types of projectiles to be used.

(H) Operations shall not begin before 8:00 a.m. nor continue beyond 9:00 p.m. Noise levels at the property lines shall not exceed 40 dBa at any time. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Department of Standards.

(Ord. passed 6-28-2006)

#### **§ 154.130 CEMETERIES.**

Cemeteries are a permitted use in the RCC District. They may be permitted in the A/R Agricultural/Residential Districts subject to the following special land use approval requirements.

(A) The location of a cemetery shall be permitted in the quarter section within an A/R District when the quarter section does not have more than 51% of its land area in recorded plats.

(B) All access shall be provided from a public road having a planned right-of-way of not less than 120 feet.

(C) All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall, fence or buffer strip planting as described in §§ 154.018 and 154.019.

(D) Approval shall be given contingent on a satisfactory site plan review.

(E) Any crypt, mausoleum or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than 25% of the lot area.

(F) No part of any crypt, mausoleum or other building containing bodies or remains, other than a subterranean grave shall be less than 100 feet from the nearest lot line.

(G) The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the state.

(Ord. passed 6-28-2006)

### **§ 154.131 MINI-WAREHOUSES.**

Mini-warehouses may be permitted as a special land use in the GB General Business Districts and as a permitted use in the I Industrial Districts, in all cases subject to the following special land use approval requirements.

(A) The site shall be at least two acres in size and shall be located on a paved major thoroughfare and shall not directly abut a residential district unless all storage faces away from it and no drives, parking, or outside storage shall exist between the storage buildings and the property line.

(B) The only access to the site shall be from the major thoroughfare.

(C) All storage on the site shall be kept within enclosed buildings, except that up to 50% of the storage units may be "open front" three-sided buildings for the storage of boats, recreational vehicles, snowmobiles and automobiles. The "open front" of the buildings shall face the interior of the complex.

(D) Buffering shall be required as provided by § 154.018.

(E) All driveways, parking, loading and vehicular circulation areas shall be surfaced with concrete, asphalt or asphaltic concrete. All one-way driveways shall provide for one ten-foot parking lane and one 15-foot travel lane. All two-way driveways shall provide for one ten-foot parking lane and two 12-foot travel lanes. The parking lanes may be eliminated when the driveway does not serve storage cubicles. When no parking is provided within the building separation areas, the building separation need only 15 feet. There shall be at least one parking space for each ten cubicles. At the office, one parking space shall be provided for each 25 cubicles. Two spaces shall be provided for the caretaker's residence, if any.

(F) No business activities, manufacturing or garage sales shall be conducted on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.

(G) The servicing or repair of motor vehicles, boats, trailers, lawn mowers and other similar equipment shall not be conducted on the premises.

(H) The owner or operator shall properly police the property for removal of trash and debris and for compliance with public and private restrictions.

(I) A residence for a resident caretaker or manager may be constructed on the premises. The residence shall comply with all provisions of this chapter and the State Building Code.

(J) No explosive, hazardous or radioactive materials shall be stored on the premises.

(K) The Planning Commission shall approve any proposed perimeter fencing or walls for its compatibility with adjacent properties and the neighborhood.

(Ord. passed 6-28-2006)

### **§ 154.132 WIND ENERGY CONVERSION SYSTEMS.**

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

(1) **WIND ENERGY CONVERSION SYSTEMS**, hereinafter referred to as **WECS**. Any device that converts wind energy to mechanical or electrical energy.

(2) **WIND ROTOR**. The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

(3) **TOWER HEIGHT**. The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.

(4) ***SURVIVAL WIND SPEED.*** The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

(B) *Applicable zones.* WECS may be permitted in any zoning district subject to the following special land use approval requirements with the following exception:

(1) The erection of one windmill on a single parcel of land at a height equal to or less than 50 feet shall be considered a permitted use in any district and shall not require special land use and Planning Commission approval; and/or

(2) The approval of a windmill under this requirement shall be subject to administrative approval through the Zoning Administrator, as well as all other applicable provisions of this section.

(C) *Applicability of this chapter.*

(1) The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only.

(2) For systems intended for uses other than the above, Planning Commission approval shall be required. The approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system and compliance with all applicable state and federal statutes and regulations.

(3) Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

(D) *Standards for and regulation of WECS.*

(1) *Construction.* Tower construction shall be in accordance with the latest edition of the State Building Code, and any future amendments and/or revisions to it.

(2) *Electric-magnetic interference (EMI).* Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of C.F.R. Title 47, Chapter 1, Part 15, and subsequent revisions governing the emissions.

(3) *Setbacks.*

(a) The structural design shall be signed and sealed by a professional engineer, registered in the state, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the state and all sections referred to herein above.

(b) The minimum setbacks for the towers from all abutting streets or adjacent property shall be a distance equal to one and one-half times the height of the tower.

(c) The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five feet of utility lines.

(4) *Maximum height.* The maximum height permitted as a special land use shall be 150 feet unless otherwise prohibited by any state or federal statutes or regulations.

(5) *Minimum blade height.* The minimum distance between the ground and any protruding blades utilized on a WECS shall be 15 feet, as measured at the lowest point of the arc of the blades.

(6) *Labeling requirements.* A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS:

- (a) The maximum power output of the system and the wind speed at which it is achieved;
- (b) Nominal voltage and maximum current;
- (c) Manufacturer's name and address, serial number and model number; and
- (d) Maximum survival wind speed and the emergency and normal shut down procedures.

(7) *Utility company notification.* The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing the interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the utility tariff specifications.

(8) *Safety.* The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than 80 mph.

(9) *Noise.* The maximum level of noise to be generated by a WECS shall be 50 decibels, as measured on the dBA

scale, measured at each property line at any time.

(E) *Miscellaneous.*

(1) All electric line/utility wires shall be buried under ground except in A/R Agricultural/Residential Districts.

(2) Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six-foot fence. The supporting tower shall also be enclosed with a six-foot fence unless the base of the tower is not climbable for a distance of 12 feet.

(3) When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed 140 square feet in area nor eight feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.

(4) The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within 60 days.

(5) Every WECS shall be insured with minimum liability insurance of \$100,000 for each occurrence. Proof of insurance shall be furnished to the township.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008)

**§ 154.133 PERSONAL USE AIRCRAFT LANDING FIELDS.**

Landing fields for the personal use of the property owner may be permitted in the A/R Agricultural/Residential Districts and I Industrial Districts subject to the following special land use approval requirements.

(A) The landing field is subject to all rules and regulations of the Federal Aviation Administration and the State Aeronautics Commission, which agencies or their successors shall approve the preliminary plans submitted to the township.

(B) No landing field for personal use shall be established within five miles of a public use facility certified by the State Aeronautics Commission without approval of the commission. No landing field for personal use shall be established within a two-mile radius of another landing field.

(C) All landing fields shall have a runway with an 1,800-foot landing length in each direction from a clear approach slope of 20 to one, and a 100-foot usable width with an additional 50-foot minimum width on each side which is free of obstructions.

(1) The approach slope with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway, a railway clearance of 23 feet and a clearance at the property line of 25 feet.

(2) The landing area shall be marked in accordance with State Aeronautical Commission standards.

(D) No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property to peaceful enjoyment of their property.

(E) Hazards to navigation: no obstruction of whatever character, object of natural growth or use of land, upon the premises of the landing field that prevents the safe use of the facilities for the take off or landing of aircraft shall be permitted.

(F) Yard and placement regulations.

(1) The site shall not abut directly or across a street in any residential district.

(2) Landing fields shall be located on a contiguous parcel of land not less than 25 acres in area.

(a) The parcel shall have a width of not less than 450 feet.

(b) The parcel shall have a depth of not less than 1,800 feet.

(c) It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease.

(G) The property owner shall construct a residence within two years or be required to obtain a two-year renewable license from the governing township authority.

(H) All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.

(I) Prohibited uses:

(1) The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted; and

(2) Use of a personal use aircraft landing field is limited solely to the single owner. No commercial activity or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except for aircraft owned by and for the personal use of the property owner), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public shall not be permitted on

the premises.

(Ord. passed 6-28-2006)

#### **§ 154.134 COMMUNICATION TOWERS.**

Communication towers may be permitted in the A/R District with the exception of land designated residential in the future land use map of the Comprehensive Master Plan, in the RCC, O, GB, I Districts, and on open land in any district that is permanently dedicated for conservation, recreation or institutional use subject to the following special land use approval requirements.

- (A) The tower must be set back a minimum of 200 feet from all property lines.
- (B) Towers shall be a monopole type using no guy wires.
- (C) Accessory structures are limited to uses associated with the maintenance of the tower and may not be located any closer to any property line than 30 feet.
- (D) Accessory structures shall not exceed 600 square feet of gross building area.
- (E) All requirements of §§ 154.016, 154.017, 154.018 and 154.019 shall be met.
- (F) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (G) A registered structural engineer shall certify the plans of the tower construction.
- (H) 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.
- (I) Applicant shall obtain or document approval from the Federal Aviation Administration (FAA) and the State Aeronautics Administration for the height and location of a proposed tower structure near an airport or helipad.
- (J) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public or private airport or one-half-mile radius of a helipad.
- (K) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (L) Antennae 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.
- (M) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the official Building Code approved by the township.
- (N) 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.
- (O) Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner or lessee shall provide a remedy.
- (P) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- (Q) The base of the tower shall occupy no more than 500 square feet.
- (R) Minimum spacing between tower locations shall be one mile (without respect to municipal boundaries) in order to prevent a concentration of towers in one area.
- (S) Height of the tower, including antennae, shall not exceed 195 feet from grade.
- (T) Towers shall not be artificially lighted, it being the intent of the township to encourage the use of towers of the height that does not require lighting, which may adversely affect nearby properties. However, if required by the FAA in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract upward so as to limit ground scatter to a maximum of 75 candela.
- (U) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (V) 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.
- (W) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme shall be designed to minimize off-site visibility of the antenna.
- (X) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by that standard or the special land use approval shall be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

(Y) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

(Z) All driveway entrances shall meet the requirements of the County Road Commission and a permit shall be obtained from the Road Commission for each driveway entrance.

(AA) Except for the driveway opening, along the entire perimeter of the tower, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain.

(1) The buffer, at a minimum, shall consist of two staggered rows of trees that are a minimum of six feet tall when planted with a height at maturity of at least 20 feet.

(2) Trees shall be planted on 20-foot centers.

(3) Trees shall be 80% evergreens and 20% deciduous, mixed in species, using only species approved by the American Nursery and Landscape Association or a similar organization that may be specified elsewhere by township ordinance.

(4) The Planning Commission may waive this requirement if the site is buffered by adequate existing natural vegetation.

(BB) Shared use of towers is both permitted and encouraged.

(1) A new tower application shall not be accepted unless the applicant makes a good faith effort to substantially demonstrate that no existing or planned tower can accommodate the applicant's antenna or transmitter.

(2) The applicant shall include documentation regarding the availability of any existing or approved, but not yet built communication towers within the transmission area that may meet the needs of the applicant.

(3) The supplied documentation shall evaluate the following factors:

(a) Structural capacity of the communication towers;

(b) Geographic service area requirements;

(c) Mechanical or electrical incompatibilities;

(d) Inability or ability to locate equipment on existing communication towers; and

(e) Any restriction of the FCC that would preclude the shared use of communication towers.

(4) And, further, the applicant for a new tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna locations shall be indicated on the site plan.

(CC) A prospective co-locator on an existing tower must provide the following in applying for a special land use permit, the review and written approval of which will be handled by, and will not be unreasonably withheld by, the Zoning Administrator or other designated official, unless he or she determines there are special issues or circumstances that compel a Planning Commission review:

(1) One copy of the original site plan for the tower, as amended;

(2) Information or documentation as needed to verify compliance with the requirements above; and

(3) Any fee that may be required for a special land use application.

(DD) All towers that cease to be used for a period of six continuous months shall be removed at the owner's expense, including all equipment and structures, and the owner shall restore the site to its original condition within three months of a written notice and request by the township. If a tower is scheduled to be back in use within six months of the date of the township's notice, as provided herein, the owner may apply to the Zoning Board of Appeals (ZBA) for an extension. Upon proof that use of the tower will recommence within six months of the notice to remove, the ZBA may grant an extension, not to exceed six months.

(EE) The applicant also shall submit to the township a valid certificate of liability insurance, to be renewed annually, listing the township and its past, present and future trustees as additional named insured. The certificate also shall state that if the policy is to be canceled before the expiration date thereof, the issuing company will mail a notice to the township, as certificate holder, at least 30 days before the expiration date. A cancellation notice shall be considered an event of default, which allows the township to draw the entire amount of the bond as security. If the insurance is allowed to lapse, the tower will be deemed to be no longer in use.

(FF) The following communication facilities are exempt from the above provisions, provided that they meet the requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be 60 feet:

(1) Citizen band radio facilities;

(2) Short wave facilities;

- (3) Ham and amateur radio facilities;
  - (4) Television reception antennae;
  - (5) Satellite dishes;
  - (6) A farmer's communication system; and
  - (7) Government facilities subject to state and federal law or regulations that preempt municipal regulatory authority.
- (Ord. passed 6-28-2006; Ord. passed 7-6-2010)

**§ 154.135 SHORT TERM RENTAL OF RESIDENTIAL PROPERTY.**

Short term rental of single-family homes may be permitted in R-1A and R-1B, R-1C, R-2 and A/R Districts, subject to the following restrictions:

(A) A short term rental is a rental of residential property for a minimum of seven days and less than 30 days. Short term rentals of six days or less shall not be permitted. Rentals of single-family residential property for 30 days or more are exempt from the provisions of this section.

(B) The occupancy of the short term rental property shall be limited to two persons for each approved bedroom in the single-family home. Upon application, the premises shall be inspected by the Burtchville Township Zoning Administrator to determine the number of bedrooms and compliance with applicable building codes.

(C) The short term rental shall not be permitted for the purpose, in whole or in part, for a reception, event or party.

(D) Day time guests shall not exceed the amount of people permitted for overnight occupancy and shall leave the premises by 10:00 p.m.

(E) No overnight guests in excess of the number of persons identified in division (B) above shall be permitted.

(F) The number of cars on the premises at any one time shall be limited to one car for each approved bedroom.

(G) The property shall have adequate off street parking for the parking of cars allowed hereunder.

(H) The property owner shall designate a property manager, who shall reside within 25 miles of the property and provide 24-hour a day, seven days a week contact information for the manager during all times the premises are rented.

(I) The property shall otherwise be used in compliance with all other Burtchville Township ordinances.

(J) The property owner shall have each adult rental occupant sign an acknowledgment that the renter has been advised of rules in divisions (B) through (I) above.

(K) The property owner shall maintain records of each short term lease, number of occupants and registered cars for 12 months, which records shall be supplied to the township upon request of the Zoning Administrator or Supervisor.

(L) Any special land use permit approved by the Planning Commission shall be issued to the applicant, and upon transfer of ownership the succeeding owner must re-apply and provide updated property manager information.

(M) The property owner shall provide proof of liability insurance covering the short term rental activity.

(N) The property owner shall provide a sewage disposal evaluation from the St Clair County Health Department indicating no known problems or code violations.

(Ord. passed 4-17-2017)

**§ 154.136 LIST OF SPECIAL APPROVAL LAND USES BY DISTRICT.**

List of special approval land uses by district:

<i>Name of Use</i>	<i>Section of Chapter</i>	<i>Districts Where Special Land Use May Be Allowed</i>
<i>Name of Use</i>	<i>Section of Chapter</i>	<i>Districts Where Special Land Use May Be Allowed</i>
Airports: personal use aircraft landing fields	154.133	A/R and I
Amusement and recreation services	154.120	GB
Bed and breakfast establishments	154.107	A/R, R-1A, R-1B, R-1C, R-2, RM and GB, where it is a permitted use
Boarding and rooming houses	154.119	A/R, R-1A, R-1B, R-1C, R-2, MHR and RM
Cemeteries	154.130	A/R (permitted use in RCC)



Churches	154.110	A/R, R-1A, R-1B, R-1C, R-2 and RM (permitted use in O and GB)
Combat game areas	154.128	A/R
Communication towers	154.134	RCC, O, GB, I (possibly A/R or any, see conditions)
Drive-in, fast food and carry-out restaurants	154.127	GB
Feedlots and raising of fur-bearing animals	154.109	A/R
Gasoline service stations	154.122	GB
Golf courses	154.112	A/R, R-1A, R-1B, R-1C, R-2 and RM
Government buildings	154.111	A/R, R-1A, R-1B, R-1C, R-2 and RM (permitted use in O and GB)
Group day care home	154.116	A/R, R-1A, R-1B, R-1C, R-2, MHR and RM
Gun clubs, shooting and archery ranges	154.129	A/R
High-pressure gas or high-voltage electrical transmission lines	154.099	All districts
Horse and dog race tracks	154.102	I
Hotels and motels	154.108	GB
Junkyards, auto salvage/wrecking yards, waste or scrap recycling operations and refuse transfer stations	154.105	I
Large-scale outdoor recreation uses	154.114	A/R
Lumber and building material dealers	154.103	GB and I
Mini-warehouses	154.131	GB (permitted use in I)
Motor vehicle repair and service facilities	154.123	GB
Motor vehicle washing	154.121	GB
Motorized vehicle race tracks	154.101	I
New auto and truck sales and showrooms	154.124	GB
Nursery school, day nursery and childcare center	154.117	MHR, RM, O and GB
Open-air display and sales of mobile homes, motorcycles and the like	154.126	GB
Orphanage, foster home, home for aged, indigent, physically or mentally disabled	154.118	RM
Outdoor theaters	154.100	GB and I
Private recreational areas	154.113	R-1A, R-1B, R-1C and R-2 (permitted use in A/R)
Public or commercial stable, kennel and veterinary clinic	154.115	A/R
Quarries	154.104	A/R and I
Short term rental of residential property	154.135	R-1A, R-1B, R-1C, R-2, A/R
Telephone exchange and static transformer stations, gas regulator stations and other utility provider buildings	154.106	All districts
Used auto and truck sales	154.125	GB
Wind energy conversion systems (windmills)	154.132	All districts

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 154.145 ZONING ADMINISTRATOR.**

The Office of the Zoning Administrator shall be conducted in a manner consistent with the Zoning Administrator Ordinance, as adopted by the Township Board.

(Ord. passed 6-28-2006; Ord. passed 5-18-2009)

### **§ 154.146 ZONING COMPLIANCE PERMITS.**

Hereafter, no land use shall be commenced or changed (to a use of a different class or type, or when such change additional zoning requirements, including but not limited to parking, buffering, landscaping, etc.) and no structure shall be erected or enlarged, nor any building permit issued unless and until the Zoning Administrator has determined that the same is in full compliance with the provisions of this chapter.

(Ord. passed 6-28-2006)

### **§ 154.147 CERTIFICATE OF OCCUPANCY.**

(A) No certificate of occupancy shall be issued under the Building Code of the township until all requirements of this chapter have been met. A temporary certificate may be issued under circumstances where expressly permitted by this chapter.

(B) All certificates of occupancy issued by the Building Inspector shall also bear the signature of the Zoning Administrator certifying that all requirements of this chapter have in fact been met and that a field inspection has been made to ascertain same.

(C) In cases where certificates of occupancy are not required under the Building Code, such as in the case of farm buildings, the Zoning Administrator shall nevertheless issue a certificate of occupancy for zoning purposes certifying that the structure or use has been established or erected in compliance with the terms of the zoning compliance permit and/or approved site plan.

(Ord. passed 6-28-2006)

### **§ 154.148 RESERVED.**

### **§ 154.149 PERMIT FEES.**

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

(Ord. passed 6-28-2006)

### **§ 154.150 SITE PLAN REVIEW.**

(A) *Site plan review required.*

(1) Site plan review and approval of all development proposals (except as otherwise provided herein) is required as set forth in division (B) below.

(2) The intent of this section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses.

(3) Through the application of the following provisions, the attainment of the Master Plan will be assured and the township will develop in an orderly fashion.

(4) Where it is determined by the Planning Commission and Zoning Administrator that certain requirements of this section are not necessary for the review and understanding of the proposal, the Planning Commission may waive the requirements.

(B) *Site plan review required.* A site plan shall be submitted to the Planning Commission for review whenever one or more of the following apply:

(1) Whenever a building permit is required for the erection or structural alteration of a building, not including the following:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Farm buildings; and

(d) Accessory structures to the above uses (divisions (B)(1)(a) through (c) above.

(2) For the development of a platted subdivision, site condominium or condominium project;

(3) For the construction, use or establishment of a new or expanded parking or storage area;

(4) For all special land uses, except as provided for herein;

(5) For any change in use or class of use as determined significant by the Planning Commission. A significant change in use is considered to have occurred whenever a change would trigger different or additional zoning requirements, such as, but not limited to: number and or arrangement of off-street parking spaces, loading zones, points of ingress or egress, walls, greenbelt, buffer, screening, landscaping and the like;

(6) The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities; and/or

(7) Planning Commission review may be waived and the site plan approved by the Zoning Administrator when, in the opinion of the Zoning Administrator, with concurrence of the Chairperson of the Planning Commission, the expansion of use or change in use will not involve changes substantial enough to warrant Planning Commission review. A written memorandum documenting this decision shall be prepared by the Zoning Administrator and signed by the Zoning Administrator and the Chairperson of the Planning Commission. The Zoning Administrator shall not have the authority to waive Planning Commission review for a proposed special land use or the expansion/alteration of an existing special land use.

(C) *Site plan review criteria.* The site plan shall be reviewed and approved by the Planning Commission upon finding that all the following conditions are met:

(1) The proposed use will not be injurious to the surrounding neighborhood;

(2) There is a proper relationship between thoroughfares and proposed service drives, driveways and parking areas;

(3) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of those uses will be minimized for the occupants of that use and the occupants of surrounding areas;

(4) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township;

(5) It meets township requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, sanitary sewers and driveway approaches;

(6) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides;

(7) Natural resources are preserved by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands;

(8) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies;

(9) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate for the lot size and configuration;

(10) Landscaping, including trees, shrubs, and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area; and

(11) The proposed use is in compliance with all township ordinances and any other applicable laws.

(D) *Information required on site plan.*

(1) Plans submitted for site plan approval shall contain all of the following data prior to approval of the plans by the Planning Commission.

(2) Final construction plans must be submitted to the Building Department and the construction plans must be reviewed and approved prior to obtaining a building permit.

(3) Site plans shall consist of an overall plan for the entire development.

(4) Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a minimum scale of one inch equals 20 feet if the subject property is less than three acres and one inch equals 50 feet if three acres or more.

(5) Included on the site plan will be all dimensions, and the following.

(a) *General information.*

1. Proprietor's name, address and telephone number;

2. Date (month, day, year), including revisions;

3. Title block;

4. Scale;
5. North point;
6. Location map drawn at a scale of one inch equals 2,000 feet, with north point indicated;
7. Architect, engineer, surveyor, landscape architect or planner's seal;
8. Existing lot lines, building lines, structures, parking areas and the like, on the parcel, and within 100 feet of the site;
9. Proposed lot lines, property lines and all structures, parking areas and the like, within the site, and within 100 feet of the site;
10. Centerline and existing and proposed right-of-way lines;
11. Zoning classification of petitioner's parcel and all abutting parcels;
12. Gross acreage figure; and
13. Proximity to major thoroughfare and/or section corners.

(b) *Physical features.*

1. Proposed locations of access drives, street intersections, driveway locations, sidewalks, signs, curbing and acceleration, deceleration and passing lanes;
2. Location of existing and proposed service facilities above and below ground, including:
  - a. Storage, loading and disposal areas for chemicals, hazardous substances, salt and fuels;
  - b. Water main, hydrants, pump houses, standpipes and building services and sizes;
  - c. Sanitary sewers and pumping stations;
  - d. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes; and
  - e. Location of all easements.
3. All buildings with dimensioned floor plans, setback and yard dimensions, and typical elevation views of proposed structures;
4. Dimensioned parking spaces and calculations, drives and method of surfacing;
5. Exterior lighting locations and illumination patterns;
6. Location and description of all existing and proposed landscaping, berms, fencing and walls;
7. Sidewalks and bike paths;
8. Trash receptacle pad location and method of screening;
9. Transformer pad location and method of screening;
10. Dedicated road or service drive locations;
11. Entrance details including sign locations and size;
12. Designation of fire lanes; and
13. Any other pertinent physical features.

(c) *Natural features.*

1. Existing topography with a maximum contour interval of two feet indicated. Topography on the site and beyond the site for a distance of 100 feet in all directions shall be indicated;
2. A grading plan showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading;
3. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, flood plain elevation and ordinary high water mark; and
4. Location of other natural resource features, including woodlands.

(d) *Additional requirements for multiple-family, and planned unit development projects.*

1. Density calculations by type of unit by bedroom count;
2. Designation of units by type of unit in each building;

3. Carport locations and details where proposed;
4. Specific amount of recreation space and locations;
5. Type of recreation facilities to be provided in recreation space; and
6. If proposed, details of community building and fencing of swimming pool.

(e) *Additional requirements for commercial and industrial developments.*

1. Loading/unloading areas;
2. Gross and usable floor area; and
3. Number of employees in peak usage.

(E) *Application procedure.* An application for site plan review shall be processed in the following manner:

(1) All site plans shall be submitted to the Zoning Administrator at least 15 days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:

- (a) A signed and complete application;
- (b) Fifteen copies of the site plan or as otherwise specified by the Zoning Administrator on the application form;
- (c) All items, as required by division (D) above, shown on the site plan; and
- (d) Required fees as established by resolution of the Township Board.

(2) Upon satisfactory completion of the requirements of divisions (E)(1)(a) through (d) above, the Zoning Administrator shall:

- (a) Forward a copy of the site plan and application to the appropriate department heads and consultants for review;
- (b) Place review of the site plan on the next Planning Commission agenda; and
- (c) Forward a copy of the site plan and application to each Commission member.

(F) *Township review.* Upon receipt of the site plan from the Zoning Administrator, the Planning Commission shall review the plan at its next regular meeting and thereafter approve or deny the site plan within a reasonable time.

(1) Upon determination of the Planning Commission that a site plan is in compliance with the zoning ordinance and other regulations, it will be so indicated on the site plan.

(2) Upon determination by the Planning Commission that a site plan is in compliance except with minor revisions, the Planning Commission may grant conditional approval. All revisions must be clearly delineated on copies required to be filed with the township.

(3) If extensive revision to the site plan is necessary to meet the ordinance and regulation requirements, the site plan shall be denied and the applicant requested to prepare an alternate site plan. In this case, "Denied" shall be written on the plan and reasons for denial indicated in the Planning Commission's resolution.

(4) When a site plan has been reviewed by the Planning Commission and all steps completed, five copies of the application and plans will be marked approved or denied for the following distribution:

- (a) One copy forwarded to the Township Clerk for permanent record;
- (b) Two copies forwarded to the Zoning Administrator;
- (c) One copy forwarded to the Township Planner or planning consultant; and
- (d) One copy forwarded to the applicant.

(G) *Effect of approval.*

(1) When an applicant receives final site approval, he or she must develop the site in complete conformity with the approved site plan.

(2) The site plan approval shall be valid for a period of one year.

(3) If the project is not under construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void, requiring the developer to make a new application for approval before the project is permitted to proceed.

(4) The Planning Commission may approve an extension to site plan approval.

(H) *Amendment to approved site plans.*

(1) Existing or proposed developments that have had site plan review and approval by the Planning Commission, as required herein, shall not be changed unless the proposed revisions are minor and are reviewed and approved by the Zoning Administrator with written concurrence of the Chairperson of the Planning Commission.

(2) All major revisions to approved site plans shall be subject to review and approval of the Planning Commission and shall be processed under the same procedure used for new site plans.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008; Ord. passed 5-18-2009; Ord. passed 7-6-2010)

#### **§ 154.151 REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS AND FARM BUILDINGS AND ACCESSORY BUILDINGS.**

(A) Single-family dwellings, two-family dwellings and farm buildings are exempt from the site plan review requirements set forth in § 154.150 above.

(B) However, in order to ensure that lot and setback requirements are complied with, all applications for building permits and zoning compliance permits shall be accompanied by a plot plan, in triplicate, drawn to scale, showing the following:

(1) The actual shape, location and dimensions of the lots;

(2) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot;

(3) The existing and intended use of the lot and of all the structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate; and

(4) Other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being served.

(Ord. passed 6-28-2006)

#### **§ 154.152 PERFORMANCE GUARANTEES.**

(A) To ensure compliance with a zoning ordinance and any conditions imposed thereunder, the Zoning Administrator may require that a cash deposit, certified check, irrevocable bank letter of credit acceptable to the township, covering the estimated cost of required improvements associated with a project for which site plan approval is sought, be deposited with the township to ensure faithful completion of the improvements.

(1) The Zoning Administrator, upon consultation with the Township Building Inspector and engineer shall estimate the cost of the improvements.

(2) In determining whether or not to require a performance guaranty, the Zoning Administrator shall consider the following:

(a) The size and scope of the project;

(b) Impact on the health, welfare and safety of the residents of the township if the project is not completed;

(c) The impact on the surrounding properties, if the project is started but not completed;

(d) The ability the applicant has to complete the project; and

(e) The credit worthiness of the applicant in the event the township is required to bring enforcement action against the applicant.

(3) The performance guarantee, if required, shall be deposited at the time of the issuance of the permit authorizing the activity or project, or alternatively may be required by the Zoning Administrator in conjunction with a request for a temporary occupancy permit.

(4) The township may not require the deposit of the performance guarantee prior to the time when the township is prepared to issue the permit.

(5) The township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

(B) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended (i.e., subdivisions).

(C) As used in this section, **IMPROVEMENTS** means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval in order to protect natural resources, the health, safety and welfare of the residents of the township, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. **IMPROVEMENTS** does not include the entire project that is the subject of zoning approval.

(1) If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the Township Board or Zoning Administrator shall declare whatever security has been pledged as forfeit. Where the Township Board or Zoning Administrator is not already in possession of the guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Township Board or Zoning Administrator shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of the improvements to the proper specifications. Unused portions of these securities shall be returned to the

subdivider, bonding company or crediting institution, as is appropriate.

(2) Upon acceptance of the final portion of improvement, the township shall authorize the release of the remaining portion of the performance guarantee.

(3) No action or inaction by the township in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy or excuse any violation of this chapter. A temporary certificate of occupancy may, however, be extended in time, and from time to time, for good cause shown. Any like extension shall serve to extend for the same period the time for completion of the required site improvements.

(Ord. passed 6-28-2006)

#### **§ 154.153 TENTS, TEMPORARY MOBILE HOME OR CONSTRUCTION OFFICE AND PORTABLE ON-DEMAND STORAGE DEVICES (PODS).**

(A) *Temporary mobile homes or construction offices.* The Zoning Administrator may issue a permit for the temporary placement of a mobile home as a temporary residence, during the actual construction or reconstruction of a permanent dwelling or for temporary placement of a mobile home or similar structure as a temporary construction office, subject to the following requirements.

(1) Any temporary structure to be used for dwelling purposes shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. § 3280, as amended, and shall bear the "federal seal" attesting to the same.

(a) In addition, all dwellings shall meet or exceed all applicable roof snow loads and strength requirements.

(b) No temporary dwelling shall be occupied until the dwelling has been connected to a suitable source of potable water and sewage disposal facilities, both of which shall be approved by the County Health Department.

(c) The initial permit shall not exceed 12 months and shall be concurrent with a valid building permit for a permanent structure. Not more than two extensions, not to exceed 24 months, may be granted where substantial progress toward completion of the permanent structure is being demonstrated.

(2) A cash bond in the amount of \$500 shall be deposited with the Township Clerk to insure removal of the temporary unit upon expiration of the temporary permit. Failure to complete construction of the permanent structure, within the time limits specified in the building permit and this section shall be sufficient grounds for the Township Board to declare the performance guarantee forfeited and use the proceeds as necessary.

(B) *Tents.* The Zoning Administrator may issue a zoning compliance permit for the placement of a tent used solely for the purpose of storage, subject to the following.

(1) Tents on residentially zoned property shall be considered an accessory structure for the purposes of this chapter and shall be governed by the requirements of § 154.008. No tent shall be permitted on a residentially zoned property for a period exceeding 90 days.

(2) Tents on commercial or industrial zoned property shall meet all setback requirements of the district in which the property is located and shall require site plan approval from the Planning Commission. However, tents temporarily located on a property for a period of less than 90 days shall only require a zoning compliance permit from the Zoning Administrator.

(3) This section shall not apply to tents erected temporarily (less than three days) for the purpose of holding a party or other similar circumstance.

(C) *Portable on-demand storage device (PODS).* PODS may be permitted on any property in the township for a period of less than 30 days unless otherwise stated, and shall be subject to the following:

(1) PODS shall not be located within any required yard; and

(2) PODS associated with the construction of a structure on a property may be permitted for the duration of the building permit, plus an additional 30 days past the granting of a final certificate of occupancy.

(Ord. passed 6-28-2006; Ord. passed 10-20-2008)

#### **§ 154.154 CHANGES AND AMENDMENTS.**

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, as amended.

(Ord. passed 6-28-2006)

#### **§ 154.155 INTERPRETATION.**

(A) In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare.

(B) It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing

provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of building or premises; provided, however, that where this chapter imposed a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Ord. passed 6-28-2006)

#### **§ 154.156 VESTED RIGHT.**

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

(Ord. passed 6-28-2006)

### **ZONING BOARD OF APPEALS**

#### **§ 154.170 CREATION AND MEMBERSHIP.**

(A) A Zoning Board of Appeals (ZBA) is hereby created, which shall perform its duties and exercise its powers as provided in § 18 of Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended, and in a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done.

(B) The Board shall consist of the following three members:

(1) The first member shall be a member of the Township Planning Commission, for the term of his or her office; and

(2) The remaining members shall be appointed to represent various interests present in the township and shall be appointed by the Township Board from among the electors residing in the unincorporated area of the township. However, no employee or contractor of the township may serve on the Zoning Board of Appeals or be an employee of it. An elected official of the township may not be Chairperson of the Zoning Board of Appeals.

(C) Terms shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them.

(1) When members are first appointed, the appointments may be for less than three years to provide for staggered terms.

(2) A successor shall be appointed not more than one month after the term of the preceding member has expired.

(3) Vacancies for unexpired terms shall be filled for the remainder of the term.

(D) The Township Board may appoint not more than two alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a regular member of the ZBA in the absence of a regular member if:

(1) The regular member is absent from or will be unable to attend two or more consecutive meetings of the ZBA; or

(2) The regular member will be unable to attend meetings for a period of more than 30 consecutive days.

(E) 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.

(1) The Chairperson shall determine when to summon an alternate.

(2) The alternate member appointed shall serve in the case until a final decision is made.

(3) The alternate member has the same voting rights as a regular member of the ZBA.

(Ord. passed 6-28-2006)

#### **§ 154.171 MEETINGS.**

(A) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the ZBA may specify in its rules of procedure.

(B) All hearings conducted by the ZBA shall be open to the public.

(C) The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be public record.

(D) The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or the Planning Commission, to decide in favor of an applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.

(E) The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel



testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Ord. passed 6-28-2006)

#### **§ 154.172 APPEAL.**

(A) An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator or the Planning Commission.

(B) The exceptions are special land use decisions by the Planning Commission, as provided in §154.097(B).

(C) The appeal to the ZBA shall be made within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof.

(D) The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.

(E) 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 with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

(F) The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay.

(G) Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(Ord. passed 6-28-2006)

#### **§ 154.173 FEES.**

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed the fee shall be paid to the township.

(Ord. passed 6-28-2006)

#### **§ 154.174 JURISDICTION.**

(A) 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 of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation or exception and to authorize a variance as defined in this section and laws of the state.

(B) The powers include:

(1) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this chapter.

(2) *Variance.*

(a) To authorize, upon an appeal, a variance from the strict application of this chapter under the following conditions:

1. The property was characterized by exceptional narrowness, shallowness, shape or area at the time the ordinance became effective;
2. The property possesses exceptional topographic conditions or other extraordinary or exceptional conditions;
3. The above condition was not self-created by the applicant or past property owner subsequent to the effective date of the ordinance;
4. The strict application of the ordinance would result in peculiar or exceptional practical difficulties or exceptional hardship for the property owner; and
5. The proposed variance will not substantially harm the public good or substantially impair the intent and purposes of the ordinance.

(b) In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed change(s) to the property as it may deem reasonable to improve the degree to which the proposed change(s) meet the requirements and intent of the ordinance.

(c) In granting a variance, the ZBA shall state in writing the findings upon which it justifies granting a variance and any conditions it has attached.

(d) The Zoning Board of Appeals does not have the authority to grant "use" variances, except as is specifically

provided for in division (B)(5) below. The authority to designate permitted uses and special land use approvals is a legislative function and resides exclusively with the Township Board. The Zoning Board of Appeals may, however, interpret whether a proposed use (not expressly designated in a given district) falls under the definition of a stated permitted use.

(3) *Exceptions and other appeals.*

(a) To hear and decide in accordance with the provisions of this chapter; requests for interpretation of the zoning map or ordinance; appeals from the decision of the Zoning Administrator, and on any provisions of this chapter that the Zoning Board of Appeals are required to pass.

(b) Also, the Zoning Board of Appeals shall hear and decide on any exceptions subject to conditions as the ZBA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:

1. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of this plan, as shown upon the zoning map fixing the use districts, accompanying and made a part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid;
2. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission;
3. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, the modification will not be inconsistent with the purposes and intent of the requirements;
4. Permit the modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot that is of a shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without the modification;
5. Permit temporary buildings and uses for periods not to exceed six months. Not more than two extensions of three months each may be granted upon a showing of good cause. Extensions as provided for above may be specifically granted for construction purposes. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary building with refund upon removal. (Also see § 154.153 for temporary exceptions under Zoning Administrator permit.); and
6. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed six months with the granting of six-month extensions being permissible: provided the use does not require the erection of any capital improvement of a structural nature, including a mobile home. A cash deposit as designated by the Township Board, by resolution, shall be held for a temporary use placement with refund upon removal.

(c) The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district not on the property wherein the temporary use is permitted;
2. The granting of a temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit;
3. All setbacks, land coverage, off-street parking, lighting and other requirement to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township shall be made at the discretion of the Zoning Board of Appeals;
4. In classifying the uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either de-mountable structures related to the permitted use of the land, or structures which do not require foundations, heating systems or sanitary connections; and
5. The use shall be in harmony with the general character of the district.

(4) *Light, air, congestion, danger and the like.* Before making any variance from the zoning ordinance in a specific case, the ZBA shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public safety, health, comfort, morals or welfare of the inhabitants of the township.

(5) *Limitation of jurisdiction.* Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this chapter or the zoning map, the power and authority being reserved to the Township Board of Trustees, in the manner provided by law.

(Ord. passed 6-28-2006)

**§ 154.175 ORDERS.**

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

(Ord. passed 6-28-2006)

#### § 154.176 NOTICE.

(A) The ZBA shall make no recommendation except in a specific case and after a public hearing conducted by the ZBA.

(B) It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the ZBA, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within 300 feet of the premises in question, the notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll shall be given 15 days prior to the hearing.

(C) The ZBA may require any party applying to the ZBA for relief to give the notice to other interested parties, as it shall prescribe.

(Ord. passed 6-28-2006; Ord. passed 7-6-2010)

#### § 154.177 LAPSE OF APPROVAL.

(A) No order of the ZBA permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for the erection or alteration is obtained within that period and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(B) No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one year unless the use is established within that period, provided, however, that where the use permitted is dependent upon the erection or alteration of a building, the order shall continue in force and effect if a building permit for the erection or alteration is obtained within that period and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(Ord. passed 6-28-2006)

#### § 154.178 APPEAL TO CIRCUIT COURT.

(A) Decisions of the Zoning Board of Appeals shall be final. However, a person having an interest affected by a decision of the ZBA may appeal to Circuit Court. Upon appeal, the Circuit Court shall review the record and decision of the ZBA to ensure that the decision:

- (1) Complies with the constitution and laws of the state;
- (2) Is based upon proper procedure;
- (3) Is supported by competent material and substantial evidence on the record; and
- (4) Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.

(B) If the court finds the record of the Zoning Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Zoning Board of Appeals, the court shall order further proceedings before the Zoning Board of Appeals on conditions which the court considers proper.

(1) The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision.

(2) The supplementary record and decision shall be filed with the court.

(C) As a result of the review required by this section, the court may affirm, reverse or modify the decision of the Zoning Board of Appeals.

(Ord. passed 6-28-2006)

#### § 154.999 PENALTY.

(A) The words **MUNICIPAL CIVIL INFRACTION** mean an act or omission that is prohibited by ordinance of the township, but which is not a crime under this chapter, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Public Act 236 of 1961, being M.C.L.A. §§ 600.101 *et seq.*, as amended.

(B) A municipal civil infraction is not a lesser-included offense of a violation of this chapter that is a criminal offense.

(1) *Penalties and sanctions.* A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 or more than \$100, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided herein.

(2) *General penalties and sanctions for violations of the township zoning ordinance: continuing violations injunctive relief.*

(a) Except as otherwise set forth, a violation of this chapter of the township is specifically designated as a municipal civil infraction.

(b) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount provided by this chapter, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Public Act 236 of 1961,

being M.C.L.A. §§ 600.101 *et seq.*, as amended, and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by this chapter, the civil fine for a violation shall be not less than \$50, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter.

a. As used in this section, **REPEAT OFFENSE** means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision: committed by a person within any six-month period (unless some other period is specifically provided by this chapter); and for which the person admits responsibility or is determined to be responsible.

b. Unless otherwise specifically provided by this chapter for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

i. The fine for any offense that is a first repeat offense shall be no less than \$100, plus costs; and

ii. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be no more than \$200, plus costs.

3. A **VIOLATION** includes any act that is prohibited or made or declared to be unlawful or an offense by this chapter, and any omission or failure to act where the act is required by this chapter.

4. Each day on which any violation of this chapter continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

5. In addition to any remedies available at law, the township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this chapter.

(c) In addition to the rights and remedies herein provided to the township, any person violating any of the provisions of this chapter listed below shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500, or be imprisoned in the county jail for a period not exceeding 90 days, or be both so fined and imprisoned. Each day the violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

1. Unlawful use of a property in its district following notification from the Township that the use is not permitted. Sections 154.004, 154.005 and 154.006.

2. Continuance of work on a project that has been cited or "red-tagged" for zoning ordinance violations. Sections 154.004, 154.005 and 154.006.

3. After receiving written notice, the intentional or material deviation from a Planning Commission approved site plan, or failure to comply with the amendment procedures outlined in § 154.150(H).

(3) *Public nuisance per se.* Any building or structure that is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(4) *Fines.* The owner of any buildings, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of the violation shall be responsible for a separate civil infraction and shall be liable for the fines, costs and sanctions as herein provided.

(5) *Each day a separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(6) *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. passed 6-28-2006; Ord. passed 1-22-2009)

## **APPENDIX A: BURTCHVILLE TOWNSHIP ZONING MAP**

[Click here to view map in PDF format](#)(page 1)

## **APPENDIX B: BURTCHVILLE TOWNSHIP ZONING DETAIL**

[Click here to view map in PDF format](#)(page 2)