

Chapter 38 - ZONING⁽¹⁾

Footnotes:

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Cross reference— Any ordinance pertaining to zoning saved from repeal, § 1-11(a)(15); buildings and building regulations, ch. 4; community development, ch. 10; environment, ch. 12; land divisions and subdivisions, ch. 18; streets, sidewalks and other public places, ch. 30; telecommunications, ch. 32.

State Law reference— Township zoning act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

ARTICLE I. - IN GENERAL

Sec. 38-1. - Title of chapter.

An ordinance enacted under Public Act No. 184 of 1943 (MCL 125.271 et seq.) governing the unincorporated portions of the township to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified used; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for such purposes to divide the township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used in this chapter; providing for enforcement; establishing a board of appeals; and imposing penalties for the violation of this chapter.

(Ord. No. 62, § 7-01.01, 8-11-1984)

Sec. 38-2. - Preamble.

Pursuant to the authority conferred by the public acts of the state in such case, made and provided and for the purposes of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township by protecting and conserving the character and social economic stability of the residential, commercial, agricultural, industrial, and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan.

(Ord. No. 62, § 7-01.02, 8-11-1984)

Sec. 38-3. - Short title of chapter.

This chapter shall be known and may be cited as the "Charter Township of Fort Gratiot Zoning Ordinance."

(Ord. No. 62, § 7-02.01, 8-11-1984)

Sec. 38-4. - Construction of language.

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

- (1) The particular shall control the general.

- (2) 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.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- (4) Terms used in the present tense shall include the future; and terms used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction and, or, either...or, the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, condition, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. Either...or indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

Terms not defined in this section or the next shall have the meanings customarily assigned to them.

(Ord. No. 62, § 7-03.01, 8-11-1984)

Sec. 38-5. - Definitions.

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

Accessory use or *accessory* means an accessory use is a use which 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. (Also see section 38-602.) When the term "accessory" is used in the text, it shall have the same meaning as the term "accessory use." An accessory use includes, but is not limited to, the following:

- (1) Swimming pools for the use of the occupants of a residence or their guests.
- (2) Domestic or agricultural storage in a shed, tool room, garage or similar accessory building or other structure.
- (3) Barn (livestock building).
- (4) Home occupations.
- (5) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (6) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (7) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (8) 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.

- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (11) Boathouses used for the accessory storage of not more than two boats on any lot or parcel.

Adult bookstore means an establishment having as a portion of its stock in trade, books, magazines and other periodicals which are restricted to persons over the age of 18 years and which is distinguished or characterized by its emphasis on matters depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" (as defined in article V, chapter 6 of this Code) or an establishment with a segment or section devoted to the sale or display of such material.

Adult motion picture theater means an establishment used for presenting material restricted to persons over the age of 18 years distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" (as defined in article V, chapter 6 of this Code) for observation by patrons therein.

Agricultural means farms and general farming including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or used, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for commercial slaughterhouses.

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

Alterations means 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 in this chapter as "altered" or "reconstructed."

Animal nuisance means any nuisance such as odor, noise, or destruction, which is caused by any animal.

Animal pen means any open or partly open structure of enclosure holding four or more dogs or two or more of any other kind of animal.

Apartments means 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.

Apartment house means a residential structure containing three or more apartments.

Arcades means 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.

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

Attic means the space between the ceiling beams of the top habitable floor and the roof.

Automobile repair means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rustproofing.

Auto repair station means 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, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile service station means 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 tailpipes, 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 nonalcoholic 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.

Uses permissible at an automobiles service station do not include major mechanical and body work, straightening of body parts, painting, rustproofing, 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.

Automobile wash establishment means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Barn (livestock building) means any buildings which have the primary purpose of housing livestock. This would include any buildings, which in fact do house livestock.

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

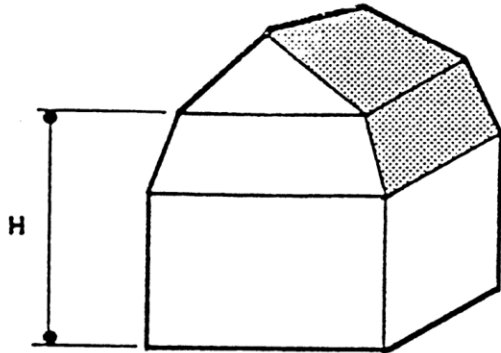
Block means the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier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

Boardinghouse means a dwelling where meals or lodging are provided for compensation to three or more persons by prearrangement for definite periods of not less than one week.

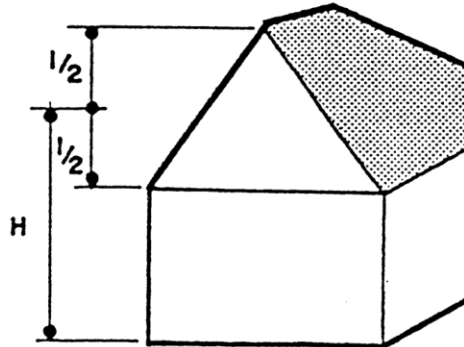
Building means a structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, above or below the ground, designed primarily for the shelter, support or enclosure of persons, and animals or property of any kind.

Building area means the space remaining after the minimum open space requirements of this chapter have been met.

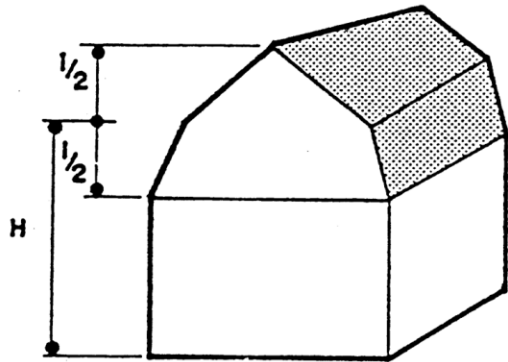
Building height means the vertical distance measured from the established grade to the highest point of roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain,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



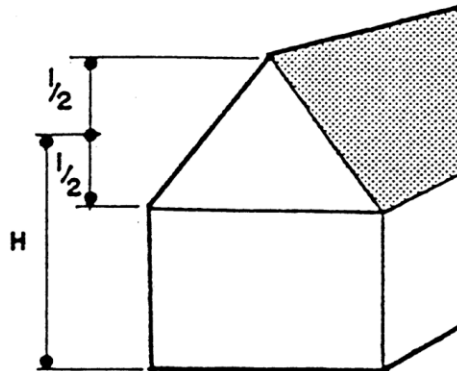
MANSARD ROOF



HIP ROOF



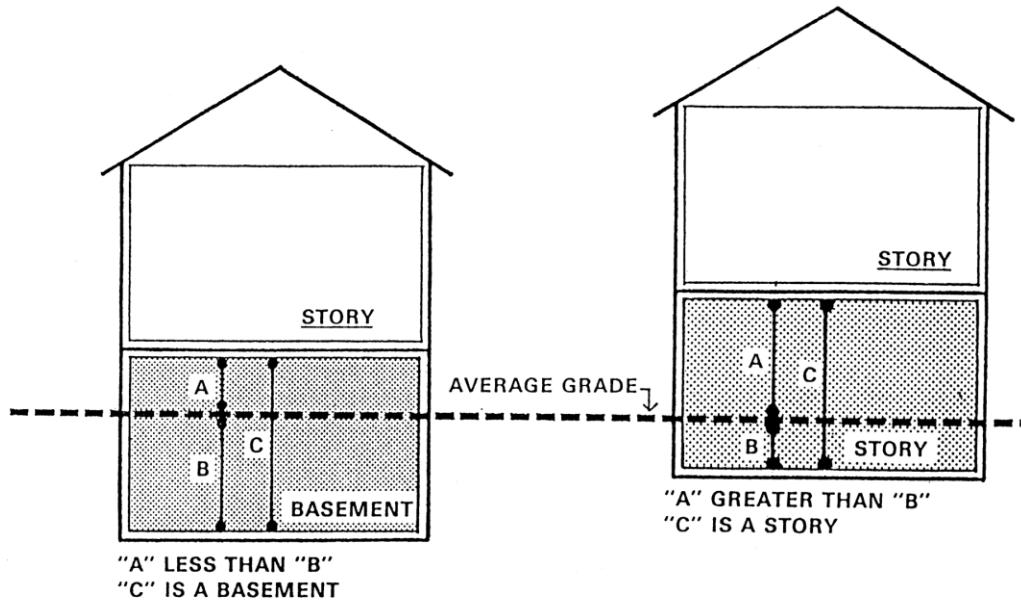
GAMBREL ROOF



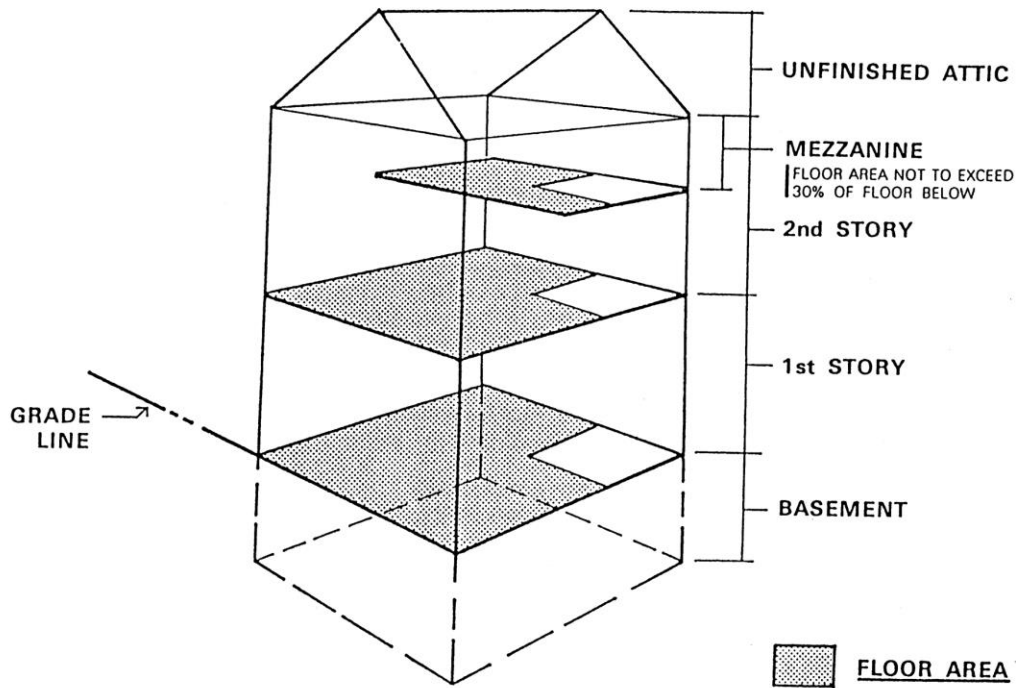
GABLE ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT



BASEMENT & STORY



BASIC STRUCTURAL TERMS

Building line means 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.

Building permit means a permit issued by the building inspector under the terms of the single state construction code. It is not the same as a zoning compliance permit and occupancy permit, nor a special or temporary use permit.

Campground means 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.

Cellar. See *Basement*.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a physician, dentist, or similar professionals.

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

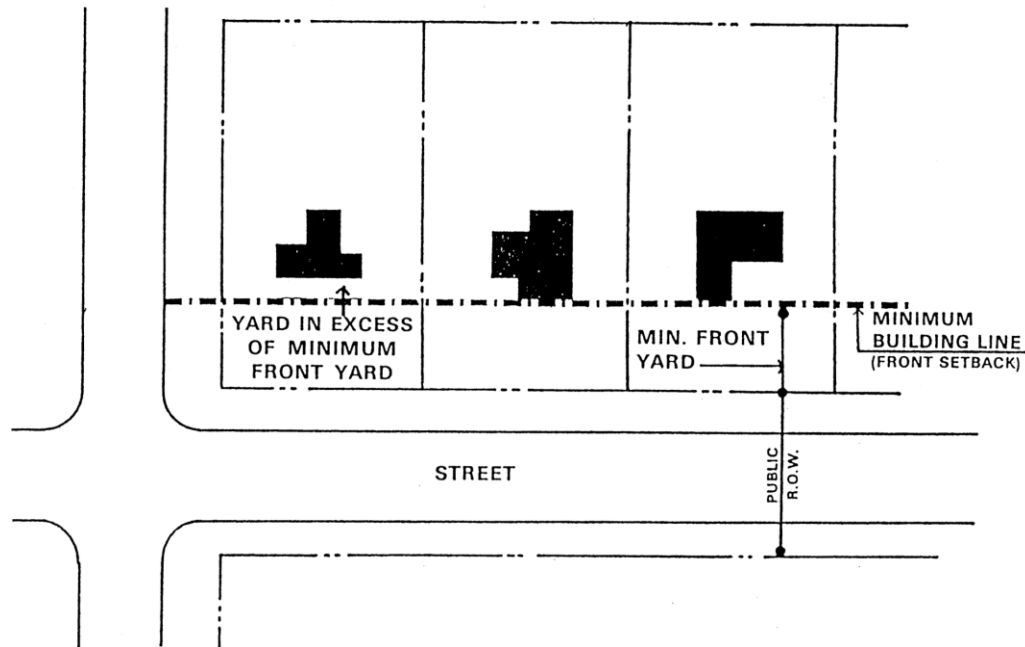
Condominium means buildings and improvements located thereon composed of individually owned and occupied units, title to each of which is held separately by the individual owners of that unit, and common areas or elements not a part of any individual unit, title to which is held collectively by the owners' undivided interest in the common areas or elements which is expressed as a percentage of the total ownership.

Convalescent home, home for the aged, or nursing home means 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 such persons live independently in individual apartment units.

Court means an open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two sides of a building. A court having a 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.

Density means the number of families residing on, or dwelling units developed on, an acre of land.

Development means 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.



BUILDING LINE

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

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

Driveway means a passageway of definite width, primarily for use by motor vehicles, over private property, loading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.

Dwelling, multiple-family, means 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 this section under the term "dwelling, single-family."

Dwelling, single-family, means a building containing not more than one dwelling unit designed exclusively for and occupied exclusively by one family, complying with the following standards:

- (1) It complies with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the single state construction 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 are different than those imposed by the single state construction code then such federal or state standard or regulation shall apply.
- (3) It is firmly attached to a permanent foundation constructed on the site in accordance with the single state construction code and shall have a wall of same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, such 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.

- (4) If a dwelling is a mobile home, the mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.
- (6) 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 ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires the same. 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 and such 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 such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within such area; or, where such area is not so developed, by the character, design and appearance of one or more residential dwelling located outside of mobile home parks throughout the township. 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.
- (8) The dwelling contains no additions or rooms or other areas which 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 in this section.
- (9) 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 such mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) 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 or otherwise specifically required in the ordinances of the township pertaining to such parks.
- (11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the single state construction code.

Dwelling, two-family, means 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 previous definition of the term "dwelling, single-family."

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

Erected means 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 erection.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, 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 such utility or municipal departments for the general health, safety, or welfare.

Excavation means any breaking of ground, except common household gardening and working of ground for agricultural purposes.

Family means:

- (1) 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
- (2) 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.

Farm means 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 own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm under this chapter shall include a continuous parcel of five acres or more in area; provided further, that farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, etc., but establishments such as chicken hatcheries, poultry farms, apiaries, keeping or breeding of fur-bearing animals, stables, commercial dog kennels, stone quarries, or gravel or sand pits, shall not be considered farms or agricultural uses unless combined with a bona fide farm operation on the same continuous tract of land on not less than 20 acres. No farm shall be operated for the disposal of garbage, sewage (except when such sewage is applied by state department of environmental quality approved methods for the purpose of fertilizing the soil on an actively cultivated farm and is 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 immediately prior thereto and for the use and consumption by persons residing on the premises.

Feedlot means a relatively small, confined land area on which a large concentration of livestock is raised.

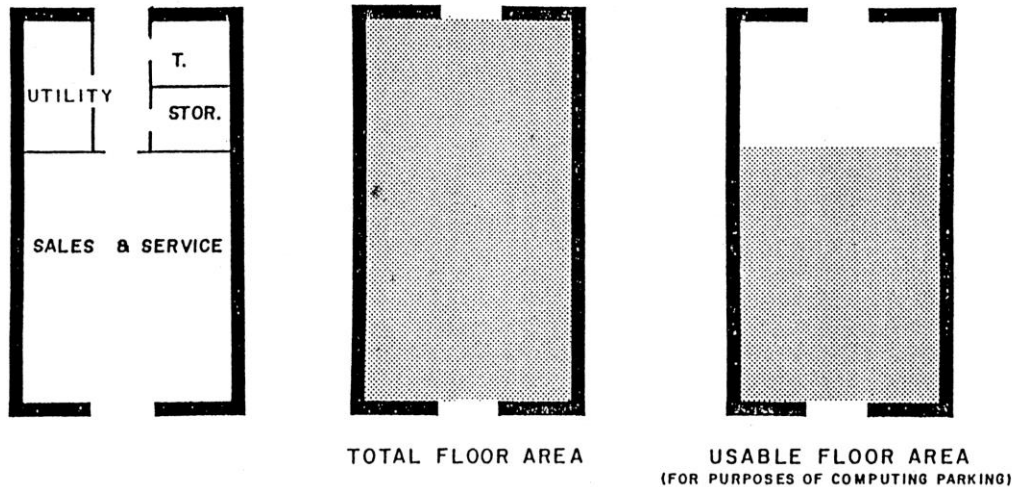
Floodplain means those areas of land adjacent to the rivers, and other watercourses of the township, which are deemed official on the township floodplain map, subject to seasonal or periodic flooding as designated.

Floor area, gross, means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, the gross floor area includes basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouse, 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 percent of the perimeter of such terrace, breezeway or open porch is enclosed.

Floor area, residential, means 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 wall or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeway, and enclosed and unenclosed porches.

Floor area, usable, (for the purpose of computing parking) means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.



FLOOR AREA

Frontages means that portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.

Garage, commercial, means any premises used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any such vehicles are for hire or sale.

Garage, private, means 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.

Garage, service, means any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Grade means 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.

Greenbelt means 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 such 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.

Health authority means an authority and his 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.

Home occupations means an occupation that is traditionally and customarily carried on in the home, being primarily incidental to the principal residential use.

Hospital means a building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the state, and is used primarily for in-patient services, and including related facilities as laboratories, outpatient departments, central services facilities, and staff offices.

Hotel means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which more than five sleeping rooms, and in which no provision is made for cooking in any individual room.

Junk means any motor vehicles, machinery, appliances, product or merchandise with parts missing, or scrap metal, 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 excluding agricultural machinery.

Junkyard means 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 junkyard 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.

Kennel, commercial, means any lot or premises on which dogs, cats or other household pets are either permanently or temporarily boarded, kept or bred for commercial purposes.

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

Landfill, sanitary, means a tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) and any rules or regulations established based on the act, and applicable township ordinances.

Landowner means the legal or beneficial owner 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 such land.

Landscaping means 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 such structural features alone shall not meet the spirit and intent of landscaping requirements.

Livestock building. See Barn.

Loading space means 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.

Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such 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.

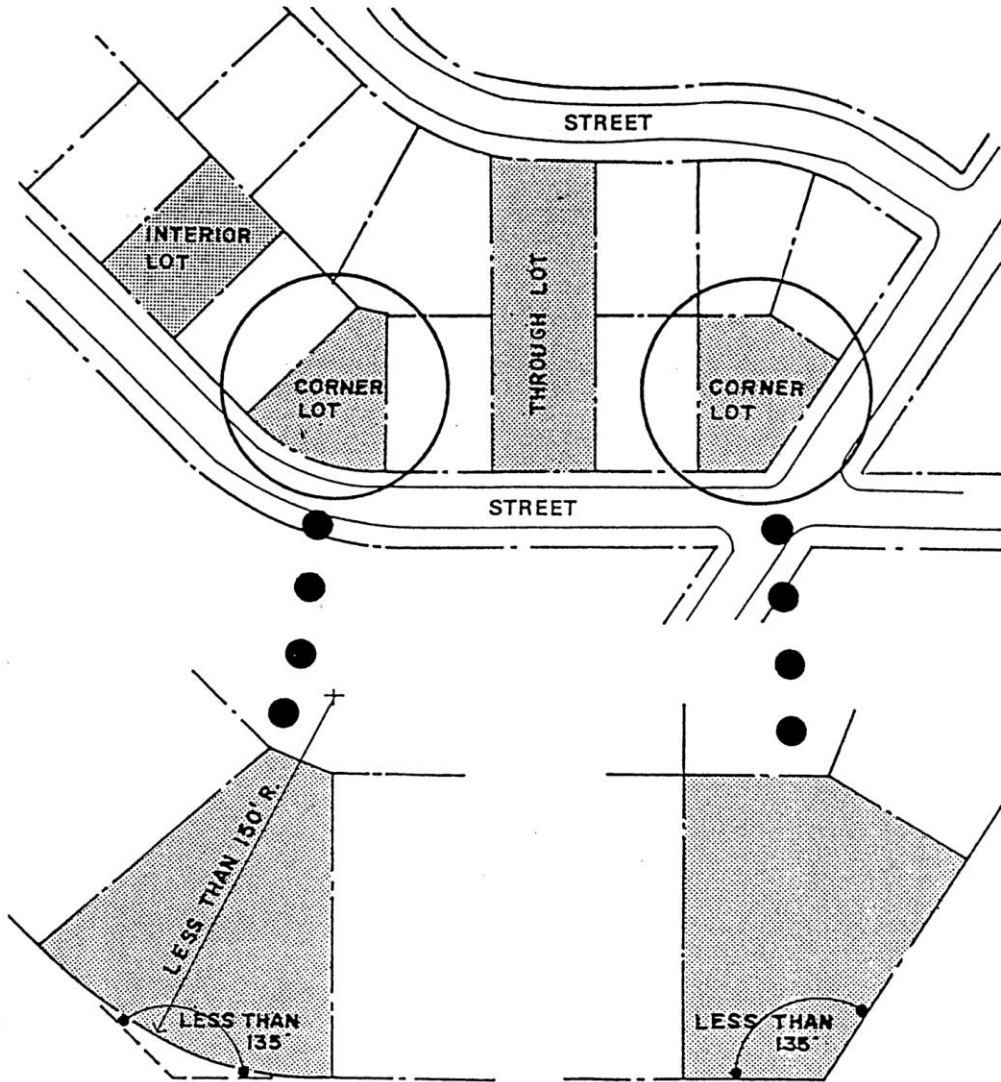
Lot area means the total horizontal area within the lot lines of the lot.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 130 degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this chapter if the arc is of less than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

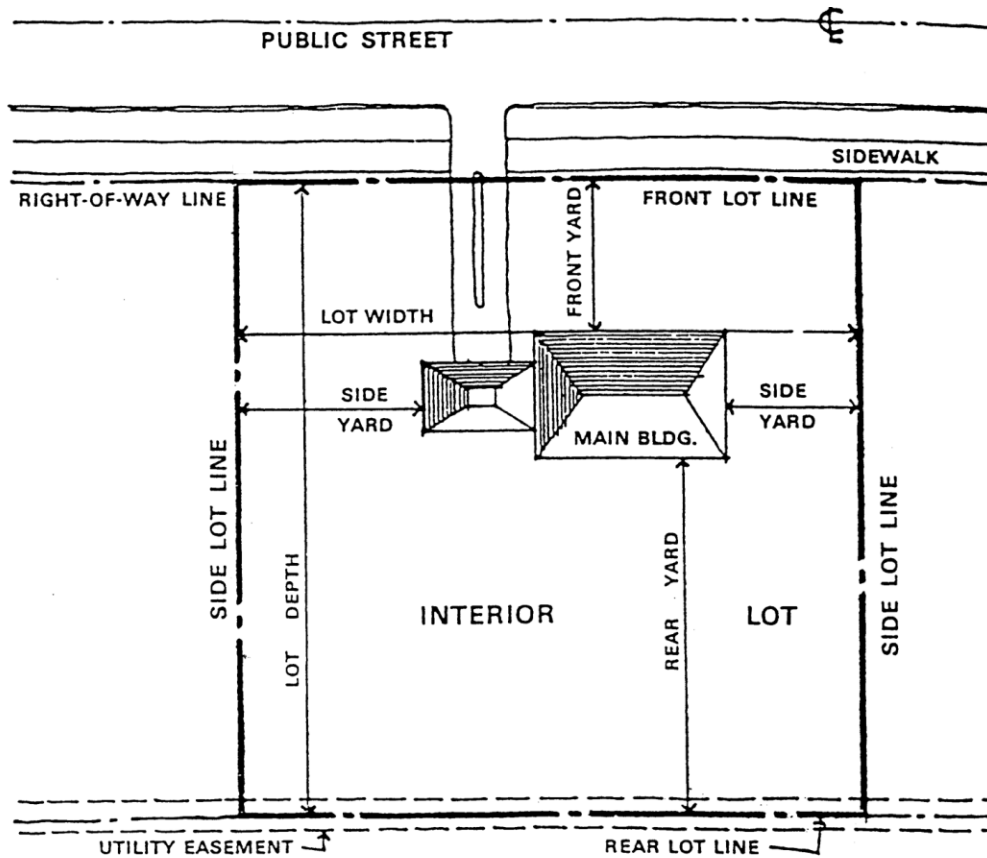
Lot coverage means the part or percent of the lot occupied by buildings, including accessory buildings.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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



INTERIOR, THROUGH & CORNER LOTS



LOT AREA = TOTAL HORIZONTAL AREA

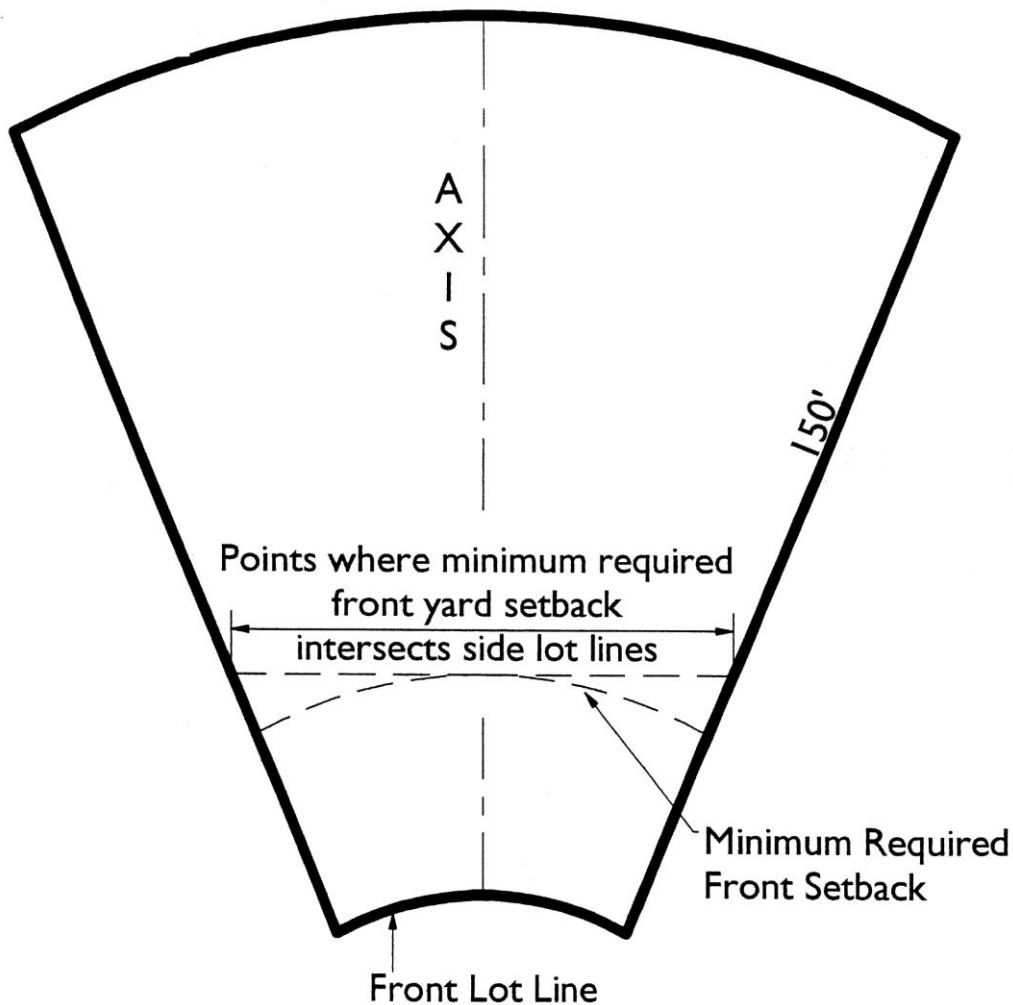
LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

LOTS & AREAS

Lot lines means the lines bounding a lot as follows:

- (1) *Front lot line*: In the case of an interior lot, is the line separating such lot from the street. In the case of a corner lot, or double frontage lot, is that line separating such lot from either street (see definition of *Street*).
- (2) *Rear lot line*: That 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) *The lot line:* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



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

Lot, through, means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row, a double frontage lot, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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

Lot, zoning, means 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.

Main building means a building in which is conducted the principal use of the lot upon which it is situated.

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the thoroughfare plan.

Massage parlors means an establishment, unless otherwise licensed by the state, restricted to persons over the age of 18 years and used for housing equipment and employing persons who give massages, body rubs, or muscle relaxing exercises to other persons, necessitating human contact between such employee and any other person.

Master plan means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the township board.

Mezzanine means an intermediate floor in any story occupying not more than one-third of the floor area of such story.

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

Mobile home condominium project means a parcel of land under joint ownership which has been planned and improved for the placement of a mobile home for nontransient use, on individual lot, with intent of the sites to constitute individual condominium units.

Mobile home development means a parcel of land under single ownership which has been planned and improved for the placement of a mobile home for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.

Mobile home lot or site means a parcel of land for the placement of a single mobile home and exclusive use of its occupants within a licensed mobile home park, in a condominium project or subdivision project or development.

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

Mobile home park license means a written license issued by a mobile home commission allowing a person to operate and maintain a mobile home park under the provisions of Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and this chapter and regulations issued under this chapter.

Mobile home stand means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

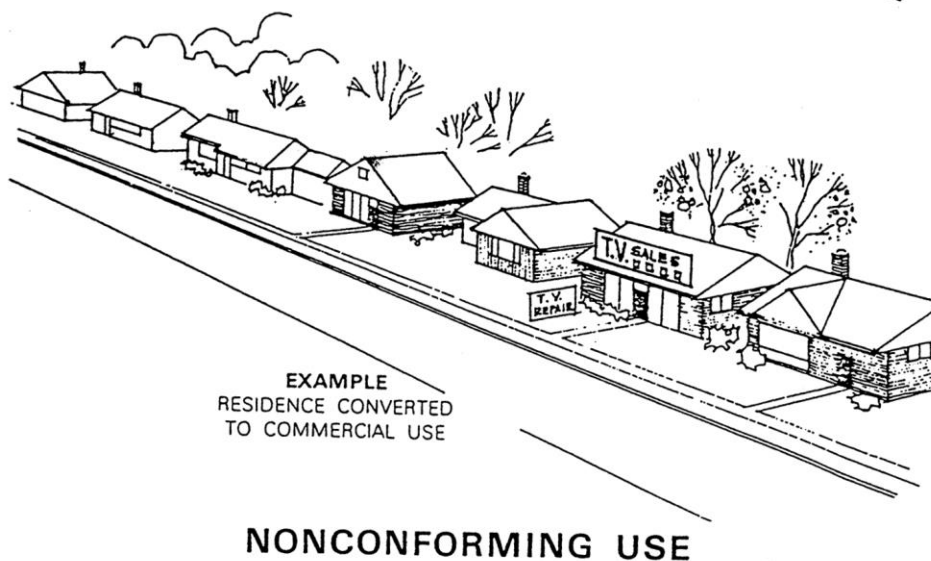
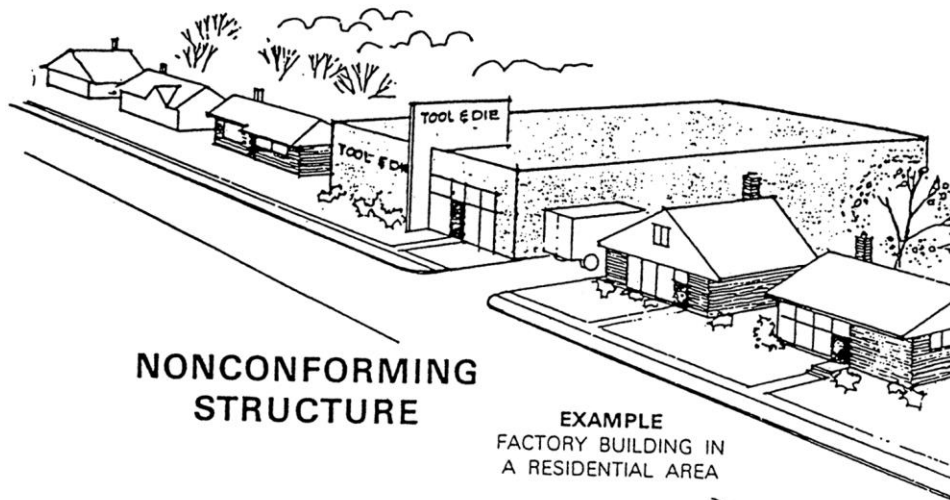
Mobile home subdivision means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, on individual lots and for the purpose of selling the lots.

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

Nonconforming lot means a lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date or adoption or amendment of the ordinance from which this chapter is derived, which does not conform to the lot requirements of this chapter.

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

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



Nude modeling studio means an establishment restricted to persons over the age of 18 years used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.

Nuisance factors means an offensive, annoying, unpleasant or obnoxious thing, 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 concentration movement of people or things such as, but limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage.

Nursery, plant materials, means a space, building or structure, or combination thereof, for the 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.

Nursery schools, day care centers, means a facility other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care or day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

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

Open air business uses means and includes the following uses:

- (1) 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, etc.
- (2) Retail sale of fruit and vegetables.
- (3) Rental or sale of bicycles, recreational vehicles, mobile homes, trailers, motor vehicles, boats, or small hand equipment.
- (4) Outdoor display and sale of garages, swimming pools, and swimming uses.

Open front store means 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 the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

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

Pond means a body of water usually smaller than a lake, artificially created by embankment or excavation intended for any of the specific permitted uses as provided in section 38-624.

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

Premises for nude entertainment means an establishment which is restricted to persons over the age of 18 years and used for housing and exhibiting persons in the nude or "specific anatomical areas" (as defined in section 6-142 of this Code) of the human body.

Principal use means the main use to which the premises are devoted and the principal purpose for which the premises exist.

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

Recreational vehicles and equipment means any portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping or travel use and such trailers or other devices, as shall be primarily intended for such transporting of all such structures, machines or devices. Motorcycles, bicycles, mini-bikes and such vehicles as jeeps, four-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Recreational vehicles and equipment include but are not limited to:

- (1) *Travel trailer.* A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities.
- (2) *Pickup camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. When not in use, the structure can be detached and set on its own jacks allowing the truck to be used separately.
- (3) *Motor home.* A recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities.
- (4) *Van/camper.* A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerators, as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra headroom.
- (5) *Folding tent trailer.* A folding structure mounted on wheels and designed for travel and vacation use.
- (6) *Boats and boat trailers.* Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

- (7) *Other recreational equipment.* Other recreational equipment includes snowmobiles, personal watercraft, all terrain or special terrain off-road vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Restaurant, drive-in, means 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 included one or both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- (2) 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.

Restaurant, fast food, means a fast food 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 for consumption either within the restaurant building or for the carryout with consumption off the premises, and whose designed or principal method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- (2) 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 such prohibition is strictly enforce by the restaurateur.

Restaurant, standard, means a standard restaurant in 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:

- (1) Customers, normally provided with an individual menu, are served their foods, frozen deserts, or beverages by a restaurant employee at the same table or counter at which such items are consumed.
- (2) 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 such prohibition is strictly enforced by the restaurateur.

Roadside stand means an 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 byproducts of agricultural products.

Room means, for the purpose of determining the lot area requirements and density in a multiple-family district, 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 such extra room as a bedroom for the purpose of computing density.

Roominghouse means a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Rubbish means 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.

Sauna or open bathhouse means 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.

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

Soil removal means the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

Special approval uses means based upon the division of the township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which 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 peculiar locations need or the nature of the device offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Stable, commercial, means a stable other than a private stable, where horses are boarded or are for hire or sale.

Stable, private, means a structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

Story means that part of a building, except a mezzanine, 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 percent, by cubic content, is below the height level of the adjoining ground.

Story, half, means 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.

Street means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure means anything constructed, placed, or erected which requires permanent location on the ground 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.

Structural alterations means 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.

Subdivision regulations means the regulations governing the subdivision of land, providing the procedure for the preparation of filing of plats, tentative approval of preliminary plats, submission of records 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.

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

Tents means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Tourist home means a dwelling in which overnight accommodations are provided or offered for transient guests.

Usable floor area (for the purpose of computing parking) means that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

Use means the principal purpose for which land or a building is arranged, designed or intended, or for which land or building is or may be occupied.

Use, change of, means a modification or deviation from the original purpose, occupancy, utilization or classification of building, structure or parcel or tract of land. The term is inclusive of:

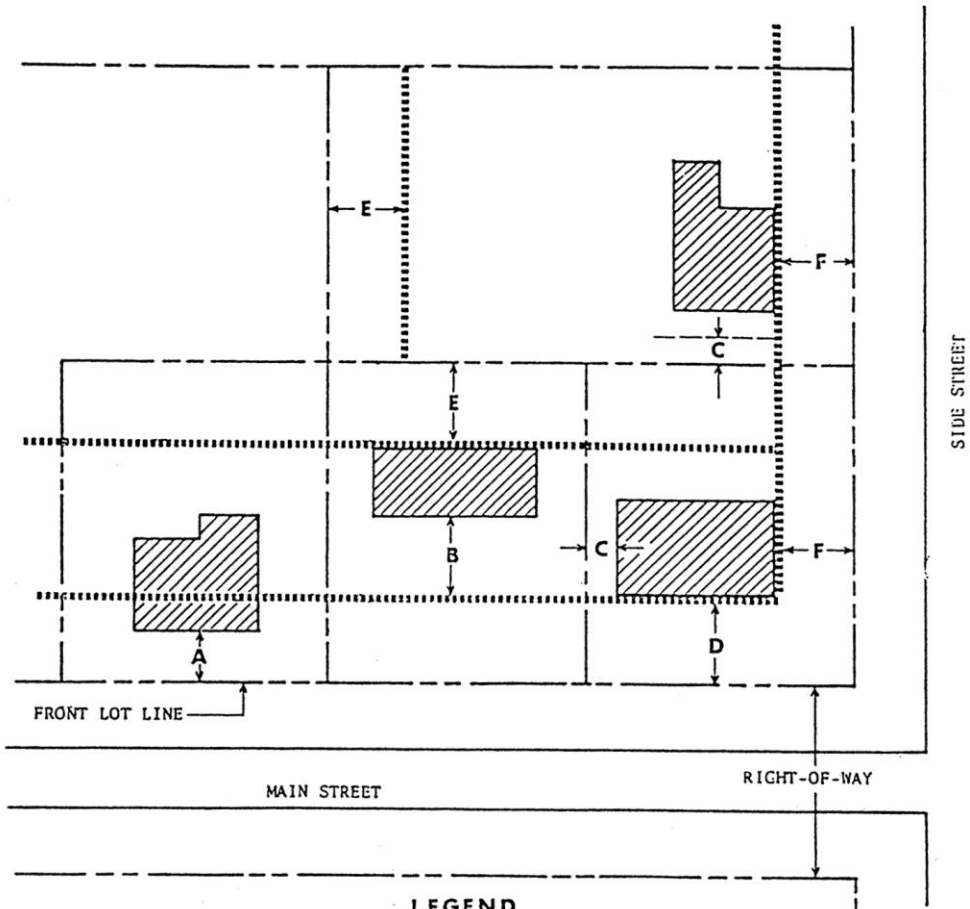
- (1) A discernible increase in the intensity of use, which by ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use; or
- (2) An alteration by change of use in a building heretofore existing to a new use group, as defined in the single state construction code, which imposes other special provisions of law governing building construction equipment or means of egress.

Use, increase in the intensity of, means 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.

Utility structure means 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.

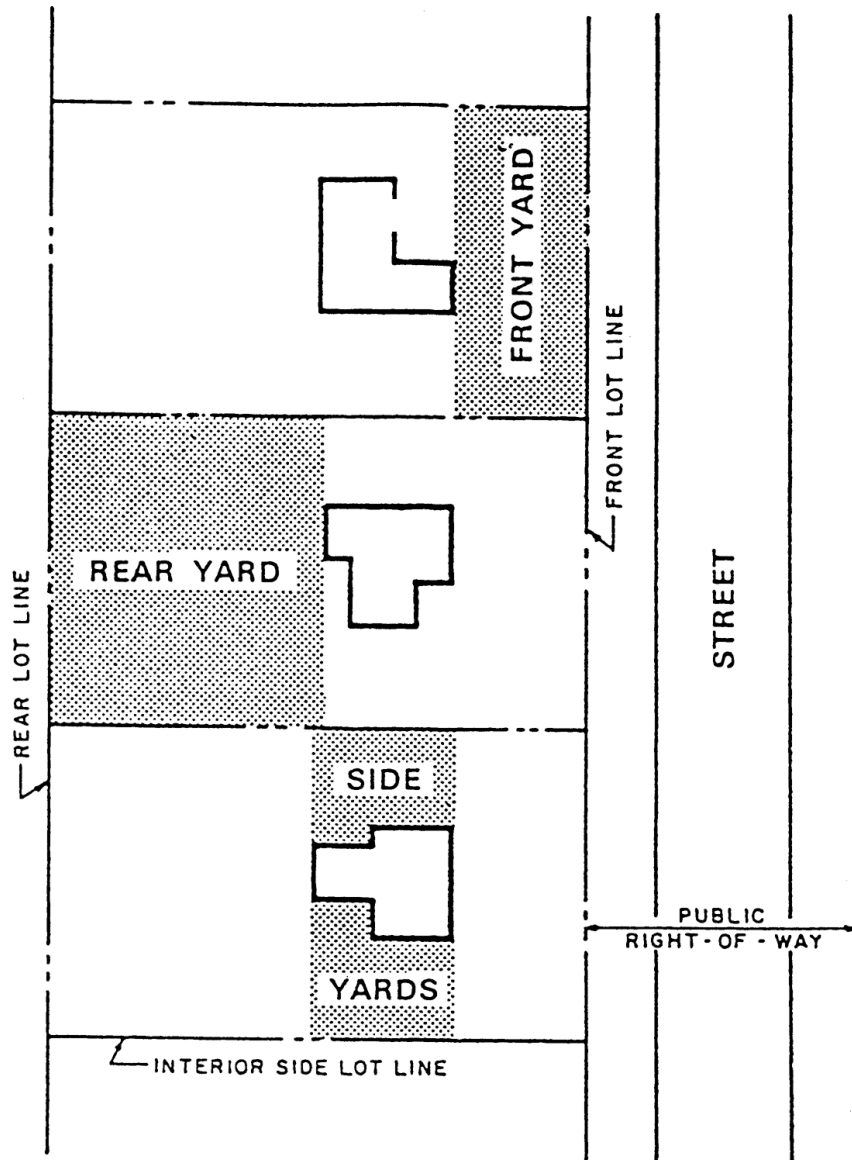
Variance means a modification of the literal provisions of this zoning chapter granted when strict enforcement of this zoning chapter would cause undue hardship owing to circumstance unique to the individual property on which the variance is granted.

YARD REQUIREMENTS



LEGEND

- | | |
|---|---|
| <p>A ——— DEFICIENT FRONT YARD</p> <p>B ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED</p> <p>C ——— MINIMUM SIDE YARD REQUIRED</p> | <p>D ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE</p> <p>E ——— MINIMUM REAR YARD REQUIRED</p> <p>F ——— MINIMUM YARD REQUIRED ON <i>SIDE</i> STREET WHEREON HOMES FRONT</p> |
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YARDS

Yards means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined in this definition.

- (1) *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 main building.
- (2) *Rear yard*: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- (3) *Side yard*: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the main building.
- (4) *Required yard*: That 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.

(Ord. No. 62, § 7-03.02, 8-11-1984; Ord. No. 160, § 2, 12-20-2000; Ord. No. 200, § 2, 6-17-2009)

Sec. 38-6. - Changes and amendments.

The township board may from time to time, on recommendations from the planning commission or on petition, amend, supplement or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter pursuant to the authority and procedure established in Public Act No. 184 of 1943 (MCL 125.271 et seq.).

(Ord. No. 62, ch. 7-20, 8-11-1984)

Sec. 38-7. - Interpretation of chapter provisions.

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

(Ord. No. 62, ch. 7-21, 8-11-1984)

Sec. 38-8. - 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 of any permissible activities therein; and, they are hereby declared to be subject to subsequent preservation of protection of public health, safety and welfare.

(Ord. No. 62, ch. 7-22, 8-11-1984)

Secs. 38-9—38-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 38-41. - Zoning administrator.

The office of the zoning administrator is hereby established. The zoning administrator shall be appointed by the township board and shall serve at its pleasure. He shall receive such compensation as the township board may, from time to time determine. The zoning administrator may also serve in some other capacity as an employee or appointed officer of the township. He shall administer the provisions of this chapter and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

(Ord. No. 62, § 7-18.01, 8-11-1984)

Cross reference— Officers and employees, § 2-61 et seq.

Sec. 38-42. - Zoning compliance permits.

- (a) Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erection or enlarging such structure has obtained a zoning compliance permit from the zoning administrator. The zoning administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure or addition is in full compliance with all provisions of this chapter, a finding by the zoning administrator that such is the case and payment of a permit fee in accordance with a fee schedule as may be set forth from time to time by the township board.
- (b) No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this chapter is also required as a part of any adjoining property to keep the development of use thereof in conformity with this chapter, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the start of development or use of such adjoining property, in common ownership with such adjoining property.
- (c) Any zoning compliance permit based on any material false statement in the application or supporting documents is absolutely void ab initio and shall be revoked.
- (d) No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

(Ord. No. 62, § 7-18.02, 8-11-1984)

Sec. 38-43. - Certificate of occupancy.

- (a) No permanent certificate of occupancy shall be issued under the single state construction 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 he has made a field inspection to ascertain the same.
- (c) In cases where certificates of occupancy are not required under the single state construction 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. No. 62, § 7-18.03, 8-11-1984)

Sec. 38-44. - Special zoning orders book and map.

The zoning administrator shall keep in his office a book, to be known as the special zoning orders book, in which he shall list, with a brief description, all variances, special approval use permits, authorizations for planned unit developments, designations of class A nonconformance and any terminations of any of them. Each item shall be assigned a number when entered. The zoning administrator shall also keep a map of the township, to be known as the special zoning orders map, on which he shall record the numbers in the special zoning orders book to indicate the locations affected by the items in the book. The special zoning orders book and map shall be open to public inspection.

(Ord. No. 62, § 7-18.04, 8-11-1984)

Sec. 38-45. - 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 zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the township board and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. No. 62, § 7-18.05, 8-11-1984)

Sec. 38-46. - Site plan review.

It is recognized by this chapter that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses; further that there are benefits to the public in conserving natural resources. Toward this end, this chapter requires site plan review by the planning commission for certain buildings and structures than can be expected to have a significant impact in natural resources, traffic patterns, and on adjacent land usage.

- (1) *Buildings, structures, and uses requiring site plan.*
 - a. A multiple-family building containing three or more dwelling units.
 - b. More than one multiple-family building on a lot, parcel, or tract by land, or on a combination of lots under one ownership.
 - c. A mobile home park or condominium project.
 - d. All commercial, office, or institutional buildings.
 - e. All commercial buildings.
 - f. Any building or use requiring special approval.
 - g. An expansion of any of the above uses or a change from an existing of use to a dissimilar use which may have different zoning requirements, except that planning commission review may be waived and the site plan approved by the zoning administrator when, in the opinion of the township planner, the change in use will not involve changes substantial enough to warrant planning commission review.
- (2) *Application and fee for site plan review.* Any person may file a request for a site plan review by the planning commission by filing with the township clerk the complete application upon the forms furnished by the clerk. The applicant shall file at least 11 copies of a site plan.
- (3) *Planning commission review of site plan.* Upon receipt of such application from the clerk, the planning commission shall undertake a study of the same and shall, within 60 days, approve or disapprove such site plan advising the applicant in writing of the recommendation, including any

changes or modifications in the proposed site plan as are need to achieve conformity to the standards specified in this chapter.

(4) *Required data for detailed site plan.*

- a. The site plan shall be of a scale not greater than one inch equals 20 feet, and not less than one inch equal 200 feet, and of such accuracy that the planning commission can readily interpret the site plan, and shall include more than one drawing when required for clarity.
- b. The property shall be identified by lot lines and location, including dimensions, angles, and size, and correlated with the legal description of such property. Such plan shall further include the name and address of the property owner, and developer. The site plan shall bear at least one or more seals of an architect or professional engineer licensed to practice in the state.
- c. The site plan shall show scale; north point; boundary dimensions; topography (at least two-foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
- d. The site plan shall show existing manmade features, such as buildings; structures; high tension towers; pipelines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains, and easements; and shall identify adjacent properties and their existing uses.
- e. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structures on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- f. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- g. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. The site plan shall further show any proposed location of connections of existing utilities and proposed extension thereof.
- h. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

(5) *Requirements for mobile home park or mobile home condominium project site plans.* As the mobile home commission of the state has authority over most aspects of mobile home parks and condominium projects, these are exempted from the requirements of subsection (4) of this section. The township planning commission shall approve the proposed site plan for a mobile home park or condominium project, provided that the following requirements are met:

- a. There shall be two entrances or one entrance and one exit for motor vehicle traffic.
- b. The park or project shall be located with direct access to a major thoroughfare.
- c. The setback requirements provided in division 12, article III of this chapter are met.
- d. The frontage requirements provided in section 38-613.

(6) *Standards for site plan review.* In reviewing the site plan, the planning commission shall ascertain whether the proposed site plan is consistent with all regulations of this chapter, and that the applicant has in the proposed site plan, met all the criteria set forth in subsection (4) of this section, or in the case of proposed mobile home park or mobile home condominium, meet all the criteria set forth in subsection (5) of this section.

- (7) *Approval of site plan.* Upon the planning commission's recommended approval of a site plan, the applicant shall file with the planning commission one copy thereof. The clerk shall within ten days transmit to the building inspector one copy certifying that such approved site plan conforms to the provisions of this chapter as determined. If the site plan is disapproved by the planning commission, notification of such disapproval shall be given to the applicant within ten days after such commission action. The building inspector shall not issue a building permit until he has received a certified approval site plan.
- (8) *Expiration of site plan certificate.* The site plan certificate shall expire, and be of no effect 365 days after the date of issuance thereof, unless within such time the building inspector has issued a building permit for any proposed work authorized under the site plan.
- (9) *Amendment and revision of site plan.* A site plan and site plan certificate, issued thereof, may be amended by the planning commission upon the request of the applicant. Such amendment shall be made upon the application and in accordance with the procedure of this section.

(Ord. No. 62, § 7-18.06, 8-11-1984)

State Law reference— Site plans, MCL 125.286e.

Sec. 38-47. - Performance guarantees.

- (a) To ensure compliance with a zoning ordinance and any conditions imposed under such ordinance, the township board, after recommendation from the township planning commission and the township engineer, may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the clerk of the township to ensure faithful completion of the improvements. The township engineer shall estimate the cost of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee prior the time when the township is prepared to issue the permit. 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 No. 288 of 1967 (MCL 560.101 et seq.).
- (c) As used in this section, the term "improvements" means those features and logo 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. The term "improvements" does not include the entire project which is the subject of zoning approval. If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the planning commission shall declare security has been pledged as forfeit. Where the planning commission is not already in possession of such guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the planning commission shall use them, or receipts from their sale if that is necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate. Upon acceptance of the final portion of improvement, the township shall authorize the release of the remaining portion of the performance guarantee. 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 such extension shall serve to extend for the same period the time for completion of the required site improvements.

(Ord. No. 62, § 7-18.07, 8-11-1984)

Sec. 38-48. - Requirements for single-family and two-family dwellings and farm buildings.

- (a) Single-family dwellings and two-family dwellings are exempt from the site plan review requirements set forth in section 38-46. However, in order to ensure that lot and setback requirements are complied with, all applications for building permits for the construction of new single and two-family residential dwellings and additions to single and two-family residential dwellings that exceed 1,200 square feet shall be accompanied by a professionally prepared property survey drawn to scale, showing the following:
- (1) The actual shape, location, and dimensions of the property, utility lines, rights-of-way, public and private easements, fences, driveways, parking areas, and high risk erosion areas.
 - (2) The shape, size, and location of all existing and proposed buildings or other structures to be erected, altered, or moved.
 - (3) Setbacks from all property lines, the nearest fire hydrant, rights-of-ways, drains, ponds, the outermost point (including overhangs, gutters, chimneys, architectural features) of existing and proposed structures, and structures on adjoining lots.
 - (4) Existing and proposed elevations and finished grade.
 - (5) If the property is located within a flood zone, either proof of removal from the flood zone or a professionally prepared elevation certificate must be provided.
 - (6) The existing and intended use of the property and of all such structures upon it.
 - (7) Such other information concerning the property, and adjoining properties, as may be essential for determining whether the provisions of this chapter are being met.
 - (8) Prior to the issuance of a final occupancy certificate, a professionally prepared as-built survey must be submitted to the building department showing items required by sections (1) through (7), above.
- (b) Farm buildings and other residential construction requiring only a zoning compliance permit are exempt from the site plan review requirements set forth in section 38-46. However, in order to ensure that lot and setback requirements are complied with, all applications for building permits for farm buildings and all zoning compliance permits shall be accompanied by a plot plan prepared by the applicant/owner or a professional survey or mortgage survey, all drawn to scale, showing the following:
- (1) The actual shape, location, and dimensions of the property, utility lines, rights-of-way, public and private easements, fences, driveways, parking areas, and high risk erosion areas.
 - (2) The shape, size, and location of all existing and proposed buildings or other structures to be erected, altered, or moved.
 - (3) Setbacks from all property lines, the nearest fire hydrant, rights-of-ways, drains, ponds, the outermost point (including overhangs, gutters, chimneys, architectural features) of existing and proposed structures, and structures on adjoining lots.
 - (4) If the property is located within a flood zone, either proof of removal from the flood zone or a professionally prepared elevation certificate may be required.
 - (5) Such other information concerning the property, and adjoining properties, as may be essential for determining whether the provisions of this chapter are being met.

(Ord. No. 62, § 7-18.08, 8-11-1984; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-49. - Requirements for traffic impact studies.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Traffic impact study means a complete analysis and assessment of traffic generated by a proposed development and of the impact on the surrounding transportation system. The study shall be complete and sealed by a licensed professional engineer.

- (b) *When study required.* A traffic impact study is required for any proposed development expected to generate over 100 peak hour directional trips. The following table gives examples of land use that is expected to meet or exceed the 100 peak hour directional trip threshold. The township zoning administrator will inform the developer of the required impact study.

Examples of Land Use Size Thresholds
Based on Trip Generation Characteristics

Land Use	Directional
Residential:	
Single-family	150 units
Apartments	245 units
Condominiums/townhouses	295 units
Mobile home park	305 units
Shopping center (GLA)	15,500 square feet
Fast Food Restaurant	
Drive-in (GFA)	5,200 square feet
Convenience store w/gas (GFA)	1,300 square feet
Banks w/drive-in (GFA)	4,400 square feet
Hotel/motel	250 rooms
General office	55,000 square feet
Medical/dental office	37,000 square feet
Research and development	85,000 square feet
Light industrial	115,000 square feet
Manufacturing	250,000 square feet

- (c) *Review and approval.* When required, the traffic impact study shall be reviewed and approved by the township planning commission prior to approval of the site plan for the development. The township planning commission may engage the services of a professional traffic engineer to review the traffic impact study and make comments and recommendations. The applicant shall bear all reasonable expenses incurred by the township in relation to such review.
- (d) *Contents of study.* A traffic impact study should include:
- (1) A narrative summary at the beginning of the report including, but not limited to:
 - a. The applicant and project name;
 - b. A location map;
 - c. The size and type of development; and
 - d. Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers' publication **Trip Generation** (current edition).
 - (2) Project phasing Identifying the year of development activities per phase and proposed access plan for each phase.
 - (3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and where appropriate, locate transit services. The description should provide, where pertinent, data on:
 - a. Peak hour volumes (existing and projected);
 - b. Number of lanes;
 - c. Cross section;
 - d. Intersection traffic signals and configuration;
 - e. Traffic signal progression;
 - f. Percentage of heavy trucks;
 - g. Adjacent access point locations;
 - h. Jurisdiction; and
 - i. Grades.
 - (4) A plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet state department of transportation or county road commission standards and guides, as applicable.
 - (5) Capacity analysis shall be performed at each access point. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one-half mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing.
 - (6) A traffic impact study shall be analyzed with and without the proposed development on the existing system; and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the measures of effectiveness (MOE) for all of the above conditions.
 - (7) Required operational changes shall be part of the site plan approval and driveway permit approval process.

(Ord. No. 141, § 7-18.09, 2-18-1998)

Sec. 38-50. - Enforcement, penalties and other remedies.

- (a) Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction.
- (b) Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this chapter is derived and in violation of any of its provisions is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- (c) The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment provided in this section.
- (d) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (e) The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.

(Ord. No. 62, ch. 7-23, 8-11-1984)

Secs. 38-51—38-70. - Reserved.

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

Footnotes:

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Cross reference— Boards and commissions, § 2-91 et seq.

State Law reference— Board of appeals, MCL 125.288 et seq.

Sec. 38-71. - Creation and membership.

There is hereby created a zoning board of appeals, which shall perform its duties and exercise its powers as provided in section 18 of Public Act No. 184 of 1943 (MCL 125.288) and in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The zoning board of appeals shall consist of the following five members:

- (1) The first member shall be a member of the township planning commission, for the term of his office.
- (2) The second member may be a member of the township board, appointed by the township board for the term of his office.
- (3) The next three members shall be selected and appointed by the township board from among the electors, residing in the unincorporated area of the township, for a period of three years; provided, however, that no employee or contractor of the township may serve on the zoning board of appeals or be an employee of it. An elected officer of the township may not be a chairman of the zoning board of appeals.

(Ord. No. 62, § 7-19.01, 8-11-1984)

Sec. 38-72. - Meetings.

All meetings of the zoning board of appeals shall be held at the call of the chairman and at other times as the zoning board, in its rules of procedure, may specify. All hearings conducted by such zoning board shall be open to the public. 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 such fact; and shall file a record of its concurring vote of 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 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. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Ord. No. 62, § 7-19.02, 8-11-1984)

Sec. 38-73. - Appeal.

- (a) An appeal may be taken to the zoning board of appeals by any person or by any officer, department, board or bureau affected by a decision of the zoning administrator or the planning commission. Such appeal 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. The zoning administrator shall forthwith transmit to the zoning board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the zoning board of appeals, after notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.
- (b) The zoning board of appeals 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 of the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (c) A written application as provided by the Charter Township of Fort Gratiot must be filed with the zoning board of appeals. The provided form must be accompanied by a professionally prepared survey and must include the following:
 - (1) The actual shape, location, and dimensions of the property, utility lines, rights-of-way, public and private easements, fences, driveways, parking areas, and high risk erosion areas.
 - (2) The shape, size, and location of all existing and proposed buildings or other structures to be erected, altered, or moved.
 - (3) Setbacks from all property lines, the nearest fire hydrant, rights-of-ways, drains, ponds, the outermost point (including overhangs, gutters, chimneys, architectural features) of existing and proposed structures, and structures on adjoining lots.
 - (4) Existing and proposed elevations and finished grade.
 - (5) If the property is located within a flood zone, either proof of removal from the flood zone or a professionally prepared elevation certificate must be provided.
 - (6) The existing and intended use of the property and of all such structures upon it.
 - (7) Such other information concerning the property, and adjoining properties, as may be essential for determining whether the provisions of this chapter are being met.

(Ord. No. 62, § 7-19.03, 8-11-1984; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-74. - Fees.

The township board may from time to time prescribed 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, such fee shall be paid to the secretary of the zoning board of appeals, which the secretary shall forthwith pay over to the township treasurer to the credit of the general revenue fund of the township.

(Ord. No. 62, § 7-19.04, 8-11-1984)

Sec. 38-75. - Jurisdiction.

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, exception or special approval permit and to authorize a variance as defined in this section and laws of the state. Such 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 provision of this chapter.
- (2) *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter whereby reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the ordinance from which this chapter is derived or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this chapter. In granting a variance, the zoning board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the zoning board shall state the grounds upon which it justifies the granting of variance. The zoning board of appeals does not have the authority to grant "use" variances, except as is specifically provided for by this chapter (subsection (3) of this section). The authority to designate permitted uses and special approval uses 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.* To hear and decide in accordance with the provisions of this chapter; requests for interpretation of the zoning map or this chapter, appeals from the decision of the zoning administrator and on any provisions of this chapter that the zoning board of appeals are required and decided on any exceptions subject to such conditions as the zoning board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:
 - a. 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 is shown on such map.
 - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.

- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purposes and intent of such requirements.
 - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - e. Permit temporary buildings and uses for periods not to exceed six months. Extensions may be 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.
 - f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed six-month extensions being permissible: uses which do 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. The zoning board of appeals, in granting permits for the above temporary uses, 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.
 - 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 or development permitted and arrangements for removing the use at the termination of such temporary permit.
 - 3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township shall be made at the discretion of the zoning board of appeals.
 - 4. In classifying the uses as not requiring capital improvement, the zoning board of appeals shall determine that they are neither demountable structures related to the permitted use of the land; recreation developments such as, but not limited to, golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
 - 5. The use shall be in harmony with the general character of the district.
 - 6. No temporary use permit shall be granted without first giving notice to the owner of adjacent properties of the time and place of a public hearing to be held as further provided for in this chapter. Further, the zoning board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
- (4) *Consideration and determination of appeals and variations.* In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably 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. 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 to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing contained in this section shall be construed to give or grant to the zoning board the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the township board, in the manner provided by law.

(Ord. No. 62, § 7-19.05, 8-11-1984)

Sec. 38-76. - Orders.

In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whom the appeal is taken.

(Ord. No. 62, § 7-19.06, 8-11-1984)

Sec. 38-77. - Notice.

The zoning board of appeals shall make no recommendation except in a specific case and after a public hearing conducted by the zoning board. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the zoning board, 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. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll at least seven days prior to the hearing. The board may require any party applying to the board for relief to give such notice to other interested parties as it shall prescribe.

(Ord. No. 62, § 7-19.07, 8-11-1984)

Sec. 38-78. - Lapse of approval.

- (a) No order of the zoning board of appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (b) No order of the zoning board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such use permitted is dependent upon the erection or alteration of a building such period; provided, however, that where such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. No. 62, § 7-19.08, 8-11-1984)

Sec. 38-79. - Appeal to circuit court.

- (a) Decisions of the zoning board of appeals shall be final. However, a person having an interest affected by this zoning chapter may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the zoning board of appeals to ensure 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.
 - (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. The zoning board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm its findings and decision as a result of the new proceedings, or may affirm its original decision. 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. No. 62, § 7-19.09, 8-11-1984)

Secs. 38-80—38-110. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 38-111. - Enumeration of districts.

The township is divided into the following zoning districts:

Residential Districts

AG agricultural district

R-1A single-family residential district

R-1B single-family residential district

R-2 two family residential district

RM residential multiple-family district

MHR mobile home residential district

Nonresidential Districts

O-1 office district

O-2 office mid-rise district

C-1 neighborhood business district

C-2 general business district

M-1 light industrial district

M-2 heavy industrial district

(Ord. No. 144, § 7-04.01, 4-15-1998; Ord. No. 198, art. 2, 8-16-2006)

Sec. 38-112. - District boundaries.

- (a) The boundaries of the zoning districts are shown upon the zoning map on file in the office of the township clerk and are made a part of this chapter. The zoning map, with all notations, references and

other information shown, shall be as much a part of this chapter as if fully set forth or described in this section.

- (b) The zoning map is designed as the official zoning map of the township. 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 of the Charter Township of Fort Gratiot." The zoning map shall also contain its effective date. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map, together with the effective date, certified by the supervisor and clerk.

(Ord. No. 144, § 7-04.02, 4-15-1998)

Sec. 38-113. - 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:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township limits shall be construed as following township limits.
- (4) Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (5) 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 subsections (1)—(4) of this section, the zoning board of appeals shall interpret the district boundaries.
- (6) 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 such district boundaries do extend to the center of any public right-of-way.

(Ord. No. 144, § 7-04.03, 4-15-1998)

Sec. 38-114. - District requirements.

All buildings and uses in any district shall be subject to the provisions of articles VI and VII of this chapter.

(Ord. No. 144, § 7-04.04, 4-15-1998)

Secs. 38-115—38-140. - Reserved.

DIVISION 2. - AG AGRICULTURAL DISTRICTS

Sec. 38-141. - Statement of purpose.

AG agricultural districts are those open areas of the township where farming, dairying, forestry operations, and other rural activities are found. Vacant land, fallow land and wooded areas also would be included where such areas are interspersed among farms. Gradually, and based upon a logical

comprehensive development plan, AG agricultural districts may be converted to other land uses. The AG agricultural district protects land needed for agricultural pursuits from encroachment by untimely and unplanned residential, commercial and industrial development.

(Ord. No. 62, § 7-05.01, 8-11-1984)

Sec. 38-142. - Permitted uses.

The following uses are permitted in an AG district:

- (1) Single-family detached dwellings.
- (2) State-licensed residential facilities, as required by Section 16a of Public Act No. 184 of 1943 (MCL 125.286a).
- (3) Family day care homes, as required by Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).
- (4) Farm buildings and greenhouses.
- (5) Farms and agricultural activities including the raising or growing and storage or preservation of crops, sod, plants, trees, shrubs, nursery stock, and private stables, but not including feedlots or the raising of fur-bearing animals.
- (6) Sale of agricultural products raised or grown on the farm premises including roadside stands for such sales, as regulated by section 38-679, and sale of agricultural related items such as seeds and fertilizers when carried on entirely within the dwelling or accessory buildings and only when carried on as an accessory use to a farm.
- (7) Publicly owned and operated parks, parkways, and recreational facilities.
- (8) Public and parochial elementary, intermediate and secondary schools.
- (9) Garage sales, yard sales, or similar types of sales, provided that no such sale shall take place for a period of more than seven days, and no residence shall be permitted more than two such sales per year.
- (10) Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same property.

(Ord. No. 62, § 7-05.02, 8-11-1984)

Sec. 38-143. - Special approval uses.

The following uses may be permitted by the planning commission after public hearing and review of the proposed site plan, subject to the specified standards for each particular land use itemized in this section and subject to the general standards to guide the actions of the planning commission as specified in section 38-486. Approval of all uses is subject to the procedures set forth in article IV of this chapter.

- (1) Group day care homes, as required by Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).
- (2) Feedlots and raising of fur-bearing animals as provided in section 38-501.
- (3) Golf courses, not including driving ranges or miniature golf courses as provided in section 38-505.
- (4) Summer housing and migratory labor camps used for seasonal labor, between April 1 and November 15, provided that any such building or structure complies with the following 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 with sewage disposal facilities which are no less than those required by the county and state health departments.
 - b. All buildings or structures shall be so located so as to comply with regulations for structures in an AG agricultural district as set forth in division 12, article III of this chapter, with the exception that no building shall be located nearer than 50 feet to any side property line.
- (5) Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations as provided in section 38-525.
 - (6) Public utility buildings, telephone exchange buildings, electric transformer 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 section 38-499.
 - (7) Home occupations as provided in section 38-502.
 - (8) Public and commercial stables, kennels and animals clinics as provided in section 38-508.
 - (9) Cemeteries when located on sites of 50 acres or more, as provided in section 38-524.
 - (10) Quarries, mining, and extraction as provided in section 38-496.
 - (11) Large scale outdoor recreational uses, as provided in section 38-507.
 - (12) Private noncommercial recreational areas as provided in section 38-506.
 - (13) Government buildings as provided in section 38-504.
 - (14) High pressure gas or high voltage electric transmission lines as provided in section 38-491.
 - (15) Gun clubs, shooting and archery ranges as provided in section 38-523.
 - (16) Public and private colleges and universities as provided section 38-510.
 - (17) Nursery schools, day nursery, and child care centers as provided in section 38-509.
 - (18) Uses similar to the uses described in this section.
 - (19) Accessory buildings, structures, and uses customarily incident to the uses described in this section.

(Ord. No. 151, § 2, 9-15-1999)

Sec. 38-144. - Area, height, and placement requirements.

Area, height and placement requirements in the AG district shall be in accordance with the schedule of regulations, division 12, article III of this chapter.

(Ord. No. 62, § 7-05.04, 8-11-1984)

Secs. 38-145—38-170. - Reserved.

DIVISION 3. - R-1A, R-1B AND R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICTS⁴¹

Footnotes:

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Editor's note— Ord. No. 198, art. 3, adopted Aug. 16, 2006, amended the title of div. 3 to read as herein set out. The former title read R-1A and R-1B Single-Family Residential Districts.

Sec. 38-171. - Statement of purpose.

The R-1A and R-1B single-family residential districts are established as districts in which the principal use of land is for single-family dwellings. For the single-family residential districts, in promoting the general purposes of this chapter, the specific intent of this division is to:

- (1) Encourage the construction of, and the continued use of the land for single-family dwellings.
- (2) Prohibit business, commercial, or industrial use of land, and to prohibit any other use which would subsequently interfere with development or continuation of single-family dwellings in the district.
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
- (4) Discourage any land use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

(Ord. No. 62, § 7-06.01, 8-11-1984)

Sec. 38-172. - Permitted uses.

(a) *Uses.* Permitted uses in R-1A or R-1B districts are as follows:

- (1) Single-family detached dwellings.
- (2) State-licensed residential facilities, as required by Section 16a of Public Act No. 184 of 1943 (MCL 125.286a).
- (3) Family day care homes, as required by Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).
- (4) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (5) Garage sales and other such sales as regulated in section 38-142(9).
- (6) Farms and agricultural activities including the raising or growing and storage or preservation of crops, sod, plants, trees, shrubs, and nursery stock; livestock, other farm animals, except feedlots, kennels, raising of fur-bearing animals, and animal clinics. The uses permitted shall be conducted only on those parcels in the district separately owned outside the boundaries of either a proprietary or supervisors plat having an area of not less than five acres, subject to health and sanitary regulations of the county.
- (7) Public, parochial, and private elementary schools, intermediate schools, and secondary schools.
- (8) Planned unit developments only as permitted and regulated in article V of this chapter.
- (9) Accessory buildings and uses customarily incident to any of the permitted uses of this section.

(b) *Condominium subdivisions.*

- (1) *Intent.* The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development as reflected in the ordinances and requirements of the township. Single-family detached condominiums may be allowed as a permitted use in the R-1A and R-1B single-family residential zoning districts.

- (2) *Submission requirements.* All condominium subdivisions plan shall be submitted for review as required by section 38-46 and section 66 of the condominium act, Public Act No. 59 of 1978 (MCL 559.166), and include the following additional information:
 - a. Name, address and telephone number of all persons, firms, corporations and partnerships that have an interest in the land with a description of their interest (fee simple, land contract, purchaser or optionee).
 - b. A survey of the condominium subdivision site.
 - c. A survey or drawing delineating all natural features on the site including, but not limited to, ponds, streams, lakes, drains, floodplain, wetlands and woodland areas.
 - d. The locations, size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
 - e. A generalized plan for the provision of utilities and drainage systems.
 - f. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
 - g. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus all easements granted to the township for installation, repair and maintenance of all utilities.
 - h. A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision plan.
 - i. A storm drainage and stormwater management plan, including all lines, scales, drains, basins, and other facilities.
- (3) *Review.* Pursuant to authority conferred by section 141 of the condominium act, Public Act No. 59 of 1978 (MCL 559.241), all condominium subdivision plans shall require approval by the planning commission before units may be sold or site improvement initiated. The review process shall consist of the following two steps:
 - a. *Preliminary plan review.* In the preliminary 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 the township ordinance and master land use plan. Plans submitted for preliminary review shall include information specified in subsections (b)(2)a—e of this section.
 - b. *Final plan review.* Upon receipt of the 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 subsections (b)(2)a—i of this section. Such plans shall be reviewed by the township attorney and the township engineer. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies as may be appropriate. Final approval shall not be granted until such time as all applicable review agencies has had an opportunity to comment on such plans.
- (4) *District requirements.* The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements in the district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided, pursuant to the land division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (5) *Design standards.* All developments in a condominium subdivision shall conform to the design standards of the township subdivision chapter (chapter 18 of this Code). This includes the requirement that all streets and roads be dedicated to the public. Street connections shall be required, where necessary, to provide continuity to the public road system.
- (6) *Utility easements.* The condominium subdivision plan shall include all necessary public utility easements granted to the township to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines and storm drainage improvements shall be provided. Necessary public utility easements shall include

those easements necessary to install and maintain public water and sewer system service to each unit in a condominium development.

- (7) *Final acceptance.* The township shall also require all the appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the township for review by the township engineer. A final certificate of occupancy and any building bonds will not be released to the developer/owner until such as-built mylar has been reviewed and accepted by the township.

(Ord. No. 62, § 7-06.02, 8-11-1984; Ord. No. 121, § 2, 12-21-1994)

Sec. 38-173. - Special approval uses.

The following uses may be permitted in the R-1A and R-1B districts by the planning commission after a public hearing and review of the proposed site plan, subject to the specific standards for each particular land use itemized in this section and subject to the general standards to guide the actions of the planning commission as specified in section 38-486:

- (1) Nursery schools, day nurseries and child care centers as provided in section 38-509.
- (2) Group day care homes, as required by Section 16g of Public Act No. 184 of 1943 (MCL 125.286g).
- (3) Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of such facilities within the district in order to serve the immediate vicinity as provided in section 38-499.
- (4) Private, noncommercial recreational areas as provided in section 38-506.
- (5) Public and private colleges, universities, and other such institutions of higher learning as provided in section 38-510.
- (6) Public, parochial, and private elementary schools, intermediate schools, and secondary schools.
- (7) Planned unit developments only as permitted and regulated in article V of this chapter.
- (8) Accessory buildings and uses customarily incident to any of the uses permitted by this section.
- (9) Golf courses, not including driving ranges or miniature golf courses as provided in section 38-505.
- (10) Home occupations as provided in section 38-502.
- (11) Churches as provided in section 38-503.
- (12) Public buildings (excluding public works garages and storage yards) as provided in section 38-504.
- (13) Single-family condominium developments as provided in section 38-526.
- (14) High pressure gas and high voltage electric lines as provided in section 38-491.
- (15) Housing exclusively for the elderly and persons with disabilities, including accessory congregate care and assisted living supportive services, but not including nursing homes or convalescent homes, as provided in section 38-527.
- (16) Uses similar to the uses of this section.

(Ord. No. 62, § 7-06.03, 8-11-1984; Ord. No. 152, § 1, 11-17-1999)

Sec. 38-174. - Area, height and placement requirements.

Area, height and placement requirements in the R-1A and R-1B districts are in accordance with the schedule of district regulations, division 12, article III of this chapter.

(Ord. No. 62, § 7-06.04, 8-11-1984)

Sec. 38-175. - Exceptions.

Where the subdividing of a parcel or tract of land or the development of land, including condominium subdivisions in the R-1A and R-1B districts, would create five or more residential parcels or units of land, the schedule of regulations for the single-family R-1A district shall prevail regardless of the zoning district.

(Ord. No. 102, § 7-06.05, 6-18-1993)

Sec. 38-176. - Statement of purpose.

The R-2 Two Family Residential district is designed to provide sites for two-family dwelling structures and will generally serve as zones of transition between multiple-family residential districts or nonresidential districts and lower density one-family residential districts. It is intended to be used only in those parts of the township which are designated for urban residential use and which have public water and sanitary sewer facilities available. This district is intended to be similar to R-1A and R-1B districts except for the attached rather than detached type of dwelling units, and the slightly higher density resulting from the common use of one lot by two dwellings. It is intended that two-family residential districts will have direct access to a major thoroughfare, primary road, secondary road or collector street and not local single-family residential subdivision streets.

(Ord. No. 198, art. 4, 8-16-2006)

Sec. 38-177. - Permitted uses.

The following uses are permitted in an R-2 district:

- (1) All principal permitted uses in an R-1A and R-1B district, subject to all requirements for such uses in zoning districts where first permitted. The requirements of section 38-441, Schedule of District Regulations, applicable to the R-1B district shall apply as minimum standards when one-family detached dwellings are erected.
- (2) Two-family dwellings. When proposed as part of a condominium development, the provisions of section 38-172(b) shall govern the review and approval process.
- (3) Off-street parking and loading in accordance with section 38-619.
- (4) Uses similar to the above uses.
- (5) Accessory buildings and uses customarily incident to the above permitted uses.

(Ord. No. 198, art. 4, 8-16-2006)

Sec. 38-178. - Special approval uses.

The following uses may be permitted by the planning commission after public hearing and review of the proposed site plan, subject to the specific standards for each use hereinafter itemized and subject to the general standards to guide the actions of the planning commission, as specified in section 38-486: Any uses permitted after special approval in the R-1A or R-1B districts are permitted in this district subject to all requirements for such uses in zoning districts where first permitted.

(Ord. No. 198, art. 4, 8-16-2006)

Sec. 38-179. - Area, height and placement requirements.

Area, height and placement requirements in the R-2 district are in accordance with the Schedule of District Regulations, division 12, article III, with the following exceptions:

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 apply. In such case, maximum permitted dwelling density shall not exceed two-thirds of that permitted by section 38-442B. Dwelling unit placement shall be governed by the front, side and rear setback requirements provided in said schedule, which shall be applied in the same manner as if lot or unit lot lines were present.

(Ord. No. 198, art. 4, 8-16-2006)

Secs. 38-180—38-200. - Reserved.

DIVISION 4. - RM RESIDENTIAL MULTIPLE-FAMILY DISTRICTS

Sec. 38-201. - 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 dwelling 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 thereby be provided to meet the needs of the different age and family groups in the community.

(Ord. No. 62, § 7-07.01, 8-11-1984)

Sec. 38-202. - Permitted uses.

The following uses are permitted in an RM district:

- (1) All principal permitted uses in R-1A, R-1B, and R-2 districts, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Multiple dwellings including:
 - a. Apartment houses;
 - b. Row or townhouses dwellings;
 - c. Efficiency units; and
 - d. Two-family dwellings.
- (3) Community garages serving the principal residential building, containing space for no more than two passenger vehicles for each dwelling unit in the principal building on the lot.
- (4) Maintenance and management building 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 section 38-619.
- (7) Uses similar to the uses permitted in this section.
- (8) Accessory buildings and uses customarily incident to the uses permitted in this section.

(Ord. No. 62, § 7-07.02, 8-11-1984; Ord. No. 198, art. 5, 8-16-2006)

Sec. 38-203. - Special approval uses.

The following uses may be permitted in the RM district by the planning commission after a public hearing and review of the proposed site plan, subject to the specific standards for each particular land use itemized in this section and subject to the general standards to guide the actions of the planning commission as specified in section 38-486:

- (1) Any uses permitted after special approval in the R-1A, R-1B, or R-2 districts are permitted in this RM district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Hospitals as provided in section 38-513.
- (3) Boardinghouses and lodginghouses as provided in section 38-512.
- (4) Orphanage, foster home, homes for the aged, indigent, physically or mentally handicapped as provided in section 38-511.
- (5) Self-storage facilities and mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis shall be a permitted use and are subject to the following extra standards:
 - a. No storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials shall be permitted with the self-storage buildings or upon the premises.
 - b. No outside storage shall be permitted.
 - c. The use of the premises shall be limited to storage and storage related activities, and shall not be used for operating any business related to the servicing, maintaining or repairing of any vehicles, recreational equipment or other items.
 - d. Appropriate screening as per the requirements of section 38-614 shall be provided for those portions of the site abutting a residential zoning district.
 - e. The site shall be graded, drained and developed with hard-surfaced pavement as per the specifications of section 38-73.
 - f. Fire hydrants and fire suppression devices shall be provided, installed and maintained as per the requirements of the township fire chief.
 - g. Buildings shall not exceed 200 feet in length and shall maintain a minimum distance of 25 feet between individual buildings.

(Ord. No. 62, § 7-07.03, 8-11-1984; Ord. No. 198, art. 5, 8-16-2006; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-204. - Area, height and placement requirements.

Area, height and placement requirements in the RM district shall be in accordance with the schedule of district regulations, division 12, article III of this chapter with the following exceptions: For housing exclusively for the elderly and persons with disabilities, including accessory congregate care and assisted living supportive services, but not including nursing homes or convalescent homes, minimum land area per dwelling unit, minimum floor area per dwelling unit, off-street parking requirements, maximum height of structures and setbacks shall be in accordance with the requirements set forth in section 38-527(3)—(8), except that the minimum parcel size of 2½ acres shall not apply.

(Ord. No. 152, § 3, 11-17-1999)

Secs. 38-205—38-230. - Reserved.

DIVISION 5. - MHR MOBILE HOME RESIDENTIAL DISTRICTS

Sec. 38-231. - Statement of purpose.

It is the purpose of this MHR district to provide for the development of mobile home sites and mobile home parks at appropriate locations in relation to the existing and potential development of their surroundings and, in relation to other uses and community facilities, to afford a proper setting for these uses and a proper relation to other land uses and the comprehensive development of the township.

(Ord. No. 62, § 7-08.01, 8-11-1984)

Sec. 38-232. - Permitted uses.

In the mobile home district (MHR), no building or land shall be used and no building or development shall be erected or started except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All principal permitted uses in an R-1A and R-1B district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Mobile home development.
- (3) Mobile home parks or condominium projects, subject to the following requirements:
 - a. There shall be two entrances or one entrance and one exit for motor vehicle traffic.
 - b. The park or project shall be located with direct access to a major thoroughfare having a planned right-of-way of at least 120 feet.

(Ord. No. 62, § 7-08.02, 8-11-1984)

Sec. 38-233. - Special approval uses.

The following uses may be permitted in the MHR district by the planning commission after a public hearing and review of the proposed site plan, subject to the specific standards for each particular land use itemized in this section and subject to the general standards to guide the actions of the planning commission as specified in section 38-486: All uses permitted after special approval in the R-1A or R-1B districts.

(Ord. No. 62, § 7-08.03, 8-11-1984)

Sec. 38-234. - Lot requirements (see division 12, article III of this chapter).

Minimum lot sizes for individual sites in the MHR district shall be as follows: There is no township minimum for sites within a licensed park or condominium project. This provision is subject to the control of the state mobile home commission regulations.

(Ord. No. 62, § 7-08.04, 8-11-1984)

Sec. 38-235. - Required conditions.

Required conditions in the MHR district are as follows:

- (1) All mobile homes parks or condominium projects shall comply with the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (2) All mobile homes in mobile home parks shall be located on mobile home stands.
- (3) Building permit:
 - a. *Mobile home*: A building permit shall be required for each mobile home that shall hereafter be located or relocated in a mobile home park, subdivision or condominium project, or on an individual lot.
 - b. *Nonmobile home building*: A building permit shall be required for each building other than mobile homes which are to be constructed in a mobile home park or condominium project. A township building permit for a mobile home or a nonmobile or a nonmobile home building within a park or condominium project shall not be issued until the following conditions have been met:
 1. A site plan review for the park or condominium project has been completed, as required in this chapter. See section 38-46(5).
 2. Health authority has made recommendation and a permit has been issued.
 3. Mobile homes to be located on an individual mobile home stand shall either already conform to the Federal Mobile Home Code as outlined in the Code of Federal Regulations, title 24, section 3280, June, 1976, as amended (24 CFR 3280).
 4. A construction permit has been granted by the state department of consumers and industry services for the mobile home park or condominium project where the proposed mobile home or nonmobile home building is to be located.
 - c. *Parks and condominium projects*: Permits to construct a mobile home park or condominium project are issued by the state department of consumers and industry services and are not subject to township authority or control.
- (4) All mobile homes located in a park or condominium project shall be skirted and shall have wheels removed within 90 days after placement on a mobile home stand. The mobile home stand in order to provide an adequate foundation for the mobile home shall consist of either:
 - a. The concrete pad beneath each mobile home shall be a minimum of four inches thick, being 12 feet in width and 60 feet in length and in accordance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.), which allows this to be varied; or
 - b. If concrete pillars are used, they shall be 16 inches in diameter, 42 inches in depth, and spaced along the length of the mobile home in accordance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.), which allows this to be varied.
- (5) All mobile homes located on a subdivision site or a development site shall be installed pursuant to the manufacturer's setup instructions and shall have a wall of the same perimeter dimensions as the mobile home. The wall shall be constructed of such materials and type as required in the single state construction code for single-family dwellings. Further, such mobile homes shall have their wheels removed and shall be secured to the premises by an anchoring system or device.

(Ord. No. 62, § 7-08.05, 8-11-1984)

Sec. 38-236. - Site plan review.

Site plan review in the MHR district shall be as follows:

- (1) Parks and condominium projects: All mobile home parks and condominium projects must meet the requirements of section 38-46(5).

- (2) All special approval uses: All uses permitted after special approval in the MHR district must also meet the requirements of section 38-46, site plan review.

(Ord. No. 62, § 7-08.06, 8-11-1984)

Sec. 38-237. - Miscellaneous requirements.

Miscellaneous requirements in the MHR district are as follows:

- (1) Environmental, recreation and open space:
 - a. General requirements: Condition of soil, groundwater level, drainage and topography shall not, in the opinion of the health authority, create hazard to the property or the health or safety of the occupants.
 - b. Recreation and open space shall be provided as required in Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (2) Water supply, sewage disposal, electrical distribution, service buildings, refuse handling, insect and rodent control, fuel supply and storage and fire protection shall be in accordance with the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- (3) There shall be an occupancy permit obtained for each mobile home located on a mobile home stand, and no mobile home shall be occupied until this permit has been issued.
- (4) The zoning board of appeals is hereby authorized to waive requirements as they deem necessary and advisable in particular cases, but this does not include Public Act No. 96 of 1987 (MCL 125.2301 et seq. and Public Act No. 59 of 1978 (MCL 559.101 et seq.).
- (5) Mobile home parks, or individual lots, in existence prior to the effective date of the ordinance from which this chapter is derived shall be required to conform to all provisions of this chapter, for remodeled sites or improvements to individual lots.

(Ord. No. 62, § 7-08.07, 8-11-1984)

Secs. 38-238—38-260. - Reserved.

DIVISION 6. - O-1 OFFICE DISTRICTS^[5]

Footnotes:

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Cross reference— Businesses, ch. 6.

Sec. 38-261. - Statement of purpose.

The O-1 office districts are designed to accommodate office uses, office sales uses, and certain basic personal services. These use districts when not a part of a shopping center or other business district are intended to serve the function of land use transition between business districts and adjacent residential districts. Office districts will normally be located along major thoroughfares.

(Ord. No. 62, § 7-09.01, 8-11-1984)

Sec. 38-262. - Principal permitted uses.

In the O-1 districts 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:

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales subject to the limitations contained below in section 38-264.
- (2) Medical office, including clinics, but not animal clinics.
- (3) Banks, credit union offices, savings and loan associations, stock brokerage, and similar uses.
- (4) Art shops and photographic studios (except those defined as adult entertainment uses), and interior decorating studios.
- (5) Publicly owned buildings, telephone exchanges, and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
- (6) Personal service establishments including barbershops, beauty shops, and health salons (except those defined as adult entertainment uses).
- (7) Other uses similar to the uses described in this section.
- (8) Self-storage facilities and mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis shall be a permitted use and are subject to the following extra standards:
 - a. No storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials shall be permitted with the self-storage buildings or upon the premises.
 - b. No outside storage shall be permitted.
 - c. The use of the premises shall be limited to storage and storage related activities, and shall not be used for operating any business related to the servicing, maintaining or repairing of any vehicles, recreational equipment or other items.
 - d. Appropriate screening as per the requirements of section 38-614 shall be provided for those portions of the site abutting a residential zoning district.
 - e. The site shall be graded, drained and developed with hard-surfaced pavement as per the specifications of section 38-73.
 - f. Fire hydrants and fire suppression devices shall be provided, installed and maintained as per the requirements of the township fire chief.
 - g. Buildings shall not exceed 200 feet in length and shall maintain a minimum distance of 25 feet between individual buildings.

(Ord. No. 62, § 7-09.02, 8-11-1984; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-263. - Special approval uses.

The following uses shall be permitted in the O-1 district, subject to the conditions imposed for each use and subject further to the review and approval of the site plan by the planning commission and subject to the general special approval standards procedures provided in article IV of this chapter:

- (1) An accessory use customarily related to a principal use authorized by this division such as, but not limited to, a pharmacy or apothecary shop, stores limited to corrective garments, surgical supplies or bandages, or optical service, may be permitted.

- (2) Business establishments such as, but not limited to: office supplies and office service establishments, when a part of a large O-1 district which, by the nature of its size and complexity, would require these attendant services.
- (3) Gas or electrical transmission lines as provided in section 38-491.
- (4) Static transformer stations, gas regulator stations, and other public utility buildings as provided by section 38-499.
- (5) Nursery school, day nursery, and child care center as provided in section 38-509.
- (6) Multi-family dwelling units in Office and Commercial Districts as provided in section 38-528.
- (7) Pet care services as provided in section 38-529.

(Ord. No. 62, § 7-09.03, 8-11-1984; Ord. No. 210, § 2, 9-5-2012; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-264. - Required conditions.

- (a) No interior display shall be visible in the O-1 district from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25 percent of the usable floor area of story of the structure on which the display is located.
- (b) The outdoor storage of goods or materials shall be prohibited.
- (c) Warehousing or indoor storage of materials, beyond that normally incident to the permitted uses enumerated in section 38-262, shall be prohibited.

(Ord. No. 62, § 7-09.04, 8-11-1984)

Sec. 38-265. - Area and bulk requirements.

Area and bulk requirements in the O-1 district are in accordance with the schedule of district regulations, division 12, article III of this chapter.

(Ord. No. 62, § 7-09.05, 8-11-1984)

Secs. 38-266—38-290. - Reserved.

DIVISION 7. - O-2 OFFICE MID-RISE DISTRICTS⁽⁶⁾

Footnotes:

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Cross reference— Businesses, ch. 6.

Sec. 38-291. - Statement of purpose.

The O-2 office mid-rise district is intended to accommodate office buildings and restricted related retail and service establishments on large land parcels in proximity to areas of major commercial or civic center development. Such O-2 districts are intended to provide transition between these areas and major

thoroughfares, and areas of less intensive development. Because of the large land area involved, greater flexibility as to building height and related uses is warranted, as compared to the O-1 office district.

(Ord. No. 136, § 7-09A.01, 11-5-1997)

Sec. 38-292. - Principal permitted uses.

In the O-2 districts 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:

- (1) All principal permitted uses in an O-1 office district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment primarily serving business customers and not offered on a retail business to the general public.
- (3) Any use charged with the principal function of office-type research or technical training.
- (4) Other uses similar to the uses enumerated in this section.
- (5) Accessory structures and uses customarily incident to the permitted uses of this section.

(Ord. No. 136, § 7-09A.02, 11-5-1997)

Sec. 38-293. - Special approval uses.

The following uses shall be permitted in the O-2 district, subject to the conditions imposed in this section for each use and subject further to the review and approval of the planning commission and subject to the general special approval standards and procedures provided in article IV of this chapter:

- (1) Any uses permitted after special approval in the O-1 district are permitted in this O-2 district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) The following uses shall be permitted, provided that they are included in the office use structure or other principal structures as indicated in section 38-292, principal permitted uses, or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures:
 - a. Restaurants or other places serving food or beverages, except those having the character of open front store, drive-in, drive-through, or carryout establishment. Outside seating, assembly, and activity areas for restaurants may be permitted by the planning commission. Such outside areas shall be designed as part of the building mass to which they are accessory in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, or shall otherwise be physically be delineated and limited in a manner acceptable to the planning commission; subject further to the following conditions:
 1. For outside areas not requiring permanent capital improvements, the planning commission may approve such outside seating uses or activity areas for an initial period not to exceed two years, with successive approvals for a similar period.
 2. Setbacks for such outside areas shall be not less than those required for conventional buildings within the district.
 3. Outside areas provide for adequate emergency egress by patrons, and shall not occupy required sidewalk areas nor impair emergency vehicle access.

4. Parking shall be provided for the uses in such outside areas in addition to that required for uses in the main building.
- b. Entertainment and recreation facilities including, but not limited to: theaters, auditoriums, sports and health facilities.
- c. Clubs, fraternal organizations and service clubs whose activities are not carried on as a business.

Such uses shall, in total, occupy no more than 20 percent of the floor area of the building complex of which they are a part.

(Ord. No. 136, § 7-09A.03, 11-5-1997)

Sec. 38-294. - Required conditions.

- (a) All required conditions applicable to the O-1 district shall also apply within this O-2 district.
- (b) The minimum parcel size in the O-2 district is five acres.

(Ord. No. 136, § 7-09A.04, 11-5-1997)

Sec. 38-295. - Area, height, and placement requirements.

Area, height and placement requirements in the O-2 district are in accordance with the schedule of district regulations, division 12, article III of this chapter. The addition of the O-2 district will require the following footnote to be added to the schedule of district regulations:

- (K) *Height of office buildings.* Office buildings may be constructed to the maximum height and story limits of the district, provided that when a structure exceeds 30 feet in height, the following setbacks shall apply:
 - i) Front setback - a distance equal to the height of said building.
 - ii) Side and rear setback - a distance equal to one-half the height of said building
 - iii) From a residential lot line or residential district - a distance equal to the height of said building.

(Ord. No. 136, § 7-09A.05, 11-5-1997)

Secs. 38-296—38-320. - Reserved.

DIVISION 8. - C-1 NEIGHBORHOOD BUSINESS DISTRICTS [\[7\]](#)

Footnotes:

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Cross reference— Businesses, ch. 6.

Sec. 38-321. - Statement of purpose.

The C-1 neighborhood business district, as established in this division, is intended to be that district permitting retail business and services uses which are needed to serve the nearby residential areas. In

order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this C-1 district is also to encourage the concentration of local business by locating proposed areas in the comprehensive development plan, as may be adopted to the mutual advantage of both the consumer and merchant. This will promote the best use of land at certain strategic locations and avoid the encouragement of marginal strip, business development along major streets.

(Ord. No. 62, § 7-10.01, 8-11-1984)

Sec. 38-322. - Permitted uses.

In a C-1 neighborhood business district, no building or land shall be erected or used except for one or more of the following uses: The parenthetical number (000) listed by each use is taken from the Standard Industrial Classification (SIC) Manual, 1972, 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:

- (1) All principal permitted uses in the O-1 office district, subject to all requirements for such uses in zoning districts where first permitted.
- (2) Hardware store (525).
- (3) Variety store (533).
- (4) Grocery store (541 except supermarkets).
- (5) Candy, nut and confectionery store (544, except popcorn stands).
- (6) Dairy product store (545).
- (7) Retail bakery (5463, except pretzel stands).
- (8) Drugstores and proprietary store (591).
- (9) Beauty shop (723).
- (10) Barbershop (724).
- (11) Coin-operated laundries and dry cleaning (7215).
- (12) Branch offices of banks and savings and loans, and credit unions (9602-603).
- (13) Florists (5992).
- (14) The following miscellaneous retail stores:
 - a. Liquor store (5921)
 - b. Sporting goods store and bicycle shop (5941)
 - c. Bookstore (5942)
 - d. Stationery store (5943)
 - e. Jewelry store (5944)
 - f. Hobby, toy and games shop (5945)
 - g. Gift, novelty and souvenir shop (5948)
 - h. Luggage, and leather goods store (5949)
 - i. Sewing, needlework and piece goods store (5949)

- (15) Other similar uses, not permitted elsewhere, as determined by the planning commission.
- (16) Accessory buildings.
- (17) Accessory uses.
- (18) Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their constitution.
- (19) Off-street parking and loading in accordance with section 38-619.
- (20) Accessory signs customarily incidental to the permitted uses of this section only when they pertain to the sale, rental, or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that any such signs shall not exceed 250 square feet in area and be located not closer than 100 feet measured along the same side of the street to any residentially zoned district. Signs shall conform to the requirements of section 38-626.

(Ord. No. 62, § 7-10.02, 8-11-1984)

Sec. 38-323. - Special approval uses.

The following uses may be permitted in the C-1 district by the planning commission after a public hearing and review of the proposed site plan, subject to the specified items and subject to the general standards to guide the actions of the planning commission as specified. Approval of all such uses is subject to the procedures set forth in article IV of this chapter:

- (1) Gas or electrical transmission lines as provided in section 38-491.
- (2) Telephone exchange and static transformer stations, gas regulator stations, and other public utility buildings as provided in section 38-499.
- (3) Nursery schools, day nursery, and child care centers as provided in section 38-509.
- (4) Multi-family dwelling units in Office and Commercial Districts as provided in section 38-528.

(Ord. No. 62, § 7-10.03, 8-11-1984; Ord. No. 210, § 2, 9-5-2012)

Sec. 38-324. - Required conditions.

Outdoor storage and display of merchandise in the C-1 district is prohibited. Minor day-to-day in and out display may be permitted when kept behind established building setback lines.

(Ord. No. 62, § 7-10.04, 8-11-1984)

Sec. 38-325. - Area, height and placement requirements.

Area, height and placement requirements in the C-1 district are in accordance with the schedule of district regulations, division 12, article III of this chapter.

(Ord. No. 62, § 7-10.05, 8-11-1984)

Secs. 38-326—38-350. - Reserved.

DIVISION 9. - C-2 GENERAL BUSINESS DISTRICTS¹⁸¹

Footnotes:

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Editor's note— Ord. No. 211, § 1, adopted October 16, 2013, repealed div. 9, §§ 38-351—38-355, and enacted a new div. 9 to read a set out herein. Former div. 9 pertained to similar subject matter and derived from Ord. No. 62, §§ 7-11.01, 7-11.02, 7-11.03, 7-11.04, 7-11.05, adopted Aug. 11, 1984.

Cross reference— Businesses, ch. 6.

Sec. 38-351. - Statement of purpose.

The C-2 general business district is intended to be that district permitting a wider range of business and entertainment activities than those permitted in the neighborhood business district. 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 major thoroughfares. These uses would generate larger volumes of vehicular and pedestrian traffic and are generally characterized by an integrated or planned cluster of establishments served by a common parking area. Alternatively, such districts may also be located along federal, state, or other major thoroughfares where the sites are easily accessible to large volumes of traffic. These districts are intended to be more isolated and buffered than C-1 districts from adjacent single-family residential areas where noise and traffic could be disturbing or a hazard. Such C-2 districts in the township would reflect major existing shopping concentrations, other commercial uses along major thoroughfares, and desired future commercial centers as proposed in the comprehensive master plan, which are needed to serve adequately the future population of the township.

(Ord. No. 211, § 1, 10-16-2013)

Sec. 38-352. - Permitted uses.

In all C-2 general business districts, 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), as 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 NAICS listed use may tend to extend beyond the site, special land use approval shall be required.

- (1) All uses in O-1 office and C-1 neighborhood business districts, subject to all requirements for such uses in zoning districts where first permitted, except as otherwise provided in this section.
- (2) Automotive parts and accessories stores (44131) and tire stores (44132).
- (3) Furniture, home furnishings and equipment store (442).
- (4) Electronics and appliance stores (443) including appliance repair and maintenance (811412).
- (5) Building material and supplies dealers (4441), including home centers, including indoor lumber (444110), paint and wallpaper stores (444120), and hardware stores (444130), other building materials dealers (444190), except lumber yards and suppliers of prefabricated buildings and kits.
- (6) Lawn and garden equipment and supplies stores (4442), including outdoor power equipment stores (444210), retail nursery and garden centers (444220).
- (7) Supermarkets and other grocery stores (445110).
- (8) Department stores (452110) and warehouse clubs and superstores (452910).

- (9) Health and personal care stores (446), including pharmacies and drug stores (446110), cosmetics, beauty supplies, and perfume stores (446120), optical goods stores (446130), health food supplement stores (446191), and all other health and personal care stores (446199).
- (10) Clothing and clothing accessories stores (4481), including clothing for men, women, children and infants, family, clothing accessories, and other clothing such as bridal gowns, fur apparel, hosiery, leather coats, lingerie, swimwear, and uniforms. Custom dress retailers such as bridal gown shops and custom dress makers (448190) and fashion design services (541490) are included.
- (11) Shoe stores (448210) and shoe and leather product repair shops (811430).
- (12) Jewelry, luggage, and leather good stores (4483).
- (13) Pre-recorded tape, compact disc, and record stores (451220).
- (14) Office supplies and stationary stores (453210) and office service establishments (561110 and 56143).
- (15) Used merchandise stores (453310), including antique shops, used books shops, used clothing stores, used household-type appliance stores, used merchandise thrift shops, and flea markets in accordance with section 38-354.
- (16) Pet and pet supplies stores (453910).
- (17) Electronic shopping and mail-order houses (454110), only in conjunction with a retail showroom which shall be a predominant feature of the facility.
- (18) Vending machine operators (454210). This industry comprises establishments primarily engaged in retailing merchandise through vending machines at a location that they service.
- (19) Radio stations and studios (513112) and Television broadcasting offices and studios (513120).
- (20) Rental and leasing services (532), including passenger car rental and leasing (53211), truck, utility trailer, and recreational vehicle (RV) rental and leasing, consumer goods rental (5322) including electronics and appliances, formal wear, home health equipment, recreational goods and general rental centers (532310), but not including Commercial and industrial machinery and equipment rental and leasing (5324).
- (21) Videotape, DVD, CD, and/or other media device rental shop (532230), except rental of adult motion pictures.
- (22) Graphic design services, including commercial art studios (541430).
- (23) Educational services (611), including business and secretarial schools (611410), computer training (611420), professional and management development training (611430), technical and trade schools provided no vehicles or heavy machinery are used on site (61151), fine arts schools (611610), sports and recreation instruction (611620), and language schools (611630).
- (24) Social services (624), but not including temporary residential services.
- (25) Theatrical producers (711310) and dinner theaters (711110).
- (26) Museums and art galleries (712110).
- (27) Amusement arcades (713120), indoor tennis courts and club facilities, indoor rinks, ice and roller skating, sports club and physical fitness facilities (713940), bowling alleys and bowling centers (713950), billiard parlors and rooms, indoor archery ranges, dance halls, trampoline facilities and other indoor recreation as listed in (713990.)
- (28) Eating and drinking places (722110), Cafeterias (722212), Drinking places (bars and taverns (722410.) Adult-oriented entertainment uses are not included.
 - a. Restaurants or other places serving food or beverages. Outside seating, assembly, and activity areas for restaurants may be permitted by the planning commission. Such outside

areas shall be designed as part of the building mass to which they are accessory in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, or shall otherwise be physically delineated and limited in a manner acceptable to the planning commission; subject further to the following conditions:

1. For outside areas not requiring permanent capital improvements, the zoning administrator may approve such outside seating uses or activity areas for an initial period not to exceed two years, with successive approvals for a similar period.
 2. Setbacks for such outside areas shall be not less than those required for conventional buildings within the district.
 3. Outside areas provide for adequate emergency egress by patrons, and shall not occupy required sidewalk areas nor impair emergency vehicle access.
 4. Parking shall be provided for the uses in such outside areas in addition to that required for uses in the main building.
- (29) Small engine repair (811411).
- (30) Re-upholstery and furniture repair (811420).
- (31) Personal services (8121), except tattoo parlors and adult-oriented entertainment uses.
- (32) Automobile parking for fee (812930).
- (33) Planned shopping centers are, hereby, defined as a grouping of retail and service uses on a single site with common parking facilities. The following development standards shall apply to all sites developed as planned shopping centers, as defined above and are in addition to any of the applicable requirements of this chapter.
- a. Building facades greater than one hundred feet in length shall incorporate recesses and projections along, at least, 20 percent of the length of the facade. Windows, awnings and arcades must total at least 60 percent of a facade length abutting a public street.
 - b. Architectural interest shall be provided through the use of repeating patterns of changes of color, texture, and material modules. At least one of these elements shall repeat horizontally. All elements should repeat at intervals of no more than 50 feet, either horizontally or vertically.
 - c. There shall be variations in roof lines to reduce the massive scale of the structure and to add visual interest. Roofs shall have at least two of the following features:
 1. Parapets concealing flat roofs and rooftop equipment;
 2. Overhanging eaves;
 3. Sloped roofs;
 4. Three or more roof surfaces.
 - d. Each principal building with an anchor tenant shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls and integral planters.
 - e. Facade colors shall be of a low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
 - f. Building trim may consist of brighter colors, but neon tubing, as a building accent, is prohibited.
 - g. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent

properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

- h. Each planned shopping center must contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities, such as patio/seating area, water feature, clock tower, pedestrian plaza with benches, public art, etc.
- (34) Membership organizations (813410), including community service clubs, fraternal organizations, and lodge halls.
- (35) Self-storage facilities and mini-warehouses (531130) used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis shall be a permitted use and are subject to the following extra standards:
- a. No storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials shall be permitted with the self-storage buildings or upon the premises.
 - b. No outside storage shall be permitted.
 - c. The use of the premises shall be limited to storage only and shall not be used for operating any other business, or for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity hobby or purpose other than the storage of personal items and business items.
 - d. Appropriate screening as per the requirements of section 38-614 shall be provided for those portions of the site abutting a residential zoning district.
 - e. The site shall be graded, drained and developed with hard-surfaced pavement as per the specifications of section 38-73.
 - f. Fire hydrants and fire suppression devices shall be provided, installed and maintained as per the requirements of the township fire chief.
 - g. Buildings shall not exceed 200 feet in length and shall maintain a minimum distance of 25 feet between individual buildings.
- (36) Drive-in, fast food, or carry out restaurants (722211), shall be a permitted use and are subject to the following extra standards:
- a. Ingress and egress points shall be located at least 30 feet from the intersection of any two streets measured from the intersection of the street right-of-way of least 120 feet.
 - b. 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.
 - c. When a building or portion of building is used for such purposes, it must be located not less than 500 feet from an elementary, intermediate, or secondary school, and not less than 300 feet from a church, nursing home, or a home for the aged.
 - d. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
 - e. 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 building.
 - f. All outside trash receptacles (except those intended for use by the customer) shall be located within a six-foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two trash receptacles for use by the customer shall be placed in a manner reachable by the customer from their car windows at each point where exit drives empty onto a public street. Such

receptacles shall be emptied as often as is necessary to ensure their efficient and continued use by the customer.

- g. Except for approved drive-in restaurants, it shall be unlawful for any person to consume or for any restaurant owner, operator, manager, franchise holder, or anyone else in authority to allow or permit the consumption of foods, frozen desserts, or beverages in motor vehicles parked upon the restaurant premises. Outdoor eating may be permitted in designated outdoor seating areas attached to the main restaurant building and accessible from such building. Such areas may also include children's playground equipment. The size and spatial arrangement of such areas shall be subject to the review and approval of the planning commission during site plan review.
- (37) Motor vehicle repair and service facilities not previously described as permitted uses in this district (8111), shall be a permitted use and are subject to the following extra standards:
- 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. No signs, storage, nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
 - 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. Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities, subject to the provisions that the number of automobile, trucks or trailers on site that are available for lease shall not exceed one automobile, truck or trailer for each 1,000 square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
 - f. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.
- (38) Motor vehicle washing, conveyor or nonconveyor type (811192) shall be a permitted use, must be completely enclosed in a building, excepting points of ingress and egress, and are subject to the following extra standards:
- a. All cleaning operations shall be completely enclosed within a building.
 - b. A hard-surfaced driveway of one or more lanes shall be constructed on the parcel in such a manner 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 side walls 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 centerlines 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: 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 or fraction thereof by which the building exceeds 80 feet in overall length.

- f. For a nonconveyor 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 such manner 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 such a way as to preclude drainage of water onto adjacent property.
 - k. Gasoline sales shall be permitted on the property, provided that there is compliance with any other applicable sections.
- (39) Lumber yards and suppliers of prefabricated buildings and kits (444190) shall be a permitted use and are subject to the following special standards:
- a. The site shall abut only land zoned C-2, M-1, or M-2.
 - 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 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.
- (40) Automobile service stations (447) for the sale of gasoline, oil, and minor accessories only (447110), gasoline stations with convenience stores (447110) and fueling stations without minor repair services or with other product or services (447190) are included in this category.
- a. The curb cuts for ingress and egress to and from a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection measured from the edge of the planned road right-of-way or from adjacent AG, R-1A, R-1B, R-2, R-3, RM or MHD districts.
 - b. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil, and minor accessories and having no facilities for repair or servicing of automobiles (including lubrication facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions required in this chapter.
- (41) Accessory structures and uses customarily incidental to the permitted uses listed in this section.
- (42) Temporary outdoor sales: The temporary outdoor display and sale of live plants, cut flowers, pumpkins or Christmas trees, which are not part of an otherwise approved open-air business, provided such display or sale is for a period of not more than 60 days per year and is in accordance with section 38-354.
- (43) Other uses similar to the uses listed in this section provided that the business is conducted within completely enclosed buildings.

(Ord. No. 211, § 1, 10-16-2013)

Sec. 38-353. - Special approval uses.

The following uses may be permitted in the C-2 district by the planning commission after a public hearing and review and subject to the general special approval standards and procedures provided in

article IV of this chapter. The parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), as 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) Gas or electrical transmission lines as provided in section 38-491.
- (2) Telephone exchange, static transformer stations, gas regulator stations, and other public utility buildings as provided in section 38-499.
- (3) New automobile and truck agency sales and showrooms (441110) and used automobile and truck sales (441120), recreational vehicles (441210), motorcycles (441221), boat dealers (441222) or other motor vehicle sales areas (441229) [other than homeowners' gardening equipment and related] as provided in section 38-518 and section 38-519.
- (4) Open air sale of manufactured and mobile homes, parts, and equipment (453930).
- (5) Taxi service office (485310) and limousine service office (485320).
- (6) Motion picture theaters (512131), and outdoor theaters, including drive-in theaters (512132), except adult motion picture theaters.
- (7) Veterinary and animal clinics (541940).
- (8) Hospitals (622) as provided in section 38-513.
- (9) Community housing services with overnight accommodations (62422) including temporary shelters (624221).
- (10) Sports arenas and sport stadiums (711310), amusement and theme parks (713110), commercial outdoor recreation (713120, 713940, 713950, 713990), except racing (711212).
- (11) Gambling facilities (7132) including casinos (713210) and casino hotels (721120).
- (12) Hotels, motels (721110), and health spas and fitness centers with accommodations (721110), and tourist courts, as provided in section 38-500.
- (13) Repair services not otherwise provided for as permitted uses in this district (811).
- (14) Personal services not previously described as a permitted use in this district (812199).
- (15) Outdoor storage and/or outdoor sales areas.
- (16) Adult businesses (see definitions); including adult bookstores, adult motion picture theaters, adult novelty stores, massage parlors (812199), nude modeling studios, premises for nude entertainment, cabarets, and escort services may be permitted in the C-2, general business districts subject to the following regulations:

Intent. Recognizing that because of their nature, some uses have objectionable operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas; special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

Regulations.

- a. It shall be unlawful to establish any adult bookstore, adult motion picture theater, massage parlor, nude modeling studio, premises for nude entertainment, cabarets, or escort service except in the C-2 general business district.
- a. No such uses may be permitted in the C-2 district, within 660 feet of any district zoned AG, R-1A, R-1B, R-2, R-3, RM or MHD measured from the lot line of the locations of the proposed use.
- b. No such uses may be permitted in the C-2 district within 660 feet of any church or school measured from the lot line of the location of the proposed use.

- c. Any of the stated uses of subsection (16) of this section shall not be located within a 660-foot radius of any other such use.

(17) Pet care services as provided in section 38-529.

(Ord. No. 211, § 1, 10-16-2013; Ord. No. 212, § 1, 8-19-2015)

Sec. 38-354. - Required conditions.

Required conditions in the C-2 district are as follows:

- (1) Outdoor display of merchandise shall be limited as noted in section 38-324, except for such open-air display uses as are approved by the planning commission.
- (2) Outdoor display of merchandise shall be kept back at least 80 feet from the centerline of 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 section 38-614, when adjacent to any residential district or open to public view.
- (4) Retail stores with a gross floor area of 50,000 square feet or more shall be developed in accordance with "Site Development Standards for Planned Shopping Centers" as stated section 38-352(33) of this chapter.

(Ord. No. 211, § 1, 10-16-2013)

Sec. 38-355. - Area, height and placement requirements.

Area, height and placement requirements in the C-2 district are in accordance with the schedule of district regulations, division 12, article III of this chapter.

(Ord. No. 211, § 1, 10-16-2013)

Secs. 38-356—38-380. - Reserved.

DIVISION 10. - M-1 LIGHT INDUSTRIAL DISTRICTS^[9]

Footnotes:

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Cross reference— Businesses, ch. 6.

Sec. 38-381. - Statement of purpose.

The M-1 light industrial district is established as a district in which the principal uses allowed are wholesale activities, warehousing, light manufacturing, fabrication or processing. For the M-1 light industrial district, in promoting the general purpose of this chapter, the specific intent of this division is to:

- (1) Control nuisance effects of warehousing, wholesale activities, and industry such as smoke, noise, odor, dust, dirt, glare, vibrations and other adverse effects so that such uses will be compatible with other land uses such as commercial or residential.

- (2) Encourage light industrial uses to locate on major highways so that traffic generated by these uses will not utilize local residential streets.
- (3) Prohibit open storage of materials.

(Ord. No. 62, § 7-12.01, 8-11-1984)

Sec. 38-382. - Permitted uses.

The following uses are permitted in an M-1 district:

- (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).
 - b. The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceutical, 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, precious or semiprecious 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 - 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.
 - i. All commercial radio, television, and other transmitting or relay antenna towers, provided that the setbacks for such towers from all abutting streets or adjacent property shall be a distance of at least 50 feet greater than the height of such tower.
- (2) Off-street parking and loading as required in section 38-619.
- (3) Publicly owned buildings, public utility buildings with service yards; water and sewage pumping stations.
- (4) Accessory buildings, structures, and uses that are customarily incidental to any of the uses of this section when located on the same premises.

(Ord. No. 62, § 7-12.02, 8-11-1984)

Sec. 38-383. - Special approval uses.

The following uses may be permitted in the M-1 district by the planning commission after a public hearing and review of the proposed site plan, subject to the specified standards for each particular land use itemized in this section and subject to the general standards to guide the actions of the planning commission as specified in section 38-486:

- (1) Gas or electrical transmission lines as provided by section 38-491.

- (2) Outdoor theaters (except adult motion picture theaters) as provided in section 38-492.
- (3) Lumber and building material dealers as provided in section 38-495.
- (4) Telephone exchanges and static transformer stations, gas regulator stations, and other public utility buildings as provided in section 38-499.
- (5) Airports as provided in section 38-525.

(Ord. No. 62, § 7-12.03, 8-11-1984)

Sec. 38-384. - Area, height and placement requirements.

Area, height and placement requirements in the M-1 district are in accordance with the schedule of district regulations, division 12, article III of this chapter.

(Ord. No. 62, § 7-12.04, 8-11-1984)

Secs. 38-385—38-410. - Reserved.

DIVISION 11. - M-2 HEAVY INDUSTRIAL DISTRICTS

Sec. 38-411. - Statement of purpose.

The M-2 heavy industrial district is established as a district in which the principal uses allowed would be more intensive in nature than those uses allowed in the M-1 light industrial district. For the M-2 heavy industrial district, in promoting the general purpose of this chapter, the specific intent of this division is to provide areas:

- (1) For industrial uses, which, because of the nature of their operation cannot control nuisance effects to the extent that they would be compatible with residential or commercial land uses.
- (2) In the township where industrial uses requiring outdoor storage could locate.

(Ord. No. 62, § 7-13.01, 8-11-1984)

Sec. 38-412. - Permitted uses.

The following uses are permitted in an M-2 district:

- (1) All principal permitted uses is the M-1 district.
- (2) 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.
- (3) Electric power generating facilities together with all necessary uses.

(Ord. No. 62, § 7-13.02, 8-11-1984)

Sec. 38-413. - Special approval uses.

The following uses may be permitted in the M-2 district by the planning commission after a public hearing and review of the proposed site plan, subject to the specified standards for each particular land use itemized in this section and subject to the general standards to guide the action of the planning commission as set forth in article IV of this chapter:

	Per Unit	Area	Width			Least	Total Two	Story	Feet	
Agricultural (AG)	1,200 ft. ²	2 acres	165 ft.	35 ft.	50 ft.	20 ft. ^A	40 ft. ^A	2	35 ft.	30 percent
Single-Family (R-1A)										
Sewer	1,200 ft. ²	10,000 ft. ²	75 ft.	35 ft.	35 ft.	10 ft. ^A	20 ft. ^A	2	35 ft.	30 percent
Without sewer		1 acre	100 ft.							
Accessory structure	An accessory structure may not exceed the principal structure in gross floor area			No	10 ft.	No	No	16 ft.		30 percent
Single-Family (R-1B)										
Sewer	1,200 ft. ²	8,400 ft. ²	*70 ft.	35 ft.	35 ft.	10 ft. ^A	20 ft. ^A	2	35 ft.	30 percent
Without sewer	1,200 ft. ²	1 acre	100 ft.	35 ft.	35 ft.	10 ft. ^A	20 ft. ^A	2	35 ft.	30 percent
Accessory structure	An accessory structure may not exceed the principal structure in gross floor area			No	10 ft.	No change	No change	16 ft.		30 percent
Two-family (R-2) ^F	864 sq. ft.	14,400 sq. ft.	120 ft.	35 ft.	35 ft.	10 ft. ^A	20 ft. ^A	2	35 ft.	30%
Multiple-Family (RM) ^F	38-442(L)	5 acres _B	200 ft. _B	50 ft. _C	50 ft. _C	20 ft. _C	50 ft. _C	3	45 ft.	30 percent

Mobile Home (MHR) ^N	There is a minimum 15-acre lot area for all mobile home parks and height, bulk, density, and area requirements are regulated by the state mobile home commission. Mobile homes placed in residential districts must follow applicable district regulations.									
Neighborhood Business (C-1)				20 ft. ^D	20 ft.	3 ft. ^E	30 ft. ^E	2	35 ft.	
General Business (C-2)				25 ft. ^D	25 ft.	30 ft. ^E	60 ft. ^E	3 ^G	45 ft. ^G	
Neighborhood Office (O-1)		15,000 ft. ²	100 ft.	25 ft.	25 ft.	15 ft.	30 ft.	2	35 ft.	30 percent
Mid-Rise Office (O-2)	5 acres	200 ft.	38-442(J)				5	75 ft.	35 percent	
Light Industrial (M-1)				35 ft. ^{H, I}	35 ft. ^I	15 ft. ^I	30 ft. ^I		30 ft.	50 percent
			38-442(I)						30 ft.	50 percent
Heavy Industrial (M-2)				50 ft. ^{H, I}	20 ft. ^I	20 ft. ^I	40 ft. ^I			
			38-442(I)							

*When creating five or more parcels, 75 feet per Ordinance Number 102.

(Ord. No. 62, § 7-13.04, 8-11-1984; Ord. No. 171, 5-15-2002; Ord. No. 198, art. 6, 8-16-2006)

Sec. 38-442. - Schedule notes.

The following are the schedule notes for section 38-441:

- A. 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 "Side Yards Abutting a Street.")

- B. In a multiple-family district (RM) the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,600. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency type, and not more than 70 percent one bedroom units. These restrictions shall not apply to multiple-family development intended for exclusive occupancy for senior citizens and disabled persons. In a RM district, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency: one room

One bedroom: two rooms

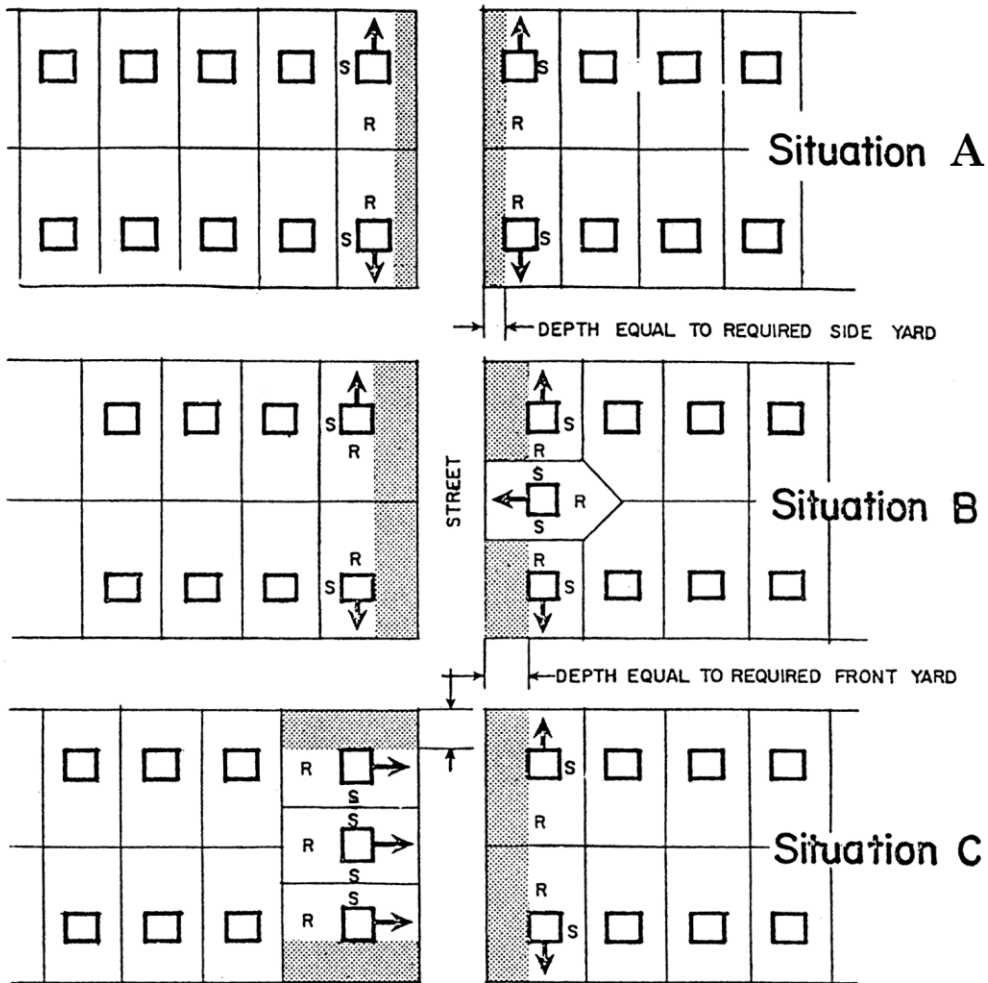
Two bedrooms: three rooms

Three bedrooms: four rooms

Plans presented showing one, two or three bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density. In an RM district 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.

- C. In an RM district, 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. In such cases the minimum distance between any two buildings shall be regulated according to the length and height of such building or such buildings, and in no instance shall this distance be less than 30 feet. See the following formula. In an RM district areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than 30 percent of the area of any required yard or any required minimum distance between buildings. In an RM 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. In an RM district the formula for regulating the required minimum distance between two buildings is as follows:

S	=	$\frac{L_A + L_B + 2(H_A + H_B)}{6}$	where
		6	
S	=	Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.	
L _A	=	Total length of building A.	
		The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.	

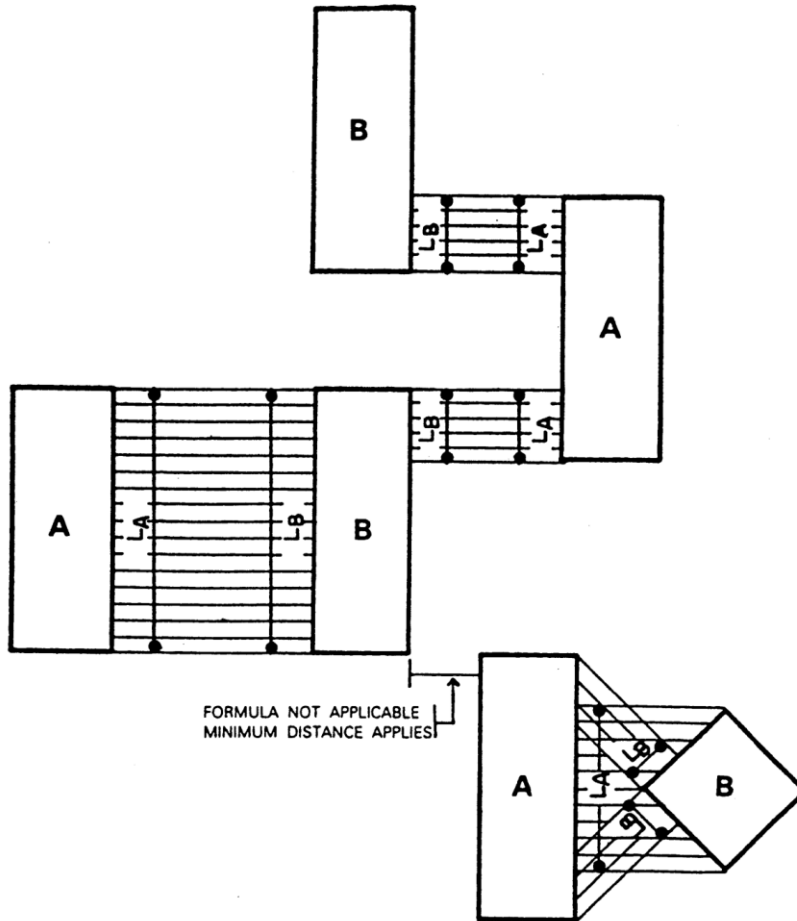


SIDE YARDS ABUTTING A STREET

L _B	=	Total length of building B.
		The total length of building B is the length of that portion of a wall of building B of which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.
H _A	=	Height of building A.

		The height of building A at any given level is the height above natural grade level of any portion of a wall along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.
H B	=	Height of building B.
		The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

- D. Off-street parking shall 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 right-of-way as indicated on the major thoroughfare plan. Such landscaped area shall conform to the provisions of sections 38-614 and 38-615.
- E. The planning commission may waive one or both side yard requirements of building in the C-2 or C-1 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 a C-2 or C-1 district 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; or



$$\text{MIN. DISTANCE BETWEEN BUILDINGS} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

- (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 affected property owners; which plan includes building elevations for such commercial center, adequate off-street parking and loading area, access to all buildings and the rear of the property for police and fire vehicles.

Side yard requirements for C-2 and C-1 districts shall not be waived if any of the following conditions exist:

- (a) Where side yards are adjacent to a public right-of-way.
- (b) Where side yards abut property zoned other than C-2 or C-1.

(c) Where the continuous development of stores exceeds 500 feet.

F. Required lot area, lot width, and other regulations for single-family residences in an RM district shall be the same as for the single-family district abutting on such RM district at the nearest distance from the lot in question, or the same as the R-1B district if no single-family district abuts.

Required lot area, lot width and other regulations for two-family residences in an RM district shall be the same as for the R-2 Two Family Residential district.

G. Planned commercial development involving five acres or more under one ownership shall be subject to the review and recommendation of the planning commission after a public hearing, regarding modifications with respect to height regulations, subject further to the review by the township board and approval thereof. In approving an increase in structure height, the planning commission shall require that all yards shall at least be equal to their depth to the height of the structure.

H. Off-street parking may be permitted in a portion of the required front yard, provided that such off-street parking is not located within 50 feet of the front lot line. Any portion of required front yard not used for off-street parking shall be planted in lawn, and landscaped and shall be maintained in a healthy growing condition.

I. No building shall be located closer than 50 feet to the outer perimeter (property line) of such district when such property line abuts any residential district. Required side or rear yards may be used for off-street parking or loading and unloading, provided that in such instance 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. A heavily planted, completely obscuring, yearround 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 R-1A, R-1B, R-2, AG, RM, or MHR. The extent of such greenbelt, wall or berm may be determined by the planning commission on the basis of usage. Such wall shall not be less than six feet in height and may, depending upon land usage, be required to be eight feet in height. Such greenbelt, wall or berm shall be subject further to the requirements of article VI of this chapter, sections 38-614 and 38-615.

J. Where two-family dwelling units are permitted, minimum lot area and minimum lot width shall be determined as follows:

District	Minimum Lot Width	Minimum Lot Area
Multiple-family residential district (RM)		
With sewer	120 ft.	14,400 square feet
Without sewer	180 ft.	36,000 square feet

K. Reserved for future use.

L. Minimum floor area per dwelling units in square feet for multiple-family dwellings are as follows:

Efficiency unit: 450 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

- M. For those lots adjacent to a major or secondary thoroughfare or collector street, as identified in the township planning commission, the yard spaces shall be measured from the proposed future right-of-way line for such thoroughfare 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 shall be considered to coincide with the centerline of the existing thoroughfare. Until such time as the thoroughfare plan shall have been adopted, the existing right-of-way of a 66-foot right-of-way shall be observed, whichever is greater.
- N. The requirements listed in the table for this district which are not for parks and condominiums, are for subdivision and development sites as well as for other single-family homes. There is no township minimum lot width or setbacks for sites within a park or condominium project. Those are subject to the control of the state mobile home commission regulations.
- O. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, with the exception that the main farm barn building shall be less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition of any existing barn or other farm buildings, except dwellings, which are located closer to the road and existed prior to the adoption date of the ordinance from which this chapter is derived.
- P. For properties fronting on Lake Huron, minimum setback established by the state department of environmental quality pursuant to Part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.) will apply if greater than that normally prescribed by this schedule, otherwise the setback set forth in this schedule shall apply.

(Ord. No. 62, § 7-13.05, 8-11-1984; Ord. No. 135, § 6, 1-15-1997; Ord. No. 198, art. 6, 8-16-2006)

Sec. 38-443. - Averaged lot sizes.

The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in this division, schedule of regulations, in the R-1A and R-1B districts. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in this division, and shall not create an attendant increase in the number of lots permitted. In determining number of lots permitted, all calculations shall be predicated upon the R-1A district having a gross density (including roads) of 3.25 units per acre (with public sewer) and 1.6 units per acre (without public sewer), and the R-1B district having a gross density (including roads) of 3.9 units per acre (with public sewer) and 1.6 units per acre (without public sewer).
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received township board approval, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) The computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat. Such computations shall include the dimensions and area of each lot proposed on the preliminary plat, the total average square foot lot area in all proposed lots, and the resultant average square foot area per lot. The average square foot area

per lot shall not be less than the minimum lot size area as required in this division for the district in which the subdivision is located.

- (4) Minimum yard requirements of the district in which the subdivision is located shall be observed.

(Ord. No. 62, § 7-13.06, 8-11-1984)

Sec. 38-444. - One-family residential clustering option.

- (a) The intent of this section is to permit the development of attached and detached one-family residential patterns which, through design innovation, will introduce design flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive.
- (b) To accomplish this, the following modifications to the one-family residential standards, as outlined in the schedule of regulations shall be permitted, subject to the conditions imposed in this subsection (b):
- (1) *Permitted areas; characteristics.* In all R-1A and R-1B districts, one-family clustering shall be permitted in those areas having the following characteristics:
- a. An area generally parallel to, and not to exceed 360 feet in depth, on those unsubdivided parcels of land having frontage on existing or proposed major thoroughfares of at least 120 feet so as to provide transition between such thoroughfare and adjacent one-family detached housing. The density may equal five dwelling units per acre (including all residential roads). The maximum depth permitted in this section may be increased by the planning commission where it is found that the remaining portion of the parcel is of insufficient area or restricted by dimension to be suitably developed under a normal subdivision approach. In such instance the density on that area increased beyond the initial 360 feet shall not exceed that specified in subsection(1)b of this section.
- b. Those unsubdivided parcels of land abutting an existing or proposed collector street of at least 86 feet which, in the opinion of the planning commission, would be impractical to develop under a normal subdivision approach due to topographic conditions, unusual parcel shape, and/or restrictive property dimensions. The density may equal the following units per acre (including all residential roads):
- R-1A - 3.26 dwelling units per acre
- R-1B - 3.9 dwelling units per acre
- c. Unsubdivided acreage consisting of less than 100 acres bounded on at least three sides by an industrial district and/or an existing public or semipublic development and fronting on a state truckline road or a major thoroughfare of at least 120 feet right-of-way. The density of this development may be equal to that permitted in subsection (b)(1)b of this section.
- (2) *Party wall relationships.* Under this section, the attaching of one-family homes shall be permitted when such homes are attached through a common party wall which does not have over 50 percent of its area in common with an abutting dwelling wall, or by means of an architectural wall detail which does not form interior room space, or through a common party wall in the garage portion of the structures. There shall be no other common party wall relationship permitted through any other portion of the residential unit. The maximum number of units attached in such described manner shall not exceed four in a cluster.
- (3) *Yard requirements.* The yard requirements shall be as follows:
- a. Front yards, on that side of a cluster dwelling adjacent to a dedicated street shall be equal to at least 35 feet.
- b. All other setbacks shall be at least 30 feet between property line and building line.

- c. Spacing between groups of clustered dwellings or freestanding cluster units shall be equal to at least 25 feet measured between the nearest point of the two structures.
 - d. One yard of the cluster may be provided in the form of common open space.
 - e. A one-family cluster development when abutting a front yard of an existing recorded subdivision, which is not a part of the comprehensive site plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat such site of the cluster as a front yard.
- (4) *Parking requirements.* Off-street parking shall be provided in accordance with section 38-619. All parking shall be provided with completely enclosed garages attached to the principal use it is to serve.
- (5) *Floor area.* The minimum floor area for each residence shall be equal to the minimum floor area per unit as set forth in the schedule of regulations for the district in which located.
- (6) *Height.* The height of any individual dwelling unit in a cluster shall conform to limitations of the schedule of regulations for the district in which located.
- (7) *Lot coverage.* The maximum lot coverage permitted shall conform to the schedule of regulations for the district in which located.
- (8) *Review of plans.* In reviewing the plans and approving the application of this section to a particular site, the planning commission shall require the following:
- a. A landscaped berm at least five feet in height, with slopes conforming to the requirements of sections 38-614 and 38-615 shall be provided along the entire property line abutting a major thoroughfare or collector street. This berm may be included within a required yard setback.
 - b. All access to the site shall be from a major thoroughfare of 120 feet right-of-way, or a collector street of 86 feet right-of-way as set forth in the township thoroughfare plan, the township master plan, or the county road commission thoroughfare plan, whichever is applicable, as determined by the planning commission.
 - c. All improvements, including private roads and utilities, shall be approved by the township engineer.
- (9) *Required information.* The sponsor, in submitting a proposed layout under this section for review by the planning commission, shall include all information and data required by the planning commission in its rules for site plan review and, in addition, typical building elevations and floor plans, topography drawn at a two-foot contour interval, main floor grade elevations relative to the existing topography, if parcel is located abutting a major thoroughfare, and such other detail as the sponsor deems necessary to assist in review of proposed plan by the planning commission.
- (10) *Duration of site approval.* Approval of a site plan under this section shall be effective for a period of 18 months. If the development of roads and utilities is not undertaken in this period of time and the construction of residences is not continued with a regularity in each building season and completed in four years, the development shall be considered as abandoned and authorization shall expire requiring that any proposed development thereafter shall be reviewed and approved by the planning commission. Any proposed change in site plan, after approval is had, shall require review and approval of the planning commission prior to effecting such change. Building plan changes that do not affect the site plan may be approved by the building inspector.
- (11) *Consistency of review with other chapter provisions.* Further, site plan review by the planning commission, as provided in article II of this chapter shall be made insofar as such review required for therein is not inconsistent with the provisions provided in this section.
- (12) *Density requirements.* Under subsections (b)(1)a and (b)(1)b of this section, one-family homes may be constructed as detached or freestanding units so that the proposed development may be platted under Public Act No. 288 of 1967 (MCL 560.101 et seq.). These detached units shall be clustered in groups on no less than three and no more than four units each, and under either of the development patterns, the density shall not exceed the densities permitted under subsections

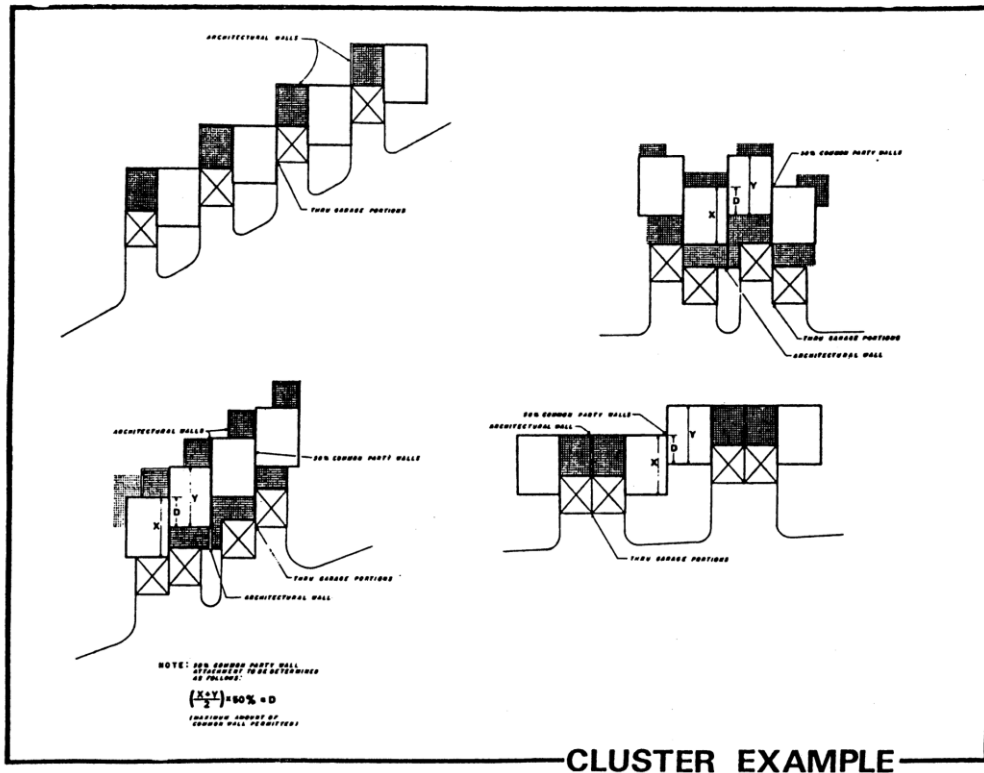
(b)(1)a and (b)(1)b of this section, as the case may apply to the site in question. Further, the following conditions shall be met:

- a. Front yards on that side of the cluster adjacent to a dedicated or private street shall be equal to at least 35 feet.
- b. Exterior yards of any cluster grouping shall be equal to at least 30 feet, measured between the nearest point of a unit and property line.
- c. Spacing between groups of clusters shall be equal to at least 25 feet, measured between the nearest point of two groupings. Spacing between units within a cluster grouping shall be no less than six feet the nearest point of adjacent units.
- d. Units in a cluster grouping shall be varied relative to their minimum front yard setback so as to create a stepped effect, placing any one unit at least 15 feet forward or to the rear of the front building line of the immediately adjacent unit.
- e. So as to accomplish a unified appearance, the units in each cluster grouping shall be constructed of similar materials and shall have one architectural style applied. The building facades, in their overall treatment, shall be so varied so as not to give the appearance of repetition. All off-street parking shall be provided within a fully enclosed garage space which shall be attached to the living space which they serve through a common party wall.
- f. All units in any one cluster grouping shall be under construction at the same time. It shall be expressly prohibited in meeting the requirements of this section to construct one unit at a time in any one cluster grouping.
- g. Units within a cluster grouping shall be attached by means of an architectural wall or similar feature approved by the planning commission. This attachment shall be accomplished along those building facades adjacent to or nearest the access street. A lot property line can intersect these architectural features.
- h. Approval under this section shall require submittal of site plan including one of the following approaches:
 1. A fully dimensioned and detailed site plan showing exact location of all structures with proposed grading indicated at a contour interval no greater than one foot, drawn to a scale on one inch is equal to 100 feet. All floor plans shall be tied into the proposed grading plan showing elevations of each floor.
 2. The preliminary site plan may be submitted with rectangular areas designated on the plan within which each structure shall be later located, with proposed grading indicated at a contour interval of no greater than one foot, drawn to a scale on one inch equal to 100 feet. In this instance, a building permit will not be issued until the final building plan is submitted and is drawn in the rectangular area shown in the site plan. Proposed grading within the rectangular area shall be superimposed on this site.
- i. The overall site plan shall have a proposed subdivision pattern superimposed, showing all rights-of-way, including individual lot lines, and all common areas to be shared by the individual owners. This subdivision plan shall be recorded as required under the township subdivision regulations.
- j. All common areas designated on the plan shall be recorded as easements for the specific purpose for which intended. The maintenance of these areas shall be provided through a homeowner's association specifically ensuring the upkeep and the overall continuity of building material, color, and those items that will ensure the continued comprehensive appearance first created in the original development plan of the cluster groupings. The documents required under this subsection shall receive approval of the township board prior to their being recorded and prior to the issuance of a building permit.
- k. All other standards of this section as applied to all locations qualifying under the requirements set forth in subsections (b)(1)a and (b)(1)b and subsection (b)(5) of this section, as related

to minimum floor areas, subsection (b)(6) as related to building height, and subsections (b)(7)—(b)(11) shall be met. Where a conflict may appear between standards set forth in one of such subsections and those standards set forth in this subsection (b)(12), the most restrictive standard shall be the controlling standard.

- (13) *Public hearing.* Prior to taking action on a proposed one-family residential cluster option, the planning commission shall hold a public hearing in accordance with section 38-485.

(Ord. No. 62, § 7-13.07, 8-11-1984)



Secs. 38-445—38-480. - Reserved.

ARTICLE IV. - SPECIAL LAND USES^[10]

Footnotes:

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State Law reference— Special uses, MCL 125.286b.

Sec. 38-481. - Intent of article.

The formulation and enactment of this chapter is based upon the division of the township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which 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 for the protection of the community. These uses, due to their peculiar locational need 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. No. 62, § 7-14.01, 8-11-1984)

Sec. 38-482. - Authority to grant permits.

The planning commission, as provided in this article, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for the special approval uses specified in the various provisions of this chapter.

(Ord. No. 62, § 7-14.02, 8-11-1984)

Sec. 38-483. - Application and fee.

Application for any special approval use 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 use permit application form; exhibits and information; and depositing the required fee as established by resolution of the township board. No part of such fee shall be returned to the applicant.

(Ord. No. 62, § 7-14.03, 8-11-1984)

Sec. 38-484. - Data, exhibits and information required in application.

An application for a special approval use 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 section 38-46, and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this chapter.

(Ord. No. 62, § 7-14.04, 8-11-1984)

Sec. 38-485. - Public hearing and notices.

Upon receipt of a application for a special land use 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 which 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. The notice shall be given not less than five nor more then 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, Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate the property which 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.
- (5) Indicate the date, time and place where the public hearing on the special land use will be held.

(Ord. No. 62, § 7-14.05, 8-11-1984)

Sec. 38-486. - Required standards and findings for making determinations.

The planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- (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.
 - b. Will be of such 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; 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.
- (3) Will be compatible with adjacent uses of land and the natural environment.
 - a. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - b. Will be designed such that the location, size, intensity, site layout and periods of operation of any such 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 such 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.
 - d. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (4) Will promote the use of land in a socially and economically desirable manner; 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. No. 62, § 7-14.06, 8-11-1984)

Sec. 38-487. - Determination and imposition of conditions.

If the facts in the case establish that the findings and standards set forth in this chapter apply to the proposed use, and have been met, the planning commission may impose such 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. 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.
- (3) Be necessary to meet the intent and purpose of this zoning chapter, be related to the standards established in the chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

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

(Ord. No. 62, § 7-14.07, 8-11-1984)

Sec. 38-488. - Approval and grant of permit.

Upon holding a public hearing and findings that the requirements of this chapter have been satisfactorily met by the applicant, the planning commission shall, within 30 days, grant special approval. The planning commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special 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.

(Ord. No. 62, § 7-14.08, 8-11-1984)

Sec. 38-489. - Appeal to circuit court.

- (a) Decisions of the planning commission shall be final. However, a person having an interest affected by a special land use decision may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the planning commission 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.
 - (4) Represents the reasonable exercise of discretion granted by law to the planning commission.
- (b) If the court finds the record of the planning commission 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 planning commission, the court shall order further proceedings before the planning commission on conditions which the court considers proper. The planning commission may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. 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 planning commission.

(Ord. No. 62, § 7-14.09, 8-11-1984)

Sec. 38-490. - Voiding of special approval use permit.

- (a) Any approval given by the planning commission, under which premises are not used or work is not started within 18 months, or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect. The planning commission may grant the applicant one or more six-month extensions of time if good cause is shown.
- (b) A violation of a requirement, condition, or safeguard shall be considered a violation of this chapter and grounds for the zoning administrator to suspend such special approval use permit until review by the planning commission. The planning commission shall direct such corrective action as it determines is necessary to bring conformance with this chapter, or the planning commission shall cancel the special approval use permit in question.

(Ord. No. 62, § 7-14.10, 8-11-1984)

Sec. 38-491. - Gas or electrical transmission lines.

High pressure gas transmission lines and high voltage electric transmission tower lines shall be permitted in any district, subject to the following regulations:

(1) *General regulations.*

- a. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the planning commission.
- b. 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.
- c. 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.
- d. Noncompliance with any part of this chapter, or any other township ordinance, shall be grounds for the township acting to withdraw its approval or conditional approval of any use regulated under this article, and to order such use to be discontinued.
- e. Prior to commencement of construction, any approvals granted under this section are not transferable to others or to successors in interest, without first applying for such to the planning commission.
- f. The person or company granted privileges 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.
- g. 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.

(2) *Requirements for high voltage electric transmission lines of 120 kv or greater.*

- a. 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.
- b. 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.

- c. 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 miles segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
- d. 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.
- e. No such line or system shall cause radio or TV interference within residential dwellings in the township, and if such happens it will be considered a public nuisance, subject to abatement.
- f. "Danger-No Trespassing" signs shall be placed at all road crossings, and the planning commission may require fencing at those road crossings which it determines are in need of additional protective measures.
- g. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the planning commission for its immediate restoration by replanting or similar techniques.
- h. During the construction or repair of any facilities approved under this article, the following shall be required:
 - 1. All internal roads shall be kept dust free by chemical treatment.
 - 2. Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
 - 3. 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.
 - 4. All construction operations shall be confined to daylight hours - Monday through Saturday - unless permitted in writing by the planning commission.
- i. 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 claim arising out of the construction or operation of a project approved in this article.
- j. When such 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 such lines for necessary passage of any barn, building, house, or other object over the public ways.
- k. If any court or the state public service commission or other governmental body finds that such lines and systems are not necessary, such lines and systems shall, upon exhaustion of appeals, be dismantled under regulation by the planning commission.
- l. The township may make reasonable request to require the person or company granted privileges under this section to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted under this section is subject to a continuing representation by the holder of such privileges that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
- m. 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 such line for compliance with the standards contained in this section, and submit a report of the test results to the township.

(Ord. No. 62, § 7-14.11, 8-11-1984)

Sec. 38-492. - Outdoor theaters.

Outdoor theaters, where permitted, are subject to the following extra standards:

- (1) 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.
- (2) The proposed internal design shall receive approval from the building inspector as to adequacy of drainage, lighting, screening and other technical aspects.
- (3) Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
- (4) 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.
- (5) The area shall be laid out 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.
- (6) 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. No. 62, § 7-14.12, 8-11-1984)

Sec. 38-493. - Auto racetracks.

Auto racetracks, including midget, auto, motorcycle and go-kart tracks, where permitted, are subject to the following extra standards:

- (1) Because auto 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.
- (2) All parking shall be provided as off-street parking within the boundaries of the development.
- (3) All access to the parking areas shall be provided from a major thoroughfare.
- (4) 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. No. 62, § 7-14.13, 8-11-1984)

Sec. 38-494. - Horse and dog racetracks.

Horse and dog racetracks, where permitted, are subject to the following extra standards:

- (1) 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 on a parcel of land which is abutting land zoned for industrial purpose on all sides of the parcel in question.
- (2) All parking shall be provided as off-street parking within the boundaries of the development.

- (3) All access to the parking areas shall be provided from a major thoroughfare.
- (4) 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. No. 62, § 7-14.14, 8-11-1984)

Sec. 38-495. - Lumber and building material dealers.

Lumber and building material dealers, where permitted, are subject to the following special standards:

- (1) The site shall abut only land zoned C-2, M-1, or M-2.
- (2) 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 chainlink fence shall not be accepted as a suitable screening device.

(Ord. No. 62, § 7-14.15, 8-11-1984)

Sec. 38-496. - 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, such use shall be, where permitted, subject to the following extra standards:

- (1) There shall be not more than one entranceway from a major thoroughfare to such lot for each 500 feet of street frontage.
- (2) Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after sunset.
- (3) On such lot, no digging or excavating shall take place closer than 100 feet to any lot line or public right-of-way.
- (4) On such lot, all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- (5) Any odors, smoke, fumes or dust generated on such 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 such lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall conform to section 38-634.
- (6) Such 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 such use shall be located.
- (7) Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of such lot or of any land on such lot so that earth materials are carried outside of the lines of such lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that if such removal, processing or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to ensure that no erosion or alteration of drainage patterns, as specified in this subsection, shall take place after the date of the cessation of operation.

- (8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, by that In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery the operation of such equipment or machinery may continue henceforth but In no case less than 100 feet from any lot line or right-of-way.
- (9) 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.
- (10) 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.
- (11) The operator shall file with the planning commission and the township board 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. Such plans shall be subject to review and modification from time to time by the planning commission or township board. The anticipated cost of carrying out the plans for restoration shall be included with such plans.
- (12) 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 building inspector that the restoration is complete and in compliance with the restoration plan.

(Ord. No. 62, § 7-14.16, 8-11-1984)

Sec. 38-497. - Junkyards, automobile salvage or wrecking yards, waste or scrap recycling operation and refuse transfer facilities.

Junkyards, automobile salvage or wrecking yards, waste or recycling operations and refuse transfer stations, where permitted, are subject to the following extra standards:

- (1) These uses may only be on land which is abutting land zoned for nonresidential purposes on all sides.
- (2) All parking shall be provided as off-street parking within the boundaries of the development.
- (3) Any required front yard setback shall not be used for providing off-street parking but must be landscaped.
- (4) All sides of the development shall be screened with an unpierced 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.
- (5) The required fence or wall shall be no closer to the lot lines than the yard requirements for buildings or structures permitted in the district.
- (6) All waste or scrap materials shall be exclusively contained behind such fence or wall.
- (7) All roads, driveways, parking lots, and loading and unloading areas within such 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.

(Ord. No. 62, § 7-14.17, 8-11-1984)

Sec. 38-498. - Sanitary landfills.

- (a) Recognizing that because of their nature, sanitary landfills have objectionable characteristics, and recognizing that such landfills may have harmful effects on adjacent properties and the general welfare of the public, special regulation of sanitary landfills is necessary to ensure that the objectionable effects of landfilling will not contribute to the blighting or downgrading of surrounding properties and threaten the public health, safety and general welfare.
- (b) The dumping of such waste materials shall be done in accordance with the landfill regulations in article V of chapter 12 of this Code and the licensing requirements under Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.), and all state regulations generally and specifically appended to the individual permit.

(Ord. No. 62, § 7-14.18, 8-11-1984)

Cross reference— Solid waste, ch. 28.

Sec. 38-499. - Telephone exchange and static transformer stations, gas regulator stations, and other public utility buildings.

Telephone exchange and static transformer stations, gas regulator stations, and other public utility buildings will be allowed in all districts, subject to the following extra standards:

- (1) There is no public business office nor any storage yard or storage building operated in connection therewith.
- (2) The exchange, 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.
- (3) All required yards are to be landscaped and maintained.

(Ord. No. 62, § 7-14.19, 8-11-1984)

Sec. 38-500. - Hotels and motels.

Hotels and motels, where permitted, are subject to the following extra standards:

- (1) Vehicular ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least 120 feet in width.
- (2) No kitchen or cooking facilities within the units are to be provided with the exception of the manager's or caretaker's units.
- (3) Each unit shall contain no less than 250 square feet of floor area.
- (4) Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

(Ord. No. 62, § 7-14.20, 8-11-1984)

Sec. 38-501. - Feedlots and raising of fur-bearing animals.

- (a) The raising of fur-bearing animals, including mink and rabbit, where permitted, shall be located on a continuous parcel of land five acres or more in area with all buildings and outdoor runs setback 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 setback from all property lines a minimum distance of 400 feet.

(b) Feedlots, where permitted, are subject to the following extra standards:

- (1) The raising of fowl or their byproducts shall be conducted within an adequately fenced area or an enclosed building. 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.
- (2) Any pen, corral, or structure where barnyard animals are maintained as a feedlot, or where swine are raised shall be located a minimum of 2,000 feet to the nearest R-1A, R-1B, R-2, RM, or MHR district. A feedlot shall not be located closer than 125 feet from a residence.

(Ord. No. 62, § 7-14.21, 8-11-1984; Ord. No. 198, art. 7, 8-16-206)

Sec. 38-502. - Home occupations.

Home occupations, where permitted, are subject to the following extra standards:

- (1) No article or service is to be sold or offered for sale on the premises, except such as is produced by such occupation.
- (2) Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
- (3) One nonilluminated nameplate, not more than two square feet in area, containing only the name and occupation of the resident of the premises.
- (4) Only residents of the dwelling unit may be engaged in the home occupation.
- (5) No more than one room in the dwelling shall be employed for the home occupation.
- (6) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal character or in an accessory building thereto which is normally associated with a residential use.
- (7) No outdoor storage shall be permitted.
- (8) No alteration to the exterior of the buildings shall be made which changes the character thereof as a residence.
- (9) No use 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 of the fire district in which the structure is located.
- (10) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (11) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in the line voltage of the premises.
- (12) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- (13) Home occupations not permitted: The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits

permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

Antique shops.

Auto repair, major or minor.

Barbershops.

Beauty salons.

Dancing schools.

Dental offices.

Funeral home.

Gift shop.

House-to-house salesman.

Insurance offices.

Kennels.

Medical offices.

Medical or dental clinic or hospital.

Mortuaries.

Nursery schools.

Painting of vehicles, trailers or boats.

Private clubs.

Real estate offices.

Renting of trailers.

Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras, or other similar small items.

Restaurant.

Stables.

Tourist homes.

Veterinary clinic or hospital.

(Ord. No. 62, § 7-14.22, 8-11-1984)

Cross reference— Businesses, ch. 6.

State Law reference— Residence used to give instruction in craft or fine art to be permitted as a home occupation, MCL 125.271a.

Sec. 38-503. - Churches.

Churches and other facilities normally incidental thereto, where permitted, are subject to the following requirements:

- (1) 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, whether existing or proposed, and all ingress and egress to the site shall be directly onto such major thoroughfare or a marginal access service drive thereof.
- (2) The subject property contains a minimum of two acres.
- (3) Front and side yards shall be equal to at least 1½ percent the height of the main building. The height limitations set forth in division 12, article III of this chapter shall not apply to churches.
- (4) Off-street parking shall be provided in accordance with the provisions of section 38-619. No off-street parking area may occupy a required front yard.
- (5) Whenever an off-street parking area is located within 50 feet of an adjoining residentially zoned property line, 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 such residentially zoned land. Such screening device shall comply with the provisions of sections 38-614 and 38-615.
- (6) The site shall not be used for dwelling purposes except that residential dwelling facilities may be provided for up to two regular employees of the church and their families. Any such dwelling units of quarters shall comply with the minimum requirements for dwelling in the district in which located.
- (7) Accessory structures shall not exceed one story or 14 feet in height.

(Ord. No. 151, § 2, 9-15-1999)

Sec. 38-504. - Government buildings.

Government buildings and uses, where permitted, are subject to the following extra standards:

- (1) The depth of the front and rear yard and the width of each side yard shall not be less than 50 feet.
- (2) Off-street parking shall be provided in accordance with the provisions of section 38-619.
- (3) 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 such residentially zoned land. Such screen shall comply with the provisions of sections 38-614 and 38-615.

(Ord. No. 62, § 7-14.24, 8-11-1984)

Sec. 38-505. - Golf courses.

Golf courses, where permitted, are subject to the following extra standards:

- (1) 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 thereof.
- (2) All development features including the principal building and any accessory building 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 right-of-way; provided, however, that where topographic conditions are such that the building would be screened from view, the planning commission may modify this requirement.
- (3) Major accessory uses which 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.
- (4) Whenever a swimming pool is to be provided, such pool shall be provided with a protective fence six feet in height and entry shall be by means of a controlled gate or turnstile.
- (5) Off-street parking shall be provided in accordance with the provisions of section 38-619.

(Ord. No. 62, § 7-14.25, 8-11-1984)

Sec. 38-506. - Private recreational areas.

Private recreational areas not open to the general public; institutional community or neighborhood recreation centers; and neighborhood association swimming pools, where permitted, are subject to the following extra standards:

- (1) The subject property is at least ten acres or more in area and is located on, or has direct access to, a major thoroughfare having an existing or proposed right-of-way width of not less than 120 feet.
- (2) The depth of the front and rear yards and the width of each side yard shall not be less than 50 feet.
- (3) 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 section 38-619.
- (4) 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 such residentially zoned land. Such screen shall comply with the provisions of sections 38-614 and 38-615.

(Ord. No. 62, § 7-14.26, 8-11-1984)

Sec. 38-507. - Large scale outdoor recreational uses.

Large scale outdoor recreation uses, including picnic grounds, miniature golf courses, golf driving ranges, campgrounds, riding stables, hay rides, small boat rentals, swimming facilities, kiddie type rides, and tracks for off-road vehicles (but not including circuses, motorcycle and auto racetracks, and horse or dog tracks) or similar uses for physical and outdoor exercises, where permitted, are subject to the following extra standards:

- (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, shall not be closer than 200 feet to a public street or land zoned R-1A, R-1B, R-2, RM, or MHR, 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 such activities shall be screened from abutting land zoned R-1A, R-1B, R-2, RM or MHR, by means of a protective screening device as determined by the planning commission meeting the requirements of sections 38-614 and 38-615.
- (4) Related accessory commercial uses may be permitted in conjunction with the recreational uses when it is clearly incidental to the main recreational character of use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
- (5) Permitted accessory uses which 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.
- (6) Off-street paved parking shall be constructed in accordance with section 38-619, except that the planning commission may waive requirements for paved parking areas, maneuvering lands, and drives for campgrounds, parks, riding stable, and other similar outdoor recreational uses where because of their rural or rustic nature, hard surfaced parking in the opinion of the planning commission would detract from the nature of the recreational experience.
- (7) Whenever a swimming pool is provided, such pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate or turnstile.

(Ord. No. 62, § 7-14.27, 8-11-1984; Ord. No. 198, art. 7, 8-16-2006)

Sec. 38-508. - Public or commercial stables, kennels and veterinary clinics.

Public or commercial stables containing four or more horses, kennels and veterinary clinics, where permitted, are subject to the conditions specified of this section. The kennel requirement shall apply in cases where four or more of such animals six months or older are used, kept, stored or maintained for any purpose. Veterinary clinics may also be permitted as a special approval use in the general business district (C-2), provided that there are no outdoor runs for animals.

- (1) Site requirements:
 - a. The minimum site for kennels, commercial/public stables and veterinary clinics containing outdoor runs shall be ten acres with a minimum lot width of not less than 600 feet.
 - b. A public/commercial riding stable shall provide an area of not less than one acre for each horse stabled and used as part of such facility.
- (2) Yard and placement requirements: The same as for those permitted in the existing zoning district plus no building or outdoor runs shall be closer than 100 feet from any abutting property line.
- (3) Other requirements:
 - a. All animals shall be adequately housed, fenced and maintained so as not to become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
 - b. Any use permitted by the township shall terminate immediately when the lot area requirements set forth in this section are decreased in any manner or the provisions of this section are violated.

- c. The subject property is so located as not to hinder the natural and presumed residential development of the area.
- (4) Specific requirements regulating dog kennels:
- a. There shall be an opening in the building housing the animals to permit them easy entrance and exit. The opening must have a door to return the dogs.
 - b. All gates on fences where the dogs are enclosed must have a self-closing latch to which a lock may be fastened.
 - c. A limited kennel is defined as having not less than four but not more than ten dogs. For such use, there shall be provided a minimum of 100 feet from the kennel or run to any side or rear lot line, and not less than 250 feet from the road right-of-way.
 - d. An unlimited kennel is defined as having more than ten dogs. For such use there shall be a minimum of 250 feet from the kennel to any side or rear lot line and not less than 350 feet from the road right-of-way.
 - e. All pens and runways shall be screened from view from all directions either by the building or greenbelt plantings.
- (5) Off-street parking requirements:
- a. Kennels: One parking space shall be provided for every five kennel runs.
 - b. Other uses shall provide parking to accommodate the maximum number of visitors using the facility at any one time.
 - c. All off-street parking shall be constructed to the standards specified in section 38-619.

(Ord. No. 62, § 7-14.28, 8-11-1984)

Sec. 38-509. - Nursery school, day nursery, and child care centers.

Nursery schools, day nurseries, and child care centers, where permitted, are subject to the following extra standards:

- (1) For each child cared for there shall be provided and maintained a minimum of 150 square feet of outdoor play area.
- (2) Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district, and shall be completely enclosed by a masonry wall or chainlink fence of not less than four feet in height.
- (3) Any such use shall not be permitted in the interior of any R-1A, R-1B, R-2, or AG district, and shall be located adjacent to a RM, MHR, or a nonresidential district, and shall be located on a lot fronting a major thoroughfare or collector street having an existing or proposed right-of-way of not less than 86 feet.
- (4) Sufficient area shall be provided for automobiles waiting to pick up children so that they are not forced to wait or stand on a public street.
- (5) No building, use or activity shall be located closer than 30 feet to any property line of residentially zoned property.

(Ord. No. 62, § 7-14.29, 8-11-1984; Ord. No. 198, art. 7, 8-16-2006)

Sec. 38-510. - Public and private colleges and universities.

Public and private colleges and universities, and other similar institutions of higher learning, where permitted, are subject to the following extra standards:

- (1) All ingress and egress shall be directly to a paved public road having a planned right-of-way of not less than 120 feet as indicated on the township's thoroughfare plan.
- (2) The subject property contains a minimum of five acres.
- (3) The depth of the front and rear yard and the width of each side yard shall not be less than 75 feet.
- (4) Height of residential buildings in excess of the minimum requirements may be allowed, provided that minimum yard setbacks where yards abut land zoned for residential purposes, are increased by not less than 18 feet for each yard, for each 12 feet or fraction thereof by which such building exceeds the maximum height requirements of the zone.
- (5) Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
- (6) The quantity of parking spaces shall be such as to adequately service the faculty, students, and maintenance staff of the institution and provide properly for access to public streets.
- (7) All off-street parking shall be paved and constructed to the standards of this chapter.

(Ord. No. 62, § 7-14.30, 8-11-1984)

Sec. 38-511. - Orphanage, foster home, home for the aged, indigent, or physically or mentally handicapped.

An orphanage, foster home, or a home for the aged, indigent, physically or mentally handicapped, a rest or convalescent home, where permitted, are subject to the following extra standards:

- (1) All vehicular ingress and egress from the site shall be directly onto a major thoroughfare having a planned right-of-way of not less than 120 feet.
- (2) The maximum extent of development shall not exceed 30 persons, patients or residents per acre or land.
- (3) No building other than a structure for strictly residential purposes shall be closer than 60 feet to any property line.

(Ord. No. 62, § 7-14.31, 8-11-1984)

Sec. 38-512. - Boardinghouses and lodging-houses.

Boardinghouses and lodginghouses, where permitted, are subject to the maximum extent of development not exceeding 20 roomers per acre of land.

(Ord. No. 62, § 7-14.32, 8-11-1984)

Sec. 38-513. - Hospitals.

Hospitals, where permitted, are subject to the following extra standards:

- (1) The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, and all development features including the principal building and any accessory

buildings, open spaces, and service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

- (2) All such hospitals shall be developed sites consisting of at least five acres in area for the first 100 beds or less plus one acre for each additional 25 beds.
- (3) The proposed site shall have at least one property line abutting a major thoroughfare having an existing or proposed right-of-way of not less than 120 feet, and vehicular ingress and egress to the site shall be directly onto such thoroughfare.

(Ord. No. 62, § 7-14.33, 8-11-1984)

Sec. 38-514. - Amusement and recreation services.

- (a) *Indoor recreation.* Recreation centers similar to bowling alleys, skating rinks, racquet spots, archery ranges, amusement areas, arcades and similar forms of recreation or amusement, where permitted, are conducted wholly within a completely 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, where permitted, are subject to the following extra standards:
 - (1) The site shall not abut directly or across a street any R-1A, R-1B, R-2, or MHR district.
 - (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. No. 62, § 7-14.34, 8-11-1984; Ord. No. 198, art. 2, 8-16-2008)

Sec. 38-515. - Motor vehicle washing, conveyor or nonconveyor type.

Motor vehicle washing, conveyor or nonconveyor type, where permitted, must be completely enclosed in a building, excepting points of ingress and egress, and subject to the following extra standards:

- (1) All cleaning operations shall be completely enclosed within a building.
- (2) A hard-surfaced driveway of one or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.
- (3) 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.
- (4) 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.
- (5) 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 side walls 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 centerlines 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: 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.

- (6) For a nonconveyor 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.
- (7) The site shall be designed in such manner that no operations are conducted off the parcel.
- (8) A building setback of at least 60 feet must be maintained from the proposed or existing street right-of-way.
- (9) 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.
- (10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
- (11) Gasoline sales shall be permitted on the property, provided that there is compliance with subsection (4) of this section, and section 38-516.

(Ord. No. 62, § 7-14.35, 8-11-1984)

Sec. 38-516. - Gasoline service stations.

Gasoline service stations, where permitted, are subject to the following extra standards:

- (1) 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.
- (2) The lot shall contain not less than 22,500 square feet in area.
- (3) 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.
- (4) Driveway widths entering the gasoline station shall have a width of 30 feet.
- (5) 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 official thoroughfare plan, and not less than ten feet from any adjoining nonresidential property line not less than 25 feet from any abutting residential district. The angle of intersection of any driveway along the principal streets shall not be more than 60 degrees.
- (6) Curbs, in accordance with standard township specifications, shall be constructed on all streets adjacent to the gasoline station site.
- (7) Signs and lighting shall be shielded from residential property.
- (8) No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
- (9) There shall be no outside storage of display of any kind except for the primary use of a gasoline station for retail sale during the hours of operation of the gasoline station.
- (10) There shall be no parking of damaged or disabled motor vehicles except on a temporary basis for 72 hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
- (11) Automobile, truck or trailer renting and leasing may be permitted in connection with a gasoline service station, subject to the provision that the number of automobiles, trucks, or trailers on the site that are available for lease shall not exceed one automobile, truck or trailer for each 1,000 square feet of lot area and shall be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.

- (12) 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 such activities whose adverse external physical effects would extend beyond the property line.

(Ord. No. 62, § 7-14.36, 8-11-1984)

Sec. 38-517. - Motor vehicle repair and service facilities.

Motor vehicle repair and service facilities, where permitted, are subject to the following extra standards:

- (1) All activities shall be conducted in an enclosed building.
- (2) All buildings shall be set back not less than 40 feet from all existing or proposed street right-of-way lines, whichever is greater.
- (3) No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.
- (4) 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.
- (5) 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.
- (6) Parking shall be provided on the site at a ratio of one parking space for each 100 square feet of site area.
- (7) Automobile, truck or trailer renting and leasing may be permitted in connection with motor vehicle repair and service facilities, subject to the provisions that the number of automobile, trucks or trailers on site that are available for lease shall not exceed one automobile, truck or trailer for each 1,000 square feet of lot area and shall not be located in areas that are required for parking, aisles, service bays, loading, landscaping or sidewalks.
- (8) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(Ord. No. 62, § 7-14.37, 8-11-1984)

Sec. 38-518. - New automobile and truck agency sales and showrooms.

New automobile and truck agency sales, where permitted, are subject to the following extra standards:

- (1) The automobile and truck sales agency 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.
- (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
- (3) Major repair and major refinishing shops shall be permitted as accessory when conducted entirely within an enclosed building.
- (4) No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.
- (5) 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.

- (6) All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

(Ord. No. 62, § 7-14.38, 8-11-1984)

Sec. 38-519. - Used automobile and truck sales.

Used automobile and truck sales, where permitted, are subject to the following extra standards:

- (1) 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.
- (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
- (3) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
- (4) 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.
- (5) All lighting shall be shielded from adjacent residential districts and the use of open or bare bulbs shall be prohibited.
- (6) Any person selling more than two vehicles per year shall be defined as a used car dealer and shall be located only in a C-2 district.

(Ord. No. 62, § 7-14.39, 8-11-1984)

Sec. 38-520. - Drive-in, fast food, or carryout restaurant.

Drive-in, fast food, or carryout restaurants, where permitted, are subject to the following extra standards:

- (1) Ingress and egress points shall be located at least 30 feet from the intersection of any two streets measured from the intersection of the street right-of-way of least 120 feet.
- (2) 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.
- (3) When a building or portion of building is used for such purposes, it must be located not less than 500 feet from an elementary, intermediate, or secondary school, and not less than 300 feet from a church, nursing home, or a home for the aged.
- (4) Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking area by a raised curb or other equivalent barrier.
- (5) 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 building.
- (6) All outside trash receptacles (except those intended for use by the customer) shall be located within a six-foot high enclosure constructed of masonry material and covered with face brick and shall be provided with opaque gates of the same height. In addition, two trash receptacles for use by the customer shall be placed in a manner reachable by the customer from their car windows at each point where exit drives empty onto a public street. Such receptacles shall be emptied as often as is necessary to ensure their efficient and continued use by the customer.

- (7) Except for approved drive-in restaurants, it shall be unlawful for any person to consume or for any restaurant owner, operator, manager, franchise holder, or anyone else in authority to allow or permit the consumption of foods, frozen desserts, or beverages in motor vehicles parked upon the restaurant premises. Outdoor eating may be permitted in designated outdoor seating areas attached to the main restaurant building and accessible from such building. Such areas may also include children's playground equipment. The size and spatial arrangement of such areas shall be subject to the review and approval of the planning commission during site plan review.

(Ord. No. 62, § 7-14.40, 8-11-1984)

Sec. 38-521. - Open-air display and sale of mobile homes, recreational vehicles, motorcycles, or other motor vehicles sales areas other than trucks, automobiles, and homeowners' gardening equipment.

Open-air display and sale of mobile homes, recreational vehicles, motorcycles or other motor vehicle sales area other than trucks and automobiles, home owners' gardening equipment, etc., where permitted, shall have such vehicles displayed on a paved surface complying with the provisions of section 38-619, with 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. No. 62, § 7-14.41, 8-11-1984)

Sec. 38-522. - Special land use approval requirements.

Self-storage facilities used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis, where permitted, are subject to the following extra standards:

- (1) No storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials shall be permitted with the self-storage buildings or upon the premises.
- (2) No outside storage shall be permitted.
- (3) The use of the premises shall be limited to storage only and shall not be used for operating any other business, or for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity hobby or purpose other than the storage of personal items and business items.
- (4) Appropriate screening as per the requirements of section 38-614 shall be provided for those portions of the site abutting a residential zoning district.
- (5) The site shall be graded, drained and developed with hard-surfaced pavement as per the specifications of section 38-73.
- (6) Fire hydrants and fire suppression devices shall be provided, installed and maintained as per the requirements of the township fire chief.
- (7) Buildings shall not exceed 200 feet in length and shall maintain a minimum distance of 25 feet between individual buildings.

(Ord. No. 62, § 7-14.42, 8-11-1984)

Sec. 38-523. - Gun clubs; shooting and archery ranges.

Gun clubs and shooting and archery ranges, where permitted, are subject to the following extra standards:

- (1) It must be located on a parcel of five acres or more in area.
- (2) The parcel must be located at least 250 feet from a lot line of any adjacent residential district
- (3) All ingress and egress from such parcel must be directly from a public road.
- (4) Off-road parking must be provided.
- (5) No on-road parking shall be permitted.
- (6) All new gun clubs and shooting and archery ranges, and any additions to such uses, shall be designed by an engineer or architect licensed by the state.
- (7) All new shooting ranges shall meet the design standards of the National Rifle Association.

(Ord. No. 62, § 7-14.43, 8-11-1984)

Sec. 38-524. - Cemeteries.

Cemeteries, where permitted, are subject to the following extra standards:

- (1) The location of a cemetery shall be permitted in the quarter section of any AG district when the quarter section does not have more than 51 percent of its land area in recorded plats.
- (2) All access shall be provided from major thoroughfares having a planned right-of-way of not less than 120 feet.
- (3) All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence or buffer strip planting as described in sections 38-614 and 38-615.
- (4) Approval shall be given contingent on a satisfactory drainage plan approved by the township engineer.
- (5) 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 percent of the total lot area.
- (6) 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.
- (7) The proposed cemetery complies with all provisions in acts relating to cemeteries enacted by the people of the state.

(Ord. No. 62, § 7-14.44, 8-11-1984)

Cross reference— Cemeteries, ch. 8.

Sec. 38-525. - Airports.

Airports, aircraft, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the township. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use. The area of clear zone (as defined by the FAA) shall be provided for within the land area under airport ownership.

- (1) Site, yard and placement requirements:
 - a. No building or structure or part thereof shall be erected closer than 60 feet from any property line.

- b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned for residential use.
 - c. Airports must be located on a contiguous parcel of land of not less than 160 acres. The parcel shall have a width of not less than 1,320 feet.
 - d. No part of the site shall abut either directly or across a street any R-1A, R-1B, R-2, RM, or MHR district.
- (2) Performance requirements: All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining nonairport uses.
 - (3) Prohibited use: The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than 30 days from the date of the accident.
 - (4) Off-street parking requirements:
 - a. One parking space shall be required for every three airplanes stored on the site.
 - b. All off-street parking shall be paved and constructed to the standards of this chapter.

(Ord. No. 62, § 7-14.45, 8-11-1984; Ord. No. 198, art. 7, 8-16-2006)

Sec. 38-526. - Single-family detached condominiums.

Single-family detached condominium dwellings, where permitted, are subject to the following extra standards:

- (1) This development option may be used only in instances where the physical dimensions or unique character or location of the land would prohibit development as a platted subdivision.
- (2) The number of dwelling units per acre shall not exceed that which would be permitted in a single-family subdivision in the district.
- (3) Parking requirements shall be the same as required for other single-family uses.
- (4) Roadways and maneuvering areas shall meet the same standard as required for multiple-family residential developments.
- (5) At least ten percent of the land area of the development excluding land area devoted to roadways shall be defined as a common element and maintained by the condominium association. The nature and design of this common element shall be subject to the approval of the planning commission.
- (6) The condominium development shall not be converted to a subdivision unless all requirements of the township subdivision chapter (chapter 18 of this Code) are complied with.
- (7) All privately owned roadways within the development shall be clearly marked as private roads at all points where such roadways enter upon a public street.
- (8) A copy of the master deed as approved by the state shall be filed with the application for site plan approval under division 1, article II of this chapter.
- (9) Site plans for single-family condominium developments shall comply with section 38-46.
- (10) All units shall be connected to the public sewer and water system.
- (11) Private roadways shall be allowed in single-family condominium developments, provided that they comply with all standards contained in this section.

(Ord. No. 62, § 7-14.46, 8-11-1984)

Sec. 38-527. - Housing for elderly and persons with disabilities.

Housing exclusively for the elderly and persons with disabilities, including accessory congregate care and assisted living supportive services, but not including nursing homes or convalescent homes, where permitted, are subject to the following extra standards:

- (1) The lot or parcel shall maintain continuous minimum frontage upon a paved major thoroughfare or secondary thoroughfare, as defined in the township thoroughfare plan, as follows:

Small development (24 units or less)100 feet

Moderate development (25 units to 90 units)150 feet

Large development (100 units or more)200 feet

- (2) The lot or parcel shall abut land, directly or across a street, which is zoned for other than single-family, two-family or agricultural use on at least one side.
- (3) The lot or parcel shall have a minimum area of not less than 2½ acres. In calculating the minimum land area required per dwelling unit, the following schedule shall govern:

Independent Living	Land Required per Unit
Efficiency/studio	1,600 square feet
One bedroom	3,200 square feet
Two bedroom	4,800 square feet

Congregate Care/Assisted Living	Land Required per Unit
Efficiency/studio	1,400 square feet
One bedroom	2,800 square feet
Two bedroom	4,200 square feet

- (4) The minimum floor area (as measured from the inside face of exterior walls and centerline of party wall partitions) of dwelling units equipped with complete individual kitchen/kitchenette shall be as follows:

Efficiency unit	400 square feet
One-bedroom unit	525 square feet

Two-bedroom unit	720 square feet
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- (5) The minimum floor area (as measured from the inside face of exterior walls and centerline of party wall partitions) of dwelling units not equipped (or only partially equipped) with individual kitchen/kitchenette shall be as follows:

Efficiency unit	320 square feet
One bedroom unit	480 square feet
Two bedroom unit	640 square feet

- (6) Off-street parking shall be provided, in accordance with the following schedule:
- Independent living (space/unit)1
- Congregate care/assisted living (space/unit)one-half
- (7) The maximum height of buildings shall be three stories or 35 feet.
- (8) Setbacks and building spacing shall be the same as required in division 4, article III of this chapter for the RM multiple-family residential district, except that three-story buildings shall be set back a distance not less than their height and not less than 50 feet on any side adjacent to single-family, two-family and agricultural zoning districts.
- (9) The maximum percentage of the lot or parcel which may be covered by buildings shall be 25 percent, exclusive of road rights-of-way, existing or planned.
- (10) Passive outdoor recreational areas such as, but not limited to, walking paths, seating accommodations and landscaped gardens, shall be provided for residents in a location, configuration and extent approved by the planning commission.

(Ord. No. 152, § 2, 11-17-1999)

Sec. 38-528. - Multi-family dwelling units in office and commercial districts.

The purpose of this section is to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space; and promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction. This section shall only apply to commercial or office structures existing at the time of adoption of these requirements.

- (1) Multiple family dwellings above the first story of a structure where the ground floor is devoted to a permitted use in the O-1, O-2, C-1 and C-2 districts may be approved when generally consistent with the following:
- a. The uses are complementary.
 - b. The site is linked by sidewalks or paved paths to alternate sources of transportation, such as bus stops and crosswalks.

- c. The uses generally create activity at different times of the day.
- (2) Multiple family dwellings above the first story of a structure where the ground floor is devoted to a permitted use in the O-1, O-2, C-1 and C-2 districts, are subject to the following extra standards:
- a. Existing and proposed dwelling units are kept in an attractive condition conducive to an appealing central commercial district and in such a manner that residential activities do not interfere with the customary business activities associated with the district.
 - b. Each dwelling unit or group of such units are provided with adequate refuse containers suitable for the temporary outdoor storage of household refuse. Such containers shall be fitted with a secured lid and screened per section 38-615(p)(3).
 - c. With the exception of the legally registered and operable automobiles, the storage of all personal property shall be done within the dwelling unit or an approved accessory building located to the rear of the building.
 - d. Dwelling unit entrances located on the street frontage shall be inconspicuous, kept in good repair and free of debris.
 - e. Windows facing the street shall be maintained in good repair.
 - f. Air conditioning units in windows are allowed on the rear of the building. Condensation from such units shall be directed in a manner that prevents the direct deposition and/or accumulation of water on the sidewalk or street surface below.
 - g. The outdoor hanging of laundry or any other personal items from any rope or fixture attached to the structure or otherwise located on the premises is prohibited.
 - h. Deliveries, trash pickup and other similar regularly occurring activities shall be completed between the hours of 7:00 a.m. and 5:00 p.m.
 - i. The site shall be improved to include safe pedestrian routes to and between the dwelling entrance, dwelling parking, established bus stops and the thoroughfare.
 - j. On-site bus shelters, pathways, sidewalks, and other pedestrian related uses shall be maintained of debris, cracks, sinkholes, snow and ice. These areas shall be kept safe and useable at all times.
 - k. Parking is designed in such a way that it is primarily kept out of the pedestrian's path of travel.
 - l. Landscaping shall be provided.

(Ord. No. 210, § 1, 9-5-2012)

Sec. 38-529. - Pet care services.

Pet care services for mainly domestic animals including pet grooming, guard dog training, guide dog training, obedience training, and pet sitting, provided there are no outdoor runs or overnight accommodations, where permitted, are subject to the following extra standards. Excluded from this section are animal shelters, boarding services, dog pounds, kennels, veterinary clinics, farm animal services, outdoor runs, and any other similar or overnight uses.

- (1) The hours of operation for the services are limited to 7:00 a.m.—6:30 p.m.
- (2) The number of animals in the facility at any given time shall not exceed 20.
- (3) An outdoor area may be provided for the animals, but at no time shall any animal be left outside unattended nor be outside for more than 30 minutes, and the maximum number of animals at any one time in the outdoor area is three. The outdoor area must be fully screened from adjacent properties by a six foot obscured fence or masonry wall. Any fencing or walls must be at least 15 feet from the property line. Additionally, within the 15 foot setback, there shall be planted along all outdoor animal areas a row of narrow evergreens at a starting height of five feet, spaced no

more than five feet on center. This requirement applies only to those outdoor areas for animal use.

(Ord. No. 212, § 1, 8-19-2015)

Secs. 38-530—38-560. - Reserved.

ARTICLE V. - PLANNED UNIT DEVELOPMENT (PUD)^[11]

Footnotes:

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State Law reference— Planned unit development, MCL 125.286c.

Sec. 38-561. - Intent of article.

This article is intended to:

- (1) Allow flexibility of design on relative large scale parcels which would not ordinarily be possible under conventional zoning ordinance regulations;
- (2) Achieve economies of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting, etc;
- (3) Encourage the preservation of desirable natural features including woodlots, streams, floodplains and major open spaces; and
- (4) Allow a mix of land uses based on an approved comprehensive plan on a single site, including a variety of housing types and compatible commercial facilities and both open space and indoor recreational uses.

(Ord. No. 62, § 7-15.01, 8-11-1984)

Sec. 38-562. - Definitions.

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

Agreement means prepared by the landowner, reviewed by the township attorney and approved by the township board which specifically details the development plans of the PUD, the covenants and restrictions proposed for the PUD, the staging of developments and the improvements to be placed in the development.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended for the use and enjoyment of residents of the PUD. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the PUD.

Developer means synonymous with the term "landowner" for the purposes of this article.

Homeowners' association means an association to which all residents are required to belong as a condition of the deed, and which is set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provisions of other necessary internal services.

Landowner means the legal or beneficial owner of all the land proposed to be including in a PUD. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this chapter. (See *Developer*).

Plan means any or all or the three possible plan stages of a planned unit residential development, which are defined as follows:

- (1) *Proposal for PUD designation.* The proposal of a landowner for the designation of an area for planned unit residential development.
- (2) *Tentative development plan.* Any plan submitted for approval to the board subsequent to or together with the submission of a proposal for PUD and prior to submission of a final development plan for approval.
- (3) *Final development plan.* That plan for development of a PUD or divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation and the tentative development plan by the board under the provisions of this chapter.

Planned unit development means an area of land controlled by a landowner, to be developed as a single entity containing a minimum of 80 acres, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district of this chapter.

Single ownership means the proprietary interest of a single individual, partnership, or corporation, or other legally recognized entity in the state.

Tentative preliminary plat means a map showing the salient features of a proposed subdivision of land submitted to the planning commission for the purposes of preliminary consideration in accordance with the township subdivision, lot split and land division chapter (chapter 18 of this Code).

(Ord. No. 62, § 7-15.02, 8-11-1984)

Sec. 38-563. - Application of article provisions.

- (a) The provisions of this section shall apply only to a tract of land of 80 or more acres, located in the R-1A, R-1B, R-2 or RM districts, which tract is under single ownership, and for which an application for a PUD is made as provided in this section.
- (b) Notwithstanding the provisions of subsection (a) of this section, and application for a PUD on a tract of land of less than 80 acres may be filed, but no tentative approval of such an application shall be granted by the board unless the board shall find upon a showing by the landowner that the minimum area required in subsection (a) of this section should be waived because a PUD is in the public interest, and that one or more of the following conditions exist:
 - (1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the township;
 - (2) The property has an historical character of importance to the community that will be protected by employing the PUD provision; or
 - (3) The property is adjacent to or across a street from property, which has been developed or redeveloped as a PUD, and a PUD will contribute to the maintenance of the amenities and values of the neighboring property.

(Ord. No. 62, § 7-15.03, 8-11-1984; Ord. No. 198, art. 8, 8-16-2006)

Sec. 38-564. - Standards and criteria for development.

- (a) A plan that is consistent with the statement of intent for a planned unit development and the following general standards shall be deemed to have qualified for consideration as a PUD.
- (b) The plan shall be consistent with the following general standards for the use of land; the use, type, bulk, design and location of buildings; the density of use, common open space and public facilities requirements; and development of geographic divisions of the site:
 - (1) The PUD provision may be employed only when municipal sanitary sewers and water mains are provided to all appropriate segments of the proposed development.
 - (2) The plan may provide for a variety of permanent housing types including single-family homes, apartments, townhouses, condominiums, etc.
 - a. A parcel of land must contain a minimum of 80 acres and be located in an R-1A, R-1B, R-2 or RM district.
 - b. The maximum density allowed shall be determined based on the following average land areas per type and size of dwelling unit:

	Square Feet
Single-family detached dwelling unit	10,000
Two-family dwelling (per unit)	8,666
One-bedroom apartment	3,200
Two-bedroom apartment	4,800
Three-bedroom apartment	6,400
Four-bedroom apartment	8,000

Plans presented showing one-, two- or three-bedroom units which include a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any proposed or existing dedicated public right-of-way of either interior or bounding roads.

- c. The overall unit type mix may include a maximum of 30 percent multiple-family units when located in a single-family or two-family residential district (R-1A, R-1B or R-2).
- d. Consistent with the purpose of providing design flexibility in a PUD, the size, width and area of lots, and the height, placement and coverage of buildings may be varied from that which would ordinarily be required in division 12, article III of this chapter, schedule of district regulations, subject to approval of this development plan under this section, provided that adequate provision shall be made for light, air, access, fire protection, safety, sanitation and open space.
- e. Minimum floor areas per dwelling unit shall conform to division 12, article III of this chapter, schedule of district regulations.
- f. Spacing between multiple-family dwellings to be included as a part of the PUD shall conform to the development requirements of section 38-442.

- g. Parking spaces and areas shall be provided in accordance with section 38-619.
- (3) All subdivision developed, as a part of a PUD shall be designed in accordance with the standards provided in this section and as specified in the township subdivision, lot split and land division chapter (chapter 18 of this Code).
 - (4) Each PUD shall be provided a minimum of 12 percent of the gross project area as common open space, which space shall be readily accessible and available to occupants of those dwelling units for whose use the open space is intended. All common open spaces shall be of a size, configuration, and function and in a location satisfactory to the planning commission. Development phases shall be so designed as to provide a proportional amount of open space in each phase.
 - (5) Both public and private nonresidential uses, of an education or recreational nature, including golf courses, tennis clubs, swim clubs, riding trails, and necessary appurtenant facilities and structures designed as an integral part of the overall development plan may occupy appropriate portions of the site. The area occupied by such uses may be employed, at the discretion of the planning commission and the board, to satisfy up to 25 percent of the gross common open space requirements.
 - (6) Common open spaces and open spaces employed as public and/or private recreational areas shall be maintained as such by deed restrictions, conveyances, dedications, or other such means as may be recommended by the township attorney.
 - (7) The developer shall establish a homeowners' association to which all residents of the PUD must belong and shall relinquish control of the platted common open space to the homeowners included in the homeowners' association are sold to the general public or within three years of the commencement of construction, whichever occurs first.
 - (8) Commercial uses generally permitted in the neighborhood business district (C-1), together with such other uses deemed consistent by the planning commission with the overall development plan, may occupy up to five percent of the gross site area. Planned commercial sites are to be located at an intersection of two major thoroughfares or a major thoroughfare and a collector street. The approval of commercial sites depends on the market potential of the area. Therefore, it is the burden of the landowners to submit sufficient evidence to justify the need for commercial development within a proposed PUD.
 - (9) A minimum of 25 percent of the total number of single-family units in any PUD must be constructed and ready for sale prior to the construction of any multiple-family or commercial portions of the project, except that site grading, roadway construction, and truck utility installation relating to multiple-family and commercial portions of the project may be undertaken concurrent with single-family subdivisions and open space uses, either public or private, may be constructed and operated concurrent with single-family subdivision.
 - (10) The height of particular buildings shall not be a basis for denial or approval of a plan, provided any structures in excess of 25 feet shall be designed and sited to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.
 - (11) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
 - (12) The architectural style of buildings shall not be a basis for denying approval of a plan unless the development is in an area previously designated by the township board as an historical area.
 - (13) The plan shall contain proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the PUD and are consistent with the best interests of the entire township. Such covenants, easements and other provisions, which are a part of the plan as finally approved, shall inure to the benefit of the township for all purposes.

- (14) The township board upon recommendation of the planning commission, may approve phased development of the PUD, and in such case specify reasonable periods for the development of each phase. Deviations from the number of dwelling units per acre established for the entire PUD may be permitted within certain development phases as long as the number of dwelling units per acre authorized for the entire development is not affected. The time span for completion of the entire development and commencement date for each section thereof may be modified from time to time by the township board upon the showing of good cause by the landowner, provided that in no case shall extension of time exceed 12 months. The landowner shall make such easements, covenants and other arrangements and shall furnish such performance bonds as may be required to ensure performance in accordance with the event of abandonment of such plan before completion.
- (15) All portions of the PUD, including one-family lots, multiple-family projects, commercial areas, and public and private open spaces shall be platted in conformance with the requirements of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and with the township subdivision, lot split and land division chapter (chapter 18 of this Code).

(Ord. No. 62, § 7-15.04, 8-11-1984; Ord. No. 198, art. 8, 8-16-2006)

Sec. 38-565. - Processing procedures; exhibit requirements.

- (a) The township board and planning commission may formulate administrative regulations regarding general procedures and form of application as may be desirable, provided that they are consistent with the provisions of this section.
- (b) Fees for the reviews of a proposal for PUD designation, tentative development plan, or final development plan shall be in accordance with the schedule of fees adopted by resolution of the township board and amended from time to time.
- (1) *Processing procedures.*
- a. *Step 1 - Proposal for PUD designation.* A proposal for PUD designation of an area shall be reviewed by the planning commission, presented at a public hearing called by the commission, acted by the township board, and shall be processed in accordance with the following procedures:
1. A developer submits 15 copies of the proposal for PUD designation, pays fees to the township clerk, and the clerk places the proposal for PUD designation on the planning commission agenda.
 2. The planning commission accepts the proposal and refers it to the appropriate reviewing agents (planner and engineer).
 3. Reviewing agents analyze the proposal and submit recommendations to the planning commission.
 4. The planning commission reviews the proposal and establishes a public hearing date. The planning commission shall establish the public hearing date within 60 days following the receipt of the developer's proposal for PUD designation from the township clerk.
 - i. Describe the nature of the subject of the proposal for PUD designation.
 - ii. State when and where the proposal for PUD designation will be considered.
 - iii. Indicate when and where written comments concerning the proposal for PUD designation will be accepted.
 5. The planning commission holds the public hearing.

6. Following the public hearing, the township planning commission forwards the proposal for PUD designation to the planning commission for review and recommendation.
 7. Following receipt of the recommendations of the planning commission, the township planning commission forwards the same, along with a summary of comments received at the public hearing and the township planning commission's recommendations to the township board. In making its recommendations to the township board, the planning commission shall evaluate the proposal to determine its conformance with the statement of intent for planned unit development (section 38-561) and with the standards and provisions of sections 38-563 and 38-564. The proposal shall also conform to the exhibit requirements as provided in subsection (b)(1)c of this section. A proposal, which meets all of such criteria shall be approved by the planning commission.
 8. The township board reviews the report of the public hearing and the planning commission recommendations, and within 30 days following receipt of the developer's proposal for PUD designation from the planning commission either approves, approves with modifications, or rejects the proposal for PUD designation. The township supervisor and clerk sign three copies of the proposal, send one to the township planning commission, and retain one for the township clerk's files. Following approval of the proposal for PUD designation by the township board, the PUD status of the property shall be identified on the zoning chapter map. Such identification shall simply illustrate the township's approved development policy in respect to the property.
 9. Following approval of the proposal for PUD designation, the developer proceeds to step II, tentative development plan.
- b. *Step II - Tentative development plan.* The tentative development plan is reviewed by both the planning commission and township board, is presented at a public hearing called by the planning commission, is acted upon by the township board and shall be processed in accordance with the following procedures:
1. The developer submits 15 copies of the tentative development plan, pays fees to township clerk, and the clerk places the tentative development plan on the planning commission agenda.
 2. The planning commission accepts the plan and refers it to the appropriate reviewing agents, including the engineer, planner and attorney.
 3. Agents review the plan and submit recommendations to the planning commission.
 4. The planning commission reviews the tentative development plan and other agents recommendations and establishes a public hearing. The planning commission shall establish the public hearing date within 60 days following the receipt of the developer's tentative plan from the township clerk. Notice of such public hearing shall be given in accordance with the notification procedures outlined in subsection (b)(1)a.4 of this section.
 5. The planning commission holds the public hearing.
 6. The planning commission submits a report of the public hearing and the planning commission's recommendation to the township board. In making its recommendations to the township board, the planning commission shall evaluate the tentative development plan to determine if it is in conformance with the intent, standards and criteria for a PUD as set forth in this chapter and the exhibit requirements set forth in subsection (b)(2)b of this section. The planning commission shall approve a proposal, which meets all of such criteria.
 7. The township board reviews the report of the public hearing and the planning commission recommendations and, within 30 days following the receipt of the developer's tentative development plan from the planning commission, either approves

or approves with modifications, the supervisor and clerk sign three copies of the proposal, give one to the developer, send one to the planning commission, and retain one for township clerk's files. In acting on the tentative development plan, the township board shall also evaluate the proposal in relation to the standards and criteria stated in subsection (b)(1)b.6 of this section.

8. Following tentative approval by township board the developer prepares PUD agreement which is reviewed by the township attorney, planner and engineer.
 9. The township board and the developer review the PUD agreement and the supervisor, clerk and developer sign a minimum of three copies. Following the signing of the PUD agreement and distribution of one copy each to the developer, township clerk, and planning commission files, the developer proceeds to step III, final development plan (tentative preliminary plat). A final development plan (tentative preliminary plat) for some portion of the PUD must be submitted within 24 months following the approval of the tentative development plan. If no final development plan is accepted for platting within that period, the approvals of the proposal for PUD designation and the tentative development plan are automatically rescinded and traditional zoning will be applied. However, the township board, upon written application by the landowner for cause shown, may extend the designation for successive two-year periods. Except that no more than two such 24-month extensions may be granted.
- c. *Step III - Final development plan (tentative preliminary plat).*
1. The final development plan of all or a portion of the total PUD is reviewed by the planning commission and acted upon by the township board to ensure substantial compliance with the tentative development plan. The final development plan must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), the township subdivision, lot split and land division chapter (chapter 18 of this Code), and the conditions established in the tentative development plan and PUD agreement, and shall not:
 - i. Vary the proposed gross residential density or intensity of use in any portion of the PUD by more than ten percent;
 - ii. Involve a reduction of the area set aside for common space;
 - iii. Increase by more than ten percent the floor area proposed for nonresidential use; or
 - iv. Increase by more than five percent the total ground area covered by buildings.
 2. The final development plan shall be processed in accordance with the following procedures:
 - i. The developer submits 15 copies of the final development plan, pays fees to township clerk, and the clerk places the final development plan on the planning commission agenda.
 - ii. The planning commission accepts the plan and refers it to the appropriate reviewing agents (engineer, planner and attorney).
 - iii. Agents review the plan and submit recommendations to the planning commission.
 - iv. The planning commission reviews the final development plan (tentative preliminary plat) and recommendations, ensures conformance with the approved tentative development plan and PUD agreement, and within 30 days, following the receipt of the developer's final development plan from the township clerk, approves, or if the final development plan differs from the tentative development plan by more than the limits prescribed in the PUD article, requires modifications to ensure conformance.

- v. Following approval of a final development plan by the planning commission, the planning commission chairman signs a minimum of seven copies and distributes one copy to the developer, five copies to the township clerk, and retains one for the planning commission files, and the developer proceeds to step IV "A" and "B." The planning commission shall withhold final approval of the required site plans for multiple-family and commercial sites until the required percentage of single-family homes have been constructed. (See *Step IV "B"*).
- d. *Step IV - "A" plat approval by township board.* Following the approval of a final development plan (tentative preliminary plat) by the planning commission, the developer begins processing the plat through the township board in conformance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) and the lot split and land division chapter (chapter 18 of this Code). Construction of the initial phase of the PUD shall be completed within two years following final preliminary plat approval by the township board. This time limit may be extended for a reasonable period to be determined by the township board, upon written application by the landowner for cause shown. If, however, this time limit is not met and an extension is not granted, the PUD agreement is automatically rescinded.
 - e. *Step IV - "B" site plan approval.* The planning commission, following the construction of the required percentage of single-family homes, may now grant site plan approval previously withheld in step III.
- (2) *Exhibit requirements.*
- a. *Step I - Proposal for PUD designation.* The following minimum information must be provided by the developer at the time of filing of a proposal for PUD designation:
 - 1. Statement of purpose and objectives, including:
 - i. A discussion of the rationale for employing the PUD procedure rather than developing the project conventionally.
 - ii. Description of the existing site characteristics.
 - iii. Discussion of the proposed character of the development.
 - iv. Discussion of the proposed means of serving the development with sewer and water.
 - 2. A generalized development plan and program, including:
 - i. An overall vicinity map at a minimum scale of one inch = 2,000 feet showing the relationship of the PUD to its surroundings, including section lines, parcel boundaries, major roads, collector streets, etc.
 - ii. A generalized graphic depiction at a minimum scale of one inch = 200 feet of the following:
 - Major access roads serving the site, including right-of-way widths, and existing and proposed surfacing.
 - Existing utility lines, including sanitary sewer, storm sewer, water main, and gas and electric service.
 - Existing adjacent land uses and structures.
 - Proposed collector road pattern.
 - Areas to be developed for various uses.
 - Areas to be preserved in a natural state.

- iii. A development program, including: (the developer may submit any other data or graphics which will serve to further illustrate the proposed PUD):

Total project area.

Total project density.

Areas and densities of various residential types.

Areas of land uses proposed for commercial sites.

Area and percent of developed and undeveloped open spaces.

Minimum single-family lot area and minimum dimensions.

Proposed project phasing boundaries.

Estimated timing schedule by phase to completion.

- b. *Step II - Tentative development plan.* The following minimum information must be provided by the developer at the time of the filing of a tentative development plan:

- 1. A physical development plan prepared at a minimum scale of one inch = 100 feet. The plan shall include:

- i. Existing site features:

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

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

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

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

Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PUD site.

Topography drawn as contours with a two-foot contour interval. Topography to be based on a USGS datum and be extended a minimum distance of 200 feet outside the PUD boundaries.

- ii. Proposed site features:

Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways.

Layout, numbers and dimensions of single-family lots, including building setback lines showing dimensions.

Layout of proposed multiple-family projects, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping.

Layout and indication of uses to be included in proposed commercial projects, including setbacks, buildings, drives, parking spaces, pedestrian ways, landscaping, percent of lot coverage.

Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces.

Depiction of major wooded areas and description of means to be employed to preserve them.

An indication of ownership, and existing and proposed use of any parcels identified as "excepted." If the developer has an interest or owns any parcel so identified as excepted the tentative development plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed PUD.

An indication of the system proposed for sewerage by a method approved by the township board and the township engineer.

An indication of the system proposed for water supply by a method approved by the township board and the township engineer.

An indication of storm drainage proposed by a method approved by the township, the township engineer, the county road commission, and if involving county drains the proposed drainage shall be acceptable to the county drain commissioner. Storm drainage must be provided to an approved outlet.

Conceptual site grading planned conceptual landscaping plan, including pedestrian circulation system.

Depiction of proposed development phases.

Tabulation showing:

Total site acreage, and acreage and percent of total project in various uses, including developed and undeveloped open spaces.

Total site density, density of single-family and multiple-family areas and percent of ground area covered by buildings.

Number of bedrooms per unit, by area and phase.

Acreage and percent of project in commercial areas, total number of square feet of building areas proposed for each building, building group, or use, and percent of ground area covered by buildings.

Acreage and numbers of single-family lots and multiple-family units to be included in development phases.

Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

An architectural model of the total area within the PUD at a scale sufficient to show both horizontal and vertical site relationships, including roads, single-family lots, multiple-family units, commercial and recreational structures, drives and parking areas developed and undeveloped open spaces, pedestrian circulation

patterns, etc. (Completed model to be presented at public hearing and prominently displayed in PUD sales office.)

iii. Supporting materials including:

Legal description of the total site.

A statement of the developer's interest in the land proposed for development.

A statement regarding the manner in which open space is to be maintained.

A statement regarding the developer's intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units, and commercial facilities.

A statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of land and structures.

A statement of required modifications (variances) to the regulation which are otherwise applicable to the site.

A schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed.

c. *Step III - Final development plan.* The following minimum information must be provided by the developer at the time of the filing of a final development plan on all or a portion (phase) of a PUD:

1. *Final development plan.*

i. The preliminary plat of the phase proposed for development prepared in conformance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) and the township subdivision, lot split and land division chapter (chapter 18 of this Code).

ii. A detailed grading plan.

iii. A detailed landscaping plan.

iv. A detailed utilities layout.

v. Tabulations showing:

Total phase acreage and percent of total PUD.

Acreage and percent of portion of phase and total PUD occupied by single-family, multiple-family, commercial, and developed and undeveloped open space.

Total phase density and percent of total PUD.

Number of bedrooms per unit by type.

Percent of ground area covered by buildings.

2. *Site plans.* Detailed site plans (one inch = 100 feet minimum scale) for each multiple-family, commercial, and developed open space area including in the preliminary plat of the phase proposed for development.

3. *Supporting materials.*

i. Legal description of the total phase, each use area, and dedicated open space.

- ii. Copies of covenants, easements and other description to be imposed.
- iii. Proposed dates of construction start and completion of phase.

(Ord. No. 62, § 7-15.05, 8-11-1984)

Secs. 38-566—38-600. - Reserved.

ARTICLE VI. - SUPPLEMENTAL REGULATIONS

Sec. 38-601. - Scope.

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

(Ord. No. 62, § 7-16.01, 8-11-1984)

Sec. 38-602. - Accessory building in residential districts.

In AG, R-1A, R-1B, R-2, RM and MHR districts accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Accessory buildings structurally attached to a main building.
 - a. To be considered structurally attached, the accessory building must be attached by a common party wall of at least 50 percent of the accessory building wall that is proposed to be attached to the main building.
 - b. 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. Additionally, the color, style and proportions of the accessory building shall be identical to, or shall closely match, or shall complement the exterior of the main building.
- (2) Detached accessory buildings.
 - a. The color, style and proportions of the accessory building 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.
 - b. Size and setback requirements for accessory structures larger than 200 square feet:

Per Applicable Parcel Size:	Lot Area:	Less than 10,000 SF; OR	Less than 2 acres; OR	Greater than 2 acres; AND
	Lot Width:	Less than 75'	Less than 165'	Greater than 165'
The maximum allowable floor area of all detached	Twice the total square feet of the	Twice the total square feet of the	Twice the total square feet of the main	

accessory structures may not exceed the following totals, or 30% of the total lot area:	main residence, not to exceed 1,500 square feet.	main residence, not to exceed 2,000 square feet	residence, plus an additional 500 square feet per acre, not to exceed 5,000 square feet
Maximum Height	16' maximum sidewall	16' maximum sidewall	16' maximum sidewall
Setback from any other standing structure:	Minimum 10'	Minimum 10'	Minimum 10'
Front Yard Setback (1.)	Must be located behind the front of the main residence.	Must be located behind the front of the main residence.	Must be located behind the front of the main residence.
Side Yard Setback (1. & 2.)	Minimum 10' Each Side	Minimum 10' Each Side	Minimum 20' Each Side
Rear Yard Setback (1. & 2.)	Minimum 10'	Minimum 10'	Minimum 20'
1. Corner lot yard restrictions apply, pursuant to Section 38-609			
2. Any detached accessory structure less than 200 square feet shall maintain minimum 5' side yard and 5' rear yard setbacks.			

- c. Guest quarters, home offices or similar uses. Guest quarters, home offices or similar uses may be permitted in a residential district as part of a detached accessory structure subject to the following requirements:
1. 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 such accessory structure, the applicant shall sign an affidavit, to be filed with the St. Clair County Register of Deeds, stating the intention for the proposed use. The signed affidavit shall specifically state that the building will not be utilized as a permanent dwelling unit. The application shall also submit a plot plan and building plans showing the location, size, floor plan and building elevations.
 2. Only residents of the main dwelling and their guests shall utilize the area. Rental of the area on a nightly, weekly, monthly or any other basis is prohibited. At no time shall an address be issued to a detached accessory structure.

3. A home occupation is subject to the standards in this chapter, in the section for home occupations.
 4. The portion of the accessory structure utilized for guest quarters, a home office or similar use shall not exceed an area of 1,000 square feet, and in no instance shall the area exceed the square footage of the main building.
- (3) Boathouse, a boat well, or any other accessory building located substantially over the water, whether it be a river, lake, or canal, the following conditions apply:
- a. No more than 30 percent of the building area may have flooring, whether it is earth, concrete, wood, or any flooring material other than water.
 - b. Such boathouse may exceed the area of the primary (residential) building, so long as the total building area does not exceed the percent lot coverage of the exposed land as required in division 12, article III of this chapter for the district in which it is located.
 - c. All boathouses and lifts which exceed 16 feet in height or with wells to accommodate more than two boats shall be subject to prior approval of the zoning board of appeals. In determining the height of a boathouse, the definition of height shall apply (see section 38-4), except that in all instances the term "grade" shall be interpreted to mean the surface of the water. For the Black River or its tributaries, the surface of the water shall be set at the nearest base flood elevation as described on the flood insurance rate map. For Lake Huron, the elevation of the surface of the water shall be 580 feet above sea level. A commercial use of a boathouse is not permitted unless it is located within a commercial district.
 - d. A second floor shall not be permitted in a boathouse nor shall a boathouse have sanitary facilities unless self-contained or connected to a sanitary sewer system, which facility shall be in compliance with the rules and regulations and approved by the county health department.
 - e. A building permit for a boathouse shall not be issued unless and until the applicant has:
 1. Complied with all the provisions of this chapter, the single state construction code and state laws on inland lakes and streams (Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.); and
 2. Secured the written approval from the U.S. Army Corps of Engineers and the state department of environmental quality when such permits are required and within the jurisdiction of these agencies.
- (4) When an accessory building is to serve both over the water boat storage and automobile storage (garage), the two areas shall be clearly defined. Each area shall be constructed as a separate building and meet the requirements for such building.
- (5) By definition an accessory building is clearly incidental to the principal building housing the main use; therefore, the building inspector shall not issue a building permit for a detached accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.

(Ord. No. 62, § 7-16.02, 8-11-1984; Ord. No. 103, 8-18-1993; Ord. No. 198, art. 9, 8-16-2006; Ord. No. 210, § 5, 9-5-2012)

Sec. 38-603. - Accessory farm building.

All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary with the exception that the main farm building shall not be less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other

farm buildings, except dwellings, which are located closer to the road and, which existed prior to the adoption of this chapter.

(Ord. No. 62, § 7-16.03, 8-11-1984)

Sec. 38-604. - Appearance.

In any case where a building or accessory building in an M-1 or M-2 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 such building or accessory building within such distance of 200 feet shall be constructed of stone, face brick, or approved ornamental material, paper, tin, corrugated iron, or any form of pressed board or felt of similar material within the limits specified in this section. Open storage uses shall be permitted only in the M-2 industrial district.

(Ord. No. 62, § 7-16.04, 8-11-1984)

Sec. 38-605. - Establishing grades.

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

- (1) Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of existing development or subdivision.
- (2) All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting development or platted lands.
- (3) Grades of a site may be raised a total of 12 inches above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property, other than dedicated public right-of-way.
- (4) 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 subsections (1)—(3) of this section are met. 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 = ten feet on lots 85 feet in width or less and one inch = 30 feet on lots greater than 85 feet.
 - b. A topographic map shall be drawn (may be superimposed on subsection (4)a of this section) 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.
 - d. The first floor elevation of the proposed construction shall be shown.
- (5) Fees for inspection of the new grade shall be paid at the time of application for a permit, and the amount of such fees shall be established by a resolution of the township board and shall cover the cost of the inspection.

(Ord. No. 62, § 7-16.05, 8-11-1984)

Sec. 38-606. - Building to be moved.

Any building or structure which has been wholly or partially erected on any premises located within the township shall not be moved to and placed upon any other premises in the township until a government permit for such removal shall have been secured from the building inspector. Any such building or structure shall fully conform to all the provisions of the chapter in the same manner as a new building or structure.

(Ord. No. 62, § 7-16.06, 8-11-1984)

Sec. 38-607. - Conflicting regulations.

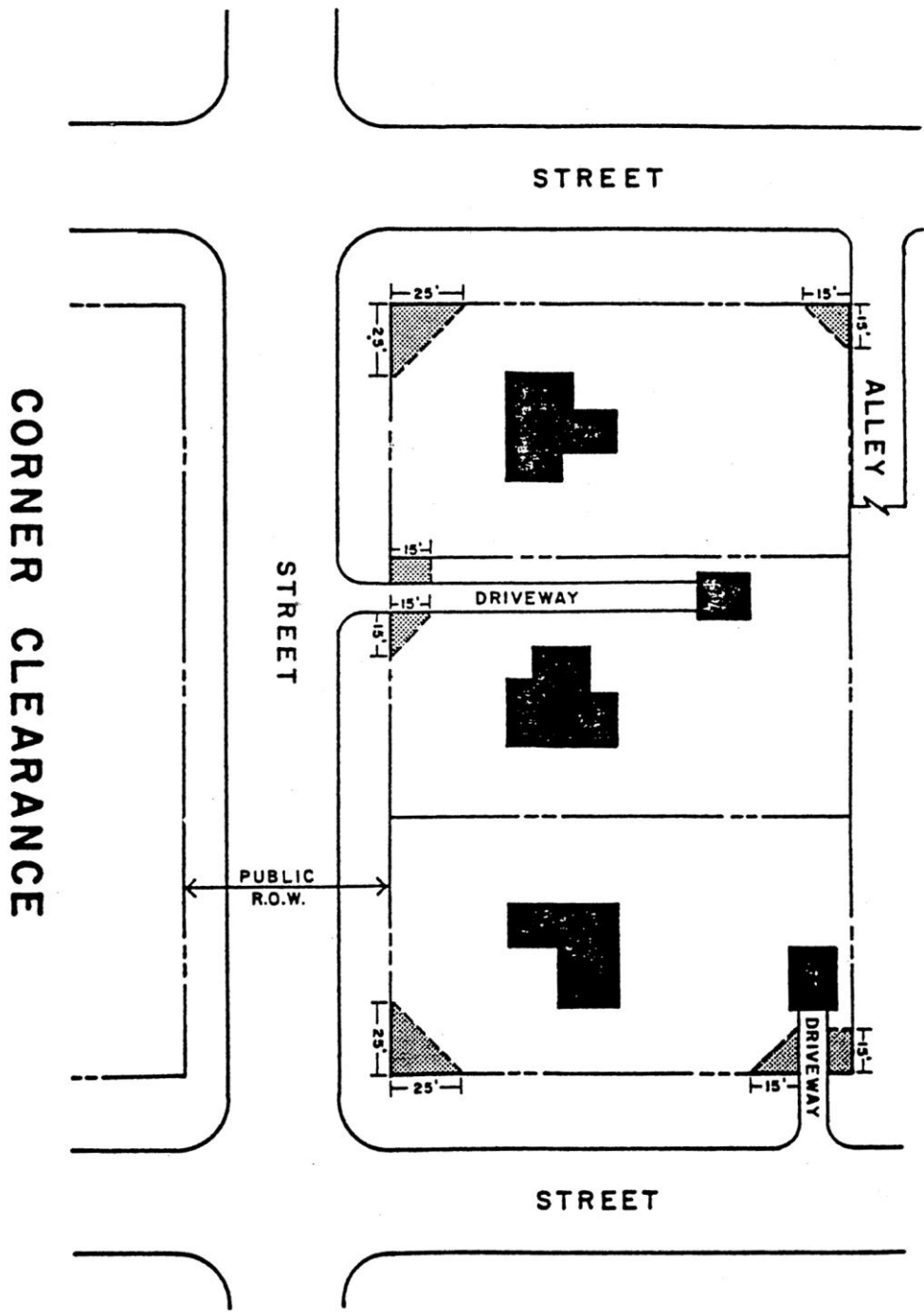
Whenever any provisions of this chapter impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provision of this chapter shall govern.

(Ord. No. 62, § 7-16.07, 8-11-1984)

Sec. 38-608. - Corner clearance.

So as not to obstruct the view of a driver of a vehicle approaching the 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 by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended, exception that shade trees shall be permitted where all branches are not less than eight feet above the road level.

(Ord. No. 62, § 7-16.08, 8-11-1984)



Sec. 38-609. - Corner lots.

The following shall apply to the AG district and all 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. This shall apply whether the side yard is on the same side of the street or across the street from such other fronting residential lots. All buildings, structures and accessory uses shall maintain such required yard space. (See section 38-442).

(Ord. No. 62, § 7-16.09, 8-11-1984)

Sec. 38-610. - Excavations or holes.

The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitutes or are reasonably likely to constitute a danger or menace to the public health, safety or welfare are hereby prohibited; provided, however, that this section shall not prevent any excavation under a permit issued, pursuant to this chapter, where such excavations are properly protected and warning signs posted in such 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, county, the township or other governmental agency.

(Ord. No. 62, § 7-16.10, 8-11-1984)

Sec. 38-611. - Exterior lighting.

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 arranged as to reflect lights away from all adjacent residential districts or adjacent residences.

- (1) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- (2) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature such buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- (3) 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.
- (4) There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any residential district or within 100 feet of any residential district, street intersection or railroad intersection with a street.
- (5) Within all development, the height of light standards shall not exceed 30 feet for parking lots and private roadways nor 15 feet for pedestrian walkways. These restrictions shall not apply in the industrial districts where, except as otherwise permitted, the height of light standards shall be limited to the height limit for structures in the district.

(Ord. No. 62, § 7-16.11, 8-11-1984; Ord. No. 135, 1-15-1997)

Sec. 38-612. - Fences, walls and other protective barriers.

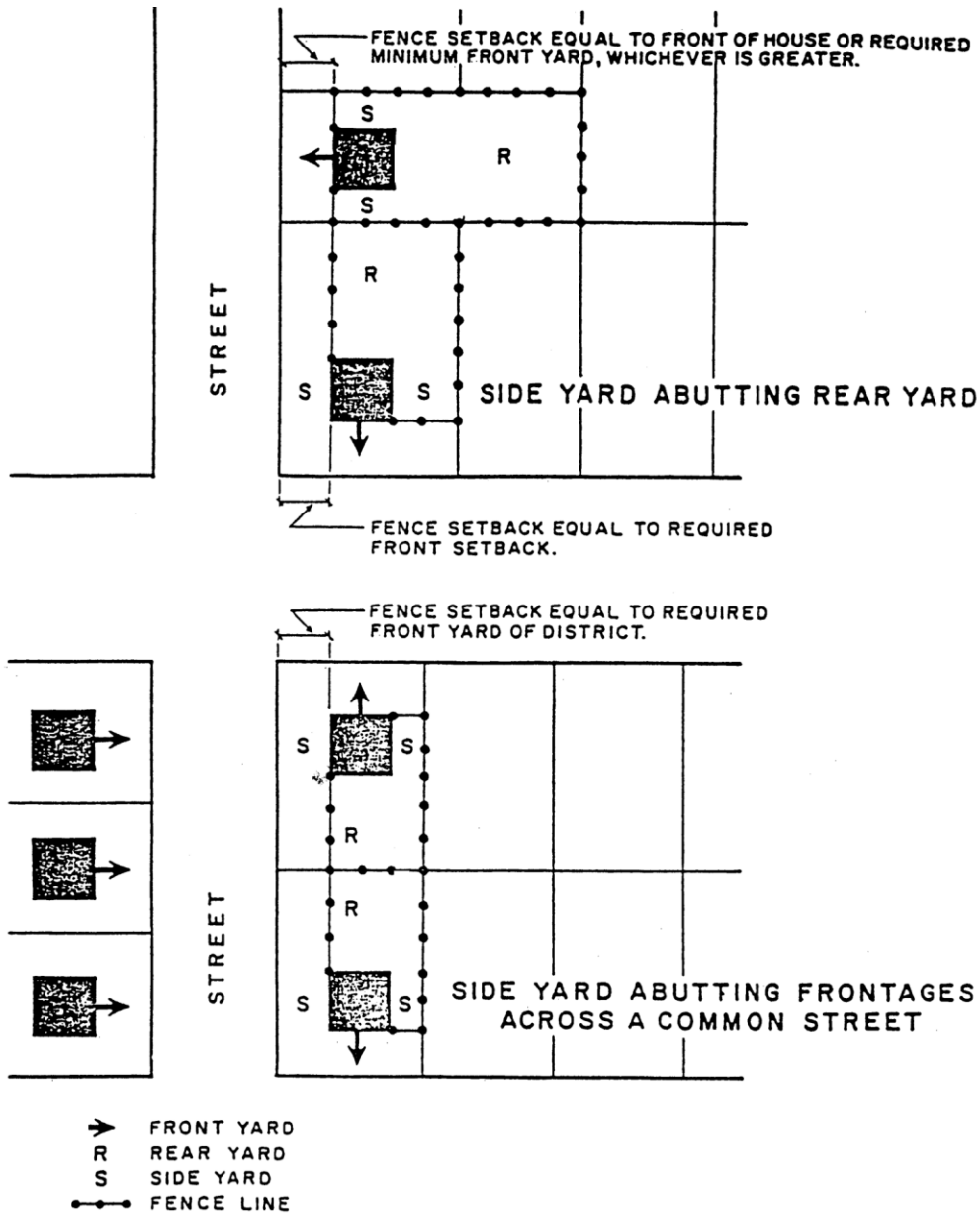
- (a) All fences of any nature, type or description including hedges (but not including planted greenbelts approved by the planning commission) located in the township shall conform to the following regulations:
 - (1) The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the building inspector as to their conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this section.
 - (2) Fences in other than AG districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

- a. No fence shall be erected along the line dividing lots or parcels of land or located within any required rear yard in excess of six feet, or less than three feet in height above the grade of the surrounding land, and no fence shall be erected along the line dividing lots or parcels of land or located within any required side yard in excess of five feet, or less than three feet in height above the grade of the surrounding land.
 - b. No fence shall be located in the required front yard or yard adjacent to the street of the lots or parcels in question more than 42 inches in height.
 - c. All fences erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of the fence, or electric current or charge in such fences is prohibited, except as permitted in subsection (a)(3) of this section. Barbed wire cradles may be placed on top of fences enclosing public buildings or wherever deemed necessary in the interest of public safety.
 - d. The decorative side of fences shall face outward, toward the abutting property.
- (3) Fences in AG districts and fences for agricultural uses in other districts, after approval as to location and type by the building inspector, may be located on all property on road right-of-way lines of a parcel of land, providing that such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
- (b) Fences shall be subject to the following regulations:
- (1) No person shall construct, erect or install a fence without first obtaining a permit from the township and constructing, erecting or installing such fence in conformance with the standards set forth in this section.
 - (2) Fences shall meet the following standards:
 - a. *Installation and materials.* All fences shall comply with the requirements of the single state construction code and this chapter, and any ordinance of the township as they apply to fence installation and materials.
 - b. *Lakes and river lots.* Fences on lots with frontage on Lake Huron or the Black River shall be opened and unobstructed on the lake and on the river side allowing a view up and down the lake or river from adjacent properties.
 - (3) The building inspector shall inspect all fences constructed, erected or installed and issue permits of compliance.
 - (4) The township board may, by resolution, establish inspection or compliance fees for the cost of administration and enforcement of this section.

(Ord. No. 52, §§ 3-07.02—3-07.04, 3-07.06, 8-18-1982; Ord. No. 62, § 7-16.12, 8-11-1984; Ord. No. 110, 2-2-1994)

Sec. 38-613. - Frontage requirements.

- (a) Every lot or parcel of record created after the effective date of the ordinance from which this chapter is derived shall front upon a public street for the required width of the lot as provided in section 38-441. Lot width shall be measured as defined in the definition of lot width in section 38-5.
- (b) No lot shall be used for any purpose permitted by this chapter unless such lot fronts a public street; or unless such lot fronts upon a private street which was lawfully constructed prior to the adoption of this chapter.



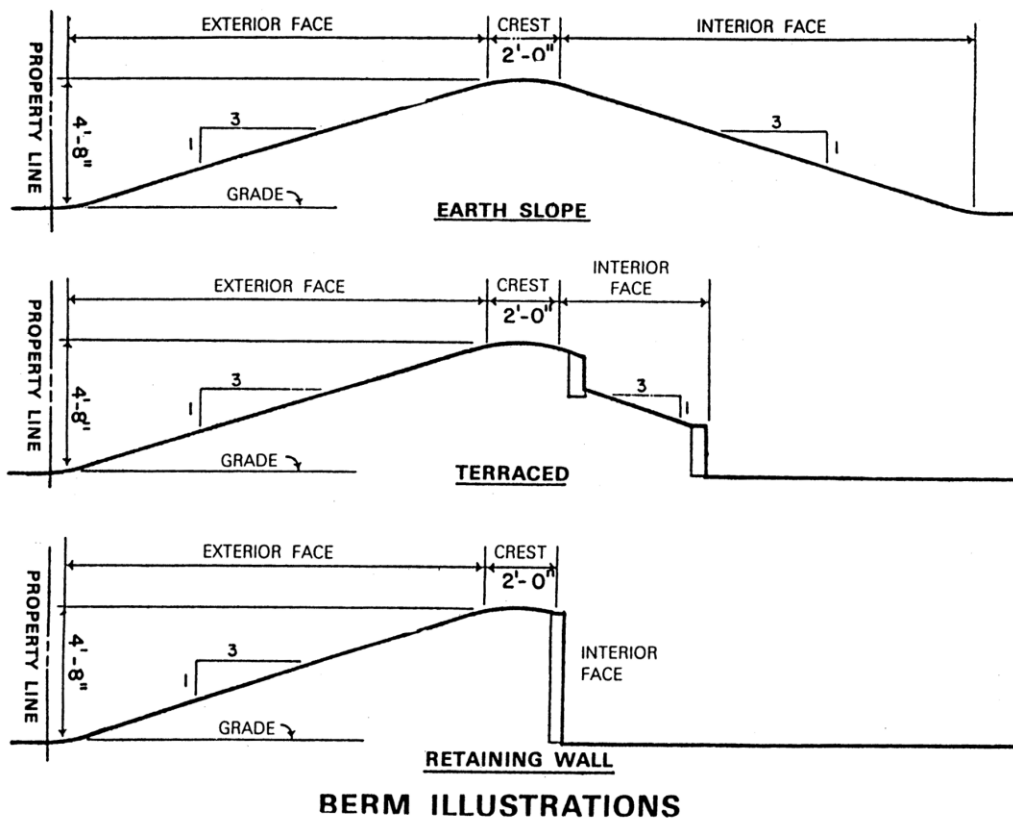
RESIDENTIAL FENCE SETBACKS

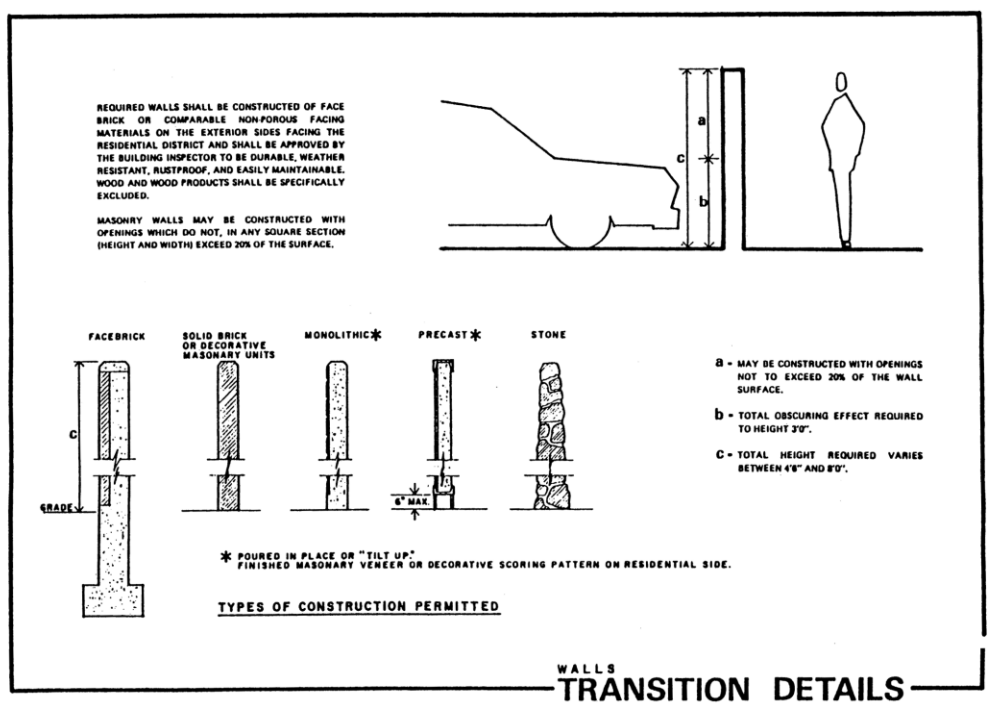
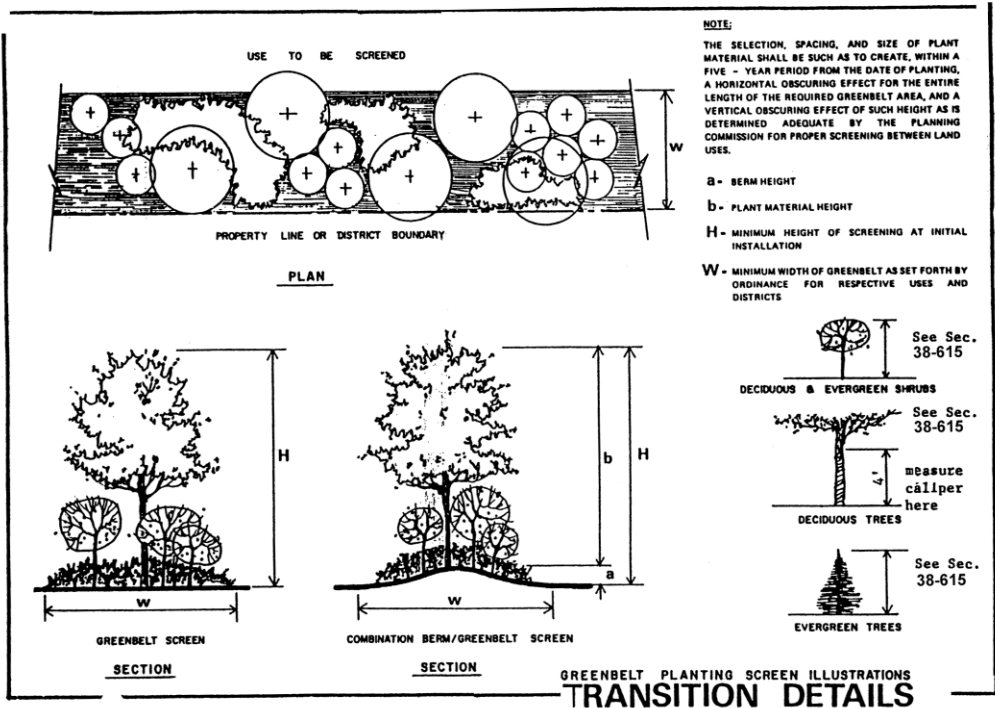
- (c) The zoning board of appeals may grant an exemption from this requirement in cases where a lot has contained two or more dwelling units since prior to passage of the ordinance from which this section is derived and it is proposed that such lot be split so as to create lots containing only one house each, or in other cases where the requirement would serve no useful purpose. An exemption shall be granted only if the zoning board of appeals determines that the exemption will not be detrimental to the public welfare.

(Ord. No. 62, § 7-16.13, 8-11-1984)

Sec. 38-614. - Greenbelts, obscuring walls and berms.

- (a) For those use districts and uses listed in this section, there shall be provided and maintained, on those sides abutting or adjacent to a residential district, an obscuring masonry wall required as follows:
- (1) *RM districts.* Six-foot high masonry wall, except that no wall is required when adjacent property is also zoned RM or MHR.
 - (2) *MHR districts.* Six-foot high masonry wall adjacent to all abutting properties, except that no wall, greenbelt, or earth berm shall be required for single-family dwellings or mobile homes located outside of licensed mobile home parks and may also be required along right-of-way lines.
 - (3) *O-1, C-1, and C-2 districts.* Six-foot high masonry wall.
 - (4) *Off-street parking lot.* Six-foot high masonry wall.
 - (5) *Hospital ambulance and delivery areas, funeral home loading and unloading areas.* Six-foot high masonry wall.
 - (6) *Utility buildings, stations and/or substations.* Six-foot high masonry wall.
- (b) For those use districts and uses listed in subsection (a) of this section, the planning commission may permit, in lieu of an obscuring masonry wall: an obscuring landscaped earth berm (earth mound); or landscaped greenbelt of at least 15 feet in width. Where such earth berm is provided in lieu of a wall, the berm shall be landscaped and maintained in a clean, orderly, and growing condition and shall meet the following minimum design standards. (See illustrations on following pages):





(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 planting 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 (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 on 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) In those instances where the planning commission permits an earth berm or landscaped greenbelt 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 berms or greenbelts 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. When vehicles or open air display generally exceed a five-foot height, such wall shall be increased to a height not exceeding ten feet, as determined by the planning commission.
 - (d) Such walls, earth berms and or greenbelts shall have no openings for vehicular traffic or other purposes except as otherwise provided in this section and subsection (h) of this section. All walls required in this section shall be constructed of face brick or other approved materials as shown in the illustrations accompanying this section. All materials shall be approved by the planning commission to durable, weather resistant, rustproof and easily maintained; wood or wood products shall be specifically excluded. Masonry walls or earth berms may be constructed with openings, which do not, in any square section (height and width), exceed 20 percent of the surface. Where walls or earth berms are so pierced, the openings shall be spaced so as to maintain the obscuring characteristic required and shall not reduce the minimum height requirement. The arrangement of openings shall be reviewed and approved by the planning commission.
 - (e) 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.
 - (f) If the planning commission should determine that a residential district may be a future nonresidential area, temporary waiver of the requirements of section 38-614 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.
 - (g) Residential property across alley:
 - (1) Any C-1, C-2, M-1, or M-2 district on which a drive-in business, open air display, parking lot or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than 20 feet wide, by either a building housing a permitted use or by a solid decorative masonry wall five feet in height above grade located, preferable on the residential side of such public alley as provided in subsection (g)(2) of this section. Greater wall height may be required as determined by the planning commission.
 - (2) Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone upon agreement with affected property owners. Such agreements shall be indicated on the site plan and recorded as a covenant upon the land. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such requests.

- (h) Where required walls, berms, or greenbelts are provided on the business side of public alleys, requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided that approval is secured from the planning commission as to suitability of width and location of such openings.
- (i) Bond:
 - (1) A bond or cash in an amount equal to the cost of construction of the required wall, earth berm, or greenbelt shall be deposited with the township clerk until such time as the screening device is constructed and/or planted. If the weather or seasonal conditions prevent transplanting, the petitioner shall be granted six months from the date of issuance of certificate of occupancy to install and screening device or the township shall be authorized to use such funds to install such funds to install such screening device.
 - (2) In the case of a earth berm or a greenbelt, the township shall be authorized to withhold 20 percent of the bond or cash for a period of two years from the date of issuance, to ensure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two-year period. It shall be the responsibility for its original intent and purpose.

(Ord. No. 62, § 7-16.14, 8-11-1984)

Sec. 38-615. - Landscaping, screening, green-belts, buffers and fencing.

- (a) *Intent.* The intent of this section is to promote the public health, safety and general welfare by minimizing noise, air and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character of the community; promoting the conservation of property values and natural resources; and preventing soil erosion. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values and alleviating the impact of noise, traffic and visual disruption related to intensive uses. Screening, buffers and fencing are important to protect less intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses.
- (b) *Scope of application.* The requirements of this section shall apply to all uses for which site plan review is required under section 38-46. No site plan shall be approved unless such site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted, in accordance with the provisions set forth in section 38-47. In cases where an existing building is to be structurally altered or enlarged or when the use of changes to a substantially different use or an existing building is structurally altered or enlarged, all of the standards set forth in this section shall be met.
- (c) *Landscape plan required.* A separate detailed landscape plan shall be required to be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following:
 - (1) The landscape plan shall be prepared by or under the direction of a landscape architect and shall bear the seal of a landscape architect, licensed to practice in the state.
 - (2) A minimum scale of one inch = 60 feet.
 - (3) Existing and proposed contours on-site and 50 feet beyond the site at intervals not to exceed two feet.
 - (4) Location, spacing, size and root type (bare root (BR) or balled and burlapped (BB)) and descriptions for each plant type proposed for use within the required landscape area.

- (5) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls and fences, including footings.
 - (6) Significant construction details to resolve specific site conditions, such as tree wells, to preserve existing trees or culverts to maintain natural drainage patterns.
 - (7) Planting and staking details, in either text or drawing form, to ensure proper installation and establishment of proposed plant materials.
 - (8) Identification of existing trees and vegetation cover to be preserved.
 - (9) Identification of grass and other ground cover and method of planting.
 - (10) Identification of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced, in accordance with the standards of this article.
 - (11) An irrigation plan showing the design of an underground sprinkler system conforming to the requirements of subsection (o) of this section.
- (d) *Review of landscape plan by planning commission.* The planning commission, upon receipt of a written report and recommendation from the zoning administrator and/or township planner, shall review such landscape plan relative to:
- (1) The proper spacing, placement and location of plant materials relative to the length, width and general configuration of the required landscape element so as to ensure that the intended landscaping effect, including the necessary horizontal and vertical obscuring of proposed land uses, will be achieved.
 - (2) The choice and selection of plant materials so as to ensure that the root system will not interfere with public utilities and that fruit and other debris will not constitute a nuisance within the public right-of-way or to abutting property owners.
 - (3) The proposed relationship between deciduous and evergreen plant materials so as to ensure that the intended landscaping effect, including maximum obscuring effect, where appropriate, will be maintained throughout the various seasonal periods.
 - (4) The size of plant materials (both starting and ultimate) to ensure adequate maturity and optimum screening and/or shading effect of proposed plant materials.
- (e) *Landscape design standards.*
- (1) *Quality.* Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to county, conform to the current minimum standard of the American Association of Nurserymen and shall have proof of any required governmental regulations and/or inspections.
 - (2) *Composition.* A mixture of plant material, such as evergreen trees, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
 - (3) *Plant material sizes and 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 shall have a starting size of at least six feet in height. 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 shall have a starting size of at least five feet in height. 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 have a minimum starting size of 2½ caliper inches. They shall be planted not more than 30 feet on center when placed in informal groupings.
- f. Small deciduous trees shall have a minimum starting size of at least two caliper inches. They shall not be spaced more than 15 feet on center when placed in informal groupings.
- g. Large shrubs shall have a starting size of at least 30 inches in height. They 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.
- h. Small shrubs shall have a starting size of not less than 24 inches in height or spread and shall be planted not more than four feet on center.

(4) *Suggested plant materials.* The following list of plant materials is not intended to be all-inclusive, but rather suggests certain materials which is suitable for landscaping purposes:

Evergreen Trees:	Juniper, Hemlock, Pine, Spruce, Douglas Fir, Fir.
Narrow Evergreens:	Column Honoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Red-Cedar, Swiss Stone Pine, Pyramidal White Pine, Hicks Yew, Irish Yew, Douglas Arborvitae, Pyramidal Japanese.
Large Deciduous Trees:	Oak, Linden, Hackberry, Hop Hornbeam, Ginkgo (male), Hard Maples, Sweet Gum, Honey Locust (seedless, thornless), Birch, Beech, Sycamore, Ash (seedless).
Small Deciduous Trees:	Hornbeam, Serviceberry, Mountain Ash, Russian Olive, Hawthorn (thornless), Magnolia, Redbud, Rose of Sharon, Flowering Crabapple, Flowering Dogwood (disease resistant), Flowering Cherry, Plum, Pear.
Large Shrubs:	Honeysuckle, Mock-orange, Buckthorn, Pyracantha, Mugo Pine, Lilac, Euonymus, Ninebark, Barberry, Sevin Juniper, Viburnum, Forsythia, Dogwood (Red Osier and Grey), Sargent Crabapple, Sumac, Flowering Quince, Weigela, Cottoneaster (Peking and Spreading), Hazelnut, Border Privet (hedge planting), Pfitser Juniper, Yew, Tall Hedge (hedge planting).
Small Shrubs:	Regal Privet, Potentilla, Dwarf Mungo Pine, Low Spreading Junipers (Hughes, Tamarix, etc.), Cottoneaster (Cranberry, - Rockspray), Fragrant Sumac, Compact Burning Bush, Spreading Yews, Japanese Quince, Big Leaf Winter Creeper, Euonymous varieties, Brown's, Wards's, Sebiom Yews, Dwarf Winged.
Ground Cover:	Periwinkle, Baltic Ivy, Euonymous varieties, Hall Honeysuckle, Pachysandra.
Vines:	Euonymous varieties, Virginia Creeper, Baltic Ivy, Wisteria.
Trees Not Permitted:	Box Elder, Catalpa, Soft Maples (Red - Silver), Elms, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven.

- (f) *General landscaping.* In addition to any interior parking lot landscaping and/or screening/buffer between land uses required by this chapter, not less than ten percent of the site area, excluding existing thoroughfare rights-of-way, shall be landscaped. Areas used for storm drainage purposes,

such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five percent of the site area.

- (1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
- (2) A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 3,000 square feet or portion, thereof, of required landscaped open space area.
- (3) Required trees and shrubs may be planted at uniform intervals, at random or in groupings.
- (4) A portion of the required general landscaping, acceptable to the planning commission, shall be provided immediately adjacent to principal buildings. Such landscaping shall be of a size and extent proportionate with the building it is intended to enhance and soften. Larger and taller plant materials, such as deciduous, evergreen and ornamental trees must comprise a significant portion of the required landscaping adjacent to larger structures or monotonous expanses of a building's exterior wall. The location, width and configuration of planting beds as well as the number, size, type and spacing of plant materials shall be subject to the review and approval of the planning commission. For buildings having a height of 14 feet or less, the average width of the planting beds shall not be less than five feet. When the height of the building exceeds 14 feet, the average minimum width of the planting beds shall be increased an additional one foot for each additional two feet of building height, up to a maximum required minimum average width of 15 feet.
- (5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion of the site, which is devoted to patios, terraces, sidewalks or other site features.

(g) *Interior parking lot landscaping.*

- (1) In off-street parking areas containing greater than 20 spaces, interior parking lot landscaping shall be provided, in accordance with the following schedule:
 - a. In an M-1 or M-2 district, one deciduous tree for each 4,000 square feet of the total of the paved driveway and parking lot surface is required.
 - b. In all other districts, one deciduous tree shall be required for each 3,000 square feet of paved driveway and parking lot surface, provided that no less than two trees are provided.

Trees shall be distributed evenly throughout the parking area. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the parking area.

- (2) Parking lot landscaping shall be no less than five feet in any single dimension and no less than 150 square feet in any single area. Landscaping shall be protected from parking areas with continuous raised reinforced concrete curbing to prevent vehicular encroachment onto landscaped areas.
- (3) A minimum of one deciduous tree, having a clear trunk height of at least six feet, shall be planted in each landscaped area.
- (4) A minimum of three feet shall be established between trunk of the proposed tree and the backside of the curb or edge of the pavement for protection.
- (5) The landscape plan shall designate the sizes, quantities and types of plant material to be used in parking lot landscaping.
- (6) All interior landscaped areas not dedicated to trees or to preservation of existing vegetation, shall be landscaped with grass, ground cover, shrubs or other appropriate landscape treatment. Sand, gravel or other pavement shall not be considered appropriate landscape treatment.

- (7) Required landscaping elsewhere on the parcel shall not be counted in meeting parking lot landscaping requirements.
 - (8) Landscaped islands within the parking area shall be designed and placed so as not to unduly interfere or impede the removal of snow. Adequate areas shall be provided, on-site, for the disposition and storage of snow.
 - (h) *Perimeter parking lot landscaping.* The purpose of perimeter landscaping requirements is to define parking areas, shield views of parked cars to passing motorists and pedestrians and prevent two adjacent lots from becoming one large expanse of paving. The provision of the perimeter landscaping, between adjacent parking lots, shall not preclude the need to provide vehicular access between lots. Landscape strips shall be provided around the perimeter of lots, as follows:
 - (1) *Perimeter landscape strips separating parking lots and driving lanes from abutting rights-of-way.*
 - a. *General requirements.* Whenever an off-street parking lot or driving lane abuts a right-of-way, public or private, a perimeter landscape strip shall be created which meets the minimum standards established in this subsection. The perimeter boundary, between the edge of the planned right-of-way and the parking lot or driving lane. Accessways, from public rights-of-way through required landscaped strips, shall be permitted; but such accessways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required, unless such calculation would result in a violation of the spacing requirements set forth in this section.
 - b. *Landscaping; plantings.* The strip shall be landscaped and planted in one of the following approved methods:
 - 1. A 15-foot wide strip planted with one deciduous tree and ten shrubs for each 35 feet of frontage.
 - 2. A berm that is at least 2½ feet higher than the finished elevation of the parking lot, planted with one deciduous tree and five shrubs for each 35 feet of frontage.
 - 3. An eight-foot wide landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot, planted with one deciduous tree and five shrubs for each 35 feet of frontage.
 - 4. An eight-foot wide buffer strip with a three-foot high wall of brick, stone or decorative finished concrete to screen the lot with one deciduous tree for each 35 feet of frontage, planted between the wall and the right-of-way.
 - 5. If existing woodlands are available, the applicant may preserve a 25-foot wide strip, in lieu of the landscaping requirement.
- For subsection (h)(1)b.1—4 of this section, two ornamental or two evergreen trees may be substituted for each required deciduous tree.
- (2) *Other perimeter landscaping strips.* In addition to the perimeter landscaping required in subsection (h)(1) of this section, perimeter landscaping strips shall be required along the remaining boundaries of a parking lot or driving lane, as follows:
 - a. A landscaped strip, at least eight feet wide, planted with one deciduous tree and three shrubs for each 35 feet of perimeter. For small, shallow, narrow or unusually shaped lots, the planning commission may reduce the required width, modify the plantings required or waive this requirement, upon demonstration that compliance with this subsection would cause undue hardship.
 - b. If existing woodlands are available, the applicant may preserve a 25-foot wide strip in lieu of the landscaping requirement.
- (i) *Buffers between conflicting land uses.* All landscaping plans shall conform to all applicable provisions of section 38-614, entitled "Greenbelts, Obscuring Walls and Berms."

- (j) *Landscaping of balance of developed site.* In addition to the minimum required landscaping elements and areas, set forth in this section, all developed areas of the site which are not devoted to buildings, parking lots, driveways, sidewalks, patios, terraces or other approved site features shall be planted with grass, ground cover, shrubbery or other suitable plant material and shall be maintained in a healthy, growing condition, free of weeds and debris and neat and orderly appearance.
- (k) *Existing trees.*
- (1) If existing plant material is labeled "To Remain" on site plans, by the applicant or required by the township, protective techniques such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used, provided that the township approves such techniques.
 - (2) If healthy trees, which are used to meet the minimum requirements of this section or those labeled to remain, are cut down, destroyed, damaged or excavated at the drip line, as determined by the township, the owner shall replace them with trees which meet this article's requirements.
- (l) *Berms.*
- (1) Where required or utilized under this section, berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion and with a rounded crest, a minimum of two feet in width at the highest point of the berm, extending the length of the berm. For the purposes of this subsection, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm. A berm shall be designed and placed so as not to impede storm drainage.
 - (2) The berm shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - (3) A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
 - (4) Eight shrubs per tree may be planted as a substitute of the trees required in subsection (l)(3) of this section.
 - (5) Required trees and shrubs may be planted at uniform intervals, at random or in groupings.
 - (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (m) *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas, described in this subsection shall permit unobstructed cross visibility. Shrubs, located in the triangular area, shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Portions of required berm, located within sight distance triangular areas, shall not exceed 30 inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of a driveway. The triangular areas, referred to in this subsection are:
- (1) The area formed at the corner of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line, and the third side being a line connecting these two sides.
 - (2) The area formed at the corner of two public rights-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines, and the third side being a line connecting these two sides.
- (n) *Landscaping of rights-of-way and other adjacent public open space areas.* Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted

with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

- (o) *Maintenance.* The owner of property required to be landscaped by this article shall maintain such landscaping in a reasonably healthy condition, free from weeds, refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas, including parking lot islands, shall be irrigated by means of a properly maintained and operated underground sprinkler system with automatic timing controls.
- (p) *Fencing and screening.* Unless otherwise specified or determined by the planning commission, zoning administrator or zoning board of appeals, fencing and screening is to be six feet in height. Gateposts and other superstructures over site entrances and exits may be up to 12 feet in height. Fencing and screening materials of a height greater than three feet are not to be located within a required front yard setback or side setback adjacent to a street.
 - (1) *Mechanical equipment.* (This subsection does not apply to single-family residential uses or to any use in an industrial district, except if it abuts a residential district or use). When located outside of a building, support equipment (including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents or chimneys) is to be screened to the height of the particular piece of equipment, as follows:
 - a. Roof-mounted equipment: To be screened by architectural features from the view of abutting streets and parcels.
 - b. Equipment at grade: When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
 - (2) *Outdoor storage.* Outdoor storage shall be screened on all sides by a solid wall or fence.
 - (3) *Trash receptacles.* All trash collection sites utilizing dumpsters and/or four or more trash containers shall be enclosed with a six-foot high reinforced solid decorative masonry wall with enclosed solid wood access gates with latches. Access gates, constructed of chainlink fencing, are not permitted. Developments located within the commercial districts, which have off-street parking lots containing 250 or more parking spaces, shall provide trash receptacles, of a design approved by the planning commission, at evenly dispersed locations throughout the parking area at a ratio of one receptacle per each 50 spaces for use by patrons. All trash enclosures and trash receptacles shall be kept in good repair and maintained in a clean and orderly manner.
 - (4) *Materials for fencing and screening.* Materials for fencing and screening may consist of the following: solid board fences with posts not less than four inches by four inches and solid board cover not less than one inch (nominal) thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight feet on center. The finished side of the wood shall face abutting properties. Stockade-type fencing is not permitted.

(Ord. No. 135, § 1(7-16.15), 1-15-1997; Ord. No. 151, § 2, 9-15-1999)

Sec. 38-616. - Lot limitations.

In all R-1A and R-1B zoning districts only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district in which it is located; provided further that no building shall be erected on land subdivided in violation of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

(Ord. No. 62, § 7-16.16, 8-11-1984)

Sec. 38-617. - 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 requirement for any other building.

(Ord. No. 62, § 7-16.17, 8-11-1984)

Sec. 38-618. - Nonconforming lots, nonconforming uses of land, nonconforming structures and nonconforming characteristics of use.

- (a) *Applicability.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the approved plans, construction or designated use of any structure or land on which actual construction was lawfully begun prior to the effective date of adoption of this chapter and that there is likelihood that such lawful construction will be completed 12 months after the effective date of the ordinance from which this chapter is derived. Actual construction is hereby defined to include any lawful and approved physical operation on the premises which is preparatory to intend development or to the establishment of a use such as excavation, grading, fill, drainage and the like or the excavation, grading, fill, drainage and the like or the placing of construction materials in permanent position and fastened in a permanent manner; except that where lawful and approved demolition or removal has begun preparatory to rebuilding, such lawful and approved demolition or removal shall be deemed to be actual construction, provided that such lawful and approved demolition and subsequent reconstruction within 18 months after the effective date of the ordinance from which this chapter is derived. The adoption of this chapter shall not be deemed to affect, alter or change any conditional use, special exception, interpretation or variance previously decided or granted by the appropriate administrative or legislative body of the township or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.
- (b) *Lawfully existing nonconforming lots.*
- (1) The intent of this section is to allow reasonable development of lawfully existing nonconforming lots.
 - (2) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This subsection shall apply even though such lot fails to meet the requirements for area of width, or both, that are generally applicable in the district; provided, however, that yard dimensions and other requirements not involving area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the zoning board of appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance from which this chapter is derived, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for purposes of this chapter, and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.
- (c) *Definition and classification of nonconforming uses and structures.* Nonconforming uses and structures are those which do not conform to certain provisions or requirements of this chapter but were lawfully established prior to the time of its applicability. Class A nonconforming uses and structures are those which have been so designated by the zoning board of appeals, after application by any interested person or the building inspector upon findings that:
- (1) Continuance thereof would be contrary to the public health, safety or welfare.

- (2) The use or structure does not and is not likely to significantly depress the value of nearby properties.
- (3) The use or structure was lawful at the time of its inception.
- (4) No useful purposes would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.

All nonconforming uses, buildings or structures not designated as class A are class B nonconforming uses, buildings or structures.

- (d) *Procedure for obtaining class A designation; conditions.* A written application as provided by the Charter Township of Fort Gratiot must be filed with the zoning board of appeals. The provided form must be accompanied by a professionally prepared survey and shall include the following:
- (1) The actual shape, location, and dimensions of the property, utility lines, rights-of-way, public and private easements, fences, driveways, parking areas, and high risk erosion areas.
 - (2) The shape, size, and location of all existing and proposed buildings or other structures to be erected, altered, or moved.
 - (3) Setbacks from all property lines, the nearest fire hydrant, rights-of-way, drains, ponds, the outermost point (including overhangs, gutters, chimneys, architectural features) of existing and proposed structures, and structures on adjoining lots.
 - (4) Existing and proposed elevations and finished grade.
 - (5) If the property is located within a flood zone, either proof of removal from the flood zone or a professionally prepared elevation certificate must be provided.
 - (6) The existing and intended use of the property and of all such structures upon it.
 - (7) Such other information concerning the property, and adjoining properties, as may be essential for determining whether the provisions of this chapter are being met.

The zoning board of appeals may require the furnishing of such additional information, as it considers necessary. The notice and hearing procedure before the zoning board of appeals shall be the same as in the case of an application of a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions may be attached, including any time limit, where necessary, to ensure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. No vested interest shall arise out of a class A designation.

- (e) *Revocation of class A designation.* Any class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for class A designation.
- (f) *Regulations pertaining to class A nonconforming uses and structures.*
- (1) No class A nonconforming use of land, building or structure shall be resumed if it has been, for any reason, discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period.
 - (2) A class A use or structure may be used, altered or enlarged, provided that it does not violate any condition imposed by the zoning board of appeals at the time of its designation.
- (g) *Regulations pertaining to class B nonconforming uses and structures.*
- (1) It is the purpose of this chapter to eliminate class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
 - (2) No class B nonconforming use shall be resumed if it has been discontinued for a continuous period at least six months or if it has been changed to a conforming use for any period or if the structure in which use for any period or if the structure in which such use is conducted is damaged

by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.

- (3) No class B nonconforming structure shall be enlarged or structurally altered, or shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.
 - (4) No class B nonconforming use shall be changed to a substantially different nonconforming use, or enlarged so as to make use of more land area than used at the time of becoming nonconforming.
 - (5) In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.
 - (6) No class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
 - (7) No class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
 - (8) If a class B nonconforming structure is moved for any reason for any distance whatever; it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (9) Ordinary repair and maintenance work may be done on any class B nonconforming structure including repair and replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the state equalized value of the structure provided that the cubic content of the building as it existed at the time of adoption of this chapter shall not be increased.
- (h) *Repairs and maintenance.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (i) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided that there is no change in the nature or character of such nonconforming uses.
- (j) *Record of nonconformity.* Within six months after the adoption of this chapter, the building inspector shall prepare and complete a record of all known nonconforming uses and structures existing at the adoption of this chapter. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such record shall also contain any information regarding action by the zoning board of appeals for designation of class A status.
- (k) *Nonconforming characteristics of use.*
- (1) It is the intent of this chapter to eliminate, as nearly as is practicable with the prevailing requirements of this chapter, nonconforming characteristics of use and to eliminate them as rapidly as is possible without payment of compensation.
 - (2) Notwithstanding other provisions of this chapter, whenever a change in use, ownership or tenancy occurs or when structural alterations are made, or when renewal of operating license as provided by other township ordinances is made, those nonconforming characteristics of use which were lawfully inadequate or totally lacking at the effective date of the ordinance from which this chapter is derived, or amendments thereto, shall be eliminated. Such upgrading of characteristics of use shall be completed within 12 months after the occurrence of a change in use, ownership or tenancy, or before the expiration date of the renewed operating license, or after issuance of a building permit for structural alterations.
 - (3) The zoning board of appeals may grant an extension of time to remedy those deficient characteristics of use found to exist. In granting such extension of time, the zoning board of appeals shall base their written decision upon findings that:

- a. The applicant can document conclusively that personal hardship exists presently but there is likelihood that the improvements can be completed if the initial time allotment is extended; and
- b. The reasons of personal hardship justify granting an extension of time so as to make possible the reasonable use of land or structure concurrent with the upgrading of those deficient characteristics of use found to exist.

(Ord. No. 62, § 7-16.18, 8-11-1984; Ord. No. 207, § 2, 2-1-2012; Ord. No. 212, § 1, 8-19-2015)

Cross reference— Buildings and building regulations, ch. 4.

State Law reference— Nonconforming uses, MCL 125.286.

Sec. 38-619. - 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 stormwater runoff, prevent the generation of dust into the air and make clear the availability and arrangement of spaces to all users.

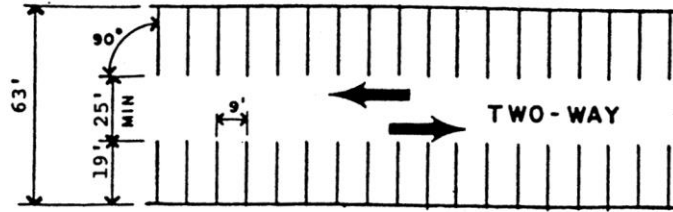
- (1) *Off-street parking facilities.* It shall be the duty of both the owner and occupant of any premises to provide off-street parking space as required in this section. The off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - a. Any existing off-street parking facilities being used upon the effective date of the ordinance from which this chapter is derived shall not hereafter be reduced below the requirements hereof for the use or a similar structure land use, whenever a use or an activity requiring off-street parking is created or increased in floor area, intensity or activity in some other manner, the number of off-street parking spaces shall be provided and maintained as required in this chapter.
 - b. 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.
 - c. 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 handicapped shall be as set forth by the building code:

Parking Pattern	Maneuvering Land Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 (parallel)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30—53	12 ft.	8.5 ft.	20 ft.	32 ft.	52 ft.
54—74	15 ft.	8.5 ft.	20 ft.	37 ft.	58 ft.

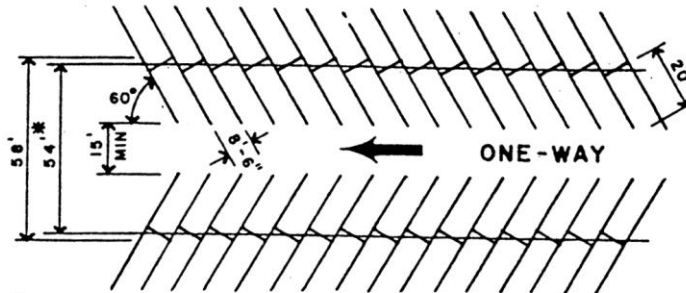
75—90	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.
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1. All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
2. Parallel parking spaces shall be 20 feet in length with a six-foot maneuvering space for each two parking spaces.
3. All parking lots shall have access from a clearly limited and defined driveway not less than 15 feet wide for a one-way and 24 feet wide for a one-way traffic. In no case shall a driveway exceed 30 feet in width.
4. All parking spaces shall have access from an aisle on the site to minimize backing onto a street and having a potential traffic hazard.
5. Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.
6. For the purpose of meeting off-street parking requirements for offices, merchandising, service or industrial uses, floor area shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients, employees, or as tenants, including areas occupied for storage and fixtures and equipment used for display or sale of merchandise. Where parking is required for both floor area and employees, the area used exclusively by employees may be deducted from gross floor area used to determine the parking required to meet the floor area (square foot) requirement.
7. 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 such seating shall be considered as one seat for the purpose of determining off-street parking requirements.

90 DEGREE

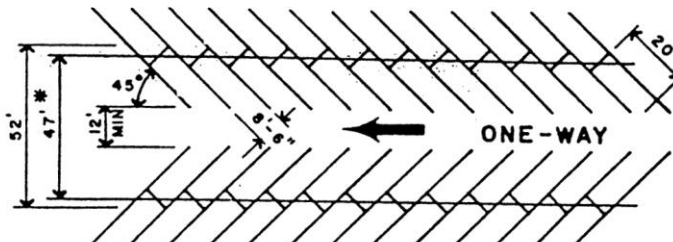


60 DEGREE



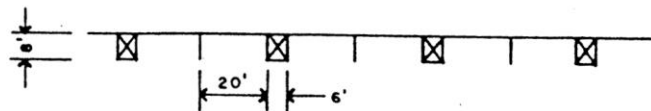
* OVERLAPPING DIMENSION

45 DEGREE



* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL



PARKING LAYOUTS

8. Parking plans be submitted for review and approval of layout and points of access by the planning commission.
9. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for such use shall be that for a listed use which is most similar as determined by the planning commission.
10. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that, collectively, such facilities shall not be less than the sum of the requirements for the various 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.

11. The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified in this section 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 such use.
 12. 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 required for such off-street parking. Such distance shall be measured 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.
 13. 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. Such concrete pavement shall be of a minimum thickness of six inches, and any bituminous paving shall be of a minimum thickness of two inches and shall be placed upon a base of gravel of a minimum thickness of four inches. The zoning board of appeals may grant a variance to this requirement where, upon recommendation of the planning commission, a more imaginative paving solution is presented using brick, paving blocks, or other similar material of adequate loadbearing nature.
 14. All spaces shall be provided adequate access by means of paved maneuvering lanes.
 15. 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.
 16. Parking may be permitted in a required front yard except as provided in subsection (2)e of this section, provided that a landscaped area meeting the requirements of section 38-615(h)(1) shall be provided between the parking area and the public street.
- (2) *Off-street parking development regulations.* An approved off-street parking area as permitted under this section shall be subject to the following regulations:
- a. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.
 - b. All advertising signs shall conform to the requirements of this chapter.
 - c. All land between the lot boundaries of the lot on which is located a parking area and the barriers referred to in this subsection, 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.
 - d. 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.
 - e. 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. The depth of the front yard or setback line from the street as established for houses on any block in any given residential area shall be continued and made applicable to parking space if located adjacent to such residential area, and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier specified in the next subsection shall be located in the setback line as required in this subsection.
 - f. Whenever such 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 such other locations where a protective barrier is required, 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 in concrete, shall be provided to prevent vehicles striking such wall or shrubbery.

- g. Entrance to such parking areas shall be only from adjoining principal use or adjoining alley or street.
- h. A building permit shall be required for the construction of any parking area whether or not such parking area is in conjunction with any structure. The applicant shall submit a written plan to the enforcing officer along with application for a building permit. Such 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 walls; and landscaping, if required, and the proposed use of the property.
- i. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked, or stored in a parking lot as permitted in this sub-section for a period of longer than 18 hours, it being the purpose and intent of this subsection that the requirement is to provide for keeping parked motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles. Exempt from this provision is the parking of vehicles accessory to the principal use.
- j. No charge for parking shall be made in an off-street parking area permitted under this subsection.
- k. The use of any loud noise producing device or public address system shall be prohibited.
- l. All parking serving other than one-family dwelling shall be side-by-side and tandem parking shall be prohibited.
- m. Pedestrian walkways within parking lots: For the safety of pedestrians, in large (100 spaces or more) high-turnover parking lots, separate raised pedestrian walkways, connecting the main building perimeter sidewalk with existing or proposed sidewalks along street rights-of-way shall be provided. This requirement shall not apply to uses within an industrial district. Not less than one such walkway shall be constructed of concrete, asphalt, stone, brick or other hard-surfaced material. The walkways shall be not less than six feet in width and shall be enhanced with landscaping along both sides to help separate them from traffic and distinguish them from the parking area. The walkways must be integrated with the township's overall plan for pedestrian improvements where applicable. Parked cars shall not be permitted to overhang pedestrian walkways. The land used for this connecting sidewalk shall be countable in the computation of the required percentage of landscape area, as provided in section 38-615(f).

(3) *Paving schedule.*

- a. 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 in this subsection.
- b. 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 the owner may obtain a temporary occupancy permit for a period not exceeding six months from the building inspector, after review and approval of the planning commission, upon written request therefor, provided that such owner shall:
 - 1. Deposit security with the township treasurer in the form of cash or a corporate surety bond in an amount equal to the cost of the complete installation of the paving (the cost being determined by the township engineer) plus an additional ten percent thereof. The additional sum of ten percent is hereby determined to be a reasonable expense incurred by the township in causing the complete installation of the paving as may be required and as provided in subsection (3)b of this section.

2. 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 shall be cancelled and returned to the depositor upon demand. Upon failure to completely install the paving as required in this subsection, the required security deposit 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 such failure.
 3. If the security deposit is forfeited as provided in subsection (3) b of this section:
 - i. 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.
 - ii. The building inspector shall not issue a regular occupancy permit until the paving required is completely installed; and
 - iii. 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.
- (4) *Location and design of driveways.* All parking areas shall be provided with a safe entrance and exit from the abutting public thoroughfare. Such entrance and exit in the case of 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 24 feet in width; provided, however, that 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 such 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.
- (5) *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.
- (6) *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 such structure on the basis of the following schedule:
- a. *Residential use.*
 1. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building they are intended to serve and shall consist of a parking strip, parking apron, carport, and/or garage on the basis of two parking spaces for each dwelling unit.
 2. Multiple-family residential dwellings shall have two paved off-street parking spaces for each dwelling unit. For each additional bedroom over two per unit, one-half additional parking space shall be provided.
 3. 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 such a requirement.
 4. As required by R 125.1925 and R 125.1926 of the Mich. Admin. Code. In a licensed mobile home park a secured storage area for recreation vehicles shall be provided buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time except within a covered building or the enclosed storage area. In the mobile home park no motorized recreation vehicles or boats shall

be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with one-half footcandle of illumination.

b.	<i>Institutional Use</i>	<i>Number of Spaces</i>
1.	Churches or temples	One for each three seats in the main unit of worship.
2.	Golf courses open to the general public, except miniature or "par 3" courses	Six for each one golf hole and one for each one employee.
3.	Hospitals	One for each 600 square feet of gross floor area, plus one for each two employees.
4.	Homes for the aged and convalescent homes	Two for each three beds or occupants and each two staff members.
5.	Elementary and junior high schools	One for each oneteacher, employee and administrator, in addition to the requirements of the auditorium.
6.	Private clubs or lodge halls	One for each threepersons allowed within the maximum occupancy load as established by township, county or state fire, building or health codes.
7.	Private golf clubs, tennis clubs, or other similar uses	One for each two member families or individuals.
8.	Private parks	One for each two individual members.
9.	Public recreation	One for every two users at maximum capacity plus one space for each employee.
10.	Senior high schools	One for each one teacher, employee, and administrator, plus one for each ten students in addition to the requirements of the auditorium.
11.	Stadium, sports arena, or similar places of outdoor assembly	One for each three seats or 60 inches of benches.

12.	Theaters and auditoriums (includes commercial theaters and movie houses)	One for each three seats plus one for each two employees. If no seats, one for each 50 square feet of floor area.
c.	<i>Business/Commercial</i>	
1.	Agricultural sales, greenhouses and nurseries, fish farm operations	One for each one employee plus one for each 100 square feet of actual permanent or temporary area devoted primarily to sales.
2.	Airports, runways, and the like	One for every three airplanes to be stored on the site plus one for each employee.
3.	Automobile repair	One for each 100 square feet of floor area. No wrecked vehicles to be stored outside.
4.	Automobile service stations	Two for each lubrication stall, rack, or pit; and one for each gasoline pump.
5.	Auto wash:	
	(a) Self-service	Four spaces for each establishment plus four waiting spaces for each washing stall.
	(b) Other than self-service	Four spaces for each establishment plus 20 waiting spaces for each washing stall or line. A properly drained drying land 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.
6.	Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair.
7.	Boat berthing, in-and-out storage, and in-water storage	One space for every two boat berths and one 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 such location.
8.	Bowling alleys	Six for each one bowling lane.
9.	Dancehalls, arcades, pool or billiard parlors, roller or ice skating rinks, indoor tennis facilities, exhibition halls, and assembly halls without fixed seats.	One for each two persons allowed within the maximum occupancy load as established by the township, county or state fire, building or health codes.
10.	Dry cleaners	One parking space for each two employees, with a minimum of three spaces.
11.	Establishments for sale consumption on the premises of beverage, food or refreshments	One for each 100 square feet of floor area or one for each two persons allowed within maximum occupancy, whichever is greater.
12.	Fast food, drive-in and carryout restaurants	One space for each two employees, plus one parking space for each two seats intended for patrons within the restaurant building, and one space for each 20 square feet of building floor area available in the order waiting area.
13.	Furniture and appliance household equipment, repair shops, showroom of a plumber decorator, electrician, or similar trade, shoe repair and other similar uses	One for each 500 square feet of floor area. For that floor area used in processing or storage, one additional space shall be provided for each two persons employed therein or each 1,000 square feet, whichever is greater.
14.	Laundromats and coin-operated dry cleaners	One for each two machines.
15.	Miniature, "par 3" golf courses	Three for each one hole, plus one for each one employee.
16.	Mortuary establishment	One for each 50 square feet of assembly room floor space, parlors and slumber rooms
17.	Motel, hotel or other commercial lodging establishments	One for each one occupancy unit plus one for each one employee in addition to the requirements for ancillary facilities such as restaurants, ballrooms, etc.

18.	Motor vehicle sales and service establishment	One for each 300 square feet of floor space of sales room and one for each one auto service stall in the service room.
19.	Museum or art gallery	One for each 400 square feet of floor space.
20.	Open air businesses	One for each 500 square feet of lot area for retail sales, uses and services.
21.	Planned centers:	
	(a) Office buildings	One for each 150 square feet of floor space.
	(b) Retail business	One for each 100 square feet of floor space.
22.	Retail stores except as otherwise specified in this section	One for each 150 square feet of floor space.
23.	Specialty shops	One for each 200 square feet of floor space.
d.	<i>Offices</i>	
1.	Banks and post offices	One for each 100 square feet of gross floor space, plus one space for each two employees.
2.	Business offices or administrative offices except as indicated in this section	One for each 100 square feet of floor space.
3.	Clinics, medical, dental, veterinary	One space for each employee, plus one space for each 150 square feet of floor space.
4.	Professional offices of doctors, dentists, or similar professions	One for each 100 square feet of floor area or one for each 25 square feet in waiting rooms, and one for each examining room, dental chair, or similar use area, whichever is greater.
e.	<i>Industrial</i>	

1.	Industrial, wholesale or warehouse establishment (except for subsection (3)b of this section)	Five plus one for every 1½ employees in the largest working shift, or one 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.
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(7) *Off-street loading requirements.* 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. Such loading and unloading space, unless otherwise adequately provided for, shall be an area of ten-foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Space Required
0—1,400	None
1,401—20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet.
100,001—500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

(Ord. No. 62, § 7-16.19, 8-11-1984; Ord. No. 135, 1-15-1997)

Sec. 38-620. - Radio and television towers; wind energy conversion systems.

- (a) *Generally.* Commercial radio, television and other transmitting or relay antenna towers shall be permitted in any agricultural, commercial, or industrial zoning district, subject to compliance with applicable federal, state, and township ordinances. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, with no zoning ordinance restrictions on tower height. The building inspector must approve the structural plans.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Survival wind speed means 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.

Tower height means the height of the actual tower, plus one-half the rotor diameter on horizontal axis installation, and no vertical axis installations, the distance from the base of the tower to the top of the unit.

Wind energy conversion systems (WECS) means any device which converts wind energy to mechanical or electrical energy.

Wind rotor means the blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.

- (c) *Permitted zones.* In any zoning district, the planning commission shall have the power to grant a special permit to allow wind energy conversion systems, subject to the restrictions contained within this chapter. Any special permit denied by the planning commission may be heard by the zoning board of appeals upon the request of the petitioner for the special permit.
- (d) *Applicability of section.* The standards which 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. For systems intended for uses other than those in this section, the planning commission approval shall be required. Such 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. The planning commission approval shall specifically be required for arrays of more than one wind energy conversion system is intended to provide the electric power for more than one main building.
- (e) *Standards for regulation of WECS.*
 - (1) *Construction.* Tower construction shall be in accordance with the latest edition of the township building code, and any future amendments and/or revisions to the same.
 - (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 Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing such emissions.
 - (3) *Setbacks.* 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. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one to 1½ ratio with tower height. 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 (without variance from the zoning board of appeals) shall be 50 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) *Labelling 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 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. The manufacturer's name and address, serial number and model number.
 - d. The 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 the company's grid prior to installing such 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's manufacturers shall document that the WECS model has been tested and certified by Underwriters' Laboratories, Inc., or other such 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 miles per hour.
- (9) *Noise.* The maximum level of noise to be generated by a WECS shall be 50 decibels, as measured on the dB(A), measured at the property line.
- (f) *Miscellaneous.*
- (1) All electric line/utility wires shall be buried under ground except in agricultural 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 \$100,000.00 for each occurrence. Proof of insurance shall be furnished to the township.

(Ord. No. 62, § 7-16.20, 8-11-1984)

Sec. 38-621. - Residential entranceway.

- (a) In AG, R-1A, R-1B, R-2, RM and MHR districts, entranceway structures including, but not limited to, walls, columns and gates marking entrances to one-family residential, two-family residential or multiple-family residential developments may be permitted and be located in a required yard, except as provided in section 38-608, corner clearance, 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.

(Ord. No. 62, § 7-16.21, 8-11-1984; Ord. No. 198, art. 9, 8-16-2006)

Sec. 38-622. - Permitted area and placement.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

(Ord. No. 62, § 7-16.22, 8-11-1984)

Sec. 38-623. - Permitted uses.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided in this chapter.

(Ord. No. 62, § 7-16.23, 8-11-1984)

Sec. 38-624. - Ponds.

- (a) Private ponds for fish, ducks, livestock, water, irrigation water, fire protection, recreation, collection of surface drainage or created for the purpose of obtaining fill dirt for on-site construction purposes shall be permitted in any district, subject to the provisions of this section and after first obtaining a zoning compliance permit from the zoning administrator. The application for the permit shall contain:
 - (1) The name of the owner of the property;
 - (2) Legal description of the property;
 - (3) A site plan prepared with drafting instruments and drawn to a scale suitable to demonstrate compliance with applicable regulations.
- (b) No pond shall be constructed without first obtaining a permit from the state department of environmental quality if such pond would be:
 - (1) Five acres or greater in area;
 - (2) Connected to an existing lake or stream; or
 - (3) Located within 500 feet of the ordinary high water of an existing inland lake or stream. The obtaining of a permit from the state department of environmental quality shall not relieve a person from also complying with the requirements of this section 38-624.
- (c) Ponds constructed on any lot or parcel of land having three acres or more in area, or any pond larger than 30 feet in diameter, shall comply with the following regulations:
 - (1) Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements. If the applicant proposes that any excess excavated earth is to be removed for the property, he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial. Further, any excess excavated earth shall be removed within three months after excavation, except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the zoning administrator for one extension of three months.
 - (2) Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of this chapter and provisions of article V, chapter 12 of this Code. (See section 38-496.)
 - (3) The pond shall not be greater than 25 feet in depth.
 - (4) The pond may occupy up to a maximum of 20 percent of the lot or property upon which it is placed.

- (5) The pond shall be a minimum of 50 feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirements specified in this section.
 - (6) The pond shall be a minimum of ten feet from any overhead wires.
 - (7) The pond shall not be placed within a required front yard.
 - (8) The pond shall be constructed and maintained such that a minimum setback of 20 feet shall be provided between the high water line and any property line. This shall not prevent a shared pond between properties, provided that the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet such requirements. A recorded copy of this agreement shall be attached to the plan.
 - (9) The pond bed within 20 feet of the low water line shall be constructed and maintained at a 25 percent grade (a one to four slope). Beyond 20 feet of the low water line the bed may be constructed up to a maximum grade of 50 percent (a one to two slope).
 - (10) At least one permanent safety station consisting of a Coast Guard approved life buoy or ring, 100 feet of one-fourth-foot rope and a ten-foot pole, all mounted on a post, shall be provided nearest the deepest portion of the pond and erected prior to the completion of the pond. Safety station, shall comply with U.S. Soil Conservation Publication SCS-REC-121 (3-71). Signs warning of danger and emergency procedures shall also be placed at appropriate locations as indicated in aforementioned SCS publication.
 - (11) If the pond is intended for swimming, the swimming area shall be free of all underwater obstacles such as sudden drop offs, or deep holes, trees, stumps, brush, rubbish, wire, junk machinery, and fences. The swimming area, if any, shall be marked with a float line.
 - (12) All of the disturbed areas around the pond shall be seeded with adapted grassed and legumes.
 - (13) The pond shall be located so as to prevent sewage or runoff from barnyards from draining into the pond.
- (d) Ponds smaller than 30 feet in diameter, hereinafter referred to as recreational ponds, shall comply with the following regulations when constructed on any lot or parcel:
- (1) Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements. If the applicant proposes that any excess excavated earth is to be removed for the property, he shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to this stated volume and any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. This statement or any amendments thereto shall either be shown on the site plan or physically attached to the site plan and shall be considered a part of the site plan for purposes of review and approval or denial. Further, any excess excavated earth shall be removed within three months after excavation, except under unusual circumstances (i.e., a long period of bad weather as might occur in winter or spring months) then the applicant may apply to the zoning administrator for one extension of three months.
 - (2) Excavations undertaken primarily for the purpose of commercial soil, gravel, or mineral removal and not primarily for the purposes set forth in this section shall not be considered as "ponds" but instead shall be considered as "quarries" and subject to the applicable provisions of this chapter and provisions of article V, chapter 12 of this Code. (See section 38-496.)
 - (3) The pond shall not be greater than 15 feet in depth.
 - (4) The pond shall be a minimum of ten feet from any dwelling, and 50 feet from any septic field or well. This requirement shall take precedence over the setback requirements specified in this section.
 - (6) The pond shall be a minimum of ten feet from any overhead wires.

- (7) The pond shall not be placed within a required front yard.
- (8) The pond shall be constructed and maintained such that a minimum setback of 15 feet shall be provided between the high water line and any property line. This shall not prevent a shared pond between properties, provided that the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet such requirements. A recorded copy of this agreement shall be attached to the plan.
- (9) Enclosure. For the protection of the general public, all recreational ponds, or the parcel upon which the pond is located, shall be completely enclosed by a fence or wall. The fence shall be of a type described in section 38-612 not less than four feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door which shall be securely locked from the pond side when not in use.
- (10) The pond shall be located so as to prevent draining or in anyway adding water to surrounding properties.

(Ord. No. 62, § 7-16.24, 8-11-1984; Ord. No. 210, § 6, 9-5-2012)

Sec. 38-625. - Porches, patios and terraces.

An open, unenclosed porch, paved patio, or terrace may project into a required front yard for a distance not to exceed ten feet.

(Ord. No. 62, § 7-16.25, 8-11-1984)

Sec. 38-626. - Signs.

- (a) *Purpose.* The regulations in this section shall govern the type, use, size, height, and number of signs permitted on any parcel of land in the township, based on the zoning district designation of the subject property, as shown on the Official Zoning Map of the Charter Township of Fort Gratiot, as amended. This section is intended to apply reasonable regulations concerning the use of signs and outdoor advertising structures, in order to achieve the following objectives:
 - (1) Prevent excessive visual clutter and degradation of the visual environment in the township, which is likely to occur in the absence of reasonable regulations regarding the use of signs.
 - (2) Provide adequate opportunity for various types of land uses to identify their location, the nature of the use and manage the use of signs as a means of communication to the general public.
 - (3) To ensure that the size, design, type and placement of signs does not conflict with safe and efficient movement of vehicular traffic in the township.
 - (4) To ensure that signs and sign structures are designed, constructed, installed, operated, and maintained so as not to constitute a safety hazard.
 - (5) To protect and promote the health, safety and general welfare of the township and its residents.
- (b) *Definitions.* For the purpose of this section, the following words and phrases shall have the meanings hereinafter defined:

Abandoned sign shall mean a sign which no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity, or service.

Awning/canopy sign shall mean a sign which is part of or located on a canopy or awning which is attached to and projects from a building wall.

Balloon sign shall mean a tethered sign, with or without words, consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

Banners shall mean a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution shall not be considered banners for the purpose of this section.

Bench sign shall mean a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way or exterior of any business premises.

Billboard sign shall mean a sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured, or furnished upon the parcel or lot on which the sign is located, and additionally shall include those signs as regulated by the state pursuant to Act No. 106 of the Public Acts of Michigan of 1972 (MCL 252.301 et seq.; MSA 9.391(101) et seq.), as amended.

Building(s) shall mean any fully enclosed structure which has a permanent roof, is not a temporary structure, is not a pavilion, is not a pole type building, is not a building used strictly for storage purposes, and is not an amusement device.

Business center shall mean a single building containing two or more business establishments. Lodging uses with on-premise restaurants shall be included within this definition.

Business complex shall mean a land parcel containing two or more buildings, each containing one or more individual business establishments.

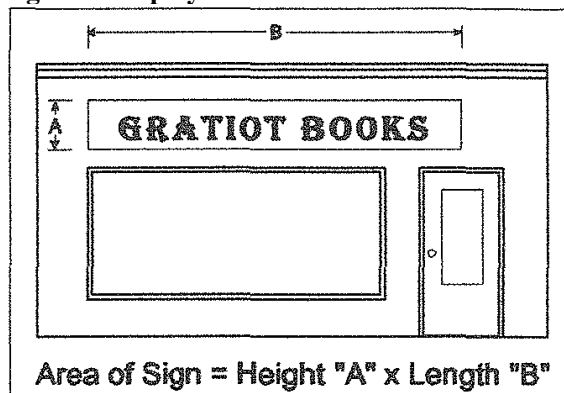
Business establishment shall mean a business operating independently of any other business on the same parcel or in the same building, separated from other businesses by walls, and with one or more doors that provide exclusive ingress and egress to that business.

Construction sign shall mean a sign containing identifying information concerning construction activity in progress on the premises on which the sign is located, such as the name of the future occupant or business, development name, type of development, name of the developer, and names of architects, engineers, contractors and lenders involved in the construction activity.

Corner locations shall mean those properties with two or more frontages.

Directional sign, on-premise shall mean a sign whose primary purpose is to direct the movement or parking of vehicles within the premises. Examples of signs which are included in this definition include directional signs at driveway entries from the public road, signs directing the movement of traffic within a parking area or driveway, signs identifying barrier-free parking spaces, signs identifying rear access doors in a multi-business establishment, signs prohibiting parking in loading areas or signs identifying loading dock names or numbers at a product distribution facility.

Figure 1-Display Area



Display area shall mean the entire area within a circle, triangle or parallelogram enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the

background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

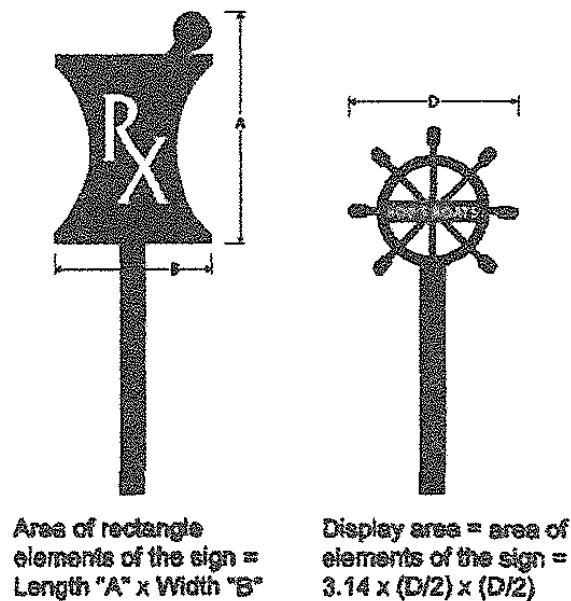


Figure 2-Illustration Measurement of "Display Area"

Display area exceptions. The area of an awning/canopy sign shall be measured as provided in the main body of this definition, and the sign shall be treated as if it were a wall sign attached to the same wall to which the awning or canopy is attached, for purposes of determining maximum allowed 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 two such faces are placed back to back and are at no point more than three feet from one another, 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; When the exact area of an irregular shaped sign can be provided, that calculation will be used in place of the calculation illustrated in Figure 2.

Electronic changeable message sign shall mean a sign whose informational content can be changed or altered by means of electronically controlled electronic impulses.

Encroaching sign shall mean a sign which projects beyond the private property line into and over a public right-of-way.

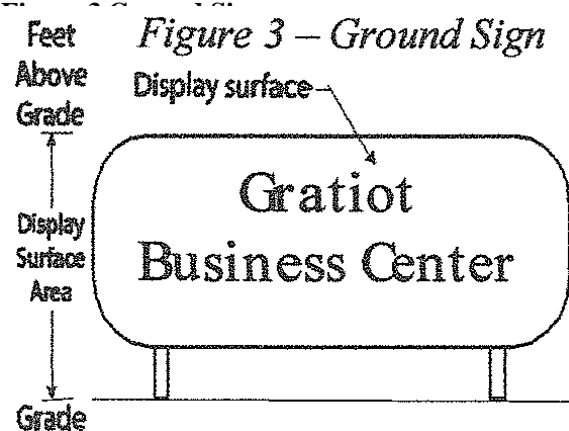
Flag, business shall mean a flag displaying the name, insignia, emblem, or logo of a profit making entity.

Flag, public shall mean a flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, educational institution, civic/religious/fraternal organization, or branch of the U.S. military.

Frontage shall mean that portion of any property abutting a street or access road; a corner lot and a through lot having frontage on both abutting streets.

Grade/grading. Grade shall be determined by measuring the horizontal distance 20 feet in all directions from the base of the sign, and then calculating the average of those measurements.

Ground sign shall mean a sign which is supported by one or more uprights in or upon the ground, where any part of the display surface is less than eight feet above the grade at the base of the sign.



Height of sign shall mean the maximum vertical distance from grade to the uppermost extremity of a sign or sign support.

Home occupation sign shall mean any sign used for the purpose of advertising services in conjunction with a lawful home occupation.

Identification sign shall mean a sign that identifies the name of the property owner, resident, or business on the property, with or without the street address.

Industrial park shall mean a grouping of several industrial businesses on contiguous parcels, accessed by the same public or private street and sharing a common location identity.

Institutional sign shall mean a sign containing a surface area upon which is displayed the name of a church, school, library, museum, day care center, cemetery, community center and similar institutions and the announcement of its services or activities.

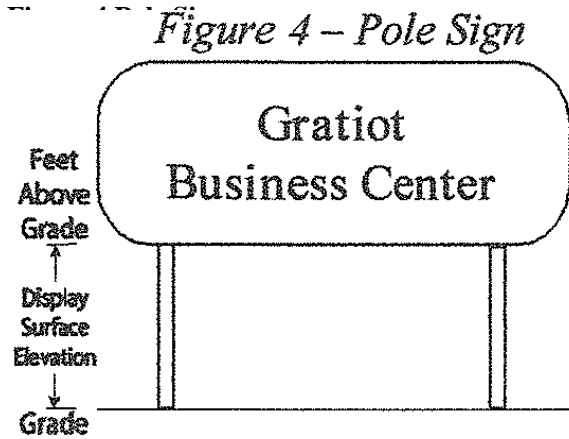
Marquee sign shall mean a sign that is attached to the underside of a marquee, or other covered structure and projecting at a right angle from and supported by a building or marquee and does not project horizontally beyond the marquee or covered structure.

Mobile sign shall mean a sign supported on a mobile chassis other than a motor vehicle.

Nonconforming sign shall mean any sign that does not conform to the requirements of this section.

Off-premises sign shall mean a sign which advertises a business, product, service, event, person or subject which is not sold, produced, manufactured or furnished at the property on which said sign is located.

On-premises sign shall mean a sign that advertises a business, product, service, event, person or subject that is located on the same premises as the business, product, service, event, person or subject being advertised.



Pole sign shall mean a sign having a sign face that is elevated above the ground by one or more uprights or poles, with all parts of the display surface of the sign eight feet or more above the grade at the base of the sign.

Political sign shall mean a sign which contains a message or graphic related to an election conducted by a governmental entity.

Projecting sign shall mean a sign attached to and projecting perpendicularly from a building wall, excluding awning/canopy signs, as defined herein. One face only shall be used for computation of the display area of a projecting sign.

Real estate sign shall mean a sign announcing or advertising the availability of an improved or unimproved lot, parcel or building, or portion thereof, for sale, lease, or rent.

Roof sign shall mean a sign that is erected, constructed, and maintained upon or above the roof of the uppermost building line and that is wholly or partially supported by such building.

Setback required, shall mean the minimum required horizontal separation distance between a public or private road right-of-way to any part of a sign, including any above-ground portions of a sign which project beyond the point of attachment of the sign to the ground.

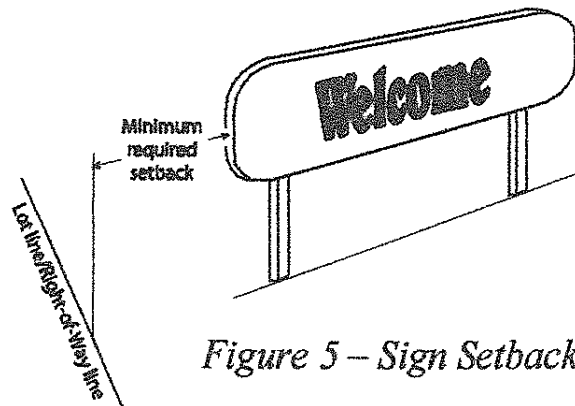


Figure 5 Sign Setback

Service signs shall include signs advertising recent service on or to a property, such as lawn care, snow plowing, and other general maintenance. The service must have taken place on the property on which a sign is placed.

Signs shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs and signs painted directly on walls of structures.

Supports and uprights shall mean those members necessary for the structural support of the sign. Decorative trim applied to such members for aesthetic purposes shall be considered as a part of the supports and uprights.

Temporary sign shall mean a sign intended to be displayed for a limited period of time and/or for a specified event or product, and which is not permanently attached to a building wall or to the ground. Types include, but are not limited to, banners, cardboard, corrugated plastic (or any other material) product signs, balloons, yard signs, pennants, string lights, ribbons, or other such features which are hung or strung across any property.

Uppermost building line shall mean the uppermost horizontal line of a building formed by a roof, wall, or parapet wall, not including chimneys, flagpoles, electrical/mechanical equipment, TV antennas and other similar equipment and extensions

Wall sign shall mean a sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than 18 inches from the building or structure wall, and which does not have any part of such sign or sign supports extending above the uppermost building line. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.

Window sign shall mean a sign attached to the inside or outside surface of a window on a building wall or door, or placed within six inches of the inside face of a window and intended to be viewed from outside the building.

(c) *Administration and permits.* The provisions of this section shall be administered by the township zoning administrator or his/her designee(s), who shall have the authority to issue sign permits. The applicant shall be responsible for obtaining an electrical permit or any other type of required permits, including submittal of additional documentation and payment of any additional fees.

(1) *Sign permit required.* No person shall erect, replace, apply, structurally alter, or add to any sign without first obtaining a permit. Application for a permit to erect, replace, apply, structurally alter or add to a sign shall be made to the township, by submission of the required forms, fees, exhibits and information by the owner of the property on which the sign is to be located, or by his agent or lessee.

(2) *Zoning compliance permit required* for sign maintenance and change of message. Painting, re-painting, cleaning, maintenance, repair, and change of sign message or graphics shall not be considered erection or alteration of a sign which requires issuance of a sign permit, provided that no structural alterations or additions to the display area are made. Further, signs refaced with a covering, including, but not limited to, banners and/or coverings made of fabric or other material, shall be considered temporary and permitted for a duration of only 60 days, after which the covering shall be replaced with a permanent sign face.

(d) *Impoundment.* Signs which are erected without a permit or which do not comply with provisions herein, may be removed, and impounded. A written notice of violation and intent to impound shall be sent by certified mail to the property owner and the owner of the sign (if so labeled) not less than ten days prior to impoundment. Said notice shall also contain information regarding procedures required to obtain release of an impounded sign. Upon written application, up to two extensions of 15 days each may be granted where there is clear and demonstrable evidence that the offending sign owner is actively working on resolving the outstanding violation(s). Signs impounded by the township may be disposed of if not claimed and removed from the place of impoundment within ten business days of the impoundment. If the township has incurred costs related to the impoundment of a sign, the township shall be reimbursed for such costs prior to its release.

(e) *Nonconforming signs.*

- (1) It is the intent of this section to permit the continuance of an existing sign that was in conformance with all applicable regulations in effect prior to the effective date of this ordinance, although such sign may not conform to the provisions of this section.
 - (2) Signs installed without the required permit shall be considered illegal and shall be either removed or made to conform to this chapter and a permit obtained.
 - (3) Class B nonconforming signs shall not be structurally changed, altered, or enlarged unless such change, alteration, or enlargement is made to conform to this chapter.
 - (4) Nonconforming signs shall not be moved in whole or in part to another location unless the sign at the new location conforms to this chapter.
 - (5) Where any nonconforming sign exists on the premises, the zoning board of appeals shall not authorize any variance to erect a new sign upon said premises.
 - (6) Any development or redevelopment that requires planning commission approval for a property on which a nonconforming sign is located shall require that all nonconforming signs on the premises be brought into conformity with the provisions of this ordinance, unless otherwise permitted by the planning commission at the time of the development or redevelopment approval.
- (f) *Signs on vacant or unoccupied premises.* Any sign located on vacant or unoccupied property which pertains to a use or activity which has not been in existence or operation for more than 120 days shall, within 30 days of the end of the 120-day period, remove all graphics, text copy or other business or premises identification from the subject sign. In the event the sign is an internally illuminated sign with removable graphic display panels, the panels containing the sign graphic or message shall be removed and replaced by a blank panel containing no graphic or message.
- (g) *Exemptions from sign regulations.* The following signs are exempt from the provisions of this Section and from the permit requirements:
- (1) Signs no greater than two square feet in area posted on property boundaries in the AG zoning district, for purposes of conveying a non-commercial message, such as, but not limited to, a prohibition on hunting or trespassing.
 - (2) Signs located in the interior of buildings.
 - (3) Window signs, provided that the maximum size of any window sign shall not exceed 25 percent of the area of the window on which it is displayed. Painted messages, text, graphics, posters, balloons, paper advertisements, and similar items affixed to the window shall constitute a window sign.
 - (4) Any identification, address, or for sale sign affixed to a wall, mailbox, post, lamppost, or pillar, and which is not larger than two square feet in display surface.
 - (5) Traffic control or other municipal signs such as, but not limited to, directional signs placed in rights-of-way, legal notices, railroad crossing signs, danger, and other temporary emergency signs.
 - (6) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other non-combustible material.
 - (7) The display of the flag of the United States of America, or other political subdivision thereof, shall not be regulated when attached to a structure or standardized flagpole.
 - (8) On-premises directional signs, subject to the following limitations:
 - a. In districts other than industrial zoning districts, the maximum size of an on-premise directional sign shall be four square feet in area.
 - b. In industrial zoning districts, the maximum size of an on-premise directional sign shall be 12 square feet in area.
 - c. On-premises directional signs shall be located a minimum of one foot from the right-of-way.

- d. An on-premise directional sign having a height greater than four feet shall have a minimum setback from the right-of-way of ten feet.
 - e. Multiple on-premise directional signs shall be mounted on the same structure, unless the need to do otherwise can be demonstrated, to the township zoning administrator, by the applicant to create a hardship which is non-financial in nature, in order to limit the detriment to environmental aesthetics and sight obstruction.
- (9) Signs maintained by the United States of America, the State of Michigan, any agencies or political subdivisions thereof, including local municipalities and local governmental units.
 - (10) The display of temporary signs, per parcel, in conjunction with an official public, community, or not-for-profit event such as a fair, festival, commemorative event, election, or the like (but specifically excluding public holidays) shall be exempted from application and permit requirements for temporary signs provided that the following standards are met:
 - a. Signs shall not be displayed more than 60 days prior to the event to which they pertain.
 - b. Signs shall be removed within ten calendar days after the event to which they pertain.
 - (11) Signage affixed to the face of a fuel pump at an auto service station.
 - (12) Menu boards for a drive-in/drive-through business.
 - (13) Directional signs in the interior of parking lots at institutional facilities, such as churches and educational facilities.
 - (14) Cart corrals with a maximum height of ten feet above grade and 12 square feet in display area, provided that only the store name and/or logo, symbols and text providing patrons with information concerning cart storage may be included in the display. The advertisement of products is prohibited on cart corrals.
 - (15) Scoreboard and athletic field sponsorship signs facing playing fields not primarily visible from a public right-of-way.
- (h) *Prohibited signs.* The following signs are prohibited in the township:
- (1) Signs that are placed within or encroach into a public right-of-way, including signs placed on utility poles, traffic control signs, structures, or devices. A sign that is unlawfully placed within a public right-of-way may be immediately removed and impounded by the zoning administrator or his authorized designees.
 - (2) Roof signs, as defined herein.
 - (3) Any sign which, by reason of its size, location, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety, by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads.
 - (4) Signs which include display of such words as "Stop," "Look," "Danger" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (5) Signs and sign structures that are no longer in use as originally intended or have been abandoned, or that are structurally unsafe, constitute a hazard to safety and health, or that are not kept in good repair.
 - (6) Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 - (7) Any sign or other advertising structure containing any illegal matter.
 - (8) Any sign unlawfully installed, erected, or maintained, including any sign installed prior to enactment of this section without a sign permit, when in fact such prior ordinance did require a sign permit.
 - (9) Signs having flashing, blinking or running type lights are prohibited, i.e. pulsating or strobe lights.

- (10) Display or parking of a motor vehicle or trailer upon a lot or premises in a location visible from a public right-of-way for a time period exceeding 48 hours, for the primary purpose of displaying a sign attached to, painted on, or placed on the vehicle or trailer. Licensed vehicles used regularly in the course of conducting the principal use located on the premises are permitted, provided that they are not parked in a manner or location for the purpose of serving as a means of attracting attention to the business or use. This is not intended to prohibit the parking of a private vehicle for sale if otherwise permitted at this location.
 - (11) Signs, balloons, pennants, and any other items used as a means of advertising and that are defined as a sign herein, placed outside on a day-to-day basis.
 - (12) Use of any temporary signs as defined and regulated herein without obtaining an affidavit.
 - (13) Any type of inflatable device, character, air dancer, air tube, and similar devices, with or without words or symbols, and that may require the use of an air blower, motor with a blower, and any other machinery to operate the sign.
 - (14) Signs having any visible portion either in motion or having the appearance of being in motion, whether on a continuous basis or at intervals, and regardless of whether the motion or appearance of motion is caused by natural or artificial sources, with the exception of electronic changeable message signs.
 - (15) Off-premise signs, except for billboard signs as permitted in the Heavy Industrial (M-2) district.
 - (16) Billboard signs used for on-premise advertising are prohibited.
 - (17) Bench signs, except for a plaque or symbol of one square foot or less identifying the name of individuals or organizations donating the bench or memorialized by the donated bench.
 - (18) Signs that are painted directly onto the wall of a building.
 - (19) All signs not specifically permitted or exempted are prohibited.
- (i) *Temporary signs.*
- (1) *Affidavit required.* A temporary sign shall not be placed on any lot, parcel, or premises, with the exception of single-family, two-family and multiple family residential uses, unless an affidavit authorizing such temporary sign has been issued by the zoning administrator or his/her designee(s). Fees and/or a refundable deposit may be required, and shall be set by resolution of the township board. The affidavit shall contain a waiver, executed by the applicant prior to issuance, authorizing the zoning administrator or his/her designee(s) to enter upon the property for the purpose of inspecting or removing the temporary sign if not otherwise removed upon expiration of the permit.
 - a. Affidavits authorizing the display of temporary sign shall not exceed 90 days in any calendar year.
 - b. Affidavits must be submitted at least ten business days prior to the beginning of the display period.
 - c. A temporary sign for which an affidavit has been issued, and which is placed or displayed in violation of this ordinance, or has not been properly maintained, or has become detached or has become a hazard to safety, may be impounded by the township. Upon removal and impoundment of a temporary sign, the township shall notify the sign owner and/or permit applicant of the township's intent to dispose of the sign. If it is not claimed and removed from the township's place of impoundment within five business days from the date of the notice, the township may dispose of the sign in any manner it deems appropriate.
 - d. The township may, by resolution of the board of trustees, set an amount for a refundable deposit which may be required to be submitted with an affidavit to financially guarantee conformance with the provisions contained herein. The deposit shall be forfeited if the sign is not removed upon expiration of the affidavit, or if the township must remove and impound the sign.

- e. The township may, by resolution of the board of trustees, set a fee amount for a temporary affidavit.
- (2) *Standards for display of temporary signs.* The display of temporary signs, including banners, shall conform to the provisions of Schedule E, herein. In addition, the following standards shall apply to display of temporary signs for all non-residential uses, in all zoning districts.
- a. There shall not be more than three temporary signs displayed per business on a property at any one time. Except that, balloons and/or strings of pennants shall be permitted in addition to the permitted temporary signs.
 - 1. Balloons must be a standard size of 11 inches or less with a maximum four foot tether.
 - 2. Pennants, string lights, ribbons, or other such features which are hung or strung across any property shall be 100 feet or less in length for each 50 foot of lot width.
 - b. A temporary sign shall not employ any form of flashing lights.
 - c. A label indicating the owner's name, address, and telephone number shall be attached to all temporary signs (except permitted balloons and pennants).
 - d. Mobile signs shall be subject to the following additional standards:
 - 1. Illuminated mobile signs shall be installed in conformance with all state and township electrical codes. No flashing or moving lights shall be used on any mobile sign.
 - 2. All mobile signs and components shall be firmly anchored to the ground in a manner that ensures that the sign will not constitute a safety hazard in the event of high winds, as determined by the building official.
- (3) *Additional standards of display.* For outdoor and/or open-air display areas for which a special land use permit has been issued, or for retail nurseries, and lawn and garden supply stores, the following additional requirements shall apply:
- a. In addition to those temporary signs otherwise permitted by this section, a maximum of 12 pole banners, not to exceed 15 square feet each, may be continuously displayed on outdoor display area lamp posts, provided that an annual temporary sign permit is obtained in accordance with this section.
 - b. Notwithstanding the above, no temporary sign permit shall be issued by the township, nor remain valid for any premises unless all merchandise is confined solely to those areas that have been designated and approved for outdoor display as delineated on the site plan for the premises which was previously reviewed and approved by the planning commission and does not infringe in any manner upon any required landscaping feature or area.
- (4) *Special circumstances.* Where temporary signs are permitted, an additional 30 days may be granted in a calendar year for each the following reasons that may occur in that year.
- a. Owner and/or name change;
 - b. Hiring and/or job fairs;
 - c. Grand opening;
 - d. Location closing, permanently;
 - e. Location closing temporarily, i.e., renovation, repair, new construction etc.
- (j) *Electronic changeable message signs.*
- (1) *Movement prohibition:* The use of flashing, scrolling, or blinking characters is prohibited.
 - (2) *Copy sign area:* No more than two-thirds of the maximum display area of a permitted sign shall be devoted to an electronic changeable message sign. The display area of an electronic changeable message sign shall be the extreme limits of the face of the sign excluding the supports/uprights on which the sign is placed.

- (3) *Message prohibition:* The message, which appears on an on-premise sign, shall not constitute off-premise commercial advertising.
- (4) *Emergency messages:* The owner of an electronic message board, as a condition of permit approval, shall allow the township to use the electronic message board to communicate emergency public service information approved by authorized township public safety personnel relating to a national disaster or emergency that has been declared by the President of the United States. The operational restrictions on electronic message boards set forth herein shall not apply during any time that the electronic message board is used to communicate authorized emergency public service information.

The owner agrees to update with an approved emergency public service information communication, or discontinue the emergency public service message as soon as possible after receiving a request from authorized township public safety personnel. The owner shall file and keep current at all times with the township the name, email address, phone number, cell phone number, pager and other available emergency contact information of the employee(s) or representative(s) of the owner who has been authorized and designated by the owner to communicate the approved emergency public service message using the electronic message board.

- (5) *Public nuisance per se:* It is the intent of the township to make reasonable accommodation for responsible usage of electronic changeable message signs. However, this type of sign by its very nature is susceptible to becoming a nuisance to the public and contrary to the health, safety, and general welfare of the community if not operated in a responsible manner. Therefore, upon the issuance of a third notice of violation to an owner of a specific electronic changeable message sign within a 90-day period, or four within a 12-month period, said sign is hereby declared to be a public nuisance per se, and may be abated and removed by order of any court of competent jurisdiction, and, for each offense, a fine imposed of up to \$500.00 or 90 days in jail, or both. Each day during which said sign remains in violation constitutes a separate offense.
- (k) *Maintenance of signs.* 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 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 condition 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 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 such as, but not limited to, torn or damaged awnings or canopies shall constitute a maintenance violation. 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. Failure to maintain any sign in accordance with the standards prescribed herein shall constitute a violation of this ordinance.
- (l) *Variances and appeals.* The zoning board of appeals may, upon application and a showing of unnecessary hardship or practical difficulty, grant variances from the provisions of this section. However, the fact that other larger signs, constructed prior to the adoption of this ordinance, exist in the area shall not be sufficient reason to declare practical difficulty or unnecessary hardship. In addition, the zoning board of appeals shall not have the power to add to the *types* of signs (such as "pole" in a district where only "monument" is permitted) permitted on any premises. A person aggrieved of the zoning administrator's decision in refusing to issue a permit can seek review before the zoning board of appeals.
- (m) *Signs permitted in residential districts (as defined in 38-111.)* In agricultural and residential districts, the requirements of Schedule A shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this chapter. All setbacks shall be measured from the right-of-way, height is measured from grade. No signage is permitted within a right-of-way.

Schedule A: Signs Permitted in Residential Districts (Per Section 38-111)

Use	Sign Type	Maximum Number of Signs	Maximum Display Area	Maximum Height	Location/Duration Standards
Principal Permitted Uses and Special Approval Uses, Institutional, Recreational and Public Facilities; but not including home occupations, and in-home state licensed residential care facilities, in-home family day care or in-home child daycare	Wall Sign*	No Maximum	Maximum of 2 walls, total area of all wall signs attached to any wall may not exceed 5% of the area of the wall (see Figure 6)		Below uppermost building line
	Ground Sign*	1 located adjacent to each street frontage	32 square feet each	8'	May not encroach on or over right-of-way. Minimum 10' setback required for any ground sign over 3' in height
Home occupations, and in-home state licensed residential care facilities, in-home family day care or in-home child daycare.	Ground Sign	1 (non-illuminated)	6 square feet	3'	
Farm Enterprises	Ground Sign	2 per farm enterprise	16 square feet each	8'	
Residential Development, including plat, condominium, apartment or mobile home park developments	Ground Sign	1 on each side of each street entrance.	20 square feet per sign, with a maximum of 1 display face per sign.	8'	
	Wall/Fence Entrance Sign	Where 2 signs per street entrance are used, the signs shall be identical in size, design and materials.			
Temporary Signs for Single-Family and 2-Family Subdivisions and Condominiums in All Districts. Service signs include signs for lawn care, snow plowing, and other general maintenance. Permits not required.	Construction Signs	1 per development	32 square feet	8'	Displayed until 90% of lots sold.
	Real estate sign	1/parcel	6 square feet	8'	Displayed until 10 days after closing
	Service sign	No maximum	12 square feet total area	5'	Not to be displayed for more than 14 days per calendar year
Temporary signs for multiple family uses in any district. Permits not required.	Construction	1 per development	32 square feet	8'	Displayed until final occupancy
	Real estate	1 per development	10 square feet	5'	Displayed until 10 days after closing

	Service	No maximum	12 square feet total area	5'	Not to be displayed for more than 14 days per calendar year
Housing Complex Management Office	Wall Sign	1	6 square feet		Below uppermost building line

*An electronic message board may be permitted provided that it is not illuminated between the hours of 9:00 p.m. and 7:00 a.m., except during emergencies.

(n) *Signs permitted in Office (O) districts.* In the O districts, the requirements of Schedule B shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this chapter. All setbacks shall be measured from the right-of-way, height is measured from grade. No signage shall encroach on or over any right-of-way.

Schedule B: Signs Permitted in Office (O) Districts					
Use	Sign Type	Maximum Number of Signs	Maximum Display Area (Square Feet)	Maximum Height	Location/Duration Standards
Individual building containing one (1) business establishment, and individual buildings located within a business complex.	Wall Sign	No Maximum	Maximum of 2 walls**, total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 400 square feet (see Figure 6)		Below uppermost building line
	Ground Sign	1	40 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height. A ground sign identifying a building within a business complex shall be located within 100' of the building it identifies, or on the same parcel as the building it identifies.
Business Center (<i>a single building containing two or more business establishments. Lodging uses with on-premise restaurants shall be included within this definition.</i>)	Wall Sign	No Maximum	Maximum of 2 walls**. Total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 400 square feet (see Figure 6)		Below uppermost building line

	Pole Sign	1; either a pole or a ground sign	60 square feet	20'	Minimum 10' setback
	Ground Sign		60 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height
Business Complex (<i>a parcel containing two or more buildings, each containing one or more individual business establishments.</i>)	Pole Sign	1 per driveway; either a pole or a ground sign	60 square feet	20'	Minimum 10' setback
	Ground Sign		60 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height
Temporary signs. Permits are not required.	Construction	3 per development	64 square feet total area	8'	Displayed until final occupancy
	Real Estate	1 per parcel	32 square feet	8'	Displayed until 10 days after closing or use opening.
	Service	No maximum	12 square feet total area	5'	Not to be displayed for more than 14 days per calendar year

**One additional sign, not to exceed 6 square feet may be placed on or adjacent to each rear entrance or service door for identification or directional purposes provided that no advertising is included in the display. The street address of the premises shall be clearly displayed on said sign.

- (o) *Signs permitted in Neighborhood Business (C-1) and General Business (C-2) districts.* In the C-1 and C-2 districts, the requirements of Schedule C shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this chapter. All setbacks shall be measured from the right-of-way, height is measured from grade. No signage shall encroach on or over any right-of-way.

Schedule C: Signs Permitted in Neighborhood Business (C-1) and General Business (C-2) Districts					
Use	Sign Type	Maximum Number of Signs	Maximum Display Area (square feet)	Maximum Height (feet)	Location Standards
Individual building containing one (1) business establishment, including auto service stations	Wall sign	No maximum	Maximum of 2 wall**. Total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 650 square feet (see Figure 6)	Below uppermost building line	Projecting sign may extend a maximum of 5' from wall of building, with a minimum clearance above grade of 8'
	Pole sign	1; either pole or ground sign; located adjacent to each street frontage	0.5 square feet per each lineal foot of street frontage with maximum of 100 square feet per sign	C-1 = 20'; C-2 = 30';	Minimum 10' setback
	Ground sign			8'	Minimum 10' setback required for

					any ground sign over 3' in height
	Marquee sign	1	6 square feet	Underside of building overhang	May not project beyond building overhang
Business Center (a single building containing two or more business establishments. Lodging uses with on-premise restaurants shall be included within this definition.)	Wall sign	No maximum	Maximum of 2 walls**. Total area of all signs attached to any wall may not exceed lesser of 10% of the tenant wall area or 650 square feet (see Figure 6)	Below uppermost building line	Projecting sign may extend a max of 5' from wall of building, with a minimum clearance above grade of 8'
	Pole sign	1; either a pole or ground sign; located adjacent to each street frontage	Pole sign: 100 sq ft per sign, or 1 sq ft for each 1' of building wall length facing the street frontage, whichever is greater, up to a maximum of: C-1 = 150 sq ft, C-2 = 250 sq ft	C-1 = 20'; C-2 = 30'	Minimum 10' setback
	Ground sign			150 square feet	8'
	Marquee sign	1 per business establishment	6 square feet per sign	Underside of building overhang	May not project beyond building overhang
Auto Sales	Wall sign	No maximum	Maximum of 2 walls**. Total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 650 square feet	Below uppermost building line	Projecting sign may extend a maximum of 5 feet from wall of building, with a minimum clearance above grade of 8'
	Pole sign or Ground sign	1 for each new vehicle sales use and 1 for used vehicle sales use	Primary sign: 75 square feet; Additional sign(s): 50 square feet each	Primary: 30'; Add'l signs: 20'	Minimum 10' setback; minimum 300' apart
	Ground: 8'			Minimum 10' setback required for any ground sign over 3' in height; minimum 300' apart	

Business Complex (a parcel containing two or more buildings, each containing one or more individual business establishments.)	Wall sign	No maximum	Maximum of two walls**; total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 650 square feet (see Figure 6)	Below uppermost building line	Projecting sign may extend a maximum of 5' from wall of building with a minimum clearance above grade of 8'
	Pole sign	1; either a pole or ground sign; located adjacent to each street frontage	Pole: 100 sq ft per sign or 1 sq ft for each 1' of building wall length facing the street frontage, whichever is greater, up to a maximum of: C-1 = 150 sq ft, C-2 = 250 sq ft	C-1 = 20'; C-2 = 30';	Minimum 10' setback
	Ground sign		150 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height
	Marquee sign	1 per business establishment	6 square feet per sign	Underside of building overhang	May not project beyond building overhang
Temporary signs. Permits are not required.	Construction	3 per development	64 square feet total area	8'	Displayed until final occupancy
	Real Estate	1 per parcel	32 square feet	8'	Displayed until 10 days after closing or use opening.
	Service	No maximum	12 square feet total area	5'	Not to be displayed for more than 14 days per calendar year

**One additional sign, not to exceed 6 square feet may be placed on or adjacent to each rear entrance or service door for identification or directional purposes provided that no advertising is included in the display. The street address of the premises shall be clearly displayed on said sign.

(p) *Signs permitted in Light Industrial (M-1) and Heavy Industrial (M-2) districts.* In the M-1 and M-2 districts, the requirements of Schedule D shall govern sign use, area, type, height, and numbers, in addition to requirements elsewhere in this chapter. All setbacks measured from the right-of-way. No signage shall encroach on or over any right-of-way.

Schedule D: Signs Permitted in the Light Industrial (M-1) and Heavy Industrial (M-2) Districts.

Use	Sign Type	Maximum Number of Signs	Maximum Display Area (square feet)	Maximum Height	Location Standards
Individual industrial building	Wall Sign	No maximum	Maximum of 2 walls**, total area of all wall signs attached to any wall may not exceed lesser of 10% of the area of the wall or 650 square feet (see Figure 6)		Below uppermost building line
	Ground sign	1	75 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height
Industrial Park	Pole sign	1; either a pole sign or a ground sign; per driveway access	Pole sign: 100 sq ft or 1 sq ft for each 1' of building wall length facing the street frontage, whichever is greater, up to a maximum of 250 square feet	30'	Minimum 10' setback
	Ground sign		75 square feet	8'	Minimum 10' setback required for any ground sign over 3' in height
Any parcel	Billboard sign	Minimum spacing of 1,500 ft between billboard signs on the same side of a public road	300 square feet	30'	M-2 District only. Minimum setback of 75' from a public R.O.W. Minimum setback of 500' from property boundary of a residential district or use, or from property boundary of a church, a public park, or a public or private elementary or secondary school
Temporary signs. Permits are not required.	Construction	3 per development	64 square feet total area	8'	Displayed until final occupancy
	Real Estate	1 per parcel	32 square feet	8'	Displayed until 10 days after closing or use opening.
	Service	No maximum	12 square feet total area	5'	Not to be displayed for more than 14 days per calendar year

** One additional sign, not to exceed 6 sq. ft. may be placed on or adjacent to each rear entrance or service door for identification or directional purposes provided that no advertising is included in the display. The street address of the premises shall be clearly displayed on said sign.

Figure 6: Illustration Measurement of Maximum Display Area of Wall Signs

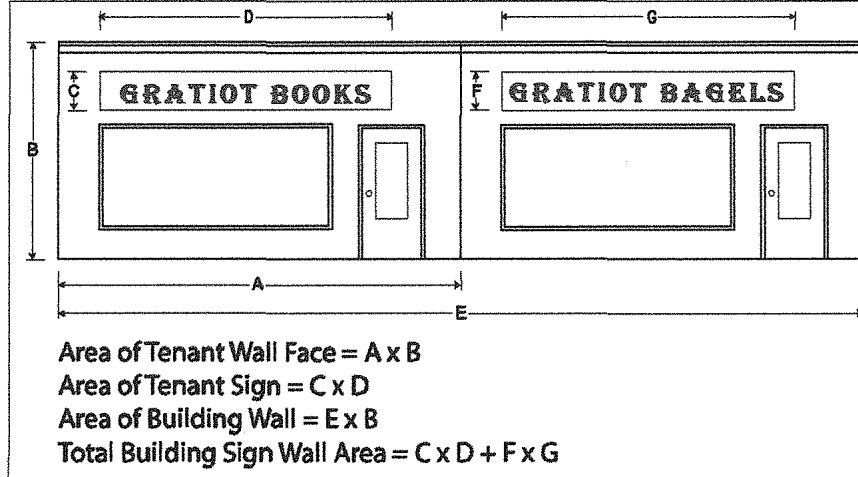
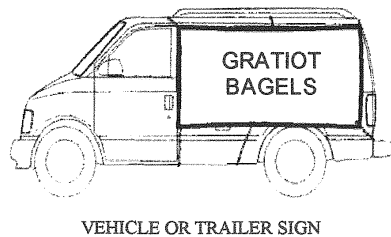
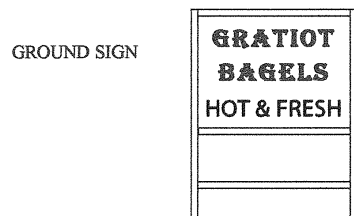


Figure 7: Temporary Signs



(Ord. No. 62, § 7-16.26, 8-11-1984; Ord. No. 91, §§ 3-09.01—3-09.04, 8-17-1991; Ord. No. 95, §§ 3-09.01—3-09.04, 5-20-1992; Ord. No. 189, §§ 1, 2A), 5, 4-6-2005; Ord. No. 207, § 1, 2-1-2012)

Sec. 38-627. - Streets, alleys and railroad rights-of-way.

All streets, alleys, and railroad right-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street or alley serves as a district

wise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(Ord. No. 62, § 7-16.27, 8-11-1984)

Cross reference— Streets, sidewalks and other public places, ch. 30.

Sec. 38-628. - Swimming pools.

All swimming pools erected in the township shall comply with the following requirements:

- (1) *Application.* The application for a building permit to erect a swimming pool shall include the name of the owner; the manner of supervision of the pool; a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating auxiliary equipment, piping and valve layout; and any other detailed information affecting construction and safety features deemed necessary by the building inspector.
- (2) *Pool location.* Minimum side yard setback shall comply with division 12, article III of this chapter. Furthermore, the pool fence must not be required front yard of 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 the pool wall and any building on the lot.
- (3) *Enclosure.* For the protection of the general public all pools shall be completely enclosed by a fence, wall or building, or building located not less than four feet from the perimeter of the pool. The fence shall be of a type described in section 38-612 not less than four feet high. Any openings in such enclosure shall be equipped with a self-closing, self-latching gate or door which shall be securely locked from the pool side or house side when the pool is not in use.
- (4) *Electrical installation.* All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drip conductors or other utility wires cross under or over a proposed pool area, the applicant shall be issued for the construction of a swimming pool.

(Ord. No. 62, § 7-16.28, 8-11-1984)

Sec. 38-629. - Parking and storage of recreational vehicles and equipment.

No person shall park or store recreational vehicles and equipment in any such residential district, as defined in section 38-111 of this chapter, except in strict conformance with the conditions set forth in this section.

- (1) *Ownership.* The storage of any recreational vehicles and equipment on any residential property shall be limited to recreational vehicles and equipment owned by and licensed or registered to the occupant(s) of the residential property on which the residential vehicles and equipment is to be stored.
- (2) *No connections, no occupancy.* Recreational vehicles and equipment shall not have fixed connections to electricity, water, gas or sanitary sewer facilities; and at no time shall recreational vehicles and equipment be used for living or housekeeping purposes while on the premises.
- (3) *Conditions and registration.* Recreational vehicles and equipment shall be kept in good repair and carry a current year license and/or registration. This license/registration requirement shall be deemed satisfied for equipment issued a six month registration pursuant to the current laws regulating six month registrations, where such six month registration is current or was current within the previous six months.

- (4) *Security.* Recreational vehicles and equipment parked or stored outside of a garage or other accessory building shall be secured to prevent unauthorized entry or access.
- (5) *Outdoor parking and storage, generally.* Recreational vehicles and equipment parked or stored outside of a garage or other accessory building shall be parked or stored in the side or rear yard, as defined in the Code of Ordinances. At no time shall recreational vehicles and equipment protrude beyond the front line of a dwelling, except as otherwise provided for in this section. However, such parking and storage shall be permitted in a non-required front yard year-round when:
 - a. Located only upon a lot or parcel having an area of at least two acres; and
 - b. Parking or storage is not within 100 feet of a lot line abutting a street; and
 - c. Parking or storage is entirely upon that portion of a paved or gravel driveway not located in that portion of the front yard lying between the projected end walls of the dwelling portion of the structure (not in front of the dwelling).
- (6) *Setbacks, side and rear.* There shall be minimally maintained a two-foot setback from the side lot line for side yard storage and a three-foot setback from the rear lot line for rear yard storage of recreational vehicles and equipment.
- (7) *Front yard seasonal storage.* On lots having a width of 75 feet or more and an area of 10,000 square feet or more, recreational vehicles and equipment may be parked or stored, temporarily, on that portion of the driveway within the front yard during the normal season of use.
 - a. Seasons of use are defined, as follows:
 1. Boats, boat trailers and personal watercraft: April 15th through October 15th.
 2. Travel trailer, pickup camper, motor home, folding tent trailer, camper van, all-terrain or off-road vehicles (other than snowmobiles), utility trailers and other trailers used to transport these items: April 1st through November 30th.
 3. Snowmobiles: November 15th through March 30th.
 - b. At no time shall recreational vehicles and equipment extend into any portion of the minimum required front yard setback, nor any portion of a minimum required side yard setback bordering a street.
 - c. Not more than one recreational vehicle/equipment unit may be so parked or stored at any one time. In cases when multiple equipment items are parked or stored on a single trailer, this shall be counted as one recreational vehicle/equipment unit. For example, a trailer containing three snowmobiles would be counted as only one recreational vehicle/equipment unit.
- (8) *Parking for loading and unloading, time limits.* Recreational vehicles and equipment may be parked anywhere on the premises or within a public right-of-way where on-street parking is permitted for two periods of up to 48 hours each in any seven-day week from Sunday to Saturday, for loading, unloading or for trip preparation or for normal maintenance and cleaning. In cases where additional time is required for loading, unloading, trip preparation or for normal maintenance or cleaning, a permit may be obtained, without charge, from the zoning administrator, to permit parking for up to seven consecutive days, providing that not more than three such permits may be issued per recreational vehicle or unit per season of use.
- (9) *Lakefront parcels.* The storage or parking of recreational vehicles and equipment on lakefront lots or parcels shall comply with the following additional provisions:
 - a. No storage or parking of recreational vehicles or equipment shall be permitted at any time (except as permitted by paragraph (8) above) within any part of the yard facing the water, as established by a straight line between the adjacent dwellings from the two corners that are nearest the river and closest to the existing residence.

- b. Except that, watercraft of any type, may be stored in structures or located upon a hoist in/over/or adjacent to navigable waters located over waters that are regulated by the Army Corps of Engineers and the Department of Environmental Quality.
- (10) *Repairs for profit.* At no time shall recreational vehicles and equipment be stored or parked on any residential property for purposes of making repairs for profit.
- (11) *Used for storage.* The use of any recreational vehicle and/or equipment for the storage of materials, goods or equipment other than those items considered to be a part of the recreational vehicle and/or equipment or essential to its immediate use is prohibited.

(Ord. No. 125, § 7-16.29, 9-6-1995; Ord. No. 200, § 3, 6-17-2009)

Sec. 38-630. - Satellite dish antennae.

- (a) Satellite dish antennas, no greater than 12 feet in diameter, and other television and radio antennas/receivers, may be permitted as accessory structures in any zoning districts, subject to the following provisions:
 - (1) Such accessory structures shall require a building permit and a zoning compliance permit prior to erection. The application for such permits shall include construction drawings illustrating the proposed method of installation, including foundation and anchoring details.
 - (2) Any structure covered by this section shall not be located in any front yard or required side yard setback. Such structure shall further be subject to the applicable yard area requirements as specified in section 38-602(2)—(5) for accessory buildings and structures.
 - (3) Any antenna, satellite dish antenna or similar aerial reception device may exceed the height limits of the district within which it is located by 15 feet as per the provisions of section 38-674, provided that the requirements of the building inspector are met with respect to the installation and anchoring of such devices to ensure public safety.
 - (4) Any dish antenna or similar device in a residential zone shall be located or landscaped to reduce visual impact from surrounding properties and from public streets.
- (b) A variance may be obtained for the location requirements of this section where poor reception is a problem as is required by federal rules.

(Ord. No. 62, § 7-16.30, 8-11-1984)

Sec. 38-631. - High risk erosion area setbacks.

Pursuant to authority granted by Part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.), the state department of environmental quality has designated certain areas of Great Lakes Shoreline within the township as being "high risk erosion areas."

- (1) *Lands designated.* These areas are delineated on maps provided to the township by the state department of environmental quality. More boundaries are indicated on aerial photographs on file with the state department of environmental quality.
- (2) *Authority delegated to zoning administrator.* The township zoning administrator is hereby authorized to enforce the provisions of Part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.) with respect to the issuance of shoreline setback permits.
- (3) *Permits required.* Prior to the construction of any permanent structures, septic systems, or modifications or additions to existing structures on parcels of property containing designated high risk erosion areas, a shoreline setback permit shall be obtained from the building inspector.

- (4) *Minimum required setbacks.* No permit shall be issued unless such planned structures or improvements are in compliance with the minimum setback requirement from the bluff line as set forth by the state department of environmental quality on maps and other documents provided to the township.
- (5) *Applicable setback.* In determining the proper setback from the bluff line, in cases where both a front yard, rear yard, side yard, or shoreline setbacks may apply, the greatest setback distance shall govern.
- (6) *Dispute.* In cases where there is a dispute between the property owner or applicant and the zoning administrator as to the proper setback, or as to the applicability of shoreline setback regulations, such disputes must be submitted to the state department of environmental quality for a determination. The township zoning board of appeals shall not have jurisdiction in these matters.

(Ord. No. 62, § 7-16.31, 8-11-1984)

Sec. 38-632. - Sidewalks along public streets.

- (a) *Applicability.* For all developments which occur in the multiple-family residential MHR, O-1, C-1, C-2 and M-1 districts, a concrete sidewalk, shall be constructed across all public street frontages on the side or sides of the roadway abutting the development. The county road commission or state department of transportation, as applicable, shall also approve all construction plans for sidewalks.
- (b) *Width.* For major thoroughfares, secondary thoroughfares and collector streets, the width of such sidewalk shall be six feet. The width of the sidewalk may be reduced to five feet when located along a local street. Such sidewalks shall be increased to eight feet in width, in order to provide for bikeway facilities, when such additional width is indicated on a plan for the area as adopted or accepted by the planning commission or township board.
- (c) *Location.* Unless otherwise approved, by the planning commission, all sidewalks shall be located within the right-of-way at a distance of one foot from the edge of the right-of-way. In cases where the width of the planned right-of-way is greater than the width of the existing right-of-way, the sidewalk may be located one foot from the edge of the planned right-of-way, provided that an easement is granted to the applicable road agency for sidewalk purposes.

(Ord. No. 135, § 4, 1-15-1997)

Cross reference— Sidewalks, § 30-31 et seq.

Sec. 38-633. - Access management.

- (a) *Generally.* In order to promote safe and reasonable access between public roadways and adjacent land; improve the convenience and ease of movement of travelers on public roads; and permit reasonable speeds and economy of travel while maintaining the capacity of the roadway, the location and design of access points shall be in accordance with the following access management regulations. The regulations of this section shall apply to all existing, planned or proposed roadways within the township. New or proposed roadways, within the township, not identified on the adopted thoroughfare plan shall interconnect with the existing roadway network in a uniform and efficient manner. Table 1 provides the typical spacing of the various types of roadways within the township. Not all types of roadways may exist in the township at any given point in time.

Table 1
Typical Roadway Spacing

Roadway Type	Range of Spacing (miles)
Freeway	6.0
Arterial	1.0-2.0
Collector	0.5-1.0
Local	0.05-0.10

- (b) *Access classification of roadways.* The planning commission shall assign, to each roadway or portion thereof within the township, an access classification based on a consideration of existing and projected traffic volumes, adopted local transportation plans and needs, the existing and/or projected character of lands adjoining the roadway, adopted local land use plans and zoning and the availability of reasonable access to those lands. These access classifications are defined as follows:
- (1) *Access class I.* Access class I roadways are capable of providing medium to high speeds and traffic volumes over medium to long distances. Direct access to abutting land is subordinate to providing service to through traffic.
 - a. Private direct access to a class I roadway shall be permitted only when the property in question has no other reasonable access to the public roadway network.
 - b. The design and location of allowable private access points must comply with all applicable subsections of this section.
 - c. All private direct access points to class I roadways shall be designated as "temporary" and all requirements of subsection (j) of this section (temporary access points) shall apply.
 - d. The following roadways are hereby designated as access class I roadways: State Highway M-25.
 - (2) *Access class II.* Access class II roads are capable of providing moderate travel speeds and traffic volumes and generally provide the linkage between access class I and access class III roadways. There is a reasonable balance between access and mobility needs within this classification.
 - a. Generally, only one private access point shall be provided to an individual parcel from an access class II roadway unless it can be shown that additional access points would not be detrimental to the safety and operation of the roadway and are necessary for the approved use of the property.
 - b. The design and location of allowable access points must comply with all applicable subsections of this section.
 - c. The following roadways are hereby designated as access class II roadways:
 1. All state highways not otherwise classified as class I;
 2. All county primary roads;
 3. The following county secondary roads: Krafft Road, State Road, Campbell Road, Carrigan Road, Cole Road, Brace Road, Parker Road and Metcalf Road (east of M-25).
 - (3) *Access class III.* The access class III streets allow for low to medium travel speeds and traffic volumes and are linked to the roadway network through intersections with access class I or II

roadways and other access class III roadways. Access needs take priority over through traffic movement, without compromising the public health, welfare and safety.

- a. The number of access points to a parcel is limited only to the requirements of subsection (d) (minimum corner clearance) and subsection (e) (minimum sight distance) of this section.
 - b. All roadways or portions thereof, as shown on the thoroughfare plan not previously designated as access class I or access class II roadways are hereby designated as class III roadways.
- (c) *Minimum spacing of driveways.* In order to minimize the potential for accidents and delay through vehicles, all adjacent driveways onto class I and class II roadways must be separated by the minimum distance measured from near edge to near edge of adjacent driveways, as shown in Table 2, according to the posted speed limit on the roadway.

Table 2
Minimum Spacing of Adjacent Driveways

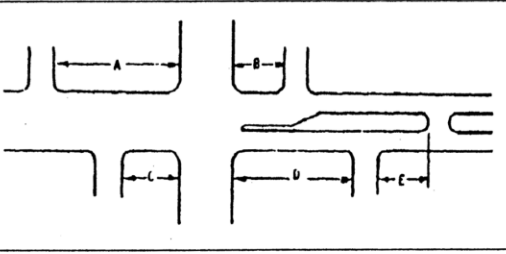
Posted Speed Limit (mph)	Minimum Spacing (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275
55	330

(Source: Adapted from Access Management for Streets and Highways, Report IP-82-3, Federal Highway Administration, Washington, D.C., June, 1982).

Additionally, the spacing of adjacent driveways should be as uniform as possible between major intersections. Distances between adjacent one-way driveways with the inbound drive upstream from the outbound drive can be one-half the distances shown on Table 2, providing that other requirements are satisfied.

- (d) *Minimum corner clearance of driveways from intersecting streets.* The location of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in Figure 1.

Figure 1
Minimum Corner Clearance of Driveways from Intersecting Streets

a. Signalized Intersection Control				
	MINIMUM CORNER CLEARANCE (ft.)			
	ITEM	ACCESS CLASSIFICATION		
		CLASS I	CLASS II	CLASS III
A	230	175	50	
B	115	85	50	
C	230	175	50	
D	230	175	50	
E	75	0	0	

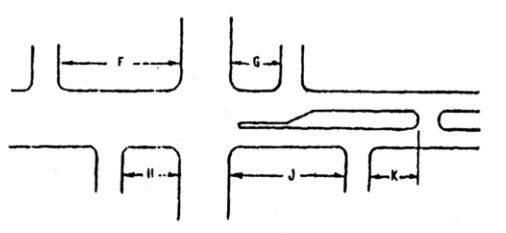
b. Stop Sign Intersection Control				
	MINIMUM CORNER CLEARANCE (ft.)			
	ITEM	ACCESS CLASSIFICATION		
		CLASS I	CLASS II	CLASS III
F	115	75	50	
G	115	85	50	
H	85	85	50	
J	115	75	50	
K	75	0	0	

Figure 2
Minimum Sight Distances for Driveways and Intersections

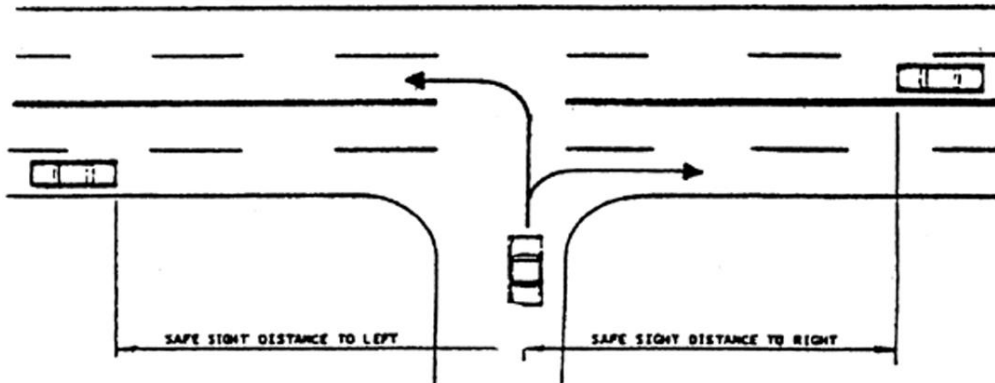
Minimum Sight Distance Along Through Road From Intersection Or Driveway To Allow Vehicle To Safely Turn Left Or Right Onto Through Road At Nonsignalized Driveways And Intersections (Feet)

Operating Speed	20		30		40		50		60	
	Left	Right	Left	Right	Left	Right	Left	Right	Left	Right
Passenger Car	210	170	320	360	540	590	900	970	1,320	1,400
Truck	360	230	520	450	920	920	1,510	1,530	3,080	3,110

Figure 2
Minimum Sight Distances for Driveways and Intersections

Minimum Sight Distance Along Through Road From Intersection Or Driveway To Allow Vehicle To Safely Turn Left Or Right Onto Through Road At Non-Signalized Driveways And Intersections (Feet)

Operating Speed	20		30		40		50		60	
	Left	Right	Left	Right	Left	Right	Left	Right	Left	Right
Passenger Car	210	170	320	360	540	590	900	970	1320	1400
Truck	360	230	520	450	920	920	1510	1530	3080	3110

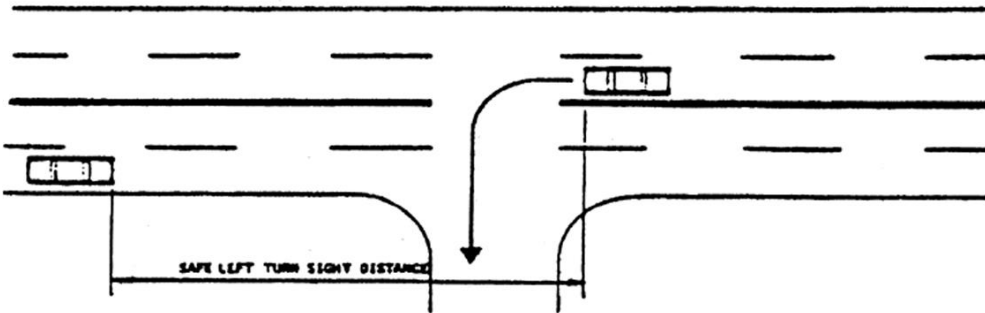


Minimum Sight Distance Along Through Road To Allow Vehicle To Safely Turn Left Into Intersection Or Driveway From Through Road At Locations Where No Left Turn Signal Phase Is Provided (Feet)

Operating Speed	20			30			40			50			60		
	2	4	6	2	4	6	2	4	6	2	4	6	2	4	6
Passenger Car	240	260	280	360	390	420	470	520	560	590	650	700	710	780	840
Truck	370	390	410	550	580	610	740	770	810	920	960	1,010	1,100	1,150	1,210

Minimum Sight Distance Along Through Road To Allow Vehicle To Safely Turn Left Into Intersection Or Driveway From Through Road At Locations Where No Left Turn Signal Phase Is Provided (Feet)

Operating Speed	20			30			40			50			60		
Lanes on Thru Road	2	4	6	2	4	6	2	4	6	2	4	6	2	4	6
Passenger Car	240	260	280	360	390	420	470	520	560	590	650	700	710	780	840
Truck	370	390	410	550	580	610	740	770	810	920	960	1010	1100	1150	1210



(Source: *Traffic Management of Land Development* course materials, The Traffic Institute of Northwestern University, Evanston, Illinois, January, 1987).

TYPE OF INTERSECTION CONTROL		DESCRIPTION OF ITEMS
SIGNALIZED	STOP SIGN	
A	F	The minimum distance from an intersection to a driveway on the departure lanes where no barrier median is present.
B	G	The minimum distance from an intersection to a driveway on the approach lanes where a barrier median is present.
C	H	The minimum distance from an intersection to a driveway on the approach lanes where no barrier median is present.
D	J	The minimum distance from an intersection to a driveway on the departure lanes where a barrier median is present.
E	K	The minimum lateral distance between a driveway and a median opening.

(Source: Adapted from Stover, Adkins, and Goodknight, *Guidelines for Medial and Marginal Access Control On Major Roadways*, National Cooperative Highway Research Program Report 93, 1970.)

- (e) *Provisions for maintaining the capacity of the roadway.* The planning commission may require that, upon completion of a development, all traffic requiring access to and from the development shall operate in such a manner as to not adversely affect the capacity of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements or other improvements may be required, as a condition of approval, in approval, in order to maintain the capacity of any adjacent roadway.
- (f) *Number of access points.* Each existing tract of land is entitled to one direct or indirect access point to the public roadway network, provided that its location and design fulfill, as a minimum, the requirements of subsection (d) (minimum corner clearance) and figure 2 (minimum sight distance) of this section. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be allowed if determined by the township engineer that the additional access point will not adversely affect the capacity of the roadway. Any additional access point must be in compliance with all applicable subsections of this section.
- (g) *Coordination of access points.* Major access points on opposite sides of the class I and II roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the planning commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use or reuse of any access point, the planning commission may require that unobstructed and unencumbered access, in accordance with the provisions of this section, be provided from any such access point to adjacent properties.
- (h) *Consolidation of existing access points.* Whenever the use of a parcel of land changes or two or more parcels of land area assembled under one purpose, plan, entity or usage, the existing access approval shall become void, and new access approval shall be based upon the owner/developer's plans to use some existing driveways and/or close or relocate other driveways. Any such new or reauthorized access point must be in compliance with all applicable subsections of this section.
- (i) *Design of access points.* The width, angle, grade, curb, radii and other design aspects of access points shall be in accordance with state highway agency regulations, county road commission regulations and/or the subdivision regulations of the township, whichever is applicable. In the case of conflicting applicable standards, the more restrictive standard shall apply.
- (j) *Temporary access points.* Any access point that does not comply with one or more subsections of this section may be designated as "temporary" upon approval by the planning commission. In all cases where such access points are classified as "temporary," such designation shall be duly noted on the plot plan or site plan submitted for approval and also upon the deed of the property in question. When a property served by a "temporary" access point is provided an alternative means of access, such as a connection to a frontage road, an intersecting street or a shared driveway, the planning commission may require that the temporary access be eliminated, altered or limited to certain turning movements.
- (k) *Spacing restrictions for signalized access points.* Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one-quarter mile apart and one-quarter mile from the nearest signalized intersection. The location and design of the signalized access points shall be determined by a traffic engineering study, prepared by a qualified traffic engineer at the developer's expense. This study shall be subject to the approval of the planning commission and shall account for at least the following variables:
 - (1) Traffic signal phasing, as determined by analysis of projected turning movements;
 - (2) Traffic signal cycle length, as determined by analysis of projected traffic volumes;
 - (3) Type of signal to be installed (actuated or pretimed);

- (4) Relationship to adjacent signals (existing or proposed) for purposes of signal interconnection and coordination;
- (5) Roadway geometrics and sight distance considerations; and
- (6) Accident experience.

If the installation of a traffic signal is approved, the developer may be required to participate, in full or in part, in the cost of design, purchase, installation, operation and maintenance of the signal equipment.

- (l) *Provision of exclusive turning lanes and deceleration/acceleration lanes.* At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway or create an unacceptable accident risk, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration/acceleration lanes, as necessary, to maintain the capacity of the roadway and minimize the potential accident risk.
- (m) *Provision of frontage roads.* The planning commission may require the use of frontage roads to provide access to property adjacent to access class I or class II roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction. As adjacent property develops, landowner/developers shall be required to interconnect the individual portions of frontage roads, as appropriate. Access to the roadway via an intersecting street or a shared driveway may be required if the use of a frontage road is not feasible.
- (n) *Approval of access points along routes maintained or controlled by the state highway agency or county road commission.* A copy of the plans for all access points to be constructed along a county-maintained or state-maintained or controlled route shall also be submitted to the county road commission or state highway agency (as applicable) for review and approval during the same time as plans are submitted to the planning commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the township and county road commission or state highway agency.
- (o) *Waiver of requirements.* The planning commission may, at its discretion, reasonably waive or modify the requirements of this section, if it is determined that such action is warranted given the nature of the individual project.

(Ord. No. 143, § 7-16.33, 3-4-1998)

Sec. 38-634. - Performance standards.

- (a) *Purpose.* No use otherwise allowed shall be permitted within the township which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements maintained within the township.
- (b) *Minimum standards.* It shall be unlawful to conduct any use in the township which does not meet or exceed these minimum performance standards as hereafter listed:
 - (1) *Atmospheric discharge.* It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period aggregating more than four minutes in any one-half hour which is:
 - a. *Smoke.* As dark or darker in shade as that designated as No. 2 on the Ringelmann chart, as published by the United States Bureau of Mines, which is hereby made a part of this section. However, the Umbrascopes readings of smoke densities may be used when correlated with the Ringelmann chart. A Ringelmann chart shall be on file in the office of the building department.
 - b. *Other airborne solids.* Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in subsection (b)(1)a of this section, except when the emission consists only of water vapor. The quantity of gasborne or airborne solids shall not

exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

- (2) *Debris on public roads.* The owner and/or permit holder of any site where there is soil removal and/or any filling shall take whatever steps are necessary to avoid any motor vehicle carrying or tracking onto any public right-of-way from the site any mud, dirt, clay, refuse, etc.
 - a. *Obligation to clean.* If mud, dirt, clay, refuse, etc. is carried or tracked onto a public right-of-way, and it does, or might, constitute a nuisance or hazard to public safety, the owner and/or permit holder shall not leave any such debris on a public right-of-way after the end of any working day.
 - b. *Notice from township.* If notified during a working day by the township of a condition which requires cleaning, the matter shall be taken care of within one hour, weather permitting.
 - c. *Violations.* If a nuisance or hazardous condition is left after a working day, or not cleaned up within one hour after receiving a request from the township, and weather does not prevent the cleanup, the township may issue a citation for a violation of this subsection due to the allowance of such condition to remain on the highway, and/or clean the right-of-way and charge the owner and/or permit holder with the cost thereof, which may be collected in any court having general jurisdiction.
- (3) *Drainage.* Natural drainage shall not be blocked or diverted, or altered, or altered in such a manner as to cause the natural water flow to back up onto adjacent property, or to flow in a different course or rate of flow upon leaving the property upon which the blocking diversion, or alteration occurs, unless an application is made and a permit is issued by the ordinance enforcement officer pursuant to plans which provide for a drainage flow which will not be determined to surrounding properties.
 - a. *Retention areas.* No area designated for and/or used as a drainage retention area shall be altered, filled in, abandoned or used for other purposes, unless it is done pursuant to a permit issued under this subsection.
 - b. *Permit.* A permit shall be required under this subsection notwithstanding a permit is not otherwise required by this chapter. Permit requirements and procedures shall be as adopted by the township board, from time to time, by resolution.
- (4) *Drifting and blown material.* The drifting or airborne transmission beyond the property line of dust, particles or debris from any open stockpile, working areas or unplanted areas shall be unlawful and may be summarily caused be abated.
- (5) *Electromagnetic radiation.* Applicable rules and regulations of the Federal Communication Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Code and shall be on file in the office of the building department.
- (6) *Gases.* The escape of or emission of any gas in concentrations so as to be injurious, destructive or explosive shall be unlawful and may be summarily caused to be abated.
- (7) *Glare or heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- (8) *Light.* Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one footcandle power of light cross a lot line five feet above the ground in a residential district.
- (9) *Odors.* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines, is prohibited.
- (10) *Radioactive materials.* Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

(11) *Sound.* The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use	Where Measured
75 dB(A)	Residential	Common property line
86 dB(A)	Commercial	Common property line
90 dB(A)	Industrial and other	Common property line

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

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of five dB(A) less than those listed above.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to the regulations under this section:

- a. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the township and is currently in effect.
- b. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
- c. Noises occurring between 7:00 a.m. and 9:00 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided that such noise does not exceed the limitations specified in section 12-74(1) by more than 20 dB(A).
- d. Noises emanating from the discharge of firearms are excluded, provided that the discharge of the firearms was authorized under state law and all local ordinances.
- e. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in this chapter) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, provided that such noise does not exceed either of the following limitations:
 1. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of this zoning chapter, if available.
 2. The limitations contained in this section based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

(12) *Vibration.* All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one inch measured at any property line of its source.

- (13) *Roads.* Roads on landfill and soil excavation sites shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by inclement weather. Nonpaved roads between the site and the nearest paved roads, paved roads off of site within one-quarter mile of the site entrance which are used by vehicles and/or equipment traveling to or from the site, and all roads on site shall not be used unless they are treated by sufficient oil, water and/or chemical substance, whichever would be appropriate for the surface, and frequent enough so that they are dustfree whenever used by vehicles and/or equipment.
- (14) *Soil erosion.* If a soil erosion permit is required by Part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.), no operation shall take place until a permit has been obtained. There shall be compliance at all times with the requirement of the soil erosion permit.
- (c) *Waiver of provisions.* Any provision of subsection (b)(5)—(10) of this section may be waived with the following conditions met:
- (1) Written request of the applicant;
 - (2) Review and recommendation of planning commission; and
 - (3) A determination by the township board of the following:
 - a. The waiver will not cause or tend to cause a blight, nuisance, danger or hazard to the surrounding area by virtue of sight, noise, odor, shifting earth, standing water, filtration into the underground water systems or drainage.
 - b. The waiver creates a more harmonious aesthetic condition with the surrounding area.
 - c. The waiver is in the best interests of the health, safety and welfare of the township; and
 - (4) If a provision is waived, the township board may impose alternatives or lesser restrictions that are reasonable.

(Ord. No. 62, ch. 5-02, 8-11-1984; Ord. No. 38, § 5-08.08, 2-18-1981; Ord. No. 49, ch. 5-02, 8-16-1981; Ord. No. 83, § 6-07.05, 7-17-1990)

Secs. 38-635—38-670. - Reserved.

ARTICLE VII. - GENERAL EXCEPTIONS

Sec. 38-671. - Access through yards.

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provided access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front yard and side yards. 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. No. 62, § 7-17.01, 8-11-1984)

Sec. 38-672. - Dwelling in nonresidential district.

This chapter does not permit dwellings to be constructed in the commercial (C-2 and C-1) districts except that an industrial watchman or a caretaker may be permitted in such districts in conformance with the specific requirements of the particular district.

(Ord. No. 62, § 7-17.02, 8-11-1984)

Sec. 38-673. - Essential services.

Essential services, except for high voltage electric transmission lines and high pressure gas transmission lines, shall be exempt from the application of this chapter.

(Ord. No. 62, § 7-17.03, 8-11-1984)

Sec. 38-674. - Permitted height.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits prescribed in this section. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of commercial radio and television transmitting, relay, or other types or antenna towers, where permitted, shall abide by the regulations set forth in article VI of this chapter. The zoning board of appeals shall establish height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes after consultation with the appropriate aeronautical agency. In the AG district, silos are permitted to a maximum height of 60 feet, and storage barns are permitted to a maximum height of 40 feet.

(Ord. No. 62, § 7-17.04, 8-11-1984)

Sec. 38-675. - Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details, which are normally demountable.

(Ord. No. 62, § 7-17.05, 8-11-1984)

Sec. 38-676. - 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. No. 62, § 7-17.06, 8-11-1984)

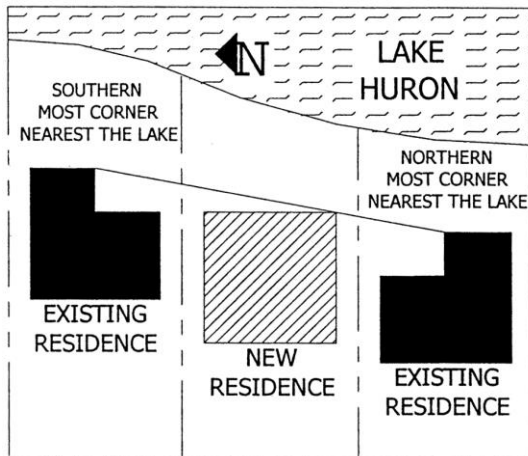
Sec. 38-677. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or side arrangement, such regulations may be modified or determined by the zoning board of appeals.

(Ord. No. 62, § 7-17.07, 8-11-1984)

Sec. 38-678. - Lots having frontage on Lake Huron.

Those residential lots and/or parcels having frontage on Lake Huron and abutting a public thoroughfare shall maintain the yard on the lake side as an open unobscured yard, excepting that a covered and/or uncovered boatwell shall be permitted after review and approval of the planning commission, provided that it complies with the provisions relating to boatwells set forth in article VI of this chapter. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building, provided that the front yard setback required in the schedule of regulations is met. The building setback, as it relates to that yard along Lake Huron, shall conform to the setbacks established by existing structures and shall, in no instance, be less than the setbacks otherwise required in the schedule of regulations for the concerned district. In establishing the setback, based on existing structures, a straight line shall be drawn from the southernmost corner nearest to 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:



(Ord. No. 150, § 2, 4-21-1999)

Sec. 38-679. - Roadside sales.

The planning commission may permit the sale of agricultural products from the roadside, subject to the following conditions:

- (1) All products displayed or offered for sale on the premises shall have been grown on the premises.
- (2) The sale shall not extend for more than six months, and all structures or buildings used for the sale must be removed from the front yard of the premises within 30 days from the termination of the sale.

(Ord. No. 62, § 7-17.09, 8-11-1984)

Sec. 38-680. - Temporary outdoor sales.

Nothing in this chapter shall be construed to prohibit 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, provided that such display or sale is for a period of not more than 60 days per year. However, all such temporary outdoor uses must comply with all permitting procedures and other regulations as may be prescribed by other township ordinance governing peddlers or transient merchants and with all applicable state statutes.

(Ord. No. 62, § 7-17.10, 8-11-1984)

Sec. 38-681. - Temporary retail area permits.

- (a) Temporary retail area permits may be granted for up to 30 days per calendar year, per business.
- (b) The nature of any temporary retail area must be consistent with the establishment's existing purpose. Any product sold must be contiguous with the establishment's existing inventory. Any demonstration must exhibit products sold at that establishment.
- (c) The Charter Township of Fort Gratiot clerk shall provide a specific application for temporary retail areas.
- (d) The applicant shall demonstrate on provided application that the temporary retail area (including temporary structures) shall have a restricted access and such access shall not affect parking lot rights-of-way, fire lanes or create any situation unsafe to the general public. In addition, any temporary retail area shall not occupy more than one-fifteenth of the number of parking spaces.
- (e) The Charter Township of Fort Gratiot shall issue a temporary retail area permit upon review and approval of the application by the zoning administrator, Fort Gratiot Fire Department, building official, and, where necessary, the electrical inspector, and receipt of all appropriate application fees. All temporary retail area permit applications and fees must be received no later than ten days prior to the first day of the permit for the application to be considered.
- (f) The erection of approved temporary structures, within temporary retail areas, shall occur only during the preceding 48 hours of the permitted dates. All temporary retail areas and structures shall be removed within the following 48 hours of the permitted dates. Temporary signage shall be in compliance with section 38-626(i). A temporary sign affidavit must be filed with the temporary retail area permit if temporary signage is to be utilized.
- (g) A temporary retail area shall conform to all general provisions of the zoning ordinance, as provided in chapter 38. No part of a temporary retail area shall cause a nuisance factor, as defined in section 38-5.

(Ord. No. 210, § 7, 9-5-2012)

SOLAR ENERGY SYSTEMS (SES) REGULATIONS
Fort Gratiot Charter Township

SECTION 38-636. SOLAR ENERGY SYSTEMS

The intent of this section is to promote the public health, safety, and general welfare by regulating the noise, air, and aesthetic impacts of solar energy systems in all districts; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character of the community; promoting the conservation of property values and natural resources; and preventing soil erosion.

(a) DEFINITIONS. For the purpose of this section, the following words and phrases shall have the meanings hereinafter defined:

Accessory Ground-Mounted Solar Energy System: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

Building-Integrated Solar Energy System: A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- *Pollinator Habitat:* Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- *Conservation Cover:* Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health.)
- *Forage:* Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- *Agrivoltaics:* Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

Ground-Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

Invasive Plant: Non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(Leq(h)) Equivalent sound level over a specified number of hours. Leq is the A-weighted steady sound level that contains the same total acoustical energy as the actual fluctuating sound level.

Large Solar Energy System: A Principal-Use SES generating more than 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Maximum Tilt: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

Non-Participating Lot(s): One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

Participating Lot(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.

Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.

Principal-Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

Small Solar Energy System: A Principal-Use SES generating up to and including 2 MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

Solar Energy System (SES): A photovoltaic system or *solar thermal system* for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Solar Thermal System: A system of equipment that converts sunlight into heat.

Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area.

(b) SES GENERAL PROVISIONS. Roof-Mounted SES, Accessory Ground-Mounted SES, and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

(1) ROOF-MOUNTED SES

- a. Height. Roof-Mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
- b. Nonconformities. A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
- c. Application. All SES applications must include plot plan. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

(2) ACCESSORY GROUND-MOUNTED SES

- a. Height. Ground-Mounted SES shall not exceed sixteen (16') feet measured from the ground to the top of the system when oriented at maximum tilt.
- b. Setbacks. A Ground-Mounted SES must be a minimum of five (5') feet from the property line or the required setback that would apply to accessory structures in the side or rear yard in the respective zoning district, whichever is greater. Setback distance is measured from the property line to the closest point of the SES at minimum tilt.

- c. Lot Coverage. The area of the solar array shall not exceed fifty percent (50%) of the square footage of the primary building on the property unless it is sited over required parking (i.e., solar carport,) in which case there is no maximum lot coverage for the Ground-Mounted SES. A Ground-Mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.
- d. Visibility-Residential. A Ground-Mounted SES in residential districts R-1A, R-1B, R-2, RM, and MHR, shall be located in the side or rear yard to minimize visual impacts from the public right(s)-of-way.
 - 1. Ground-Mounted SES may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the SES in the rear or side yard will:
 - i. Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;
 - ii. Interfere with septic system, accessory structures, or accessory uses; or
 - iii. Require the SES to be placed on the waterfront side of the building housing the primary use.
- e. Exemptions. A SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular devices is exempt from 38-636 (b.)
- f. Nonconformities. A Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.
- g. Application. All SES applications must include a plot plan. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable,) the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval.

(3) BUILDING-INTEGRATED SES. Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

- (c) SMALL PRINCIPAL-USE SES. A Small Principal-Use SES is a permitted use in all non-residential zoning districts and subject to site plan review. A Small Principal-Use SES requires special land use and site plan approval in the R-1A, R-1B, R-2, RM, and MHR zoning districts and shall meet all of the following requirements:
 - (1) Height. Total height shall not exceed sixteen (16') feet measured from the ground to the top of the system when oriented at maximum tilt.
 - (2) Setbacks. Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
 - a. A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.
 - b. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
 - (3) Fencing. A Small Principal-Use SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of eight (8') feet in height. Fencing is not subject to setbacks. A fence permit is required if it is not included on the building permit or site plan.
 - (4) Screening and Landscaping. A Small Principal-Use SES shall be designed to follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
 - a. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
 - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees

planted thirty (30') feet on center, and native evergreen trees planted fifteen (15') feet on center along existing non-participating residential uses.

- c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance and is appropriately documented (e.g., abutting participating lots; existing vegetation.)
 - d. Screening and landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a Small Principal-Use SES, which may include plantings, strategic use of berms, fencing, and other approved screening methods.
- (5) Ground Cover. A Small Principal-Use SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- a. An SES utilizing agrivoltaics is exempt from perennial ground cover requirements for the portion of the site employing the dual-use practice.
 - b. Project sites with majority existing impervious surface or those that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, are exempt from ground cover requirements. These sites must comply with the on-site stormwater requirements of the Ordinance.
- (6) Lot Coverage. A Small Principal-Use SES shall not count towards the maximum lot coverage or impervious surface standards for the zoning district in which it is located.
- (7) Land Clearing. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- (8) Access Drives. New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
- (9) Wiring. SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- (10) Lighting. Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
- (11) Signage: Signage may be at the project site, with the maximum area signage allowed per the requirements of 38-626 Signs. Any signage shall meet the setback, illumination, and materials/construction requirements of the zoning district for the project site.
- (12) Sound: The sound pressure level of a Small Principal-Use SES and all ancillary solar equipment shall not exceed 45 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
- (13) Repowering: In addition to repairing or replacing SES components to maintain the system, a Small Principal-Use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
- a. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request.
- (14) Decommissioning: Upon application, a decommissioning plan shall be submitted indicating the anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

- a. An SES owner may at any time:
 - i. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - ii. Amend the decommissioning plan with Zoning Administrator approval and proceed according to the revised plan.
 - b. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within 12 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.
- (d) LARGE PRINCIPAL-USE SES. A large principal-use SES is a special land use in the AG, O-1, O-2, C-1, C-2, M-1, and M-2 zoning districts and shall meet the following requirements:
- (1) Height: Total height for a large principal-use SES shall not exceed the maximum allowed height in the district in which the system is located.
 - (2) Setbacks: Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
 - a. In accordance with the setbacks for principal buildings or structures for the zoning district of the project site.
 - b. 100 feet from any existing dwelling unit on a non-participating lot.
 - c. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
 - (3) Fencing: A large principal-use SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 8' feet in height. Fencing is not subject to setbacks.
 - (4) Screening/Landscaping: A large principal-use SES shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.
 - a. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
 - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses.
 - c. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
 - d. Screening and landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a large principal-use SES, which may include plantings, strategic use of berms, and/or fencing.
 - (5) Ground Cover: A large principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Vegetation establishment must include invasive plant species and noxious weed control. The following standards apply:
 - a. Sites bound by a Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.
 - b. Ground cover at sites not enrolled in PA 116 must meet one or more of the four types of Dual Use as defined in section 38-636 (a) *Definitions*.

- c. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
- (6) Lot Coverage: A large principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
- (7) Land Clearing: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- (8) Access Drives: New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
- (9) Wiring: SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- (10) Lighting: Large principal-use SES lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
- (11) Signage: Signage may be at the project site, with the maximum area signage allowed per the requirements of 38-626 Signs. Any signage shall meet the setback, illumination, materials, and construction requirements of the zoning district for the project site.
- (12) Sound: The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 45 dBA (Leq (1-hour)) at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
- (13) Repowering: In addition to repairing or replacing SES components to maintain the system, a large principal-use SES may at any time be repowered, without the need to apply for a new special land-use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint. a. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify an SES will be reimbursed to Fort Gratiot Charter Township by the SES owner in compliance with established escrow policy.
- (14) Decommissioning: A decommissioning plan is required at the time of application, with periodic administrative review, regulated as follows:
- a. The decommission plan shall include:
 - i. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing,) or restored for viable reuse of the property consistent with the zoning district; and
 - ii. The projected decommissioning costs for removal of the SES (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands; and
 - iii. The method of ensuring that funds will be available for site decommissioning and stabilization in the form of surety bond, irrevocable letter of credit, or cash deposit.
 - b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every 5 years, for the life of the project, and approved by the board.

- c. An SES owner may at any time:
 - i. Proceed with the decommissioning plan approved by the or Planning Commission and remove the system as indicated in the most recent approved plan; or
 - ii. Amend the decommissioning plan with Zoning Administrator approval and proceed according to the revised plan.
- d. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within 12 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

QUICK REFERENCE GUIDE – SOLAR ENERGY SYSTEMS BY DISTRICT

DIVISION 2. AG AGRICULTURAL DISTRICTS

38-142 – Permitted Uses.

- (11) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (12) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-143 – Special Approval Uses

- (20) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 3. R-1A, R-1B AND R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICTS *(Large Principal-Use Not Permitted)*

38-172 – R-1A, R-1B Permitted Uses

- (a,10) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)

38-173 – R-1A, R-1B Special Approval Uses

- (16) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-177 – R-2 Permitted Uses

- (6) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)

38-178 – R-2 Special Approval Uses

- Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

DIVISION 4. RM RESIDENTIAL MULTIPLE-FAMILY DISTRICTS *(Large Principal-Use Not Permitted)*

38-202 – Permitted Uses

- (9) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)

38-203 – Special Approval Uses

- (6) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

DIVISION 5. MHR RESIDENTIAL MULTIPLE-FAMILY DISTRICTS *(Large Principal-Use Not Permitted)*

38-232 – Permitted Uses

- (4) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)

38-233 – Special Approval Uses

- Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

DIVISION 6. O-1 OFFICE DISTRICTS

38-262 – Principal Permitted Uses

- (9) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (10) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-263 – Special Approval Uses

- (8) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 7. O-2 OFFICE DISTRICTS

38-292 – Principal Permitted Uses

- (6) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (7) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-293 – Special Approval Uses

- (3) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 8. C-1 NEIGHBORHOOD BUSINESS DISTRICTS

38-322 – Permitted Uses

- (21) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (22) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-323 – Special Approval Uses

- (5) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 9. C-2 GENERAL BUSINESS DISTRICTS

38-352 – Permitted Uses

- (44) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (45) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-353 – Special Approval Uses

- (18) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 10. M-1 LIGHT INDUSTRIAL DISTRICTS

38-382 – Permitted Uses

- (5) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (6) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-383 – Special Approval Uses

- (6) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)

DIVISION 11. M-2 HEAVY INDUSTRIAL DISTRICTS

38-412 – Permitted Uses

- (4) Roof-Mounted, Accessory Ground-Mounted, and Building-Integrated Solar Energy Systems as provided in sec. 38-636 (b.)
- (5) Solar Energy Systems – Small Principal-Use subject to Site Plan Approval, as provided in sec. 38-636 (c.)

38-413 – Special Approval Uses

- (11) Solar Energy Systems – Large Principal-Use as provided in sec. 38-636 (d.)