

Section 1.1 Title

This Ordinance shall be known as the “Florence Township Zoning Ordinance.”

Section 1.2 Purpose

The regulations pertaining to the use of lands and structures are intended to ensure that use of land shall be situated in appropriate locations and relations; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety and welfare.

Section 1.3 Scope

- A. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, nor any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.
- B. For the purposes of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located; these limitations being construed as the minimum legislation necessary to promote and protect the general safety and welfare of the community. Zoning affects every structure and use and extends vertically.
- C. In case any building or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down or abated by any legal means and shall not be used or occupied until its been brought into conformation.

- D. If construction on a building is lawfully begun prior to the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed within two (2) years from the effective date of this Ordinance.

Section 1.4 Legal Basis

This Ordinance was enacted in accordance with the Township Zoning Act, being PA 184 of 1943, which was repealed as of July 1, 2006 and in accordance with the Zoning Enabling Act being PA 110 of 2006, as amended.

Where in this Ordinance reference is made to the Township Zoning Act and has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, PA 110 of 2006, as amended. Where, in this Ordinance reference is made to the "TZA" meaning the "Township Zoning Act" (PA 184 of 1943 repealed effective July 1, 2006), that reference shall be to the Michigan Zoning Enabling Act. The acronym "ZEA" as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, PA 110 of 2006, as amended.

Section 2.1 Required Area or Space

- A. Required area or space: No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. Accessory buildings, including enclosed porches and garages, attached to a dwelling or other main building shall be deemed a part of such buildings for the purpose of determining yard space, areas and setbacks.

Section 2.2 Projections Into Yards

Unenclosed porches, steps or similar structures may project into a required front or rear yard for a distance not to exceed ten (10) feet.

Section 2.3 Height Exceptions

Subject to other provisions of law, the height requirements of all zones shall be subject to the following exceptions; parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, monuments, cupolas, domes, spires, penthouses, housing ; necessary mechanical appurtenances, and similar structures.

Section 2.4 Screening

- A. Unless specifically provided for elsewhere in this Ordinance, in all zones in which residences are a permitted use, no Screening may exceed a height of six (6) feet. No Screening that exceeds a height of four (4) feet may be erected, planted, or placed closer than ten (10) feet from any public right of way.
- B. It shall be unlawful to construct, plant or place any Screening in any public right of way.
- C. No Screening shall be erected, planted, or placed on any corner lot, or at any driveway entrance located on a parcel, which obstructs the view of a vehicle approaching, or located at, an intersection or driveway entrance.
- D. Barbed wire fences are prohibited in all zoning districts, except where necessary and permitted under the Generally Accepted Agricultural and Management Practices adopted by the Michigan Department of Agriculture and Rural Development and/or its successor agencies.

Section 2.5 Corner Obstructions

No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (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. This shall not prohibit the locating of shrubbery less than thirty (30) inches in height in said area.

Section 2.6 Landscaping

- A. All lots and/or parcels of land upon which a building is erected shall be finish graded with topsoil of sufficient quantity and quality to sustain the growth of perennial grass, except for driveways, walks, and required parking areas. Seeding or sodding shall be the minimum acceptable landscaping of any said lots or parcels of land. This minimum landscaping shall be completed within one (1) year following the completion of the construction project or occupancy, whichever occurs first, and shall be reasonably maintained thereafter.
- B. The area between the street paving or curb line and the property line or sidewalk with the exception of driveways and walkways, shall be used exclusively and maintained as landscaped area.

Section 2.7 Street Access

Any lot of record created after the effective date of this Ordinance shall have frontage as required by this Ordinance (Article 12) upon a public street right-of-way or legally recorded access easement.

Section 2.8 Mechanical Appurtenances

Mechanical appurtenances such as blowers, ventilating fans and air conditioning units shall be placed not closer than twelve (12) feet to adjoining properties.

Section 2.9 Essential Public Services

The erection, construction, alteration or maintenance of essential public services shall be permitted as authorized or regulated by law and other ordinances in any use District, it being the intention hereof to exempt such erection, construction, alteration and maintenance from application of this Ordinance, except those which may be considered a danger to the community health, safety and welfare.

Section 2.10 Demolition Permits

No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety including filling excavations and proper termination of utility connections.

Section 2.11 Litter, Rubbish, Junk Storage and Disposal

A. It shall be unlawful for any person to dump rubbish of any kind on any land except in and on such private or public dumping areas approved for this purpose.

Section 2.12 Illegal Dwellings

The use of any portion of the basement of a partially completed building for dwelling or sleeping purposes is forbidden in any Zoning District. Buildings erected after the date of this Ordinance as garages or accessory buildings shall not be occupied for dwelling purposes.

Section 2.13 Excavations or Holes

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute a danger or menace to the public health, safety or welfare are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued by the Building Inspector or where such excavations are properly protected and posted with warning signs in such manner as approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, reservoirs and other such bodies of water created or existing by authority of governmental units or agencies.

Section 2.14 Outdoor-Storage in Residential Areas

The outdoor storage or parking of recreational vehicles including but not limited to special purpose automobiles, boats, floats, rafts, snowmobiles, camping or travel trailers, motorized homes or detachable travel equipment adaptable to light duty trucks is prohibited anywhere on the public street or road right-of-way or on public utility easements or right-of-way. These provisions also apply to utility trailers or trailers used for display or demonstration purposes.

Section 2.15 Principal Use

No lot may contain more than one main building or use, excepting groups of apartment buildings or retail business buildings or other groups of buildings the Zoning Administrator deems to be a main use collectively.

Section 2.16 Swimming Pools

Every person owning land on which there is located a commercially manufactured swimming pool (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Inspector either surrounding the property or pool area sufficient to make such swimming pool inaccessible to small children. Such fence or enclosure, including the gates, must not be less than four (4) feet above ground level. All gates must be self latching with latches placed four (4) feet above ground level or otherwise made inaccessible from the outside to small children.

Section 2.17 RESERVED FOR FUTURE EXPANSION

Section 2.18 Accessory Buildings and Uses

- A. Accessory uses and buildings are permitted only in connection with, incidental to and on the same lot with a principal use or building which is permitted in the particular zoning district.

- B. Accessory building/structures shall be erected in accordance with Section 12.1, except that if an accessory building/structure is not permanently affixed to the Lot and is two hundred (200) square feet or less in area and fifteen (15) feet or less in height, the minimum side yard and rear yard setback for said accessory building/structure shall be two (2) feet. All accessory uses and buildings combined shall cover no more than the area indicated in Schedule 12.1.

- C. No detached accessory building shall be located, closer than ten (10) feet to any building or structure.

- D. No more than two (2) accessory buildings are permitted on any lot or parcel located in the LDR (Low Density Residential District), and no more than one (1) accessory building is permitted in the HDR (High Density Residential District).

- E. The size of any accessory building shall be in compliance with Schedule 12.1.

- F. A Certificate of Occupancy, as otherwise required in Section 18.4, shall not be required for any accessory building/structure that is not permanently affixed to the Lot and is two hundred (200) square feet or less in area and fifteen (15) feet or less in height.

Section 2.19 Amateur Radio Antennas, Satellite Dish Antennas and Other Similar Structures

- A. Satellite dish antennas or other similar devices twenty-four (24) inches or less in diameter may be attached to a roof structure, provided that the Building Inspector shall determine that such device is properly anchored. The antenna may not extend more than thirty (30) inches above the roof peak.
- B. Any structure covered in this Section shall require a Building Permit prior to erection. The application for a permit must include construction drawings showing the proposed method of installation, including details on anchoring, fencing and landscaped screens.

Section 2.20 Horses in Residential Zones

Horses may be kept for personal use in the A and LDR Districts subject to the following restrictions (See Section 2.27 Additional Requirements - Keeping of Animals in Florence Township for further information):

- A. The minimum lot size shall be two (2) acres. One (1) horse per each two (2) acres is permitted up to a maximum of five (5) horses.
- B. Stables housing horses are required and shall be located no closer than fifty (50) feet to any adjoining property line. Stables shall be considered an accessory building.

Section 2.21 Non-Conforming Uses

- A. The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Zoning Ordinance, or in the case of an amendment of this Ordinance, then at the time of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.
- B. In the event that any non-conforming use is discontinued for a period of one (1) year any subsequent use shall conform to the uses permitted in the District in which the premises are located. Such determination to be made by the Zoning Administrator.
- C. In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy and the cost of rebuilding or restoration exceeds one-half (1/2) the value of such building or structure after rebuilding or restoration, such rebuilding or restoration shall be permitted only with the prior approval of the Zoning Board of Appeals which approval shall be granted only upon finding:
 - 1. That such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, or
 - 2. That circumstances are such that the land previously occupied by such non-conforming use cannot then be reasonably used for a permitted use in that zone.

- D. Structures or uses non-conforming by reason of height and area, parking and loading provisions may only be extended, enlarged, altered, remodeled or modernized provided that all height and area parking and loading provisions are complied with in respect to any extension or enlargement and provided the Building Inspector shall determine that any alteration, remodeling or modernization shall not substantially extend the life of any non-conforming use at the time of the enactment of this ordinance.

- E. No non-conforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Board of Appeals and which approval shall be granted only upon finding all of the following facts:
 - 1. That the enlargement or extension will not substantially extend the probable duration of such non-conforming use and that all enlargements since the use became non-conforming do not in total exceed fifty (50) percent of the area of the originally non-conforming area.

 - 2. That the enlargement or extension will not become a precedent for other variations in the area.

 - 3. That the enlargement or extension will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.

- F. The Township may eliminate any and all non-conforming uses it deems in the best interests of the Township by whatever means are provided by law in such cases.

Section 2.22 Home Occupations

- A. Home Occupations are permitted in the A, LDR, HDR and MHP Districts subject to the following requirements noted in subsection C, below. The Zoning Administrator shall ascertain compliance with these requirements prior to approving an Occupancy Permit. Such permit shall be required.

- B. The applicant shall provide the Zoning Administrator with a written certification that the requirements listed in subsection C will be met. Such certification must address each requirement and state the manner in which they will be met.

- C. The following requirements must be met before the Zoning Administrator may approve a home occupation. Failure to maintain compliance will be grounds for revocation of the approval.

1. No person other than members of the immediate family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than (1) sign; not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
4. The home occupation shall be operated in its entirety within the principal dwelling.
5. There shall be no sale of products or services except as are produced on the premises by such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard.
7. 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 premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In 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 off the premises.
8. A single family residence in any zoning district may be used for the instruction of a fine art or craft as a home occupation.
9. A Domestic Animal Rescue may be permitted as a special use home occupation under the following conditions requiring prior approval of the Township Planning Commission:
 - a. The home occupation shall meet all requirements of an “animal protection shelter” as defined and required in Michigan Public Act 287 of 1969 (MCL 287.331, et. seq.) and Section 50 of Public Act 328 of 1931 (MCL 750.50), as well as all state, county and local regulations and ordinances related to “animal protection shelters.”
 - b. Only Domestic Animals, as defined in Section 3.2, shall be maintained and boarded as part of the animal rescue.
 - c. Included with the site plan submitted for the Home Occupation Special Land Use Application must be the maximum number of animals to be placed at the property, and details as to manner and place of animal boarding, food storage and excrement storage and disposal.
 - d. The animal rescue shall be the only home occupation located on the property.
 - e. Any display area and/or windows are prohibited.

- f. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- g. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than (1) sign; not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the main building.
- h. The business operation of the home occupation shall be operated in its entirety within the principal dwelling.
- i. There shall be no sale of products or services of any kind related to the animal rescue or keeping of the animals, except for the charging of a reasonable adoption fee.
- j. All animals are to be properly housed in accordance with Michigan law, including but not limited to: food and water, shelter from the weather, cleanliness, proper disposal of all animal excrement, veterinary assistance and care to assure healthy and active animals and to avoid undue harm.
- k. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall only be in the established driveway of the home. Parking on the street or in the yard is strictly prohibited.
- l. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, foul odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In 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 off the premises.
- m. The home occupation shall maintain all state required licenses and records and shall provide the Florence Township Zoning Administrator copies of the same.

Section 2.23 Floodplain

- A. The provisions of this Section shall apply to any area within the 100-year floodplain as may be identified by a competent engineer, the Michigan Department of Natural Resources or other appropriate agency.
- B. No permanent structures may be constructed within the floodplain. Material and equipment may be stored if not subject to major flood damage and must be firmly anchored to prevent flotation or be easily removable within the time following the flood warning and preceding the actual flood.
- C. Any alteration of the lands, including filling, extraction, grading or scraping shall require the consent and approval, by appropriate permit, of the Michigan Department of Natural Resources.

Section 2.24 Temporary Dwellings

- A. Mobile homes, recreational vehicles and other similar structures or vehicles may be used as a temporary dwelling for a period not to exceed thirty (30) days in a six (6) month period, unless the temporary dwelling is located on a lot on which a permanent dwelling is under construction, in which case the temporary dwelling may be used for up to a one hundred twenty (120) day period.

- B. Such temporary dwellings must be approved by the Building Inspector who shall ensure that all appropriate State, County and Township codes, ordinances and requirements are met. A building permit shall be required and the expiration date of the permit clearly noted.
- C. The placement of the temporary dwelling must be in compliance with all yard and setback requirements of the zoning district in which it is located.

Section 2.25 Private Roads

- A. A private road which serves more than one separately-owned parcel, or more than one dwelling unit shall only be constructed under the following conditions, as a special use requiring prior approval of the Township Planning Commission:
 - 1. The owner(s) of property over which such private road is to be constructed shall be required to record an easement having a width of at least sixty-six (66) feet for roadway purposes, dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.
 - 2. A roadway maintenance agreement, easement agreement, and deed restrictions shall be recorded in the County Register of Deeds Office for St. Joseph County, Michigan, providing for the perpetual private (nonpublic) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress and use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and other bound to or returning from any of the properties having a right to use the private road.
 - 3. All lots served by a private road must meet the Zoning Ordinance district requirements in which they exist. Setbacks shall be measured from the edge of the private road right-of-way.
 - 4. The private road shall have a name and street sign consistent with the St. Joseph County Road Commission standards. A location map of the private road and street name shall be submitted to the Township Fire Department, St. Joseph County Sheriff Department, St. Joseph County Land Resource Department, and any emergency service serving Florence Township.
 - 5. Prior to the commencement of any such private road development, the developer shall submit in writing to the Township Planning Commission all of the foregoing required documents, construction plans, and private road location with respect to nearby public road for the Planning Commission's review with respect to the granting or denial of the special use application. The Planning Commission shall conduct a special use hearing in accordance with the statute and the Township Zoning Ordinance (see required Site Plan Review procedure in Article 14). The Township Planning Commission shall consider the factors contained in the Zoning Enabling Act, being PA 110 of 2006, as amended concerning the issuance of a special use permit for the private road in question.

Section 2.26 Additional Requirements-Mobile/Manufactured Homes

A. General Provisions

No person shall occupy or permit the use of occupancy of a mobile home as a dwelling within the Township not designated as a mobile home park unless:

1. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relating to the uses, size of premises, floor area, minimum width, setback, side lot and rear lot requirements specified for the particular zoning district, in which said premise is situated; and
2. Said mobile home shall be connected to potable water and sanitary sewage disposal infrastructure (including wells and septic) as approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto.

B. Foundations

1. Mobile homes may be installed upon a basement, provided the foundation complies with building code requirements for single-family dwellings, and meets the manufacturer's specifications for pillar placement and imposed load capacity. Each mobile home shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of State Construction Code. In the event the manufacturer's recommended specifications exceed the specifications for connections provided herein, the manufacturer's specification shall in all cases be complied with.
2. Mobile homes without a basement shall be installed upon a permanent foundation constructed on-site in accordance with the State Construction Code for conventionally-constructed single-family dwellings. In addition, a skirting of masonry, brick, or concrete blocks shall be vented. Louvered or similar vent shall be, at a minimum 600 square inches per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home, and two vents shall be placed on each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed in the rear section of the skirting. Each mobile home shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the State Construction Code. In the event the manufacturer's recommended installation specifications exceed the minimum specifications for connections provided herein, the manufacturer's specifications shall in all cases be complied with.
3. All construction herein required shall be commenced only after a building permit has been obtained in accordance with the building code applicable within the Township.
4. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the current United States Department of Housing and Urban Development mobile home construction and safety standards (24CRF3280), and as from time to time amended.
5. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings on-site within said zone.

6. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development mobile home construction and safety standards.

C. Aesthetic Compatibility

1. The foregoing requirements of Section 5.8 notwithstanding, the placement and use of a mobile home in any zoning district within the Township shall be aesthetically compatible in design and appearance with conventionally constructed, on-site, single-family dwellings, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same. At a minimum, the wheels and towing mechanism of any mobile home shall be removed, and the underside or chassis of the mobile home shall be completely enclosed and connected to the foundation, and said mobile home shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said districts.

Any determination of aesthetic compatibility shall be based upon the standards set forth in this section, as well as the character, design, and appearance of one or more residential dwellings to the extent of not less than twenty percent (20%) of lots situated within said area, or where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks of the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, relief from the common or standard design home.

2. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling.

D. Additions

1. All pre-manufactured rooms or other area additions to a mobile home shall comply with the standards of construction provided for in this ordinance for mobile homes, and shall be installed upon a permanent foundation as provided herein for the principal dwelling. Conventionally constructed additions to mobile homes shall comply in all respects with the applicable building codes.

E. Definition

1. As used herein, the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis, and designed for permanent year-round living as a single-family dwelling, provided that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles), or other transportable structures designed for temporary use, which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, potable water and utilities.

F. Certificate of Approval

1. No person shall occupy any mobile home as a dwelling within the Township outside of a licensed mobile home park until a certificate of approval shall be issued by the building official or Zoning Administrator,

which permit shall indicate satisfactory compliance with all requirements of the Township Zoning Ordinance and Building Code.

Section 2.27 Additional Requirements - Keeping of Animals in Florence Township

A. Animals allowed as specified for various zoning districts

Animals may be possessed, kept or raised in the various zoning districts for any hobby, pleasure, commercial or other purpose, as specified and regulated in this Section.

B. Definitions (see Article 3: Animal for specific definition by type)

C. Exotic Animals: Requirements

Exotic animals are not allowed upon any premises in any zoning district, except in conjunction with the following situations:

1. A public zoo, or other educational exhibition sponsored by a governmental entity
2. A bona fide licensed circus

D. Wild Animals

Wild animals are not allowed to be confined upon any premises in any zoning district, except in conjunction with the following situations:

1. A public zoo, or other educational exhibition sponsored by a governmental entity
2. A bona fide licensed circus
3. Pursuant to a possession permit issued by the Michigan Department of Natural Resources authorizing temporary non-commercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.
4. An Animal Hospital in the AG Agricultural District, the C Commercial District and the I Industrial District, as a special land use.

E. Domestic Animals

Domestic Animals are allowed as follows:

1. AG Agricultural District

- a. Dogs or cats for personal, domestic ownership (not for commercial sale) plus a reasonable number of rabbits not creating nuisance or other detrimental conditions, are allowed as an accessory use to a permissible dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.

- b. Caged, domestic birds; caged, non-poisonous snakes and lizards; caged insects; and other caged, small domestic animals (such as hamsters, mice, guinea pigs and pot-bellied pigs); and fish, are allowed as an accessory use to a permissible dwelling on the premises.
- c. A Kennel is allowed in the AG Agricultural District, C Commercial District and I Industrial Districts as a special land use.
- d. Domestic animals are also allowed in the same situations designated for wild animals in Section 2.27 D, subsections 1 and 2.

2. Residential Zoning Districts

- a. Dogs or cats for personal, domestic ownership (not for commercial sale) plus a reasonable number of rabbits not creating nuisance or other detrimental conditions, are allowed as an accessory use to a permissible dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
- b. Caged, domestic birds; caged, non-poisonous snakes and lizards; caged insects; and other caged, small domestic animals (such as hamsters, mice, guinea pigs and pot-bellied pigs); and fish, are allowed as an accessory use to a permissible dwelling on the premises.

3. Commercial and Industrial Districts

- a. Not more than three (3) confined guard dogs are allowed on any non-residentially used premises.
- b. Domestic animals are allowed in conjunction with any use allowed within these districts as to which domestic animals are typically associated.

- 4. A Domestic Animal Rescue is permitted as a Home Occupation in all districts which permit Home Occupation as a special land use.

F. Farm Animals

- 1. AG Agricultural Districts: In the Agricultural zoning districts, farm animals are allowed as follows:

- a. The keeping of farm animals is a permitted use as part of agriculture or accessory to a permissible dwelling, subject to the following requirements:

1) The recommendations in the most recent Generally Accepted Agricultural and Management Practices for Manure Management and Utilization adopted by the Michigan Agriculture Commission, and in accordance with such additional rules, regulations and guidelines as may from time to time be established by the Michigan Agriculture Commission or other appropriate State Agency in accordance with 1981 Public Act 93, as amended (Michigan Right To Farm Act).

- a) The operation shall at all times comply with the recommendations set forth in the most recent Generally Accepted Agricultural and Management Practices for Management and Utilization adopted by the Michigan Agriculture Commission, and in accordance with such additional rules, regulations and guidelines as may from time to time be established by the Michigan Agriculture

Commission or other appropriate State agency in accordance with 1981 Public Act 93, as amended (Right to Farm Act).

- b) Unless an alternative application is specifically permitted under the Generally Accepted Agricultural and Management Practices for Manure Management, animal waste shall only be applied by subsurface injection within the setback areas prescribed in the Ordinance.
- c) In conjunction with Animal Clinics in the AG Agricultural District as a special land use.
- d) Commercial Riding Stable is allowed in the AG Agricultural District as a special land use.
- e) Unless otherwise allowed under the Right to Farm Act, farm animals in this district are allowed as follows:

2) Large farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements.

- a) The premises shall have a lot area of at least two acres.
- b) The permissible number of large farm animals is as follows:
 - i. Horses: One (1) per two (2) acres.
 - ii. Cattle: One (1) per two (2) acres.
 - iii. Swine: One (1) per two (2) acres.
 - iv. Goats: Two (2) per two (2) acres.
 - v. Sheep: Two (2) per two (2) acres.
- c) Barns, shelters or pens for holding livestock, and paddocks and riding rings, shall be located at least fifty (50) feet from all adjoining property lines.
- d) Animal waste storage areas shall be located at least one hundred fifty (150) feet from all existing residences on adjacent properties, and at least fifty (50) feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals, sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property. Odors, dust, noise and drainage shall be controlled so as not to become a nuisance, hazard or annoyance to adjoining residents or the general public.

3) Small farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this Ordinance, including the following density, setback and other requirements:

- a) No more than twenty (20) chickens or other poultry/fowl (combined) shall be allowed, and no more than twenty (20) turkeys, ducks, geese or rabbits (combined) shall be allowed.
- b) The provisions of Section 2.27 F, subsection 2 a, b.

2. HDR High Density Residential District and MHP Mobile Home Park Residential District: In these zoning districts, farm animals are not allowed.

3. Commercial and Industrial Districts: In these zoning districts, farm animals are not allowed, except in conjunction with the following situations;

- a. An Animal Hospital as a special land use.
- b. Agricultural pursuits otherwise specifically permitted in these zoning districts.

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Section 3.1 General Construction

For the purpose of this Ordinance, certain words and terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure." The term "person" shall mean an individual, partnership, corporation or other association or their agents. Terms not herein defined shall have the meanings customarily accepted.

Section 3.2 Specific Terms

Abandonment

Except in the case of gravel pits existing at the time of adoption of this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

Accessory Building

Except as otherwise permitted or defined in Article 5 or Article 6 of this Ordinance, a building or portion of a building supplementary to a main building on the same lot occupied by or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or a roof, the accessory building shall be considered a part of the main building.

Accessory Use

A use incidental and subordinate to the main use of the land or building.

Acre

A measure of land area containing forty-three thousand five hundred sixty (43,560) square feet.

Adult Entertainment/Business

(a) Adult Bookstore:

A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection (1) or (2) [below]:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representation or media which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - (3) The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or more of the floor area or visible inventory within the establishment.
- (b) Adult Cabaret:
- A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- (1) Persons who appear in the state of nudity;
 - (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - (4) Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.
- (c) Adult Motel:
- A hotel, motel or similar commercial establishment that:
- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above, and/or;
 - (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours, and/or;
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- (d) Adult Entertainment Booking Agency:
- A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.

- (e) **Adult Motion Picture Theater:**
A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.
- (f) **Adult Theater:**
A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by specified sexual activities.
- (g) **Community Impact Statement:**
A statement by any sexually-oriented business required to be licensed, submitted in conjunction with an application or a license to operate a sexually-oriented business.
- (h) **Dating Service:**
A business engaged in, for financial remuneration, either directly or indirectly, where the operator arranges to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service, or similar operation.
- (i) **Escort:**
A person who, for financial consideration or contract, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or offers to privately perform a strip tease for another person.
- (j) **Escort Agency:**
A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (k) **License:**
An official permit from Florence Township to allow an activity or activities as may be required by this article.
- (l) **Massage:**
The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids.
- (m) **Massage Parlor:**
Any place or establishment where massage is made available. "Massage Parlor" does not include the following:
- (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
 - (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
 - (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands,

feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or

- (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.

(n) **Massage School:**

Any place or establishment or facility which provides instruction, theory, method and practice of massage.

"Massage School" does not include:

- (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
- (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
- (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or
- (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.

(o) **Nude Model Studio:**

Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, paint, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

(p) **Operator:**

Any person who engages in the practice of or performs a massage.

(q) **Public Nudity or State of Nudity:**

Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment or promise of payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in Section 2 of Act Number 343 of the Public Acts of 1984, being Sections 752.362 of the Michigan Compiled Laws.
- (3) Sexually explicit visual material as defined in Section 3 of Act Number 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

(r) Sexual Encounter Center:

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

(s) Sexually Oriented Business:

A business or commercial enterprise engaging in any of the following businesses:

- (1) Adult Bookstore
- (2) Adult Cabaret
- (3) Adult Entertainment Booking Agency
- (4) Adult Motel
- (5) Adult Motion Picture Theater
- (6) Adult Theater
- (7) Dating Service
- (8) Escort Agency
- (9) Message Parlor
- (10) Massage School
- (11) Nude Model Studio and/or
- (12) Sexual Encounter Center

(t) Specified Anatomical Areas:

Defined as the following;

- (1) Less than completely and opaquely-covered human genitals, pubic region, buttock, anus and female breasts at or below the top of the areola; and/or
- (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

(u) Specified Sexual Activities:

Includes any of the following;

- (1) The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Sexual arousal or gratification using animals or violence, actual or simulated;
- (4) Masturbation, actual or simulated; or
- (5) Excretory functions as part of or in connection with any of the activities, as set forth in (1), (2), (3) or (4) above.

Adult Foster Care Home

A private home licensed by the State government for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

Agriculture

The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry. The words agricultural and farming shall be considered synonymous.

Alteration of Building

A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

Amortization

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal

Any live non-human species of mammal, and any species of reptile, amphibian, insect, bird, or fish.

- A. Domestic Animal: Any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, rabbits, and fish, kept as household pets.
- B. Exotic Animal: Any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal, and fish.
- C. Farm Animal: Any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs cats, exotic animals and wild animals, raised for commercial profit or slaughter.
 - 1. Large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
 - 2. Small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size, and fish.
- D. Wild Animal: Any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
- E. Livestock: Means species of animals used for human food and fiber or those species of animals used for service to humans. Livestock include, but not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture and rabbits. Livestock does not include dogs and cats.

Animal Hospital (see Kennel)

Apartment, Apartment House

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.

(a) Efficiency Apartment (Studio):

A dwelling unit containing not over six hundred and forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

(b) One Bedroom Unit:

A dwelling unit containing a minimum of floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.

(c) Two Bedroom Unit:

A dwelling unit containing a minimum of floor area of at least eight hundred square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.

(d) Three or More Bedroom Unit:

A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) bedroom unit shall be an increase in the room count by one (1) over the four (4).

Appeals

The process, as prescribed in the Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

Applicant

A person or entity submitting an application for review and action by the Township or any of its departments or commissions or related governmental associations.

Approved Plan

A plan which has been granted final approval by the appropriate approving authority.

Approving Authority

The agency, board, group, or other legally-designated individual or authority which has been charged with review and approval of plans and applications.

Area (see Lot Area)**Attached**

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

Attached Garage

An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

Automobile Repair Establishments

Any activity involving the major or minor repair, rebuilding and/or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; over-all painting and vehicle rust-proofing; refinishing and/or steam cleaning.

Automobile Salvage

The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

Automobile Service Station or Filling Station

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair and servicing, and may include automobile repair as defined in Automobile Repair Establishments.

Automobile Wash

A building or portion thereof, the primary purpose of which is that of washing automobiles, either by self-service or by automatic means.

Bank

A financial institution.

Basement

A portion of a building partly underground with more than one-half (1/2) of its height below grade, containing any of the following features:

- (1) Mechanical equipment, such as heating, metering, or laundry facilities.
- (2) No doorway opening directly to ground level or upon a hallway with such a doorway.
- (3) No sash windows.

Bed and Breakfast Operations

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

Berm, Obscuring

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

Billboard (see Signs)

Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

Board of Appeals, Board

The term "Board of Appeals" refers to the Florence Township Zoning Board of Appeals. The term "Board" refers to the Florence Township Board of Trustees.

Boarding House or Rooming House

A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

Buildable Area

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

Building or Structure

An independent structure, either temporary or permanent, having a roof supported by columns, walls or any other support used for the enclosure of persons, animals, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building Coverage

The horizontal area measured within exterior walls of the ground floor of all principals and accessory buildings on a lot.

Building Height

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the mean established grade at the building wall perimeter.

Building, Main or Principal

A building in which is conducted the main or principal use of the lot on which it is situated.

Building Official

The Building Inspector of the Township or his authorized representative.

Building Permits

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township's Building Code.

Building Setback Line

The line situated at the outer surface of a building or enclosure wall, at the ground surface level, pertaining to the minimum setback distance established from the front street right-of-way or property line, thus defining an area of the lot adjacent to the front lot line in which no part of a building shall project or be located, except as otherwise provided for in this Ordinance.

Business or Commerce

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

Business Services

Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, including but not limited to services such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

Carry-out Restaurant

An establishment which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

Cell Tower (see Communication Tower)**Cemetery**

Any public cemetery owned, managed or controlled by the Township and any cemetery located within the Township.

Certificate of Occupancy

A document issued by the proper authority (Building Official or Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

Certification of Completion

A signed written statement by the Building Official that specific construction has been inspected and found to comply with all grading and building plans and specifications.

Change of Use

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

Child Care Organization

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

a) "Child Care Center" or "Day Care Center"

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 center" or "day care center" does not include a 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.

b) "Foster Family Home"

A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

c) "Foster Family Group Home"

A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

d) "Family Day Care Home"

A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year

e) "Group Day Care Home"

A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Church/Synagogue/Mosque

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

Cluster

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial

This term relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or a garage/basement sales operating more than twelve (12) days during one (1) twelve (12) month period.

Commission

This term refers to the Florence Township Planning Commission.

Communication Tower

Radio, television, microwave or similar transmission receiving or relay tower for commercial use, including multiple lease or use by customers other than the owner.

Community Center

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

Comprehensive Plan/Master Plan

A comprehensive, long-range plan intended to guide the growth and development of the Township and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

Condominium

Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse or apartment plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

Construction

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

Contiguous

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

Convalescent or Nursing Home

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State Law.

Cul-de-sac

A street with a single, common ingress and egress and with a turnaround at the end.

Day Care Facility see Child Care Organization

Development

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

Dish-type Satellite Signal-receiving Antennas

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a) a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.
- b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c) a coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

Domestic Animal Rescue

A facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals, or that otherwise meets the definition of an "animal protection shelter" as defined by Michigan Public Act 287 of 1969 and Section 50 of Public Act 328 of 1931.

Drive-Up Facility

A commercial business establishment which offers goods or services to customers in vehicles, including establishments where customers have momentarily stepped away from their automobiles. This may include, but is not limited to banks, restaurants, convenience stores, laundry establishments, etc.

Duplex (see Dwelling, Two-Family)

Dwelling, Dwelling Unit

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provision thereof relative to dwellings.

Dwelling, Multiple-Family

A building or portion thereof, used or designed for use as a residence for more than two (2) families living independently of each other. This definition does not include mobile homes, or two-family dwellings.

Dwelling, Single-Family Detached

A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

Dwelling, Two-Family

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling, Group (Congregate Living)

A building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

Easement

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

Egress

An exit from a building or site.

Emission

A discharge of pollutants into the air.

Environmentally Sensitive Area

An area with one or more of the following characteristics.

- (a) slopes in excess of 20 percent
- (b) floodplain
- (c) soils classified as having a high water table
- (d) soils classified as highly erodible, subject to erosion, or highly acidic
- (e) land incapable of meeting percolation requirements
- (f) land formerly used for landfill operations or hazardous industrial uses
- (g) fault areas
- (h) stream corridors
- (i) estuaries
- (j) mature stands of native vegetation
- (k) aquifer recharge and discharge areas

Erosion

The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

Essential Services

The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains,

sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, to be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission or for public health or general welfare. This phase does not include buildings other than such buildings as are primarily enclosures or shelters of the above-referenced equipment, and also does not include Communication Towers as defined in this Ordinance.

Establishment

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

Excavation

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

Family

A single individual or a number of individuals domiciled together whose relationship is of a continuing non transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for an anticipated limited duration of school terms or other similar determinable periods.

Family (Immediate Family)

A single individual related by consanguinity of the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

Method of computing degrees of consanguinity by the civil law for purpose of inheritance is to begin at either of persons claiming relationship and count up to common ancestor, and then downwards to other persons, in the lineal course, calling it a degree for each person, both ascending and descending, and degrees they stand from each other is degree in which they are related.

So, basically a third degree of consanguinity is grandchildren of the “common heir” (nieces and nephews), as well as the person’s children. So your sister’s daughter is within the third degree of consanguinity from you. That is we start at you , count one, go up to your dad. Then we go from dad to sister, count on more. Then we go from sister to niece, count on more. That’s three. That is probably all you want here.

Family Business

An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation).

Farm

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 hereunder shall include a contiguous parcel of not less than ten (10) acres in area. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur bearing animals or game, or operating fish hatcheries, stone quarries, or gravel, dirt or sand pits shall not be considered farms.

Farm Dwelling

Any single-family dwelling located on an active farm serving as the principle residence for the persons primarily engaged in operating the principle agricultural use of the said farm.

Fence

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

Filling

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

Filling Station (see Automobile Service Station)

Final Approval

The last official action of the Planning Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

Flea Market

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

Flood Plain

Those areas which are subject to inundation at a high water level in a flood of one (1) percent yearly probability as determined by an engineer or agency of the State or Federal government designated by the Board.

- A. **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- B. **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.
- C. **Development** means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal water; 2) the unusual and rapid accumulation of runoff of surface waters from any source.
- E. **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- F. **Harmful increase** means an unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- G. **New construction** means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- H. **Structure** means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.
- I. **Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds the State Equalized Valuation of the structure, either 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include 1) any project for improvement of a structure in order to comply with existing state or local health, sanitary or safety code specifications, or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Floor Area

- A. **Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls from the center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- B. **Floor Area, Usable.** The measurement of usable floor area shall include that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or

customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Foster Care Facility

An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home licensed under part 217, Article 17 of PA 368 of 1978, as amended being MCL 333.21701 through 333.21799e; or a psychiatric hospital licensed under PA 258 of 1974, as amended being MCL 330.1001 to 330.2106.

- A. Family home – A facility which provides foster care to six (6) or fewer persons.
- B. Group home – A facility which provides foster care to seven (7) or more persons.

Funeral Home

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

Garage

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) vehicles.

Garbage

Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

Gasoline Service Station (see Automobile Service Station)

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course

A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

Grade

A reference plane representing the finished ground level adjoining a building at all exterior walls.

Grading

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

Greenbelt or Buffer Strip

The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Building Inspector of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

Greenhouse

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

Group Care Facilities (see Dwellings (Group))**Gross Usable Area**

The total area in a mobile home park which is suitable for development exclusive of swamps, steep slopes, or other natural or man-made limitations.

Hazardous Materials

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

Health Care (Services) Facilities

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bio-analytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer. Provides out-patient care, no overnight stay, except for hospitals.

Highway

A public thoroughfare or street maintained and regulated by Federal or State agencies.

Home Occupations

A gainful occupation traditionally or customarily carried on in the home or accessory building as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, but shall not include nursery schools caring for more than three (3) children, photographic studios, restaurants, retail sales, vehicle repairs and adult entertainment/businesses.

Hospital (see Health Care Facilities)

Hotel (Motel)

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Impervious Surface

Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

Infrastructure

Facilities and services needed to sustain industry, residential and commercial activities.

Ingress

Access or entry.

Institutional and Public Uses

Churches, schools, hospitals, intermediate care or skilled nursing facilities, public or quasi- public, non-profit uses, community facilities, parks and playground.

Intersection

The point where two or more roads cross at grade.

Junk

For the purpose of this Ordinance this term shall mean any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk Yard

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof for profit.

Kennel or Animal Hospital

Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.

Land Division

Dividing land, parcel, plot, lot or acreage, for purposes of creating a more than one (1) legal parcel.

Land Use

A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

Land Use Plan

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

Libraries

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

Litter (see Trash)**Livestock (see Animal)****Livestock Intensive Operation**

Intensive Livestock Operations. Conditions and safeguards which must be met before a special use permit may be granted shall include the following:

1. The Michigan Department of Agriculture's Generally Accepted Agricultural and Management Practices (GAAMPS) for new and expanding livestock facilities shall be followed.
2. Site/facilities locational requirements. The applicant for an intensive livestock operation permit shall submit with the application a detailed site plan showing that the property upon which the operation is proposed to be sited and the buildings, structures, and enclosures thereon, including animal waste storage areas, structures and excavations to fully comply with the following locational requirements:
 - a. The property shall be zoned A Agricultural pursuant to the Florence Township Zoning Ordinance and Zoning Map.
 - b. The property shall have a minimum lot area of forty (40) contiguous tillable acres.

Loading Berth

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. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

Lot

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including, subject to Section 2.15, one (1) main building with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel.

Lot Area

The total horizontal area within the lot lines of a lot.

Lot, Corner

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

Lot Coverage

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth

The mean horizontal distance from the front street line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

Lot, Flag

A lot which has less than the required minimum road frontage on a public or private road, which is reached via a private drive, and whose width some distance back from the right-of-way meets all Ordinance requirements. Flag lots shall not be permitted.

Lot Lines

The property lines bounding the lot.

- A. **Front Lot Line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way. In the case of a corner or through lot, the front lot line shall be that line separating said lot from that street which is designated as the front street.

- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. **Street or Alley Lot Line:** A lot line separating the lot from the right-of-way of a street or an alley.

Lots of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

Lot Width

The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot lines.

Manufactured Home

A prefabricated transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential purposes.

Master Plan (see Comprehensive Plan)

Medical Office (see Health Care Facility)

Mixed Use Zoning

Regulations which permit a combination of different uses within a single development, under special regulations.

Mobile Home

A movable or portable structure constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- A. **Single Wide** - a mobile home with a width of no greater than fourteen (14) feet for its full length. Except in a mobile home park, a single wide mobile home does not meet the definition of a dwelling unit as specified in this Ordinance.

- B. **Double Wide (Manufactured Home)** - a combination of at least two (2) sections designed and constructed to be connected along the lengthwise axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile Home Park

A parcel of land which has been planned and improved for the placement of mobile homes for residential dwelling use along with any structure, facility, area or equipment permitted and incidental to the residential use but not including sales of unoccupied mobile homes.

Mobile Home Site

A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

Mobile Home Subdivision

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

Modular

A structure which meets the requirements of the State Construction Code, building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to the State Construction Code, the characteristics of a modular are:

- A. A pitched roof of heavy truss construction able to support a “dead-weight” of at least forty (40) pounds per square foot, and having roof shingling of five (5) inch exposure;
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- D. Establishment on a poured wall or cement block and mortar foundation.

Motels, Hotels, or Motor Hotels.

A building or a series of attached, semi-detached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Planning Commission with the exception of units for use of the Manager and/or Caretaker.

Motor Home

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

Motor Vehicle

Every vehicle which is self-propelled.

Non-Conforming Building/Structure

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of this Ordinance in the Zoning District in which it is located.

Nonconforming Sign

Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Non-Conforming Use

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

Nuisance

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the good property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

Nursery, Plant Materials

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

Office

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office Building

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or snack stand.

Open Space

Is that part of a parcel, property, lot, including courts or yards which:

- (a) is open and unobstructed from its lowest level to the sky, and
- (b) is accessible to all residents upon the zoning lot, and
- (c) is not part of the roof of that portion of a building containing dwelling units, and
- (d) is comprised of lawn and landscaped area.
- (e) is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

Park, Private

An open space, natural area, or recreational site owned or leased by an individual or business and used for the enjoyment and recreation of individuals as guests of paying customers to the site.

Park, Public

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

Parking Area

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

Parking Bay

A hard surface area adjacent and connected to, but distinct from a street intended for parking motor vehicles.

Parking Lot

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

Parking Space

Any accessible area of not less than nine (9) feet by eighteen (18) feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

Passive Recreation Area

An open area designed for walking or sitting and enjoying nature or surroundings.

Permitted Use

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planned Residential Development or "PRD"

An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

Planning Commission

The duly designated advisory :Planning Commission of the Township of Florence.

Pool, Commercial Swimming (over 10,000 Gallons)

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

Pool, Private Swimming Pool (over 500 Gallons)

Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

Porch

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, with direct access to or from a building.

Preliminary Plan

A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

Principal Use

The primary and predominate use of the premises including customary accessory uses.

Private Recreational Facilities

A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary activities either indoors or outdoors which is operated by a private nonprofit or for-profit organization or corporation but is not open for use by the public.

Public Facilities

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

Public Hearing

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

Public Utility

Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water services; provided that Communication Towers, as defined in this Ordinance, shall not be considered a public utility.

Quasi-Public Organization

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

Quorum

The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

Radio Antenna

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

Recreational Vehicles

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

Recycling

The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

Residence

A home, abode, or place where an individual is actually living at a specific point in time.

Residential, Residential Use, or Residential District

The use of land parcels for human habitation under the terms of this Article. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

Restriction

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

Restrictive Covenant

A restriction on the use of land usually set forth in a deed or other appropriate document.

Restaurant

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

Riding Academy or Stable

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

Right-of-Way

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

Right-of-Way Line

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

Road or Street Frontage

The length of the lot line which borders a private or public road.

Road, Private see Street, Private

Road, Public see Street

Roadside Market Stand

A temporary building or structure designed or used for the display and/or sale of agricultural products.

Runoff

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

Sanitary Landfill

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

School

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

School, Charter

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating pre-school, elementary, junior high or high school students. A charter school is not under the jurisdiction of a public school district

School, Elementary

Any school licensed by the state and which meets the state requirements of elementary education.

School, Parochial

A school supported and controlled by a private, church or religious organization.

School, Private

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

School, Secondary

Any school regulated by the state and which is authorized to award diplomas for secondary education.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback

The minimum horizontal required distance measured from the front, side or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

Shopping Center

A group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

Sidewalk (Public)

A linear concrete surface typically three (3) to five (5) feet wide, that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the Township's current sidewalk ordinance.

Signs

Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any persons or product when the SIGN is placed out-of-doors in view of the general public, including every SIGN, billboard, ground sign, roof sign, sign painted or printed on the exterior surfaces of a building or structure, illuminated sign and temporary sign (see Article 15).

Site

Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Condos

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

Site Plan

The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

Site Plan Review and Approval

The submission of plans for review and approval, as required by this Ordinance, and special use permits.

Special Land Use

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

Special Use Permit

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

Spot Zoning

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Township Comprehensive Plan.

Stable, Private

Any building for shelter of horses or other animals not kept for remuneration, hire, or sale.

Stormwater Detention

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

Story

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor immediately above it, or if there is no floor above it, then the space between the floor and the ceiling immediately above it.

Story, Half

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Stream

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

Street

The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Street, Local

A street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, Major

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

Street, Private

An improved right-of-way of a minimum width of sixty-six (66) feet on private property owned and maintained by one or more contiguous property owners or property owner associations.

Structure

Anything including a building, constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

Structure Changes or Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

Subdivider

Any persons who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

Subdivision

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

Temporary Building or Use

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, but not to exceed six (6) months duration.

Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

Township Board

The Florence Township Board.

Township Board of Appeals

The Florence Township Board of Appeals.

Township

Township of Florence.

Trash

The terms "Trash", "Litter", and "Junk" are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

Underground Home

A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. This does not include basement houses which are covered on four (4) sides by earth.

Use

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

Use, Lawful

The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

Variance

A modification of the required provisions of the physical development or land use standards of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted. The crucial points of the VARIANCE are undue hardship and unique circumstances applying to the property. A VARIANCE is not justified unless both elements are present in the case.

Vehicle, Motor

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks, and licensed as a motor vehicle.

Veterinary Clinic

Any building or land used for the board and treatment of large and small animals.

Water Supply System

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

Wetlands

Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

Vehicle, Recreational

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

Yard, Required Side-Rear-Front

An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level (see Illustration entitled "Lot Terms").

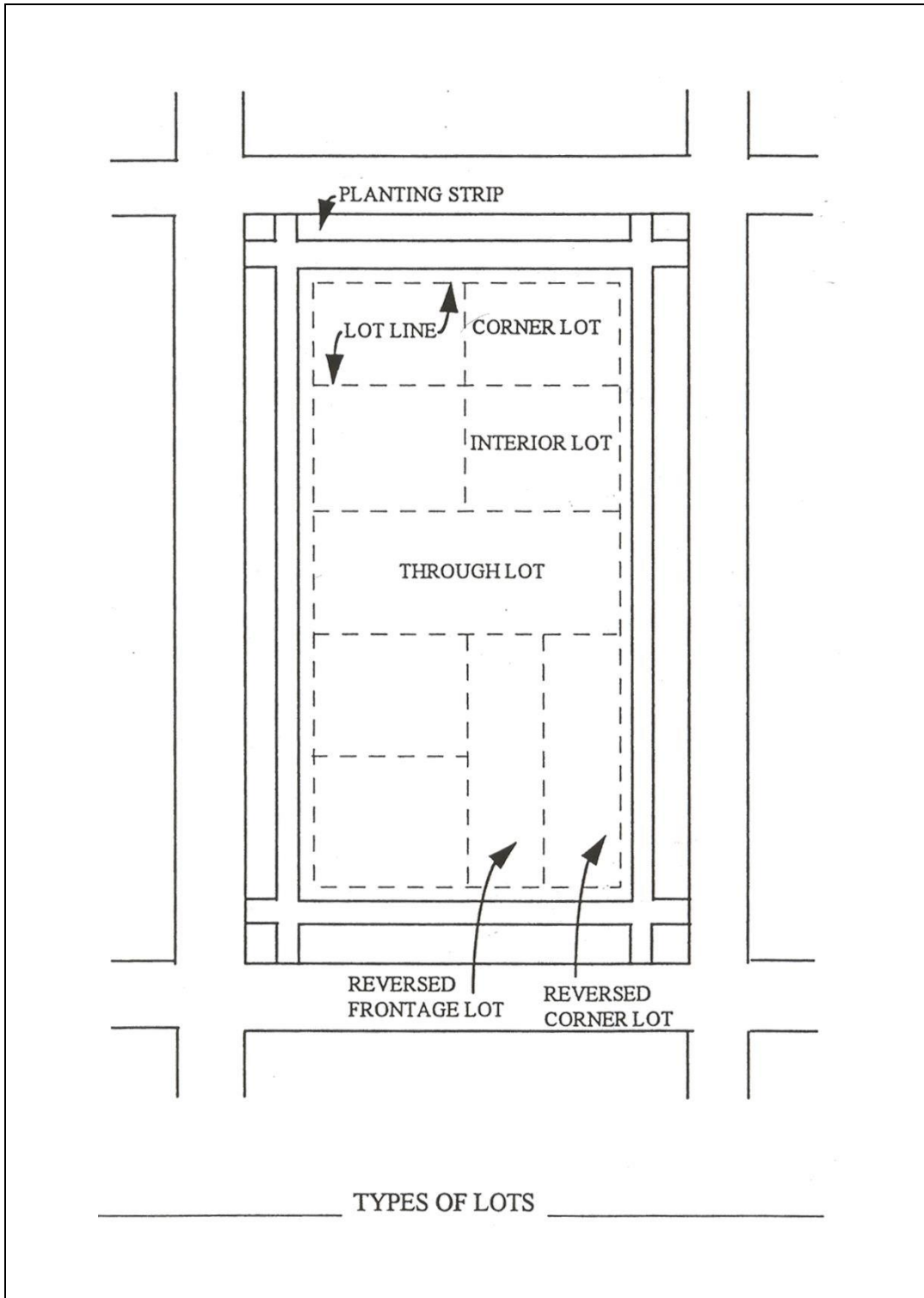
- A. **Front.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- B. **Rear.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
- C. **Side.** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

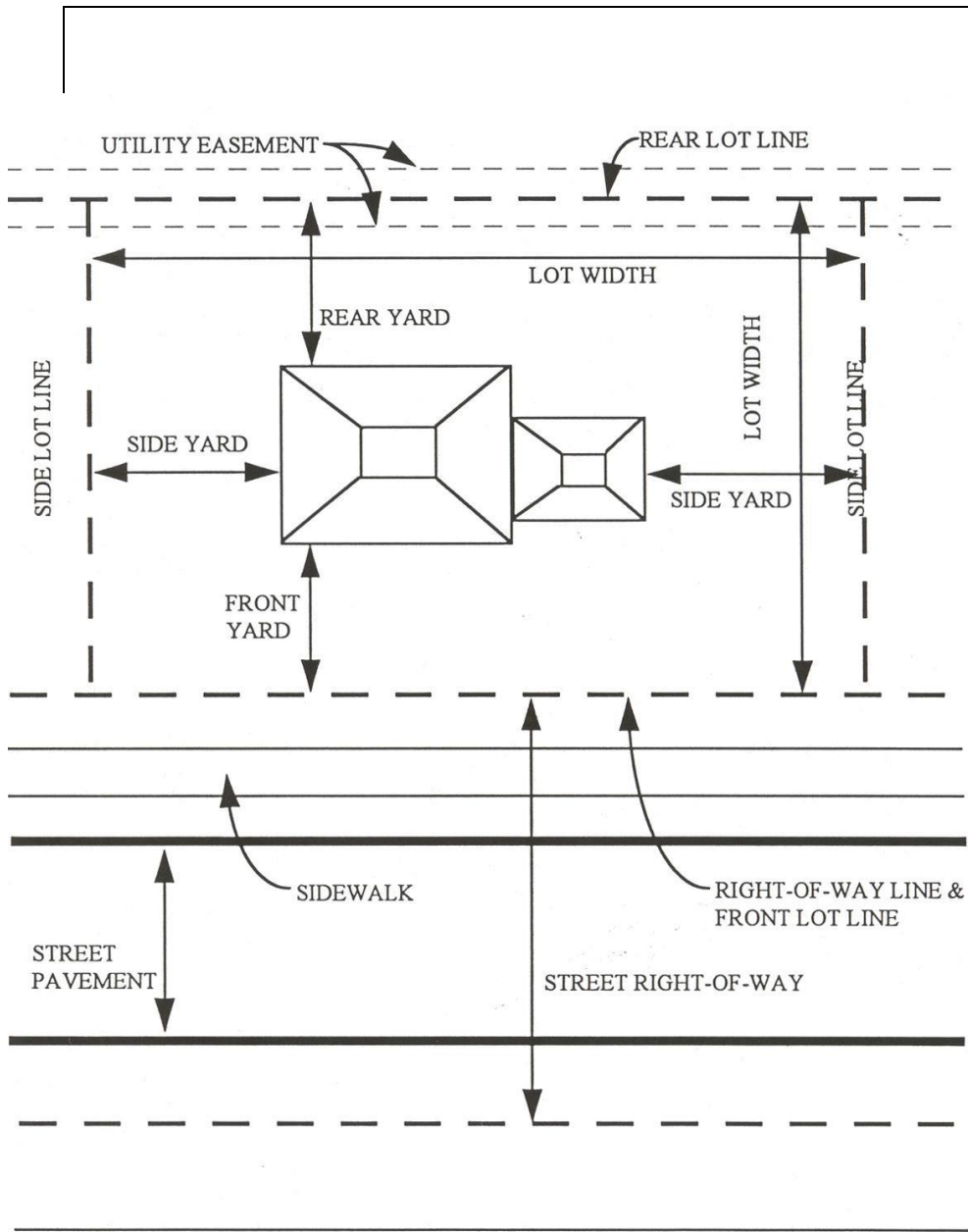
ZONING ACT

The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

ZONING INSPECTOR OR ADMINISTRATOR

The Florence Township Zoning Inspector, or Zoning Administrator.





LOT TERMINOLOGY

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Definitions – page 57-60

Section 4.1 Zoning Districts

For the purposes of this Ordinance, the Township of Florence is hereby divided into the following Zoning Districts:

- A Agriculture
- LDR Low Density Residential
- HDR High Density Residential
- MHP Mobile Home Park
- C Commercial
- I Industrial
- P Public, Semi-Public

Section 4.2 Zoning Map and Boundaries

The locations and boundaries of these descriptions are hereby established on a map entitled "The Zoning Map of Florence Township" which is hereby adopted and declared to be a part of this Ordinance.

Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located in the Township Hall and shall be the final authority as to the current zoning status in the Township. No amendment to this Ordinance which involves matter portrayed on the official Zoning Map shall become effective until such change and entry has been made on said map.

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

- A. Where the boundaries are indicated as approximately following the streets, alleys, or highways, the centerlines of said streets, alleys or highways, or such lines extended shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Maps.
- F. Boundaries following the shoreline of a lake or other body of water shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline. Boundaries

indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.

- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator.

Section 4.3 Zoning of Vacated Areas

Whenever any street, alley or other public way within the Township has been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way such lands shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

Section 4.4 Zoning of Filled Lands

Whenever any fill is placed in any lake or stream the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations and be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

Section 4.5 Zoning District Changes

When District boundaries hereafter become changed, any legal non-conforming use may still be continued, but subject to all other provisions of this Ordinance.

Section 5.1 Purpose

This District is intended to preserve, enhance and stabilize areas within the community which are presently being used for food and fiber production or are primarily rural. It is the purpose of the regulations for this District to promote the orderly, harmonious development of the community by preserving predominantly rural lands from inappropriate development and to preserve the essential characteristics and economic value of these areas as agricultural and open lands.

Section 5.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

- A. Lawful Agricultural pursuits including, but not by way of limitation, the production of fruits, vegetables, grains, grasses, and other crops from the soil; the growth, harvesting, and replanting of wood lots; experiments in soil and crop improvement; the production and raising of horses, goats, cattle, sheep, and swine, and fattening the same for market; riding stables where horses are boarded and/or rented; the production of domestic rabbits; the production of poultry and eggs; and all useful husbandry of the soil and things of the soil and of domestic animal life; and the gainful pursuit of all kinds of agriculture, horticulture, viticulture, floriculture, apiculture, farming, dairying, pasturage, and animal and poultry husbandry. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- B. Single-Family and Farm Dwellings. There shall be at least one thousand three hundred (1,300) square feet of actual living quarters for each family living in any permanent dwelling, excluding basement, attached garages, attached porches, and accessory buildings; if an office or home occupation is carried on, the area of living quarters for each family shall remain a minimum of one thousand three hundred (1,300) square feet. There shall be separate sleeping, kitchen, and bathroom facilities for each family living in any farm dwelling.
- C. Temporary dwelling structures, but subject to the same limitations as are set forth in Section 2.24 of this Ordinance.

- D. The storage and packaging of farm products and the sale thereof. If roadside stands are used, they shall be set back not less than ten (10) feet from the highway right-of-way, and there shall be parking space outside the highway right-of-way for at least four (4) automobiles, with an entrance and an exit separate from each other. This is a permitted use that requires Site Plan Approval by the Planning Commission.
- E. Churches.
- F. Foster Care Family Homes (unless located within 1,500 feet of the property of another such licensed facility).
- G. Public Schools
- H. Public Uses
- I. The keeping of ordinary household pets, as identified in Article 2, 2.27.

Section 5.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14 Site Plan.

- A. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- B. Home occupation.
- C. Recreational Vehicle Parks, Campgrounds.
- D. Greenhouses and nurseries not selling retail on the premises.
- E. Sand, gravel mines or quarries; Specifically, the removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources (see Section 2.13).
- F. Airports and landing fields.
- G. Commercial Riding Stable, subject to Section 2.20, B.

- H. Veterinarians offices, commercial kennels and animal clinics.
- I. Accessory uses and structures (see Section 2.18).
- J. Essential public utility service buildings, or gas or electric regulator stations or buildings, subject to the requirements of Section 2.9.
- K. Campgrounds and Cemeteries.
- L. Public or privately-owned athletic grounds and parks.
- M. RESERVED FOR FUTURE EXPANSION
- N. Land Division - Once every 10 years, for an immediate family member of the principle permitted landowner, a land division shall be permitted up to a maximum 2.5 acre site for construction of a residence for an immediate family member occupancy only. This use is subject to all other requirements of this Ordinance. Land division exceeding 2.5 acres may be granted provided that 1 or more of the following conditions are met making the land not suitable for normal farming operations.
 - 1. Type of soil is not suitable for growing crops.
 - 2. Land is not suitable, or proper distance is not available, for the raising of farm animals.
 - 3. Terrain of the land makes the raising of crops or farm animals difficult.
 - 4. Area of land due to the dimensional area makes it difficult to operate farm machinery.
 - 5. Due to dense tree growth, the area of land is not usable for farming operations.
- O. Commercial television, radio, and micro-wave transmission, receiving, and relay towers for lease, use of customers, or other commercial purposes when authorized by the Planning Commission, subject to Section 14.9 aa.
- P. Single Family Mobile/Manufactured Home Dwellings, subject to the additional requirements of Section 5.8.
- Q. Communication Tower
- R. Livestock Intensive Operations (see Section 3.2)
- S. Division of an AG parcel, given that there are existing buildings upon the proposed new parcel. The existing buildings must be owned not leased by the property owner.

T. Family Businesses subject to the provisions of Article 14 Section 14.9 of this Ordinance.

Section 5.4 District Regulations

As required in Article 12.

Section 5.5 Parking

As required in Article 16.

Section 5.6 Signs

As required in Article 15.

Section 5.7 Site Plan Review

As required in Article 14.

Section 5.8 Additional Requirements-Mobile/Manufactured Homes

As required in Article 2, 2.26.

Section 5.9 Additional Requirements – Keeping of Animals

As required in Article 2, 2.27.

ARTICLE 6 – LDR Low Density Residential District

Section 6.1 Purpose

This District is intended to provide a sound and stable environment for various types of residential buildings and group housing developments in appropriate locations.

Section 6.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

- A. Detached single-family dwellings.
- B. Foster Care Family Homes (unless located within 1,500 feet of the property of another such licensed facility).
- C. Mobile/Manufactured Homes, subject to the additional requirements as listed in Section 6.8.
- D. The keeping of ordinary household pets, as identified in Article 2, 2.27.

Section 6.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14 Site Plan.

- A. Child care centers, nursery schools, day care centers, not including dormitory facilities.
- B. Churches.
- C. Foster Care Group Homes.
- D. Agriculture, including farms for both general and specialized farming, together with structures customary to such farms; provided that Intensive Livestock Operations are not allowable in this District.
- E. Commercial Riding Stable, subject to Article 2, Section 2.20, B.
- F. Home Occupations
- G. Private and public schools, libraries, museums and similar uses when owned and operated by a government agency or nonprofit organization as specified in Section 15.ee.
- H. Golf courses, country clubs, golf driving ranges.
- I. Public or privately-owned athletic grounds, golf courses and parks.
- J. Fraternal clubs and lodges.

K. Family Businesses subject to the provisions of Article 14 Section 14.9 of this Ordinance

L. Essential Public Utility service buildings, or gas or electric regulator stations or buildings, subject to Section 2.9.

M. Accessory uses and structures (see Section 2.18).

Section 6.4 District Regulations

As required in Article 12

Section 6.5 Parking

As required in Article 16

Section 6.6 Signs

As required in Article 15

Section 6.7 Site Plan Review

As required in Article 14

Section 6.8 Additional Requirements - Mobile/Manufactured Homes

As required in Article 2, 2.26.

Section 6.9 Additional Requirements – Keeping of Animals

As required in Article 2, 2.27.

ARTICLE 7 – HDR High Density Residential District

Section 7.1 Purpose

This District is intended to provide a sound and stable environment for various types of residential developments at higher densities in locations where such development can be accommodated.

Section 7.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

- A. Detached single-family dwellings.
- B. Two-family dwellings.
- C. Multiple-family dwellings.
- D. Foster Care Family or Group Homes (unless located within 1,500 feet of the property of another such licensed facility).
- E. Mobile/manufactured homes, subject to the additional requirements listed in Section 7.8.
- F. The keeping of ordinary household pets, as identified in Article 2, 2.27.

Section 7.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14 Site Plan.

- A. Child care centers, nursery schools, day care centers, not including dormitory facilities.
- B. Churches.
- C. Schools.
- D. Public/private parks and playgrounds.
- E. Funeral Homes.
- F. Hospitals.
- G. Private clubs, lodges and meeting places.

H. Essential public utility service buildings, gas or electric regulator stations or buildings (See Section 2.18).

I. Home Occupations.

J. Accessory uses and structures (see Section 2.18)

Section 7.4 District Regulations

As required in Article 12.

Section 7.5 Parking

As required in Article 16.

Section 7.6 Signs

As required in Article 15.

Section 7.7 Site Plan Review

As required in Article 14.

Section 7.8 Additional Requirements - Mobile/Manufactured Homes

As required in Article 2, 2.26.

Section 7.9 Additional Requirements – Keeping of Pets

As required in Article 2, 2.27.

Section 8.1 Purpose

This District is intended to provide suitable areas for mobile home residential developments. Given the lack of public water and sewer services the use of a lagoon or mechanical treatment system meeting all applicable State and County regulations is permitted.

Section 8.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

- A. Mobile/manufactured homes located in a licensed mobile home park.
- B. Mobile/manufactured home parks, subject to additional regulations in Section 8.8.
- C. The keeping of ordinary households pets, as identified in Article 2, 2.27.

Section 8.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14 Site Plan.

- A. Churches.
- B. Child care centers, nursery schools, day care centers, not including dormitory facilities.
- C. Home Occupations.

Section 8.4 District Regulations

As required in Article 12.

Section 8.5 Parking

As required in Article 16.

Section 8.6 Signs

As required in Article 15.

Section 8.7 Site Plan Review

As required in Article 14.

Section 8.8 Additional Regulations

- A. All points of ingress and egress for vehicles shall be provided to a County Primary road, as classified by the St. Joseph County Road Commission.

- B. Recreation space and appropriate recreational equipment shall be provided in one or more properly located areas. The total amount of such space required shall be two hundred fifty (250) square feet per mobile home space in the mobile home park.

- C. A sight obscuring fence of not less than six (6) feet shall be provided along any lot line which abuts a more restrictive residential district. A greenbelt may be substituted for the fence. Such greenbelt shall have the same height and sight obscuring characteristics of the fence.

Section 8.9 Additional Requirements – Keeping of Animals

As required in Article 2, 2.27.

Section 9.1 Purpose

This District is intended to provide for general commercial and service uses and to provide for the orderly development and concentration of such uses to satisfy the needs of the Township.

Section 9.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

A. Business services, including the following:

1. Business, professional or governmental offices.
2. Financial institutions, including banks, savings and loan association offices, credit unions and associated drive-thru facilities, subject to Site Plan Review Requirements of Article 14.

B. Clothing service, including the following:

1. Dry cleaning establishments occupying a total floor area not to exceed two thousand (2,000) square feet using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is nonexplosive and nonflammable, and subject to the off-street parking requirements of Article 16.
2. Self-service laundry and dry cleaning establishments.

C. Food services including the following:

1. Supermarket/grocery stores.
2. Wholesale food distributors.
3. Drive-in restaurants or other drive-in or drive-up establishments serving food and/or beverages.
4. Restaurants.

D. Personal services, including the following:

1. Barber shops.
2. Beauty shops.
3. Health salons, exercise/body building facilities.
4. Motels, motor courts.
5. Hotels
6. Veterinary offices, including retail sales of pet supplies and minor surgery/sterilization of small animals.
7. Mini-storage/self storage facilities.

E. Recreation/amusement businesses, including the following:

1. Bowling alleys.
2. Golf driving ranges.
3. Movie theaters.
4. Archery/pistol ranges (indoors).
5. Arcades.
6. Drive-in movie theaters.

F. Miscellaneous retail, including but limited to the following:

1. Clothing/apparel store.
2. Auto parts sales.
3. Drug stores/pharmacies.
4. Plumbing and heating equipment, including wood-burning stoves.
5. Home improvement stores/lumber yards.
6. Equipment rental/sales.
7. Pet stores.
8. Shoe stores.
9. Jewelry.
10. Arts/crafts.
11. Discount merchandizing.

G. Hospitals/convalescent homes

H. Uses similar to the above, as determined by the Florence Township Planning Commission.

- I. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Section 2.18.
- J. Signs, as subject to the requirements in Article 15.
- K. Off-street parking and loading facilities, in accordance with the requirements of Article 16.
- L. Temporary buildings and trailers for use incidental to construction, as subject to the requirements in Section 2.24 and related relevant requirements.
- M. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards.
- N. Open air businesses, as subject to the local, County and/or State Health Code requirements.
- O. Nurseries for Plants and Flowers.
- P. Parks/Recreational Facilities.
- Q. Trailer Sale Yards.

Section 9.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14.

- A. Vehicle sales and service, including the following:
 - 1. Automobile service stations, quick oil change shops.
 - 2. Automobile car washes.
 - 3. New and used car/truck dealerships.
 - 4. Farm implement sales and service.
 - 5. Recreation vehicle sales and service.
- B. Mortuaries/Funeral Homes.

C. Commercial Kennels, as subject to Special Land Use conditions highlighted in Article 14 and the local, County and/or State license and Health Code requirements.

Section 9.4 District Regulations

As required in Article 12.

Section 9.5 Parking

As required in Article 16

Section 9.6 Signs

As required in Article 15.

Section 9.7 Site Plan Review

For all uses permitted in the C Commercial District, a site plan in accordance to any and all relevant requirements in Article 14 shall be submitted. No building permit shall be issued until the Florence Township Board has approved the site plan after recommendation from the Florence Township Planning Commission in accordance with Article 14.

Section 10.1 Purpose

The intent of this District is to provide for a variety of industrial uses which are compatible with the rural nature of Florence Township. The lack of public utilities makes the provision of intensive manufacturing impractical, thus the emphasis on light manufacturing and other industrial uses.

Section 10.2 Permitted Uses

Land and/or buildings in the I District may be used for the following purposes by right:

- A. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
 - 1. Food products including meat, dairy, fruit, vegetable, sea-food, grain, bakery, confectionary, beverage and kindred foods.
 - 2. Textile mill products including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.
 - 3. Apparel and other finished products made from fabrics, leather goods, fur, canvas and similar materials.
 - 4. Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps.
 - 5. Furniture and fixtures.
 - 6. Paperboard containers, building paper, building board, and bookbinding.
 - 7. Printing and publishing.
 - 8. Chemical products such as plastics, perfumes, synthetic fibers.
 - 9. Manufacturing of engineering, measuring, optic, medical, lenses, photographic and similar instruments.
 - 10. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar manufacturing.
- B. Wholesale and Warehousing Establishments, including;
 - 1. Automotive Equipment

2. Drugs
 3. Chemicals
 4. Dry Goods
 5. Apparel
 6. Food
 7. Farm Products
 8. Electrical Goods
 9. Hardware
 10. Machinery
 11. Equipment
 12. Metals
 13. Paper Products and Furnishings
 14. Lumber and Building Products
 15. Furniture and Home Furnishings
 16. Truck Terminals and any commodity the manufacture of which is permitted in this District
- C. Laboratories including experimental, film, and testing.
- D. Trade or industrial schools and veterinary hospitals or clinics.
- E. Motor freight terminal including garaging and maintenance of equipment. Freight forwarding, packing, and crating services.
- F. Central dry cleaning plant.
- G. Municipal buildings, public service buildings.
- H. Power Utility Uses: Electricity regulating substation, and pressure control substation, and pressure control station for gas, water and sewage.
- I. Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.
- J. Tool and die manufacturing facilities.
- K. Automobile repair establishments, including body shops.
- L. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses and subject to Section 2.18, County and State health and safety requirements, and any other related, relevant language.

Section 10.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14.

- A. Waste treatment facilities.
- B. Water supply and treatment facilities.
- C. Waste disposal facilities, including incinerators and sanitary transfer station.
- D. Private non-commercial recreation.
- E. Airports and Landing fields.
- F. Restaurants or other eating or drinking establishments which provide food or drink on the premises, not including drive-in establishments.
- G. Contractors' yards, building materials storage.
- H. Lumberyards.
- I. Financial Institutions (Banks, Savings and Loans or Credit Unions).
- J. Junk Yards, Salvage Yards.
- K. Dog Kennels, subject to Section 14.09 U.
- L. Commercial television, radio, and micro-wave transmission, receiving, and relay towers for lease, use of customers, or other commercial purposes, subject to Section 14.08 aa.
- M. Communication Tower

Section 10.4 District Regulations

As required in Article 12.

Section 10.5 Parking

As required in Article 16.

Section 10.6 Signs

As required in Article 15.

Section 10.7 Site Plan Reviews

For all uses permitted in the I Industrial District, a site plan in accordance to any and all relevant requirements in Article 14 shall be submitted. No building permit shall be issued until the Florence Township Board has approved the site plan after recommendation from the Florence Township Planning Commission in accordance with Article 14.

Section 10.8 Additional Regulations

- A. Except for landscape improvements and necessary drives and walks, the required front yard shall not be used for loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
- B. When the side or rear yard areas abut land within a residential district and when such areas are to be used for parking, loading, unloading or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least six (6) feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity to be screened.
- C. For all permitted uses and special uses in the I Industrial District, municipal water, sewer and/or on-site waste remediation will be considered and may be required by the Florence Township Planning Commission and Township Zoning Administrator during the Site Plan Review process when it is assumed and/or determined there will be use of, production of, or disposal of chemicals, hazardous waste and/or hazardous substances.

ARTICLE 11 – Public, Semi-Public District

Section 11.1 Purpose

This District is intended to set aside selected lands and uses for public and semi-public purposes.

Section 11.2 Permitted Uses

Land and/or buildings in this District may be used for the following purposes by right:

- A. Indoor or outdoor non-commercial recreation facilities such as tennis courts, ball fields or similar recreation facilities.
- B. Cemeteries.
- C. Parks, playgrounds and community centers owned and operated by a governmental agency or nonprofit community organization.
- D. Public Schools.
- E. Government buildings and facilities.

Section 11.3 Special Land Uses

The following Special Uses may be approved by the Planning Commission subject to the applicable standards in Article 14.

- A. Public golf courses.
- B. Lighted, outdoor commercial recreational facilities, such as tennis courts, ball fields and similar recreation facilities.

Section 11.4 District Regulations

As required in Article 12.

Section 11.5 Parking

As required in Article 16.

Section 11.6 Signs

As required in Article 15.

Section 11.7 Site Plan Review

As required in Article 14.

ARTICLE 12 –Schedule of District Regulations

Section 12.1 Schedule

	Min. Lot Area (Sq. Ft.)	Min. Lot Width (Ft.)	Principal Min. Front Yard (Ft.)	Min. Side Yard Each Side (Ft.)	Min. Rear Yard (Ft.)	Max. Height (Ft.)	Min. Unit Size (Sq. Ft.)	Max. Lot Coverage (%)	Max. Accessory Building Height	Max. Accessory Building Area	Min. Setback of Accessory Building Structure
AG Agriculture											
A1 Agriculture	One (1) Acre	150	40* DU	15	25	50 DU	1300 DU	25%***	40***	5400***	50**
One time Split for Immediate Family	One (1) Acre	150	40* DU	15	25	50 DU	1300 DU	25%	40	5400**	50**
One time Split for Immediate Family	In Excess of 2.5 Approved by Special Use	150	40* DU	15	25	50 DU	1300 DU	25%	40	5400	50**
LDR Low Density Residential											
LDR Low Density Residential	1.0 Acres	150	40* DU	15	25	35 DU	1300 DU	25%	40	2400	50**
HDR High Density Residential											
- Single-Family	20,000	140	40 DU	15	25	35 DU	1300 DU	30%	20	1400	50**
- Two Family	40,000	200	40 DU	15	25	35 DU	1100/ DU (1)	30%	20	1400	50**
- Multiple-Family	60,000	200	40 DU	15	25	35 DU	1100 DU (1)	40%	20	1400	50**

	Min. Lot Area (Sq. Ft.)	Min. Lot Width (Ft.)	Principal Min. Front Yard (Ft.)	Min. Side Yard Each Side (Ft.)	Min. Rear Yard (Ft.)	Max. Height (Ft.)	Min. Unit Size (Sq. Ft.)	Max. Lot Coverage (%)	Max. Accessory Building Height	Max. Accessory Building Area	Min. Setback of Accessory Building Structure
C Commercial											
C Commercial	Two (2) Acres	165	50 ⁽¹⁾	25	30	25	NA	30%			50**
I Industrial											
I Industrial	Five (5) Acres	330	50 ⁽¹⁾	25	50	50	NA	50%			50**
P Public, Semi-Public	One (1) Acre	165	40	15	25	35	NA	30%			50**
MHP Mobile Home Park											
MHP Mobile Home Park	Ten (10) Acres	200	See	Mobile	Home	Comm.	Act				
Perimeter Lots	7,500	65	250	15	50	25	1300	30%			250**
Internal Lots	7,500	65	20	12	20	25	1300	30%			30**

Notes:

DU – Dwelling Units

(1) If parking is placed in the front yard area, the minimum building setback is 85 feet.

* = Measurement from the roadway right-of-way or 73 feet from the center of the road, whichever is greatest.

** = Measurement from the roadway right-of-way or 83 feet from the center of the road, whichever is greatest.

*** = This if for Non-Farm buildings/structures in the AG District

(this page left blank intentionally for future use in establishing zoning district standards)

Section 13.1 Applications

- A. Required Materials: The following materials shall be submitted prior to consideration by the Township of any Site Plan, Special Land Use, Amendments to the Zoning Ordinance or Variance.
1. An application form furnished by the Township.
 2. Payment of a fee which shall be established from time to time by the Township Board for each review type. Said fee shall be set by Township Resolution.
 3. A legal description, either by metes and bounds or by subdivision of lands, including a common description by address.
 4. Site Plans and Location Maps
 - a. For Site Plans and Special Land Uses, nine (9) copies of a site plan meeting the requirements of Section 14.3.
 - b. For Amendments to the Zoning Ordinance, a map indicating the location and dimensions of the property to be rezoned should be attached to the application form. Enough area should be included on the map to clearly locate the property in the Township.
 - c. For variances, a site plan should be submitted at a measurable scale indicating property lines and existing and proposed structures or buildings with accurate dimensions. The area, location or nature of the variance requested should be clearly indicated. Six (6) copies are required to be submitted.
 5. Evidence of the applicant's interest in property (deed, option or other applicable legal document).
- B. Submission: All applications, together with the required materials, shall be submitted to the Township Zoning Administrator.

Section 13.2 Hearings and Reviews

A. Public Hearings.

1. Special Land Use.

- a) Upon receipt of an application for a Special Land Use the Township Planning Commission shall provide notice of the request as required under Article 13, Section 13.2, subsection B of the Florence Township Zoning Ordinance. The notice shall indicate that a [public hearing](#) on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located within Florence Township.
- b) At the initiative of the Planning Commission, the Township Zoning Administrator or the Township Board, or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a [public hearing](#) on the Special Land Use application shall be held by the Township Planning Commission.
- c) The Township Planning Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated into a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

2. Rezoning Requests.

- a) For rezoning requests and recommendations, the public hearing and notice provisions contained in Section 13.2.B of this Ordinance shall apply
- b) An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

3. Text and Map Amendments.

a) Planning Commission

- 1) For all text and map amendments, the Township Planning Commission shall hold at least one (1) [public hearing](#). Notice of the time and place of the [public hearing](#) shall be given as provided in Article 13, Section 13.2, subsections B and C of the Township Zoning Ordinance.
- 2) The Township Planning Commission shall transmit a summary of the public comments received together with the record of its meeting and deliberations and its recommendation on the proposed text amendment to the County Planning Commission and to the Township Board.

b) Township Board

- 1) After receipt of a proposed Zoning Ordinance text or map amendment, the Township Board may hold a [public hearing](#) if it considers one necessary or as may otherwise be required.

- 2) The Township Board may refer any proposed amendments to the Township Planning Commission for consideration and comment within a time frame it specifies.
- 3) The Township Board shall grant a hearing on a proposed text or map amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.
- 4) After the [public hearing](#) held under this section or if no public hearing is required at the Township Board level, the Township Board shall consider and vote upon the proposed text or map amendment. A majority vote of the Township Board shall be required in order to approve a text amendment to the Township Zoning Ordinance.

B. Notices of Public Hearings:

1. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:
 - a. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such address currently exists within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c. Indicate the date, place and time of the hearing(s).
 - d. Indicate when and where written comments will be received concerning the request.
2. Recipients and means of notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in a. above.
 - a. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
 - b. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.

c. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Florence Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.

1) Subsection c. above shall not apply in the cases of rezoning requests involving eleven (11) or more adjacent properties, or for an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.

d. In the case of a text amendment or zoning map amendment, to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail.

3. Timing of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.

C. Confirmation of Notices Made by Mail or Personal Delivery: Notice shall be deemed mailed by its deposit in the United States first-class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

Section 13.3 Conditional Rezoning

1. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. Application and Offer of Conditions.

A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 - G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
4. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

5. Approval.

A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

B. The Statement of Conditions shall:

1. Be in a form recordable with the Register of Deeds of St. Joseph County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
2. Contain a legal description of the land to which it pertains.
3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of St. Joseph County.
6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
6. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
7. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of St. Joseph County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of

such a document would be of no material benefit to the Township or to any subsequent owner of the land.

8. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
9. Compliance with Conditions.
 - A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
10. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy

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PART I - SITE PLAN REVIEW PROCEDURES**Section 14.1 Purpose**

The proper development of a community requires that various uses within any District be as compatible as possible. There are, however, certain types of activities and structures which, because of size and the amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of the Florence Township Planning Commission to provide procedures to ensure the Township develops in accordance with the general intent of this Ordinance.

Section 14.2 Circumstances Requiring A Site Plan

A. Site plans are subject to review for the following uses:

1. All Permitted Uses in the following districts:

- a. HDR High Density Residential
- b. MHP Mobile Home Park
- c. C Commercial
- d. I Industrial

2. All uses permitted by special approval in all zoning districts listed in this Ordinance.

3. Duplex residential.

4. Uses and structures permitted by right, in certain zoning districts, when such development is comprised of special characteristics that necessitate a site plan.

5. All site plans associated with a special use permit application must be reviewed by the Florence Township Planning Commission, in accordance with the standards defined in Article 14.

6. All site plans required in conjunction with permitted uses shall be reviewed by the Zoning Administrator to ensure conformance with the standards defined in Article 14. The Zoning Administrator shall attend all site plan review hearings.

7. All uses which are not single-family.

Section 14.3 Site Plan Data Required

- A. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch = 20 feet for parcels under three (3) acres and not less than 1 inch = 50 feet for parcels three (3) acres or more.
- B. The boundary lines of the property, to include all dimensions and legal description.
- C. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
- D. The location and widths of all abutting rights-of-way.
- E. The location of unusual environmental features, such as streams, wetlands, shorelands, etc.
- F. The location and identification of all existing structures within a three hundred (300) foot radius of the site.
- G. The name and address of the property owner.
- H. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
- I. The location of all-existing and proposed landscaping as well as all existing and proposed fences and walls.
- J. A locational sketch of the proposed use or structure.
- K. The type, location and size of all utilities existing and proposed for the site.
- L. The location, size and slope of all subsurface drainage facilities.

- M. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 3. Typical elevation drawings of the front and rear of each building.
- N. For multiple-family and mobile home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of the building site is ten (10) percent or greater. Such contour shall be shown at height intervals of five (5) feet.
- O. Site plan submission, review, and approval shall be required for all special land uses and planned unit developments.

Section 14.4 Submittal And Approval

- A. All site plans, required as stated with this ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator. A request for site plan approval for permitted and special uses identified shall require five (5) copies of the site plan. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least thirty (30) days after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within thirty (30) days of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.
- B. In the case of a request for a special use permit approval, the Planning Commission shall have the responsibility to approve with specified changes and/or conditions, or disapprove the applicant's request, using the standard for site plan review included in this Ordinance as a basis for its decision. Unless otherwise notified by the Planning Commission, where a site plan is required in conjunction with a permitted use that must conform to the standards in Article 14, the Zoning Administrator shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standards for site plan review included in this Ordinance as a basis for the decision.

- C. Any conditions or changes stipulated by the Planning Commission in review of a special use permit request shall be recorded in the minutes of the meeting and a copy each of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the chairman of the Planning Commission and the Zoning Administrator. Any conditions or changes stipulated by the Zoning Administrator in review of a site plan associated with a permitted use shall be recorded by the Zoning Administrator and a copy of said condition or changes given to the applicant. An approved site plan request for a permitted use shall contain the signature of the Zoning Administrator.
- D. Of the five (5) copies of the site plan submitted by the applicant for a special use permit, one (1) copy/copies shall be kept on file by the Township Clerk, one (1) copy/copies shall be kept on file by the Planning Commission Secretary, one copy (1) retained in the Zoning Administrator's office and one (1) copy retained by the applicant.
- E. Time Limit: A site plan approval granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration of approval for the site plan approval.

Section 14.5 Fees

Accompanying the request for approval of a site plan, a fee, to be determined by the Florence Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by Florence Township for expert consultation relative to the application.

Section 14.6 Revocation

- A. If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.
- B. If the applicant notifies the Planning Commission within ten (10) days of the receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

Section 14.7 Appeal of Site Plan Decision made by Zoning Administrator or Planning Commission

- A. An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. An appeal under this section shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

- B. An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed with the circuit court that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or Circuit Court.

PART II - SITE DEVELOPMENT REQUIREMENTS

Section 14.8 GENERAL REQUIREMENTS FOR APPROVAL

The request for special land use approval must meet the following general standards, as well as the more specific requirements for the applicable requested land use in Section 14.9. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

- A. Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of Florence Township.

- B. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.

- C. There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.

- D. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse affects of such uses will minimize for occupants of that use and the occupants of surrounding areas.

- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.

- F. Natural resources are preserved by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.

- G. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
- H. Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
- I. Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
- J. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
- K. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
- L. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
- M. Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.

Section 14.9 Additional Conditions for Particular Land Use Permits

Those permitted or special approval uses permitted in any given Zoning District and listed below shall be subject to all of the following conditions regarding site development, unless otherwise specified by the Planning Commission:

- A. Adult Entertainment/Business (see Definitions)
 - 1. General Requirements. All sexually oriented businesses shall comply with the following:
 - (a) Five hundred (500) feet setback from any R District, churches, schools as measured from lot line.
 - (b) No person younger than 18 years of age shall enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open.
 - (c) No person under the age of 18 shall be employed by a sexually oriented business nor shall a person under the age of 18 be contracted with by a sexually oriented business for the provisions of services to patrons.

- (d) No employee of a sexually oriented business shall sell or provide goods, merchandise or services to persons under the age of 18 on the premises.
- (e) Any sexually oriented business offering live entertainment shall provide:
 - (1) A dressing room for performers with direct access between said dressing area and the performance area or stage, such that the performer may enter the performance area or stage without entering the area from which patrons will view the performance;
 - (2) That the access, performance area, or stage and dressing room is handicapped accessible to the extent required by the Americans With Disabilities Act and the Elliott Larsen Civil Rights Act;
 - (3) No performer, employee or patron shall be permitted to have any physical contact with any other performer, employee or patron on the premises during any performance and all performances shall occur on a stage elevated at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest performer, employee or patron;
 - (4) That the dressing area for performers be separate and not freely accessible from areas of the business accessible to patrons, and that the said dressing area contain hot and cold running water and toilet facilities.
- (f) All sexually oriented businesses shall be open to inspection by the Township's ordinance enforcement officer, the building inspector, the fire chief or the police department for the purpose of ensuring compliance with the law at any time the establishment is occupied or open for business.
- (g) The prohibitions of this section shall be posted in a conspicuous place on the business premises.
- (h) A violation of any of the subsections of this section shall be grounds for criminal prosecution of the underage person and of any licensee, owner, operator, and employees who permitted the violation of the section by the underage person.

B. Sexually Explicit Performances Prohibited:

- (a) No person shall dance, entertain, display or otherwise engage in any exhibition or performance in such a manner as to expose to the view of any person within a sexually oriented business, or in any other commercial establishment:
 - (1) Any specified anatomical areas;

(2) Any device, costume or covering which gives the appearance of or simulates any specified anatomical areas.

(b) No person shall engage in any specified sexual activities on the premises of a sexually oriented business.

C. Agriculture Bulk Collection, Storage, Distribution

1. Each principal agribusiness use shall have frontage upon a thoroughfare having a primary or greater classification and access thereto.
2. The minimum lot area shall be one hundred thousand (100,000) square feet (2.3 acres) and the minimum lot width shall be three hundred (300) feet.
3. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) from any side or rear property line.
4. The total coverage of all main and accessory buildings shall not exceed thirty (30) percent of the lot on which they are located.
5. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500) feet of the boundaries of the lot or premises.
6. Adequate off-street parking and loading/unloading facilities shall be provided in accordance with Article 16.

C. Airports, Aircraft Landing Fields

1. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
2. The lot shall be so located as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

D. Animal Hospitals

1. All principal use activities shall be conducted within a totally enclosed main building.

E. Automobile Service Stations, Public Garages, Filling Stations

1. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the said date.
2. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.
3. Minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
4. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
5. Ingress and egress drives shall not be more than thirty (30) feet.
6. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
7. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where in the opinion of the Building Inspector it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
8. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
9. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

F. Banks, Savings and Loans, Credit Union (Drive-Thru)

1. Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of twenty thousand (20,000) square feet, with a minimum lot width of one hundred (100) feet abutting the street right-of-way.
2. The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.

3. A drive-thru facility or free standing automated teller machine shall be located on the site to accommodate a minimum depth (column) of four vehicles at one time.
4. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
5. The area used for access to and from the drive-thru facility and for required off-street parking should be paved with concrete or bituminous asphalt.

G. Campgrounds, Travel Trailer Parks

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or gravel trailer park. Each lot shall be provided with at least one (1) public telephone.
2. Each site on a lot designated for camping use may accommodate a travel trailer or tent and shall be provided with individual electrical outlets, except primitive campsites.
3. Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
4. Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
5. Except for a convenience goods shopping establishment, no commercial enterprises shall be permitted to operate on the lot.
6. Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping). Each parking space shall be two hundred (200) square feet in area. Guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
7. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least fifty (50) feet.
8. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue

stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.

9. All sanitary facilities shall be designed and constructed in strict conformance to all applicable St. Joseph County health regulations.
10. The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
11. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
12. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

H. Child Care Centers, Nursery Schools, Day Nurseries

1. No dormitory facilities permitted.
2. Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.
3. For each child cared for, there shall be provided, equipped and maintained on the premises a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
4. The outdoor play area shall be fenced in or screened by a heavily planted green belt from any abutting residential uses.

I. Churches

1. Minimum lot width shall be one hundred and fifty (150) feet.
2. Minimum lot area shall be two (2) acres.
3. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
4. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.

5. Adequate off-street parking must be provided in accordance with standards in Article 16.
6. Structure will harmonize, blend with and enhance adjoining properties in surrounding neighborhood.

J. Convalescent Homes

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

K. Drive-In Restaurant

1. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
2. Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
3. A six (6) foot high masonry obscuring wall shall be provided adjacent to Residential Districts.
4. Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

L. Drive-In Theater

1. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least five hundred (500) feet from any residential district.
2. The premises shall be enclosed with a solid screen fence seven (7) feet in height.

3. All points of entrance or exit shall be located no closer than two hundred and fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
4. The interior of the premises shall be designed with respect to lighting, drainage and the like, to the satisfaction of the Township Engineer.
5. Space shall be provided on-premises for fifty (50) waiting vehicles to stand at the entrance to the facility.
6. The theater screen shall not face, directly or obliquely, by less than seventy-five (75) degrees, a major thoroughfare or any residential zoning district.

M. Fraternal Clubs and Lodges

1. Minimum lot size shall be two (2) acres.
2. The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.
3. Adequate off-street parking, as identified in Article 16 shall be provided.

N. Golf Courses, Country Clubs

- (1) Minimum lot size shall be forty (40) acres.
- (2) A shelter building with toilet facilities shall be provided which meets all requirements of the St. Joseph County Health Department and the Township Building code.
- (3) The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

O. RESERVED FOR FUTURE EXPANSION

P. Home Occupations

1. No more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be utilized.
2. The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.
3. Only those articles produced on the premises by such occupation may be sold or offered for sale.
4. No home occupation shall require outdoor storage of equipment, machinery or signs not customary in a residential location.
5. No more than one (1) non-illuminated nameplate, attached to the building and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed.
6. A home occupation that will attract an average of more than two (2) customer vehicles at all times during operating hours, shall provide off-street parking facilities in accordance with Article 16. The parking requirements associated with the use or activity in Article 16 most similar to the home occupation shall be applied.
7. The use of a residential home in any zoning district for instruction in a fine art or craft is expressly permitted.

Q. Hospitals/Medical Centers

1. Minimum lot area shall be two (2) acres.
2. The lot location shall be such that at least fifty (50) percent of the property line abuts a paved county primary road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said county primary road.

3. Minimum main and accessory building setback shall be fifty (50) feet.
4. No power plant or laundry shall be located nearer than two hundred (200) feet to any adjacent residential district.

R. Hotel, Motel, Motor Court

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
2. When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
4. When adjacent to a Residential District, a chain link fence or masonry wall, four (4) to six (6) feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.

S. Housing for the Elderly

1. Minimum lot size shall be five (5) acres.
2. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
3. Each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.

T. Junk Yards

1. Minimum lot size shall be five (5) acres.
2. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height.

Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.

3. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
4. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

U. Kennels

1. All kennels shall be operated in conformance with all applicable County regulations, license being valid no longer than one (1) year.
2. All kennel buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred and fifty (150) feet to any adjacent property line, and shall not be located in any required front, rear or side yard setback area.

Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable State and County laws. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.

3. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

Noise, odor, or other objectionable characteristics incident to the facility shall not be discernible beyond the boundaries of the premises upon which the facility is conducted/located.

4. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary conditions for each animal kept, boarded, bred or trained upon the premises.
5. For dog kennels, the minimum lot size shall be two (2) acres for the first four (4) dogs and an additional one (1) acre for each additional one (1) dog.

V. Livestock Feedlots (Intensive) (see Section 2.18 F.) Livestock feedlots and Intensive Livestock Operations shall be subject to the Michigan Department of Agriculture's Generally Accepted Agricultural Management and Production Standards (GAAMPS) and the Michigan Right to Farm Act, being Act 93 of 1981, as amended.

W. Mortuaries/Funeral Homes

1. Minimum lot area shall be a minimum of one (1) acre.
2. Off-street parking shall be provided in accordance with Article 16.
3. Outdoor signage shall conform to the requirements Article 15.
4. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

X. Open-Air Business

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.
4. The Building Inspector may, to ensure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open-air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized to do business in the State of Michigan, in an amount determined by the Building Inspector to be reasonably necessary to ensure compliance hereunder. In fixing the amount of such Surety Bond, the Building Inspector shall take into account the size and scope of the proposed open-air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
5. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
6. In the case of car sales lots:
 - a) All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.

- b) The use of pennants or flags, and the use of parking areas lighted at night, shall be carried out without creating a nuisance for nearby properties, as determined by the Board of Appeals, who shall have the authority to require the termination of those uses not in conformance with this paragraph.
- c) The entire premises shall be graded so that the surface water run-off does not drain across public right-of-way.

7. In the case of a plant materials nursery:

- a) The storage or materials display areas shall meet all yard setback requirements applicable to any building in the district.
- b) All loading activities and parking areas shall be provided on the same premises (off-street).
- c) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

8. In the case of sales of cut trees intended to be displayed during the Christmas season, or other seasonal open air businesses, a temporary permit shall be obtained from the Zoning Administrator which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed nearer the street than the front property line.

Y. Parks (Public or Private)

1. A privately owned park used as a commercial recreation facility shall adhere to the following standards:

- a) Minimum lot size shall be one (1) acre.
- b) Activities within the park shall be separated from adjoining residentially zoned parcels by a twenty (20) feet wide greenbelt with natural plantings on at least three (3) sides of the perimeter of the site. The minimum average height of such plantings shall be twelve (12) feet and the vegetation shall be of a density that will screen out at least ninety (90) percent visibility from adjoining properties.
- c) Hours of operation of the park shall be limited from 8 a.m. to 10 p.m.
- d) Off-street parking shall be provided in accordance with the requirements of Article 16.

e) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

Z. Private Swimming Pools

1. No swimming pool (referred to as "pool" in this section) shall be constructed, erected or installed on any lands in the Township unless a building permit has first been obtained.
2. The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
3. Any pool constructed of poured concrete shall have a bottom not less than six (6) inches thick and walls not less than eight (8) inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Liner-type pools may be constructed or installed if 1) the liner used is made and furnished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic rubber, fiberglass, steel or any other type produce; and 2) the bottom and walls of such liner-type pool are constructed in accordance with the specifications of the manufacturer of the liner.
4. Each pool shall be enclosed by a fence or wall of a height of not less than four (4) feet which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence may be erected closer to a street than a building may be erected in the Zoning District in which the pool is located.
5. All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times when no person is present on the lot on which the pool is located.

aa. Commercial Television, Radio and Micro-Wave Transmission, Receiving and Relay Towers

1. The setback for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of each tower above the ground. Accessory buildings or other accessory structures shall comply with the general setback requirements of the zoning classification in which they are located.
2. When the tower(s) ceases to operate, it shall be removed within three (3) months.

3. The Planning Commission shall have the authority to require the applicant to file with the Township Clerk prior to the time of establishment of the tower(s) on the subject property a cash deposit, certified check, irrevocable bank letter of credit or surety bond in such amount as the Planning Commission determines necessary to cover the estimated cost of removal of the tower(s). If the tower(s) are not removed as required by subparagraph 2 above, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to ensure removal of the tower(s) using as much of the security deposit as is necessary for that purpose. This security requirements shall continue in effect until the tower(s) are removed.
4. A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than five hundred thousand dollars (\$500,000) for each person or property injured or damaged and not less than one million dollars (\$1,000,000) for injury or damage to more than one person or one person's property arising out of one occurrence. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained pursuant to this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance.
5. Unless specifically waived by the Planning Commission, an open-air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.

bb. Communication Tower

1. Operating requirements necessitate locating the tower within Florence Township, and the site shall be uniquely suited for the intended purpose. The applicant shall document efforts to co-locate the desired facilities on an existing tower, and document why co-location of the facilities is not possible.
2. The tower shall be located at least one thousand (1,000) feet from any Residential zoning district, and at least one thousand (1,000) feet from any dwelling in any zoning district where residential uses are permitted.
3. The tower shall be set back from all adjacent property lines at least a distance equal to the height of the tower plus fifty (50) feet; provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold over, or otherwise collapse within a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special exception use approval in Section 14.8 of this Ordinance.

4. If the tower is located on the same zoning lot as another allowed building or structure the tower and any accessory features connected thereto shall not be located in the front yard or in a side yard abutting a street.
5. The tower base and all guide wire support bases shall be enclosed by fencing or other suitable enclosure of at least six (6) feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only.
6. The Planning Commission may require the tower base enclosure to be screened by such landscaping as may be appropriate for the location.
7. All lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or roadways, except such lighting as may be required by federal regulation.
8. The tower shall not interfere with any radio or television transmission or reception in the area.
9. The tower shall be designed, constructed and maintained to withstand all generally expected weather conditions in the area.
10. The tower shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports of all inspections and servicing shall be made available to the Township upon written request.
11. The owner of the premises and/or tower shall maintain liability insurance with a minimum of \$1,000,000 coverage of personal injury and property damage.
12. A tower that has no users for a continuous period of at least one (1) year shall be considered abandoned, and shall be dismantled and removed from the premises within ninety (90) days after receipt of notice of such abandonment to the owner of the subject premises.

cc. Roadside Stand

1. The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet but not more than eight hundred (800) square feet.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. Any stand located within two hundred (200) feet of any adjacent dwelling shall close at 10:00 p.m.
4. The temporary building shall be located not less than fifty (50) feet from the nearest public road pavement. Its height shall be no more than one (1) story.

dd. Stables (Private)

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be 5.1 acres, except that up to three saddle horses or ponies may be housed and reared on lots of two (2) to five (5) acres.
2. An accessory building used as a stable shall not be located nearer than fifty (50) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than thirty (30) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Appropriate off-street parking, as identified in Article 16 shall be provided.

ee. Schools, Civic Building, Post Office, Fire Station Museums, Libraries and Other Similar Public Uses

1. Adequate off-street parking must be provided in accordance with the standards in Article 16.
2. Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
3. The minimum setbacks for main and accessory school structures shall be fifty (50) feet.

4. The minimum distance between main and accessory school structures and residential property or residential districts shall be three hundred (300) feet.
5. Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
6. Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.
7. The proposed use shall harmonize, blend with, and enhance adjoining properties and surrounding neighborhood.
8. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress and egress to the lot shall be through said thoroughfare.

ff. Shopping Center

1. No building or structure of less than five thousand (5,000) square feet shall be nearer than fifty (50) feet to the right-of-way line of any street; all buildings or structures of more than five thousand (5,000) square feet shall be at least one hundred fifty (150) feet from any street right-of-way line. No building or structure shall be nearer than fifty (50) feet to the side and rear lines of the property on which it is located. All buildings shall also be subject to other setback requirements contained in this Ordinance not inconsistent herewith.
2. Minimum lot size shall be five (5) acres.
3. Off-street parking shall conform to the requirements of this Ordinance.
4. Every shopping center shall have a twenty-five (25) foot planting area separating the parking and shopping district from all adjoining districts of a higher classification. These planting areas shall be landscaped with shrubs or evergreens of a height of four (4) to six (6) feet or more to act as a screening hedge; all unpaved areas shall be maintained in a park-like manner.
5. Any lighting in such areas shall be adequately screened from any adjoining residences.

gg. Slaughter Houses

1. All slaughtering and butchering activities must occur within an enclosed building.

2. The facility and all operations must be approved by the appropriate State of Michigan and/or U.S. Government approved agency.
3. The minimum allowable land area for all buildings and accessory activities shall be five (5) acres.
4. Holding pens shall cover no more than fifty (50) percent of the entire parcel, up to a maximum area of five (5) acres.
5. All holding pens and main and accessory buildings shall be set back a minimum of three hundred (300) feet from the nearest residentially zoned parcel.
6. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.
7. The applicable off-street parking requirements of Article 16 shall be met.
8. On-premises landscaping shall be provided.

hh. Strip Mall

1. Minimum lot area shall be 80,000 square feet.
2. Minimum side and rear setbacks from adjoining property shall be twenty-five (25) feet.
3. All commercial loading/unloading shall occur at the rear or side of the building.
4. All on-premises lighting shall not negatively impact adjoining properties.
5. On-premises signs shall conform to the requirements of Article 15.
6. Accessory buildings shall not be allowed.
7. Off-street parking shall conform to the requirements of Article 16.
8. On-premises landscaping shall be required.
9. Vehicle ingress/egress shall be provided in accordance with MDOT design standards.

ii. Vehicle Wash Establishments

1. Minimum lot area shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. The drive-through or self-serve washing structure shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residential property.
4. A wood fence or concrete block wall (minimum height of 6 feet) shall separate the vehicle wash establishment from adjacent residential property.
5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
6. Curb cuts shall be located no closer than twenty-five (25) feet from any intersection or adjacent property line. Drives associated with the facility shall be separated along the front property line by a distance of at least twenty-five (25) feet. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, it may produce a safety hazard to pedestrian or vehicular traffic
7. Adequate lane maneuvering area shall be provided on the premises, with enough distance to allow for a minimum of four (4) vehicles waiting in line.
8. Adequate on-premises landscaping shall be provided.
9. On-site lighting shall be so located and designed as to have minimum impact upon surrounding properties.
10. On-site signage shall conform to the requirements of Article 15.
11. All washing activities must be carried on within a building.
12. Vacuuming activities at least twenty-five (25) feet distant from any adjoining residential use.
13. The building entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking spaces for vehicles being serviced by the subject facility.
14. An adequate on-site area for waiting vehicles shall be provided to prevent the lining up of said vehicles on public streets.

kk Family Business.

- A. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- B. No outdoor storage shall be allowed unless the family business involves storage needs which cannot reasonably be accommodated within a building or structure. In such event an allowed outdoor storage area shall be located to the rear of the building in which the business is conducted, and shall be adequately screened to effectively block all view from adjoining roads or properties.
- C. There shall be no expansion of the family business facilities permitted hereunder without further approval of the Planning Commission.
- D. Noise, smoke, odor, electrical disturbance or lighting shall not be discernable beyond the boundaries of the property from which the business is conducted.
- E. The building where the business is conducted shall be located at least 150 feet from any existing residence on adjoining property.
- F. The business shall be located on the same parcel as the family's dwelling.
- G. In addition to those family members residing on the parcel, no more than four other individuals may work on the premises in connection with the family business.
- H. The Planning Commission may limit the family business to a particular type of business, and it may allow the business to operate for only a specific period of months or years unless an additional permit is granted.

Section 15.1 Scope

This Section is intended to regulate and limit the construction or reconstruction of signs to protect the public peace, morals, health, safety and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare. The following shall not be included in the application of the regulations cited herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial notations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.
- C. Legal notices; identification, informational, or directional signs erected or required by governmental bodies (See Table 15.1).
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- F. Political signs not exceeding ten (10) square feet in area, set back five (5) feet from the property line, and meeting the definition and requirements as identified in Section 15.2 - Political Signs.

Section 15.2 Definitions

As used in this Section, the following words shall have the meanings hereinafter set forth in this Section.

- A. **Animated** - Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.
- B. **Billboard** - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- C. **Bulletin Board** - A sign which identifies an institution or organization on the premises which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages. (Also, See Section 15.2 (Z) Institutional Bulletin Board Sign).

- D. Business Sign - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed or fabricated on such land.
- E. Construction Sign - A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- F. Directional Sign - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- G. Face - The area or display surface used for the message.
- H. Flashing Sign - Any directly or indirectly illuminated sign which exhibits changing, natural or artificial light or color effects by any means whatsoever.
- I. Flush-Mounted Sign - A sign mounted against a principal structure, the depth of which does not exceed 12 inches, with no printed messages on end spaces.
- J. Freestanding Sign - A sign supported by one or more up-rights, poles or braces placed in or upon the ground surface and not attached to any building.
- K. Governmental Sign - A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.
- L. Ground Sign - Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.
- M. Identification Sign - A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and addresses of a building, business, development, or establishment on the premises where it is located.

- N. Illuminated Sign - A non-flashing sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- O. Political Sign - A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state, or local election, movement, or cause. A political sign must be removed as required by County and/or State regulations or within two (2) weeks after the end of relevant election, movement or cause, whichever comes first.
- P. Portable Sign - A sign that is not permanently affixed to a building, structure or the ground.
- Q. Projecting Sign - A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from the building.
- R. Name Plate - A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- S. Pole Sign - A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area not more than one hundred (100) square feet.
- T. Projecting Sign - A sign which is generally perpendicular to, and is supported by, a wall of a building.
- U. Portable Sign - A free-standing sign not permanently anchored or secured to either a building or the ground.
- V. Pylon Sign - A sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.
- W. Real Estate Sign - Any temporary sign used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
- X. Temporary Sign - A display, information sign, banner or other advertising device with or without a structural frame and intended for a period of display limited to two (2) weeks, including seasonal produce sales, decorative displays for holidays or public demonstrations.

- Y. Wall Sign - A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches there from nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

- Z. Institutional Bulletin Board Sign - A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.

- AA. Subdivision Sign - A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs being without moving parts, not higher than ten (10) feet from the ground and no closer than twenty (20) feet to any public right-of-way line.

- BB. Wall Signs - A sign placed flat against and attached to a building or structure and not projecting beyond the wall or architectural feature by more than one (1) foot. No wall sign may project beyond the highest point of a roof or parapet.

- CC. Window Sign - A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window.

Section 15.3 General Provisions

- A. A sign not expressly permitted by this Ordinance, is prohibited.
- B. Measurement of Area of a Sign: The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area. In the case of a sphere, the total area of the sphere is divided by two (2) for purposes of determining the maximum permitted sign area.

- C. All signs shall be stationary and indirectly illuminated and shall pertain only to the business or activity conducted on the premises.
- D. Illumination - There shall be no flashing, oscillating or intermittent illumination of any sign. No sign shall contain any visible moving parts. Time and temperature numerals are exempt from this provision. If a sign is permitted to be illuminated, it may be illuminated only by continuous indirect white light. The illumination of any sign shall not be detrimental or annoying to occupants of surrounding property nor constitute a safety hazard as determined by the Zoning Administrator.
- E. Location - No sign shall be permitted within any public right-of-way or upon an utility pole.
- F. Construction and Maintenance - The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

- G. Sign permit

- 1. Application for a permit to construct or locate a permanent sign shall be obtained from the designated Township Zoning Administrator. The application shall include the following information.

- a. Name, address, telephone number of the landowner, developer, or petitioner.
 - b. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed sign(s).
 - c. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 - d. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
 - e. The proposed dates of construction and completion of the sign.
 - f. Other information or data as may be required by the Township Zoning Administrator.
2. In the case of a temporary sign, the length of time the proposed sign will be on the site.
 3. The designated Township Zoning Administrator shall approve, disapprove, or approve subject to specified conditions, the request for a permit, based upon the standards for this Article.

Section 15.4 Signs Permitted

Signs are permitted according to the District in which they are located or intended to be located. Signs meeting the requirements of this Ordinance are allowed as a matter of right and do not need approval of the Planning Commission or Zoning Board of Appeals, but do need to obtain permit from the designated Township Zoning Administrator.

Section 15.5 Schedule of Sign Regulations

The following schedule describes the signs permitted and the regulations under which they are permitted.

TABLE 15.1: SCHEDULE OF SIGN REGULATIONS - FLORENCE TOWNSHIP, MICHIGAN

	SIZE (SQ FT) (Not To Exceed)	HEIGHT (FT)* of signs	NUMBER Of Signs	SETBACK (FT) (From Property Line and/or Right-of- Way)
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	SIZE (SQ FT) (Not To Exceed)	HEIGHT (FT)* of signs	NUMBER Of Signs	SETBACK (FT) (From Property Line and/or Right-of- Way)
Agricultural				
Low Density Residential				
Public/Semi-Public				
Construction Sign	30	10	1 per project	10
Freestanding Sign	6	4	1	10
Institutional Bulletin Board	30	4	1	15
Government Sign	30	10	1	10
Real Estate Sign	10	4	1 per D.U. ¹	5
Subdivision Sign	30	5	1 per Gateway ¹	15
Temporary Sign	15	4	1	10
Wall Sign	6	N.A.	1	N.A.
High Density Residential				
Mobile Home Park				
Construction Sign	30	10	1 per project	10
Freestanding Sign	10	4	1	10
Institutional Bulletin Board	30	4	1	15
Government Sign	30	10	1	10
Real Estate Sign	10	4	1 per D.U. ¹	1
Subdivision Sign	30	5	1 per Gateway ¹	10
Temporary Sign	15	4	1	10
Wall Sign	10	N.A.	1 per development	N.A.

	SIZE (SQ FT) (Not To Exceed)	HEIGHT (FT)* of signs	NUMBER Of Signs	SETBACK (FT) (From Property Line and/or Right-of- Way)
Commercial, Industrial				
Business Sign	30	20	1	10
Construction Sign	30	10	1 per project	10
Freestanding Sign	30	20	1	10
Institutional Bulletin Board	30	4	1	15
Government Sign	30	10	1	10
Real Estate Sign	20	10	1	10
Subdivision Sign	30	5	1 per Gateway ¹	15
Temporary Sign	15	4	1	10
Wall Sign	10% of wall area facing street - 30 sq. ft. max.	N.A.	1 per street frontage	N.A.
<p>* Above Grade. ¹Notes: D.U. = Dwelling Unit(s) Gateway = Entryway to development, neighborhood, project.</p>				

Section 16.1 Scope

In all Zoning Districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

Section 16.2 Parking Lot Requirements

- A. All parking facilities required in this Article shall be hard-surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. No surface water from such parking area shall be permitted to drain onto adjoining property unless a watershed easement has been obtained.
- B. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Building Inspector before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work.
- C. All illumination for or on all such parking lots shall be deflected away from adjacent residential areas and roadways and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than twenty (20) feet above the parking lot surface.
- D. When a required nonresidential parking lot or parking area is situated on a parcel which adjoins a residential District or a residential use, the respective side or rear yard setback in which said parking is located shall be a minimum of thirty (30) feet of which the fifteen (15) feet nearest the respective property line is developed as a greenbelt; extending from the

front yard setback to the rear yard setback in the case of side yard parking adjoining the residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use.

- E. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- F. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines.
- G. In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as identified in Table 16.1 (These standards can be modified during site plan review).
- H. Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve. Specifically:
 - 1. For all residential buildings and for all nonresidential buildings and uses in Residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
 - 2. For all commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within three hundred (300) feet of the building or use it is required to serve.

TABLE 16.1 - REQUIRED NUMBER OF PARKING SPACES - FLORENCE TOWNSHIP

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
Animal Hospital and Kennels	1	Per every Four hundred (400) square feet of usable floor area, PLUS
	1	Per every two (2) employees
Auditorium, Theaters, and Assembly Halls	1	Per every three (3) seats, based on maximum seating capacity in the main place of assembly therein, PLUS
	1	Per every two (2) employees
Auto Repair Shops, Bump Shops, Service Garages	2	Per every one (1) service stall, PLUS
	1	Per every eight hundred (800) sq. ft. of usable floor space, PLUS
	1	Per every one (1) employee
Auto salesrooms, Wholesale Stores, Machinery Sales, Showrooms of a Plumber, Electrician or other similar trade	1	Per every one thousand (500) sq. ft. of usable floor area, PLUS
	1	Per every one (1) employee
Banks and Post Offices	1	Per every two hundred (200) sq. ft. of usable floor area, PLUS
	1	Per every one (1) employee
Barber Shop	2	Per every barber
Beauty Parlor	2	Per every beauty shop employee
Bowling Alleys	8	Per every bowling lane, PLUS
		The number of spaces as required for accessory uses such as restaurant, bar establishments
Business and Professional Offices	1	Per every two hundred (200) sq. ft. of gross floor area
Carry-out, Drive-in Restaurant	1	Per every two hundred (200) sq. ft. of gross floor area, PLUS
	1	Per every two (2) employees, with a minimum total of eight (8) parking spaces
Child Care Center, Day Care Centers, Nursery Schools	1	Per every four hundred (400) sq. ft., PLUS
	1	Per every one (1) employee
Churches	1	Per every three (3) seats or six (6) feet of pews, based on maximum seating capacity in the main unit of worship.
Dance Halls, Exhibit Halls, Pool Halls, and Billiard Parlors, and Assembly Halls without fixed seats	1	Per every two (2) persons allowed within the maximum occupancy load as established by local, County, or State fire, health or building codes, OR;
	1	Per every one hundred (100) sq. ft. of usable Floor area (whichever is greater)
Drive-in Bank	3	Per every one (1) teller window
Drive-in Establishments (See also "Fast-food, Drive-in Restaurant")	1	Per every fifty (50) square feet of gross floor area, PLUS
	1	Per every three (3) employees, with a minimum total of forty (20) parking spaces
Drive-in Theater	1	Per outdoor speaking facility, PLUS
	1	Per every two (2) employees
Elementary Schools, Junior High Schools, Trade Schools	1	Per every teacher, employee and administrator, in addition to the requirements of the auditorium or assembly hall. IF no auditorium or assembly hall exists, THEN one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
Establishments (other than Drive-in Restaurants) for sale and consumption on the premises of beverages, food or refreshments (i.e. standard restaurants).	1	Per every three (3) persons allowed within the maximum capacity load as established by local, State or County fire, health or building codes, PLUS
	1	Per every three (3) employees, or one hundred (100) sq. ft. of gross floor area
Fast-food, Drive-in Restaurants	1	Per every one hundred twenty-five (125) sq. ft. of gross floor area, PLUS
	1	Per every two employees, with a minimum total of twenty (20) parking spaces.
Filling Station, Automobile Service Station	2	Per every service stall, PLUS
	1	Per every employee, PLUS
	1	Per every service vehicle
Furniture and Appliance, Household Equipment Repair Shops, Hardware Stores, and Similar Stores	1	Per every eight hundred (800) sq. ft. of usable Floor area, PLUS
	1	Per every two (2) employees

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
Golf Course open to the public	5	Per every Hole, PLUS
	1	Per every employee, PLUS
		The number of spaces as required for accessory uses, such as restaurant, bar establishments
High Schools	1	Per every teacher, employee and administrator, in addition to the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school, PLUS
	1	Per every ten (10) students
Hospitals	1	Per every two (2) beds, PLUS
	1	Per every Staff doctor, PLUS
	1	Per every two (2) employee, PLUS
	1	Per every one thousand (1,000) sq. ft. of usable floor space
Industrial Establishments, including Manufacturing, Research and Testing Laboratories, Creameries, Bottling Works, Printing, Plumbing, or Electrical Workshops	1	Per every one and one-half (1 1/2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, OR;
	1	Per every five hundred fifty (550) sq. ft. of usable floor area (whichever is greater).
Laundromat, Coin-operated Dry Cleaning Establishment	1	Per every two (2) washing machines, OR;
	1	Per every one (1) dry cleaning machine
Libraries and Museums	1	Per every five hundred (500) square feet, PLUS
	1	Per every one (1) employee
Medical Clinic or Dental Clinic	3	Per every staff or visiting doctors, PLUS
	1	Per every one (1) employee
Miniature or Par 3 Golf Course	2	Hole, PLUS
	1	Per every one (1) employee
Mobile Home Site	2	Per every one (1) mobile home site
Mortuary establishments, Funeral Homes and Undertaking Parlor	1	Per every fifty (50) sq. ft. of floor area in the parlor area

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
Motels and Hotels	1	Per every one (1) guest bedroom, PLUS
	1	Per every one (1) employee, PLUS
		The number of spaces as required for accessory uses such as restaurant, bar establishments
Motor Vehicle Wash Establishment (self-service)	2	Per every one (1) wash stall
Motor Vehicle Wash Establishment (other than self-service)	3	OR the total from calculating the maximum capacity, as computed by dividing the linear dimension of the mechanical wash/dry operation by twenty (20) feet, PLUS
	1	Per every one (1) employee
Multiple-family Dwelling	2	Per dwelling unit
Open Air Business uses including Mobile Home Sales and Used Car Sales Lot	1	Per every eight hundred (800) sq. ft. of gross lot area used for open air sales or display, PLUS
		The number of spaces as required for any structure utilized for retail sales computed in accordance with the requirements for retail stores (See "Retail Stores, except as otherwise provided herein")
Personal service establishment, not otherwise provided for herein	1	Per every three hundred (300) sq. ft. of usable floor area, PLUS
	1	Per every two (2) employees
Private clubs, fraternities, dormitories	1	Per every three (3) members or lodges allowed within the maximum occupancy load as established by local, State or County fire, health building code
Private tennis club, swim club, golf club	1	Per every four (4) member families or individual members or similar use, PLUS
		The number of spaces as required for accessory Uses
Retail Stores, except as otherwise provided herein	1	Per every one hundred fifty (150) sq. ft. of gross floor area, PLUS
		The number of space as required for accessory Uses
Roadside stands	6	Per every one (1) establishment

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
Sanitariums, Convents, Home for the Aged, Convalescent Homes, Nursing Homes, and Children's Homes	1	Per every four (4) beds, PLUS
	1	Per every staff doctor, PLUS
	1	Per every two (2) employees
Single or two-family dwelling	2	Per every dwelling unit
Stadiums and Sports Arenas	1	Per every four (4) seats, or eight (8) feet of Benches (whichever is greater)
Warehouse and storage buildings	1	Per every two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or fifteen hundred (1,500) sq. ft. of gross floor space (whichever is greater)

Section 16.3 Size of Parking Space

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

TABLE 16.2 - SIZE OF PARKING SPACE - FLORENCE TOWNSHIP

Parking Pattern	Maneuvering Aisle Width	Parking Space Width	Parking Space Depth
0° (Parallel Parking)	12 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	21 ft.
75° to 90°	25 ft.	9 ft.	21 ft.

Section 16.4 Off-Street Loading Spaces

For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition 1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and 2) off-street loading spaces in relation to floor areas as follows:

1. Up to twenty thousand (20,000) square feet - one (1) space;
2. Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces;
3. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Section 16.4 Handicapped Parking

Handicapped parking shall be provided in accordance with ADA and State of Michigan regulations.

ARTICLE 17 – Zoning Board of Appeals

Section 17.1 Authority

There is hereby established a Zoning Board of Appeals, the membership, powers, duties of which are prescribed in Act 110, of the Public Acts of the State of Michigan for 2006, as amended. The Zoning Board of Appeals in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purposes and intent as hereinafter set forth.

Section 17.2 Composition

As provided by said Act 110, as amended, the Board of Appeals shall consist of five (5) members. One member of the Zoning Board of Appeals shall also be a member of the Planning Commission. The Township Board shall appoint all members. A minimum of at least three (3) members present shall constitute a quorum.

Section 17.3 Terms of Office

The term of each member shall be for three (3) years, in staggered terms, except for members also serving on the Planning Commission or Township Board shall be limited to the time that they are members of said body. The Board of Appeals as presently constituted shall continue in the manner and for the terms heretofore established.

Section 17.4 Required Hearings

It shall hear and decide all matters referred to it, or upon which it is required to act, under any ordinance adopted pursuant to said Act 110, as amended.

Section 17.5 Majority Vote

A majority vote of the Board of Appeals shall be necessary to decide in favor of the applicant on any matter upon which the Board of Appeals is required to pass under any such ordinance, or to effect any variation in such ordinance.

Section 17.6 Granting of Variances

Subject to the provisions of this Article, the Board of Appeals, after hearing shall have the power to decide applications for variances filed as hereafter provided.

- A. Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Building Inspector or any other administrative office in the carrying out or enforcement of the provisions of this Ordinance.

- B. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties ; provided, that the Board of Appeals shall not grant a variance on a lot of less area than the requirements of its zone district, even though such lot existed at the time of passage of this Ordinance if the owner or members of his immediate family owned adjacent land which could without undue hardship be included as part of the lot.
- C. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance relating to the construction, structural changes in equipment, or alterations of buildings or structures, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- D. The Zoning Board of Appeals shall not have the authority to grant a variance on the use of land, buildings or structures.

Section 17.7 General Standards

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from reasonable evidence that all the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use different than the other properties in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right and that the need for such variance was not created by the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this Ordinance or the public interest.
- D. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or of a recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Section 17.8 Conditions of Approval

In authorizing a variance or exception, the Board of Appeals may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other reasonable conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest. Such conditions shall comply with the stipulations of Act 110, as amended.

Section 17.9 Procedure

The following procedure shall be required:

- A. An appeal for variance from any ruling of the Building Inspector or any other administrative official ministering any portion of this Ordinance may be taken by any person or any governmental department aggrieved.
- B. The Board of Appeals shall not consider any application or appeal without the payment by the applicant or, appellant to the Township Treasurer of the fee which shall be set by resolution of the Township Board from time to time. Such application or appeal shall be filed with the Building Inspector, who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals. The payment of this fee shall not be required from any Florence Township governmental departments or personnel, acting in his official capacity.
- C. When an application or appeal has been filed in proper form and with the required data, the Board of Appeals shall place or cause to place the said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be made in accordance with the provisions of Act 110 of 2006, as amended and Section 13.2.B of this Ordinance. Such notice shall be mailed at least fifteen (15) days prior to the day of such hearing to the applicant or appellant, the Building Inspector and to all owners of real property within three hundred (300) feet of the premises in question. Any party so notified may appear at such hearing in person or by agent or by attorney.
- D. Upon the day for hearing any application or appeal, the Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.
- E. If the Board of Appeals acts favorably and grants a variance to appellant, such variance shall be exercised within six (6) months from the date of such action, unless more time is specifically granted by the Board of Appeals.

Section 17.10 Decisions of the Board of Appeals

The Board of Appeals shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board of Appeal's decision, and grounds for said decision, shall be transmitted to the applicant or appellant, and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him. The Building Inspector shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant whenever a permit is authorized by the Board of Appeals. A decision of the Board shall not become final until the expiration of five (5)

days from the date such decision is made, unless the Board of Appeals shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 17.11 Stay of Proceedings

An appeal to the Board of Appeals shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Building Inspector.

Section 17.12 Final Action On Appeals

The decision of the Board of Appeals shall be final, however, any person having an interest affected by such decision shall have the right of appeal to the Circuit Court as provided by law.

ARTICLE 18 – Administration and Enforcement

Section 18.1 Violations and Penalties

- A. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- B. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 75.00	\$ 500.00
-2 nd Offense	\$ 150.00	\$ 500.00
-3 rd Offense	\$ 325.00	\$ 500.00
-4 th or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Florence Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- D. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Section 18.2 Compliance Bonds

- A. To ensure compliance with any decision made by any body or person so authorized the Planning Commission, Zoning Board of Appeals or Township Board may require that a cash deposit, certified check, irrevocable bank letter, of credit or acceptable surety bond covering the estimated costs of improvements associated with a project be deposited with the Township Clerk to ensure faithful completion of the improvements.

- B. Improvements means those features and actions associated with a project which are considered necessary by the body or person granting approval to protect natural resources, or the health, safety and welfare of current and future residents of the Township. Improvements so considered may include roadways, lighting, utilities, sidewalks, screening and drainage.
- C. Such guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Cash deposits shall be returned to the applicant in reasonable proportion to the ratio of work completed on the required improvements.

Section 18.3 Re-submittal

No petition for rezoning which has been disapproved by the Board, nor any petition for a Special Use which has been disapproved by the Planning Commission shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon re-submittal.

Section 18.4 Certificate of Occupancy

No dwelling or building or mobile home subject to the provisions of this Ordinance, shall be occupied or used until the Zoning Administrator has issued a Certificate of Occupancy to the owner or applicant who made application for the building permit. At least ten (10) days prior to being ready for use or occupancy, the owner applicant shall notify the Zoning Administrator who shall, within five (5) days, assure himself that the building is in proper conformity and, if so, issue a Certificate of Occupancy, in two (2) copies. One (1) copy may be retained in the Zoning Administrator's files. One (1) copy shall be returned to the owner or applicant. If a certificate of occupancy is denied, the owner or applicant shall receive, in writing, the reasons for denial.

Section 18.5 Severability

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 18.6 Repeal of Prior Ordinance

This Ordinance shall be deemed a replacement of the existing Florence Township Zoning Ordinance which was effective as of June 15, 1987 which supersedes and replaces the existing Florence Township Zoning Ordinance in its entirety. In addition, all other Ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

Section 18.7 Effective Date

This Ordinance was adopted by the Township Board on October 20, 2003 and is ordered to take immediate effect.

Sections 18.8 through 18.14 are reserved for future expansion.

Section 18.15 Enforcement

The Florence Township Zoning Administrator, the Florence Township Ordinance Enforcement Officer and any other individual Township officials that may from time to time be designated shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.

Florence Township

Zoning Ordinance



2003

HOW TO USE THIS ORDINANCE

This Zoning Ordinance contains a comprehensive set of regulations and requirements intended to provide for the optimum development of land and to adequately protect property owners, residents and visitors within the Township of Florence. While zoning ordinances are complex by nature and written in relatively strict legal jargon, the Township has attempted to make this Ordinance as easy as possible to reference and understand. To accomplish that, all special regulations related to special use permits and site plan review are in the Zoning District Articles, while development regulations are grouped in Articles 12-16. The specific standards for permitted uses and uses by special permit are defined within each Article. Most of the requirements one needs to be aware of in constructing or expanding a structure within the Township are contained within the appropriate Articles.

The general provisions grouped in Article 2 address the overall scope of regulations and lot requirements applicable to all districts, including accessory buildings, fences, landscaping, etc. Permitted uses and special permitted uses are identified for each district with the lot size, yard setback and height found in Article 12. The special regulations are in each Article to identify the general and specific standards that are to be applied in reviewing a special use permit request. The administrative procedures that must be followed by the applicant and Township in the submittal, review and approval of a use are all in Article 18. The requirements and procedures that must be followed for site plan review are in Article 14. Cross-references among the various sections of the Ordinance cannot be avoided and these are identified where appropriate. Consequently, the user is encouraged to be diligent in adhering to all applicable regulations and requirements.

An individual, partnership, or corporation wishing to build or expand within the Township must first refer to the official zoning map to determine the district in which the proposed development or improvement is located. The applicant must then identify whether or not the proposed development is a Permitted Use or a Use Allowed by Special Permit within that District. If the proposed use is not specifically mentioned as a Permitted Use or Use Allowed by Special Permit, then it is not allowed. All uses allowed by Special Permit and certain identified Permitted Uses (including all new commercial and industrial uses) must adhere to the requirements for Site Plan Review and Approval in Article 14, in addition to the other applicable requirements for the District in which the project is located, as well as the off-street parking and loading requirements of Article 16.

Before construction or expansion of a structure or use within any zoning district within the Township can begin, a zoning permit must be applied for and obtained. The procedures for obtaining a zoning permit or for requesting a change in the zoning designation of a property or for amending the Ordinance are defined in Article 13. No building that is to be constructed under this Ordinance can be inhabited without the issuance of a zoning permit and certificate of occupancy by the Zoning Administrator/Building Inspector.

Those proposing the development or expansion of a mobile home park within the Township must conform to the requirements of Article 8.

Any questions pertaining to the permitting, size, location and construction of signs, whether for commercial or domestic use, should refer to Article 15.

The description and rules for non-conforming uses and structures are defined in Section 2.21 (page 7). Land uses or structures which are non-conforming as a result of the adoption of this Ordinance, or which were existing as non-conforming uses or structures under the previous ordinance are considered to be "grandfathered" uses or structures under this Ordinance.

The conditions under which a zoning decision may be appealed and the steps to bring an appeal, and the conditions and procedures for requesting a dimensional variance, are described in Article 17, Zoning Board of Appeals.

Finally, whenever there is a question about the meaning or interpretation of any word or term used in this Ordinance, or about a word or term that, while not included in this Ordinance, is applicable to the Ordinance, the reader should refer to Article 3, Definitions.

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Florence Township Zoning Ordinance

Prepared for:

Township of Florence
St. Joseph County, Michigan

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Project No. E16117

Prepared by:

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As amended by Ordinance No. 113, effective 6-5-05;
Ordinance No. 115, effective 5-9-08 and
Ordinance No. 116, effective 5-9-08 and
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Ordinance No. 2018-2, effective 6-5-2018 and
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