

# FLOWERFIELD TOWNSHIP

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## Zoning Ordinance

Ordinance # 46

Adopted November 14, 2017

Flowerfield Township  
St. Joseph County, Michigan

**ADOPTION**

**FLOWERFIELD TOWNSHIP ZONING ORDINANCE**

**ORDINANCE NO. 46**

ADOPTED: November 14, 2017

PUBLICATION: November 28, 2017

EFFECTIVE: December 29, 2017

This is an Ordinance to establish zoning districts, provisions, and regulations for the Township of Flowerfield, pursuant to the provisions of Act 110 of 2006, as amended. This Ordinance sets forth regulations and minimum standards for the use and protection of lands and structures within each zoning district. It establishes provisions for the administration, enforcement, and amendment of this Ordinance, establishes a Zoning Board of Appeals and prescribes penalties for the violation of the provisions herein.

THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS

Flowerfield Township Zoning Ordinance Adoption

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## **ARTICLE 1**

### **SHORT TITLE AND PURPOSE**

#### **1.01 SHORT TITLE**

This ordinance shall be known as the Flowerfield Township Zoning Ordinance (Ordinance).

#### **1.02 PURPOSE**

This Zoning Ordinance provides for the regulation of land development and the establishment of districts within (the Township) which regulate the use of land and structures to meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land. The Zoning Ordinance ensures that uses of land are situated in appropriate locations and relationships, limits the inappropriate overcrowding of land, congestion of population, transportation systems, and other public facilities. The Zoning Ordinance facilitates adequate and efficient transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and promotes public health, safety, and welfare. The zoning regulations herein are uniform for each class of land or buildings, dwellings, and structures within each zoning district.

The Zoning Ordinance also establishes zoning districts which apply only to land areas and activities involved in special programs to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion. The Zoning Ordinance designates or limits the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. This Zoning Ordinance is based upon the Flowerfield Township Master Plan adopted May 2009. The Zoning Ordinance gives reasonable consideration to the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

#### **1.03 SCOPE**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto. Except for manufactured housing communities, where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations, or private restrictions, the provisions of this Ordinance shall control. Insofar as the provisions of this ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions of this ordinance shall be controlling.

This Ordinance or any subsequent zoning decision based upon this Ordinance, shall not have the effect of totally prohibiting the establishment of a land use in the presence of a demonstrated need for that land use within wither the Township or surrounding area within the state, unless there is no location within the Township where the use may be appropriately located, or the use is unlawful.

This Ordinance does not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and does not have jurisdiction with reference to the issuance of permits for the location, drilling completion, operation, or abandonment of such wells.

**ARTICLE 2**  
**CONSTRUCTION OF LANGUAGE**

**2.01 RULES OF CONSTRUCTION**

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or,” “either...or,” the conjunction shall be interpreted as follows:
  - A. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
  - B. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.



**ARTICLE 3**  
**DEFINITIONS**

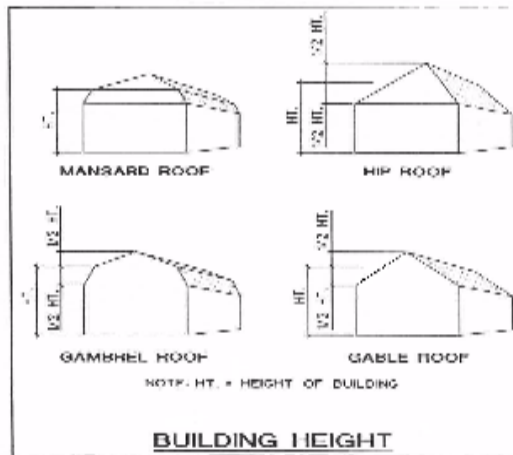
**3.01 DEFINITIONS**

For the purpose of this Ordinance, certain terms and words are herewith defined.

1. **ACCESSORY BUILDING OR STRUCTURE:** A structure on the same premises with a main building or structure occupied or devoted to an accessory use. Where an accessory building is attached to a main building, such accessory building shall be considered part of the main building.
2. **ACCESSORY USE:** A use naturally and normally incidental and subordinate to a principal use on the same premises.
3. **ADULT FOSTER CARE FACILITIES:** Adult foster care facilities include medium group homes, large group homes, and congregate facilities. These facilities (not private homes) provide 24-hour care to seven or more adults. Adult Foster Care Facilities are licensed under Act No. 218 of 1979, the Adult Foster Care Facility Licensing Act.
4. **AGRICULTURAL PRODUCTION:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
5. **APPEAL:** An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.
6. **APPLICANT:** An applicant shall be any individual, partnership, public or private corporation, authority, agency, or any other legal entity or a combination of any of them, whether they hold an ownership interest in the land or not, who submit an application to the Township as required by this Ordinance.
7. **ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

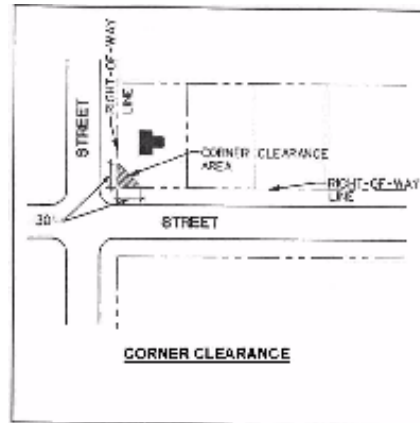
8. **AUTOMOBILE REPAIR SHOP:** Automobile repair is any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing, refinishing, or steam cleaning.
9. **BASEMENT:** A portion of a building that is partially or wholly below grade.
10. **BED AND BREAKFAST:** A Bed and Breakfast is a residential structure that, besides being a permanent home, provides temporary room and board as a home occupation.
11. **BERM:** A berm is a mound of earth graded, shaped, and improved with landscaping in a way used for screening purposes.
12. **BILLBOARD:** A billboard is a specific type of off-premises freestanding sign in excess of 100 square feet intended to attract the attention of the motoring public.
13. **BOARD:** Wherever the word Board is used, it refers to the Township Board.
14. **BUILDING:** An independent structure having a roof supported by columns or walls intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.
15. **BUILDING CODE:** Codes administered and enforced by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

16. **BUILDING HEIGHT:** The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable hip, and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled Building Height).



17. **BUILDING INSPECTOR:** An individual or entity retained by the Township to administer the Michigan Construction Code.
18. **BUILDING PERMITS:** A building permit is the written authority issued by the authorized person of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.
19. **CAMPS AND CAMPGROUNDS:** Camps and campgrounds include, but are not limited to, RV campgrounds, tent and trailer campgrounds, youth YMCA, YWCA, Boy or Girl Scouts, church camps, children's camps (as licensed by Act No. 116 of 1973 Child Care Organizations Act), and adult foster care camps (as licensed by Act No. 218 of 1979 Adult Foster Care Licensing Act). Children's Camps are residential, day, troop, or travel camps conducted in a natural environment for more than four school-age children, apart from their parents, relatives, or legal guardians, for five or more days in a 14-day period.

20. **CLEAR VISION CLEARANCE:** A clear vision corner is that portion of a corner lot closest to the intersection, where obstructions might impair the ability of drivers to see oncoming traffic. The clear vision corner is a triangular area created by a line drawn between two points each being thirty (30) feet from the intersection of the rights-of-way of two (2) intersecting streets.



21. **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 enterprises, or garage/basement sales operating more than twelve (12) days during any twelve (12)-month period.
22. **COMMERCIAL STABLE:** A facility for the business of boarding horses or renting horses or renting horses to the public.
23. **COMMISSION:** This term, and term “Planning Commission,” shall mean the Flowerfield Township Planning Commission.
24. **COMPOST:** Compost is a light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.
25. **COMPOST FACILITIES:** A compost facility is a commercial resource-recovery operation involving the transportation of resource material to the site from off-site locations or resource products from the site that involves the processing of organic material into compost. A product that is “compostable” is one that can be placed into a composition of decaying biodegradable materials, and eventually turns into a nutrient-rich material. It is almost synonymous with “biodegradable,” except it is limited to solid materials and does not refer to liquids.

26. **CONFINED ANIMAL FEEDING OPERATION (CAFO):** The concentrated confined feeding or holding of animals or poultry including, but not limited to, horse, cattle, sheep, or swine feeding areas; dairy confinement areas; slaughterhouse or shipping terminal holding pens; poultry and egg production facilities; and fur farms in buildings or in pens or lots where the surface has been prepared with concrete, rock, or fibrous material to support animals in wet weather or that have wastewater treatment works. A confined animal feeding operation is any lot, yard, corral, or other area in which livestock are confined, primarily for feeding and growth. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze. Any agricultural use that contains animal units as defined by the generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock production facilities as authorized by Public Act 261 of 1999, which amended the Michigan Right to Farm Act is considered a CAFO.
27. **DWELLING:** A building or portion thereof that is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a tent be considered a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.
- A. **Dwelling, Two-Family (also known as a duplex dwelling):** A detached building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth above for “Dwelling, One-Family.”
  - B. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth above for “Dwelling, One-Family.”
  - C. **Dwelling Unit:** A building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently. In cases 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 provisions thereof relative to dwellings.

D. Efficiency Unit: A dwelling unit located in a multiple-dwelling and consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing the unit has not less the three hundred and fifty (350) square feet of floor area.

28. **EARTHMOVING:** Earthmoving is the noncommercial removal of such natural resources as sand, gravel, or earth materials, or the alteration of land to prepare or render land suitable for uses allowed in the zoning district in which the land is located. This definition shall not include excavation which, by its nature, is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, etc.

29. **ESSENTIAL SERVICES:** Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith.

Essential services shall not include buildings other than are primarily enclosures or shelters of the above essential service equipment, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare. Notwithstanding any other provision in this Ordinance, landfill operations, telecommunications towers and antennas, and electrical substations or gas regulation stations services, shall not be regulated or allowed as essential under this Ordinance.

This Ordinance is consistent with the Electric Transmission Line Certification Act, 1995 PA 30, in that if the Michigan Public Service Commission grants a certificate of public convenience and necessity issued for a major transmission line or a transmission line, that certificate shall take precedence over a conflicting local ordinance, law, rule, regulation, policy, or practice that prohibits or regulates the location or construction of a transmission line for which the commission has issued a certificate.

30. **EXCAVATION:** Excavation means the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land or road grade, whichever shall be highest. Excavation shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

31. **EXOTIC ANIMALS;** Exotic animals are non-domestic wild animals including any non-game species of mammal, bird, reptile, or amphibian not indigenous or not now commonly found in St. Joseph County such as wolves, bears, lions, tigers, leopards, gorillas, boars, or wolverines.
32. **FAMILY(Relative) Immediate:** “Relative” means an individual related by consanguinity of the third degree as so 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 one more. Then we go sister to niece, count one more. That’s three.

Or as defined by the State of Michigan.

33. **FAMILY BUSINESS:** A family business activity, other than a home occupation that is incidental to the principal residential or agricultural use of the subject property and which is owned and operated by persons residing on the same premises.
34. **FAMILY CHILD CARE HOME:** A private home in which one to six children are received for care and supervision, including those children less than seven years old in the resident family. This number shall not include more than two children less than twelve months old. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. A family day-care home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a Special Land Use permit or procedure different from those required for other dwellings of similar density in the same zone.

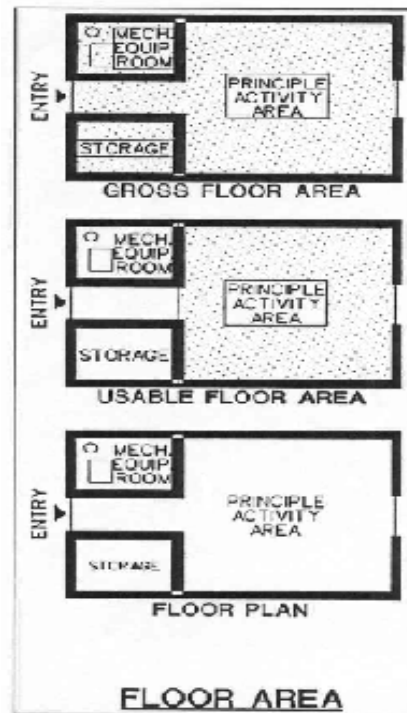
35. FARM: Any parcel of land that is used for the raising of agricultural products, livestock, poultry or dairy products for gain and uses incidental thereto; provided that the incidental uses shall be subordinate to normal agricultural use. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced on the ownership as well as equipment used in farming operations.
36. FARM ANIMALS: Farm animals are all domesticated animals that are not household pets or exotic animals which are used or raised on a farm for the use of human beings for the purposes of food, fur or other products. Examples of farm animals include but are not limited to: dairy cows, cervidae, horses, pigs, goats, sheep, cattle and chickens. The care of farm animals on operating farms is controlled by the Michigan Generally Accepted Agricultural Management Practices (GAMMPS).
37. FARM BUILDINGS: Any building or structure, other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
38. FARM PRODUCTS: Farm products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua culture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and, as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981.
39. FARMING: Farming is the operation and management of a farm or a condition or activity that occurs at any time, as necessary, on a farm in connection with the commercial production, harvesting, and storage of farm products or any other activity, as determined by the Michigan Commission of Agriculture and as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981. Farming shall include the following activities:
  - A. The generation of noise, odors, dust, fumes, and other associated conditions resulting from farming.
  - B. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers.



- C. Field preparation, ground and aerial seeding, and spraying.
  - D. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides, but not recycled materials.
  - E. The use of alternative pest-management practices.
  - F. The fencing, feeding, watering, sheltering, transportation, treatment, uses, handling, and care of farm animals.
  - G. The management, storage, transport, utilization, and application of farm products, including manure or agricultural wastes.
40. **FENCES AND WALLS:** Fences and walls are accessory structures erected to enclose or screen areas of land. Retaining walls are erected to support an embankment or to prevent erosion or collapse of steep slopes.
41. **FILLING:** Shall mean the depositing or dumping of any material ONTO or INTO the ground, except residuals from common household gardening and general farm care.
42. **FLOOD OR FLOODING:**
- A. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (A)(1) of this definition.
43. **FLOOD HAZARD BOUNDARY MAP (FHBM):** Shall mean an official map of a community, issued by the FEMA (Federal Emergency Management Agency), where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

44. FLOODPLAIN: Shall mean any land area susceptible to being inundated by water from any source (see definition of flooding).
45. FLOODPLAIN MANAGEMENT: Shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
46. FLOODPLAIN MANAGEMENT REGULATIONS: Shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
47. FLOOR AREA: The floor area of a building shall be computed using the following standards:
  - A. Floor Area, Gross (GFA): The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two 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 of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement). 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 (UFA): The measurement of usable floor area shall include that portion of the total area of all the floors of the building, measured from the exterior faces of the building, used for or by the principal activity 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, utility or mechanical equipment, sanitary facilities, stairwells, or otherwise not occupied by people. 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 five (5) feet or more (see illustration entitled Floor Area).



48. FREESTANDING SIGN: Freestanding signs are elevated by supports so that the bottom of the sign is greater than 1½ foot above ground.
49. GARAGE: An accessory building or portion of a main building used primarily for the storage of passenger vehicles.
50. GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially un-level ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
51. GROUND SIGN: Ground signs are attached directly to the ground or have a clear space beneath the sign of less than 1½ foot. Ground signs may have messages on one or more sides.

52. **GROUP CHILD CARE HOME:** A group day care home is a facility for the care of children or adults for less than 24 hours. Day care homes do not include state licensed residential facilities, family day care homes, foster-family homes, or adult foster care facilities. (See also institutional care facilities.) A group day care home is further defined as follows:
- A. **Group Day Care Home:** A private home where seven (7) to twelve (12) children are received for care and supervision. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
  - B. **Adult Day Care (Private Home):** Adult day care facilities offer a supervised environment for temporary care of adults 18 years old and older.
53. **HEALTH DEPARTMENT:** The Branch-Hillsdale-St. Joseph County Health Department.
54. **HISTORIC STRUCTURES:** Historic structures that have received state or federal historic designation including centennial farms.
55. **HOME OCCUPATIONS:** Home occupations are activities carried out on the property being clearly incidental and secondary to the principal residential use. Home occupations shall include in-home instruction for a fine art or craft.
56. **HOUSEHOLD PETS:** Any animal kept for companionship, personal enjoyment, and pleasure, and treated with fondness that is customarily kept within a dwelling. Household pets are commonly purchased in a pet store and have been tamed or domesticated and are not likely to bite, attack, or cause death, maiming, or illness or act in a vicious manner toward humans without provocation. Household pets include but are not limited to such animals as dogs, cats, fish, birds, rodents, lizards, non-venomous snakes, and spiders.
57. **INSTITUTIONAL CARE FACILITIES:** An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state licensed residential facilities, or adult foster care facilities. Institutional care facilities can be further defined as follows:
- A. **Child Care Center:** A facility, other than a private home, where one child or more is received for care and supervision.
  - B. **Inter-generational Day Care:** A day care facility that combines the care of children with the care of adults.

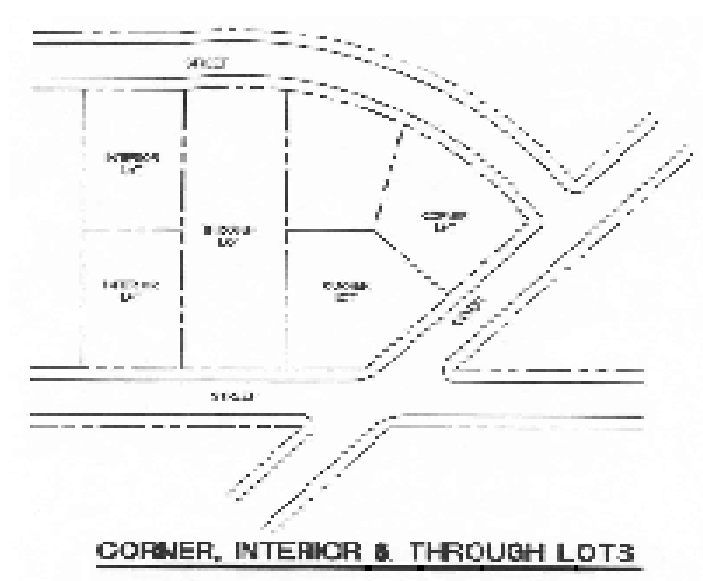
- C. **Child Care Institution:** A facility licensed for the care of twelve (12) or more children.
  - D. **Adult Day Care (Institutional):** Adult day care facilities offer a supervised environment for temporary care of adults in an institutional (nonresidential) setting.
  - E. **Assisted Living Facilities:** Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.
  - F. **Extended-Care Facilities:** Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more children or adults who are aged or physically impaired, or suffering serious bodily disorder, are received for care and supervision. Extended-term care facilities include nursing homes, hospice facilities, sub-acute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended. Said facilities shall conform to and qualify for license under applicable state laws (even though state law may provide for different size regulations).
- 58. **INSTITUTIONAL OR PUBLIC USE:** Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, other public or semipublic uses, and convalescent or nursing homes.
  - 59. **JUNK:** For the purpose of this Ordinance, junk shall mean any motor vehicles, machinery, appliances, product, and merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition that cannot be used for the purposes for which the product was manufactured.
  - 60. **JUNKYARD:** For the purpose of this Ordinance, junkyard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.
  - 61. **KENNEL:** Any lot or premises on which six (6) or more dogs or cats are kept: (1) permanently in a structure, which is not the principal residence, or (2) temporarily boarded for persons other than the owner. Kennels shall comply with all applicable township, county, state, and federal regulations.

62. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings, or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Site condominium units shall be considered lots.

A. Lot Depth: The depth of a lot is the mean horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a waterfront lot, it is from the ordinary high water mark to the street right-of-way line. In the case of an acreage parcel, it is from the front lot line to the rear lot line.

B. Lot, Double Frontage: A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

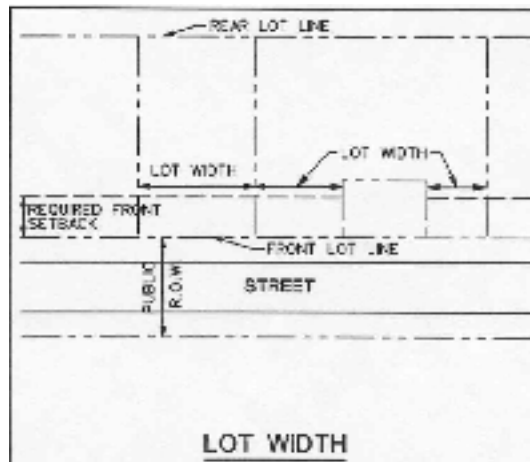
C. Lot, Interior: An interior lot is a lot other than a corner lot with only one lot line fronting on a street.



63. LOT AREA: The total horizontal area within the lot lines of a lot, excluding public right-of-way.

64. LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see illustration entitled Corner, Interior, and Through Lots).
65. LOT LINES: Any line dividing one lot from another or from the right-of-way, and thus constitute property lines bounding a lot.
- A. Lot Line, Front: In the case of a lot abutting on one street, the front lot line shall mean the street right-of-way.
  - B. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission or Zoning Board of Appeals shall designate the rear lot line.
  - C. Lot Line, Side: Any lot boundary-line that is 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 lot line.
66. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for St. Joseph County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the county and in existence prior to 2004.

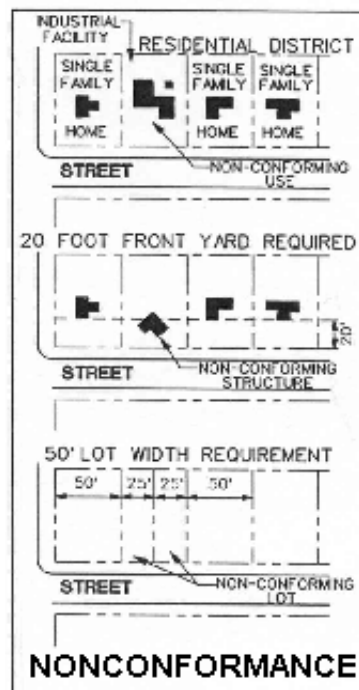
67. **LOT WIDTH:** Lot width is the uninterrupted horizontal distance between the side lot lines, measured at the required front setback line. In the event that a lot has more than one such uninterrupted horizontal distance sue to another lot within its interior (see illustration entitled Lot Width), only the greater of the horizontal distances shall be used to determine lot width and under no circumstances shall the minimum lot width be determined based on more than one horizontal distance.



68. **MANUFACTURED HOUSING COMMUNITY:** For the purpose of this Ordinance, a manufactured housing community means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Person means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.
69. **MOBILE HOME:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a year-round dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.
70. **PREFABRICATED, PRECUT, AND SECTIONAL HOMES:** A dwelling unit consisting two or more transportation factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence, and which complies with all particulars of the Michigan Residential Code, Michigan Building Code, and/or Michigan Rehabilitation Code.



71. **NATURAL RESOURCE REMOVAL:** Natural resource removal is the extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project that by its very nature is of limited scope and duration and is for the immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, etc. (see Earthmoving).
72. **NONCONFORMING USE, BUILDING, OR LOT OF RECORD:**
- A. **Nonconforming Use:** A nonconforming use is a use that 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.
  - B. **Nonconforming Building:** A nonconforming building is 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 (e.g., setbacks, height, lot coverage, and parking) of this Ordinance in the zoning district in which it is located (see illustration entitled Nonconformance).
  - C. **Nonconforming Lot of Record:** A nonconforming lot of record is a lot or parcel lawfully existing at the effective date of this Ordinance and which does not conform to the provisions of this Ordinance (i.e. area, width).



73. OCCUPIED: The word occupied includes the terms arranged, designed, built, altered, converted to, rent, leased, or intended to be inhabited not necessarily for dwelling purposes.
74. OFF-PREMISES SIGN: An off-premises sign is located on a parcel separate from the parcel that is the focus of the message being displayed and is any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.
75. ORDINARY HIGH-WATER MARK: The ordinary high-water mark is defined by Act No. 346 of 1972, as amended, as the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a water level established by law, it means the high-established level.
76. OUTDOOR BOILER OR BURNER: The term “outdoor boiler or burner” shall mean a boiler, furnace or stove that is fueled by the burning of a natural fuel source and is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such a building or structure.
77. PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
78. PERSONAL PET FACILITIES: Personal pet facilities are intended for the keeping of household pets on residential property. They include small enclosures and fenced yard areas.
79. POLICE POWERS: The “police powers” invested in the civil “state” are those powers to establish and enforce laws by which the actions of citizens may be regulated for the protection of public peace, safety, health (and morals) from trespass/injury – thereby protecting individual “lives, liberties and estates” from aggression.
80. PRIME FARMLAND: Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to

acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. Prime farmland soils are published by the Natural Resource Conservation Service in each state's soil survey.

81. **PRINCIPAL BUILDING, USE, ACTIVITY, OR STRUCTURE:** The principal use, activity, building, or structure that is the primary structure located on an individual lot or predominant use or activity conducted on the lot upon which it is situated.
82. **PROPERTY OWNER:** The property owner is any individual, partnership, public or private corporation, or any other legal entity holding an ownership interest in land whether recorded or not. An ownership interest means ownership by one person or by different private entities if the land is owned by joint interest or by members of the same immediate family.
83. **PUBLIC AND INSTITUTIONAL USES:** Public and institutional uses are churches, public parks, play fields, playgrounds, tennis courts, swimming pools, and nonprofit recreational clubs and recreational uses; municipal, county, state, and federal administration buildings; police and fire stations; charter; trade; public and parochial elementary, intermediate, and high schools (non-boarding); public libraries and museums; community centers, civic centers; government-owned facilities, buildings and structures; cemeteries; and/or similar uses providing service necessary to the community.
84. **SITE CONDOMINIUM SUBDIVISION:** A site condominium subdivision is a division of land based on condominium ownership that is subject to the provisions of the Condominium Act Public Act 59 of 1978.
85. **SITE PLAN:** A Site Plan is a scaled drawing that shows the locations and dimensions of improvements on a parcel of land such as, but not limited to, buildings, driveways, parking facilities, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.
86. **STATE LICENSED RESIDENTIAL FACILITY:** A state licensed residential facility means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act No. 287, 1972, as amended, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care not related to an adult member of the household. State licensed residential facilities include:

- A. Foster Family Home: Homes in which less than five (5) minor children are received for care and supervision, unattended by a parent or legal guardian.
- B. Foster Family Group Home: A home in which either five (5) or six (6) minor children is received for care and supervision.
- C. Adult Foster Care Family Home: A home with the approved capacity to receive six (6) or fewer adults to be provided with foster care.
- D. Adult Foster Care Small-Group Home: A home with the approved capacity to receive twelve (12) or fewer adults, but which houses six (6) or fewer.

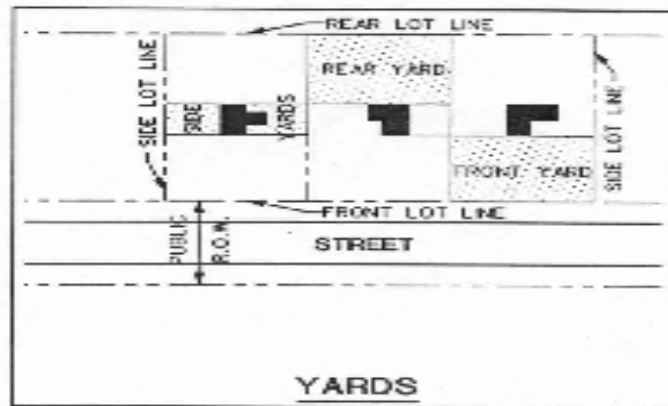
In order to implement the policy of this state that persons in need of community residential care shall not be excluded by zoning from the benefits of normal residential surroundings, a state licensed residential facility providing supervision of care, or both, to six (6) or less persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a special use permit or procedure different from those required for other dwellings of similar density in the same zone.

State licensed residential facilities shall not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- 87. **STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling next above. A basement shall be counted as a story if its ceiling is over four (4) feet above the average grade of the adjoining ground elevation.
- 88. **STREET OR ROAD:** A street or road is the dedicated and accepted public thoroughfare including the right-of-way and roadway.
- 89. **STRUCTURE:** A structure is anything constructed, erected, or to be moved to or from any premises that is permanently located above, on or below the ground, including signs and billboards.
- 90. **SWIMMING POOL:** The term swimming pool shall mean any structure or container, located whether above or below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

91. TELECOMMUNICATION ANTENNA: A telecommunication antenna is any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals, excluding satellite dish antenna.
92. TELECOMMUNICATION TOWER: A telecommunication tower is a structure designed and constructed primarily for the purpose of supporting antennae and accessory equipment used in receiving or transmitting telecommunication or radio signals from mobile communication sources and transmitting those signals to another wireless site, communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines. Examples of such structures include, without limitations, freestanding towers, guy towers, monopole and lattice towers to transmit r receive radio, television, cellular telephone, or related signals or transmissions.
93. TEMPORARY SIGN: Temporary signs are for short-term advertising without permanent in-ground supports.
94. TENTS: Tents, as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
95. TOWNSHIP BOARD: The Township Board of Flowerfield Township.
96. TRAVEL TRAILERS: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or thirty-five (35) feet in length. This term also includes folding campers and truck-mounted campers, but not mobile homes.
97. VARIANCE: A variance is a modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause unnecessary hardship or practical difficulties related to the character of the individual property on which the variance is granted. Hardships based solely on economic considerations are not ground for a variance.
98. VETERINARY CLINIC: A veterinary clinic is a facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.
99. WALLS: See fences and walls.

100. **WALL SIGN:** Wall signs are attached to a building lying flat against the wall of the building therewith.
101. **WATERFRONT LOT:** A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of five (5) acres or more.
102. **YARD:** An open space, on the same land with a building or group of buildings, which lies in the area between the building and group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. Yard area shall not include building overhangs (see illustration entitled Yards).
- A. **Front:** An open space extending the full width of a lot between the principal building and the front lot line, right-of-way, or if on a body of water the front yard is between the structure and the body of water.
  - B. **Rear:** An open space extending the full width of a lot between the principal building and the rear lot line.
  - C. **Side:** An open space extending on each side of the lot between the principal building and the respective side lot line or body of water.



103. **ZONING ADMINISTRATOR:** The person or persons appointed by the Township Board to administer and enforce this Ordinance.

**ARTICLE 4**  
**GENERAL PROVISIONS**

**4.01 ACCESSORY BUILDINGS AND STRUCTURES**

Except as otherwise provided in this Ordinance, the following requirements shall be met:

1. All accessory buildings and structures shall meet the front, side, and rear setback requirements of the zoning district in which it is located. (Refer to schedule of district regulations Table 5.04).
2. No accessory structure shall be used for dwelling purposes except as otherwise may be allowed by this Ordinance.
3. Accessory uses shall not involve the conduct of any business, trade or industry, except as may otherwise be allowed in this Ordinance.
4. The distance between an accessory building or structure and any principal building shall not be less than ten (10) feet.
5. Accessory buildings shall be considered as attached to a principal building when the distance between two buildings is solidly covered and enclosed by a breezeway, portico, covered colonnade having a common wall or roof or similar architectural, feature. Such attachment shall not exceed thirty (30) feet in length.
6. An accessory building or structure shall not exceed the height limitation of the district in which it is located.

**4.02 ACCESSORY BUILDINGS AS A MAIN (Principal Use)**

Not more than one (1) customary accessory residential building, such as a garage, shed, or pole barn may be constructed without the requirement for a main (principal) building, subject to a hearing and approval of the Site Plan by the Planning Commission when the following conditions are met:

1. The structure is sited in such a manner as to permit the construction of a legal main use at a future time.
2. The structure shall meet all front, side, and rear yard setbacks for a principal building as contained in the zoning district in which the accessory building as a main use is located.
3. The structure is constructed of materials and is of a design that is in harmony with existing structures or uses in the immediate vicinity.

4. The applicant shall provide elevation sketches and floor plans of the proposed structure. The structure, if approved, shall be constructed in compliance with the plans provided.
5. There shall be no bathroom or kitchen facilities permitted in the accessory building as a main use.
6. The structure and surrounding property shall meet all other township zoning ordinances.
7. All uses of the property must be in keeping with the residential or agricultural use of other properties in the immediate vicinity. For example, the structure may be used for recreational vehicle (motor home) storage; for boat storage, and for storage of personal items belonging to the owner of the property on which the structure is situated, There shall be no rental of such building, nor shall any habitation occur in the building, and it shall comply with all other provisions of the zoning district.
8. The township shall file an affidavit with the Register of Deeds stating the use of the building and acknowledging that any use of the structure not identified in the affidavit constitute a violation of this section and the zoning ordinance, and is a nuisance per se subject to abatement.

#### **4.03 ACCESSORY DWELLINGS**

Detached accessory buildings containing an accessory dwelling shall be constructed to conform architecturally with the principal dwelling or an alternate architectural style similar to that for single-family homes in the zoning district. This type of accessory building will only be allowed via a Special Exception Use Permit. Accessory dwelling units such as guesthouses or elder residences shall be permitted in conjunction with a single-family home in any agricultural or residential zoning district subject to the following provisions:

- A. Only one such dwelling unit shall be permitted on each premises and the use of the accessory dwelling unit, shall be limited to use as the residence of domestic employees, or family members of the owner or lessee of the principal single-family dwelling. Legal evidence or affidavit of such shall be required to be submitted prior to the issuance of a building permit for an accessory dwelling. The accessory dwelling shall only be permitted if an existing single-family dwelling is located on the premises.
- B. The premises shall be the principal address of the owner or lease holder of the property. Each dwelling used for habitation shall have its own address assigned by the St. Joseph Land Resource Center.



- C. The accessory dwelling shall be erected as an integral part of the principal dwelling structure or as an integral part of an otherwise permitted accessory building such as an attached or detached garage.
- D. The minimum square footage of habitable floor area provided in the accessory dwelling shall be two-hundred and eighty (280) square feet for one person and four-hundred (400) square feet for two persons. The maximum amount of floor area allowed in an accessory dwelling shall be six-hundred and fifty (650) square feet or fifty percent (50%) of the total floor area of the principal dwelling.
- E. In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building, the habitable floor area shall not comprise more than fifty percent (50%) of the total floor area of an accessory structure.
- F. Whether an integral part of the principal dwelling structure, attached, or detached accessory building, the accessory dwelling shall be equipped with its own domestic water supply, sanitary facilities approved by the St. Joseph County Health Department, food preparation facilities, and means of outdoor entrance and exit.
- G. Detached accessory buildings containing an accessory dwelling unit shall comply with the provisions of this Ordinance, except that such building shall not be located closer than twenty-five (25) feet from the rear lot line.
- H. If attached to or integrated within the principal dwelling structure, only one (1) front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one (1) domestic unit (family). The floor area of the accessory dwelling shall not be calculated in maintaining the minimum required floor area for the principal dwelling unit.
- I. All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure.
- J. An accessory dwelling shall conform in all respects to the Michigan State Construction Code as administered and enforced by Flowerfield Township.

#### **4.04 ACCESS TO A PUBLIC STREET**

All lots must abut on a public street for an uninterrupted distance equal to the minimum lot width as required in this Ordinance. For a lot abutting the end turnaround area of a cul-de-sac, the minimum road frontage will be fifty (50) feet, provided the lot width meets the minimum lot width requirements of the zoning district in which it is located.

#### **4.05 CHANNELIZATION**

There shall be no new channelization on lakefront properties that would increase the numbers of lake users, and therefore substantially increase the dangers of polluting or degrade the water quality of the lake. Any alteration of any shoreline or stream shall conform to all rules and regulations of the Michigan Department of Environmental Quality.

#### **4.06 CLEAR VISION CORNER**

No obstructions exceeding thirty-six (36) inches in height may be placed within the clear vision corner in any zoning district. No sign, fence, structure, or planting over thirty-six (36) inches in height shall be planted or erected within the area of the clear vision corner. However, chain link fences may be allowed up to forty-eight (48) inches in height.

#### **4.07 COMMERCIAL STABLES**

Private commercial stables for the keeping of horses or other large domestic animals, for commercial use or hire on the site, shall be permitted within residential districts when authorized by the Planning Commission as a Special Land Use.

#### **4.08 CORNER LOTS**

Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on both street sides.

#### **4.09 DRIVEWAYS**

An approved driveway permit must be obtained from the St. Joseph County Road Commission and Michigan Department of Transportation (for driveways on M-216) and submitted to the Zoning Administrator prior to the issuance of a zoning permit. All driveways must maintain a cleared driving area their entire length to a width of twelve (12) feet and a cleared height of ten (10) feet. No driveway may have a slope greater than fifteen percent (15%).

#### **4.10 DWELLING REQUIREMENTS**

Every dwelling shall be:

1. Located on an individual lot or site condominium unit satisfying the minimum lot size requirements for the zoning district within which it is located and shall comply with the other applicable minimum requirements of this Ordinance for the zoning district in which it is located, including height, width, living area requirements, area, and dimension regulations.
2. Connected to a public sewer and water supply or to such private facilities approved by the St. Joseph County Health Department. No drain fields, absorption beds, or seepage pits shall be closer than one-hundred (100) feet from any lake, stream, river, or other surface water.

3. A detached building containing not more than one dwelling unit designed for residential use and shall comply with the following standards:
  - A. It complies with minimum square footage requirements of this Ordinance for the zoning district in which it is located
  - B. The dwelling, if not a mobile home, shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Residential Code and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Michigan State Residential Code for single-family dwellings. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturers setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Michigan State Residential Code for single-family dwellings or instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
  - C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism (if removable), undercarriage or chassis.
  - D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
  - E. The dwelling contains no additions or rooms or other areas that are not constructed with similar or better quality workmanship and materials as the original structure.
  - F. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. With respect to any mobile home that is not certified with the aforementioned regulations as complying

with the above-mentioned construction and safety standards, the applicant shall provide certification from the mobile home manufacturer or other reliable source that the mobile home complies in all material respects with the aforementioned standards. The Zoning Administrator shall have authority to require the applicant to submit to an inspection of its mobile home by the Township Building Inspector to assist the Planning Commission in its determination.

- G. The dwelling shall have a minimum width across any front, side, or rear elevation of twenty-four (24) feet.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required in the ordinances of the township pertaining to such parks.

**4.11 DWELLINGS-FLOOR AREA REQUIREMENTS**

- 1. All single-family dwellings shall have a minimum of nine-hundred and sixty (960) square feet gross floor area.
- 2. Twenty-four (24) foot exterior length on all sides.

Multifamily dwellings shall have the following minimum floor area:

- |    |                             |  |
|----|-----------------------------|--|
| 1. | Studio/Efficiency apartment | 480 square feet per unit.  |
| 2. | One (1) bedroom             | 600 square feet per unit.  |
| 3. | Two (2) bedrooms            | 750 square feet per unit.  |
| 4. | Three (3) bedrooms          | 960 square feet per unit.  |
| 5. | Four (4) or more bedrooms   | 1,000 square feet per unit plus an additional 100 square feet for every bedroom more than four (4) bedrooms. |

**4.12 ESSENTIAL SERVICES AND PUBLIC UTILITIES**

Essential Services and Public Utilities may be located in any zoning district. However, essential services and public utilities in any residential zoning district may be allowed only upon the review and approval of a Site Plan in accordance with this Ordinance. Before approving such Site Plan the Planning Commission shall determine that all aspects therein conform to the requirements of this Ordinance and that the physical layout and relationship of the improvement will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or

potential, adjacent primary permitted uses. It shall be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal system, including poles and towers, drains, sewers, pipes, providing such services are below ground or located within a public right-of-way. Essential Services buildings, substations, and regulator stations located above ground or not located within a public right-of-way require a Special Land Use Permit.

#### **4.13 EXCAVATION OF TOP SOIL**

Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises, except: (1) when in connection with construction and grading operations, (2) the topsoil is in surplus amounts; or (3) as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by the St. Joseph County Soil Conservation District or St. Joseph County Drain Commission. Excavation of topsoil, muck, peat, sand, gravel or other mineral deposits affecting areas greater than 20,000 square feet shall require review and approval as a Natural Resource Operation Special Land Use in accordance with this Ordinance. Site Plan review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables.

#### **4.14 EXOTIC OR WILD ANIMALS**

Except as otherwise provided in this section, it is unlawful in Flowerfield Township for a person to possess, breed, exchange, buy, sell, or attempt or offer to buy or sell, the following exotic or wild animals:

1. Non-human primates.
2. Venomous cold blooded reptiles and other cold blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human.
3. All poisonous animals.
4. Constrictor snakes, six feet in length or more.
5. Exotic or wild family cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, and tiger.
6. Non-domesticated omnivores or carnivores including hybrid crosses of non-domesticated carnivores.
7. Crocodilia (by example, crocodiles, alligators).
8. Piranha fish.
9. Chondrichthyes (sharks).

10. Poisonous spiders, venomous or poisonous insects.
11. Proboscides (by example, elephants).
12. Perissodactyla (generally nonruminant ungulate mammals with odd numbered toes, by example, rhinoceros).

Wildlife sanctuaries and nature preserves for exotic or wild animals are prohibited. Exceptions to this prohibition shall be as follows: zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, bona fide scientific, medical, educational and research facilities or state licensed wild animal rehabilitation facilities.

#### **4.15 FARM ANIMALS**

Farm animals and fowl, may be kept in residential zoning districts and must comply with GAAMPS.

#### **4.16 FRONT YARD SETBACK AVERAGING**

In any residential zoning district where the average depth of two or more adjacent front yards within one-hundred (100) feet of the lot in question and in the same block and on the same side of the street, have existing buildings that are less than the minimum front yard depth prescribed for the zoning district in which the lot is located, then the required front yard may be modified to be no less than the average depth of the existing adjacent buildings; provided, however, that the depth of the setback shall not be less than twenty (20) feet.

#### **4.17 HEIGHT EXCEPTIONS**

The height requirements of all zoning districts may be exceeded for chimneys, silos, farm barns and storage structures, roof-mounted television and radio antennae, cupolas, spires, ornamental projections, water towers, telecommunication towers or wind turbines. The height limitations may be exceeded above the height limitations provided they are located at least the same distance as their height from any adjoining property line, and meet all applicable height restrictions of the FAA.

#### **4.18 HOME OCCUPATIONS**

Home occupations shall meet the following minimum standards:

1. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling for the occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area (GFA) of the dwelling shall be used in the conduct of home occupations.

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 occupations other than one sign, not exceeding six (6) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building, except as a Family Business by a Special Land Use permit.
5. There shall be no sale of products or services, except as are produced on the premises by such home occupations.
6. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a front yard.
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or causes fluctuation in line voltage off the premises.
8. Outdoor storage of equipment, trucks, machines or supplies is prohibited.
9. Retail sales and machine manufacture of goods from raw materials is not allowed.
10. Bed and breakfast establishments may be located only in single-family dwellings operated by the property owner. There must be one parking space for each guest room. The number of guest rooms shall be limited to one for each one-thousand (1,000) square feet of gross floor area (GFA). Meals may be served in a separate room designed for serving meals and only to overnight guests, not the public.

#### **4.19 HOUSEHOLD PETS**

Except in the agricultural zoning district, not more than six (6) household pets of any species may be kept on any parcel. Household pets kept, bred, or maintained for commercial purposes shall comply with state law regarding kennels.

#### **4.20 OPEN SPACE PRESERVATION OPTION**

Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land specified herein, but not more than fifty percent (50%), that, as determined by the township, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

1. The land is zoned at a density equivalent to two or fewer dwelling units per acre, or, if the land is served by a public sewer system, three or fewer dwelling units per acre.

2. A percentage of the land area specified in the zoning ordinance, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
4. The open space preservation option has not previously been exercised with respect to that land.
5. The development of land under the open space preservation option is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

#### **4.21 OUTDOOR STORAGE**

The outdoor storage, collection or placing of discarded material, building materials, semi-trailers, inoperable or unlicensed motor vehicles or refuse is prohibited in all zoning districts.

#### **4.22 OUTDOOR BOILERS AND BURNERS**

Outdoor boilers and burners are permitted within the Township only if in compliance with the following regulations:

1. Zoning District – Outdoor boilers and burners may be installed and used only on parcels of land greater than one (1) acre.
2. Setback – Outdoor boilers and burners shall be located no less than one-hundred and fifty (150) feet from the nearest building which is not on the same property as the outdoor boilers and burners.
3. Chimney Height – Outdoor boilers and burners shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer’s recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
4. Fuel – Only approved fuel without additives may be burned. The following materials are specifically prohibited:
  - A. Rubbish or garbage including, but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite



shingles, construction or demolition debris or other household or business wastes.

- B. Waste oil or other oily wastes.
  - C. Asphalt and products containing asphalt.
  - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - F. Rubber, including tires and synthetic rubber-like products.
  - G. Newspapers, corrugated cardboard, container board or office paper.
  - H. Grass clippings.
5. Permit – The owner of an outdoor boiler or burner shall obtain a zoning permit from the Township. The applicant for a zoning permit shall submit the following information:
- A. Verification that the outdoor boiler or burner will comply with the manufacturer’s specifications for such outdoor boiler or burner.
  - B. Verification that the outdoor boiler or burner will comply with all applicable state and federal statutes.
  - C. A drawing providing the location and other relevant details of the proposed outdoor boiler or burner and of nearby residences, to establish compliance with all regulations contained in this Ordinance.

#### **4.23 PONDS**

1. PONDS, RECREATIONAL – No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved subject to the following:
- A. The pond shall be used for recreation or pleasure use only.
  - B. The extraction and removal of material from the property in excess of three (3) acres, as a part of the construction of the pond, shall require the issuance of a Natural Resource Removal permit in accordance with this Ordinance. A separate permit for the removal of topsoil, sand, or gravel must be obtained by the applicant.

- C. The Planning Commission may waive or modify one or more of the standards if the pond is for use as a detention/retention facility required for storm-water management purposes.
  - D. Ponds located within five-hundred (500) feet of a County Drain or surface water must be approved by the St. Joseph County Drain Commissioner and the Michigan Department of Natural Resources and Environment or its successor agency. MDEQ (or successor) approval is also required for ponds that are either within a regulated wetland or greater than five (5) acres in size.
  - E. A pond may be located in any zoning district and may be considered a principal or accessory use.
  - F. At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located. The Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.
  - G. As part of its authorization of a pond, the Planning Commission may approve the location of a pond in a front yard, but the pond shall not be located within fifty (50)-feet of a road right-of-way.
  - H. No pond shall be drained in any manner that will cause water to flow upon the land of another.
  - I. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
2. POND, AGRICULTURAL – No person shall erect, install, locate, or construct an outdoor pond, unless it has first been approved by the Planning Commission as a Special Land Use.

#### **4.24 PRINCIPAL USE**

No lot may contain more than one principal use, structure or building. Groups of apartment buildings or retail business buildings under single ownership shall be deemed a principal use collectively. A single-family dwelling, other than a farm dwelling, shall constitute a principal use, and except as otherwise allowed in this Ordinance, only one single-family dwelling shall be allowed on a lot. Farm dwellings may be considered an accessory part of the agricultural principal use of farming. A principal use must be located entirely within a lot or parcel.

#### **4.25 PUBLIC AND INSTITUTIONAL USES**

Public and institutional uses may be located in any zoning district upon a Special Land Use approval by the Planning Commission as provided in this Ordinance.

#### **4.26 REQUIRED AREA OR SPACE**

No lot or lots, required setback, yard, parking area, or other space shall be so divided, altered, or reduced as to make it less than the minimum required under this Ordinance.

#### **4.27 ROADSIDE STAND**

The size of any display at a roadside stand shall not exceed four-hundred (400) square feet in area and may not be operated for more than six (6) months in a calendar year.

#### **4.28 SCREENING REQUIRED**

All uses and activities requiring screening must be submitted to the Planning Commission according to the Site Plan Review requirements of this Ordinance. Screening may consist of walls, fences, vegetation, and berming or a combination of any of these as allowed by the Planning Commission.

All uses listed below shall be screened as required in this section.

1. Communication towers.
2. Multifamily dwellings.
3. Outdoor storage areas.
4. Loading and unloading areas.
5. Compost facilities.
6. All other specifically identified as having to meet the requirements of this section.

General Screening Requirements:

1. Walls and Fences (the following standards shall apply):
  - A. Walls and fences shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission.
  - B. Walls and fences shall be constructed of durable, weather resistant, rustproof, and easily maintained materials.
  - C. Walls and fences shall not be constructed with openings that exceed twenty percent (20%) of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.

D. The height of the required fence or wall shall be as follows:

USE	REQUIRED HEIGHT
Multifamily Dwellings	4' to 6'
Outdoor Storage Areas	6' to 8'
Off-Street Parking Facilities	4' to 6'
Loading and Unloading Areas	6'

2. Vegetation (the following standards shall apply):

- A. Vegetation shall consist of upright conifers such as, but not limited to Blue, Green, White, or Serbian Spruce, Douglas Fir, Austrian Pine, Juniper, or Hemlock.
- B. There shall be a green belt planting strip with a width of not less than twenty (20) feet along the property lines and may be within the required setback. Such green belt shall contain at least one straight or double staggered row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than eight (8) feet apart and which grow to an ultimate height of no less than twelve (12) feet.
- C. For staggered, double-row plantings, trees shall be planted not more than fifteen (15) feet on center. For single row spacing, trees shall be planted not more than ten (10) feet on center.
- D. Trees shall not be less than five (5) feet in height at the time of planting.
- E. Trees shall be set back from the property line so that branches do not extend beyond the property line at maturity.
- F. Existing trees that comply with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
- G. All required plant units should be maintained in a healthy, growing condition. Any required plant units that area destroyed, removed, diseased, or die, shall be replaced within six (6) months with plan units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
- H. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas, and shall maintain their density and screening effect throughout the calendar year.

3. Berming (the following standards shall apply):
  - A. Berming shall be at least four feet six inches (4'6") in height, constructed with one-foot of rise for each three-feet of horizontal distance.
  - B. Berms shall be constructed of clean fill and topsoil, and seeded with perennial rye and an appropriate grass seed, and shall be covered with organic mulch.
  - C. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm, and shall be maintained in a neat and attractive manner.
4. Landscaping (the following standards shall apply):
  - A. Landscaping shall mean, at a minimum, an area constructed of clean fill and topsoil and seeded with perennial rye and an appropriate grass seed with a minimum thirty percent (30%) cover of plant materials and mulch.
  - B. Landscaping may include berms. Berms may include shrubbery and trees to enhance the landscaping effect and aesthetic appearance.
5. Screening of refuse storage areas (the following standards shall apply):
  - A. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of four feet six inches (4'6") in height and shall be of satisfactory height so as to completely screen the appropriate areas from view.
  - B. Screening walls shall have no openings except for gates or doors intended to access said area.
6. Surety, as required by this Ordinance, sufficient to cover the cost of the required screening, may be required and used if the required improvements are not completed within twelve (12) months from the date of approval.

#### **4.29 SEWER AND WATER**

In the absence of public sewer and/or water, no building permit shall be issued for any building to be occupied by human beings in whole or in part for residential, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply and sewage disposal system. Evidence of compliance with the requirements of the St. Joseph County Health Department shall accompany the application for a building permit.

#### **4.30 SITE PLAN REVIEW**

Whenever required in a zoning district of this Ordinance, a Site Plan must be submitted in accordance with the Site Plan Review requirements of this Ordinance.

#### **4.31 SMALL WIND ENERGY SYSTEMS FOR PERSONAL USE**

Small Wind Energy Systems for personal use must have a rated capacity of not more than 30 KW and be intended primarily to reduce on-site consumption of utility power. Small Wind Energy Systems shall be a permitted use in the Agricultural and Rural Residential (R-1) zoning districts. Some locations may be unsuitable for a small energy system; automatically allowing use anywhere could cause problems. The following restrictions shall be required:

- A. The distance between a Wind Energy System and the owner's property lines shall be at least one and one-half (1½) times the height of the Wind Energy System tower including the top of the blade in its vertical position.
- B. Small Wind Energy Systems shall not be a nuisance at any property line.
- C. No Wind Energy System shall be installed until evidence has been provided, that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements. Off-grid systems shall be exempt from this requirement.
- D. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
- E. A study may be required to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study.
- F. A process shall be created to resolve complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint.

Small Wind Energy Systems for personal use in any zoning district other than Agricultural (AG) and Rural Residential (R-1) and Large Wind Energy Systems with a rated capacity of more than 30 KW shall be considered a Special Land Use.

#### **4.32 STATE LICENSED RESIDENTIAL FACILITIES**

At least forty-five (45) days before licensing a residential facility, the state licensing agency shall notify the Township Board of Trustees as to where the proposed facility would be located, to review the number of existing or proposed similar State Licensed Residential Facilities whose property lines are within a 1,500-foot radius of the property lines of the location of the applicant. The Township Board shall, when a proposed facility is to be located within the Township, give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500-foot radius of the property lines of the proposed facility. A state licensing agency shall not license a proposed residential facility when another state licensed residential facility exists within the 1,500-foot radius, of the proposed location or when the issuance of the license would substantially contribute to an excessive concentration of state licensed residential facilities within the Township. This shall not apply to state licensed residential facilities caring for four (4) or less minors.

#### **4.33 SWIMMING POOLS**

Swimming pools may be installed in any zoning district as an accessory use. All pools must meet the following conditions:

1. Pools may be installed in the side or rear yards of a lot in residential and agricultural districts. All yard requirements shall be met, except as provided below.
2. No pool or pool enclosure shall be erected closer than five (5) feet from the rear and side property lines of the lot. For corner lots, the pool shall not be located closer than twenty (20) feet from any property line abutting a street.
3. Pools may not occupy more than forty percent (40%) of the area of the yard. In computing such area, all other accessory structures shall be excluded.

#### **4.34 TELECOMMUNICATION ANTENNAS**

Telecommunication antennas shall be allowed by right on all existing towers or structures in any zoning district subject to the following:

1. An antenna on any existing structure does not exceed more than thirty (30) feet above the highest point of the structure.
2. An existing tower may be modified or rebuilt a single time to a taller height to accommodate a new antenna provided that the tower shall be of the same tower type and that the tower is not more than thirty (30) feet higher than the existing tower to accommodate the co-location of an additional antenna.

#### **4.35 TELECOMMUNICATION TOWERS**

Telecommunication towers for commercial radio and television, commercial telecommunication, microwave or television are permitted in the Agricultural District (AG) as Special Land Uses.

#### **4.36 TEMPORARY STRUCTURES FOR NONRESIDENTIAL PURPOSES**

Temporary structures for nonresidential purposes only may be allowed by permit by the Zoning Administrator for the following activities. The permit shall specify the location of the temporary structure and shall cancel six (6) months after the date of its issuance. The Zoning Administrator may renew the permit for additional six-month (6) periods, not to exceed two (2) years, if the Zoning Administrator finds good cause.

1. Construction Office: The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period of up to twelve (12) months.
2. Subdivision Office: The Zoning Administrator may authorize a temporary certificate of occupancy for a dwelling in a new subdivision to be used as a sales and management office for a period of twelve (12) months.

In any event, the temporary structures and all debris shall be removed within fifteen (15) days after completion or abandonment of the work. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work.

#### **4.37 TEMPORARY DWELLING FOR HARDSHIP**

No garage or other accessory structure or mobile home failing to satisfy all of the criteria for a "dwelling" as defined herein, or a basement, partially constructed structure, whether fixed or portable, shall be used for temporary dwelling purposes. The Zoning Administrator may issue a permit for temporary use of a structure for use as a temporary dwelling (1) for disabled or infirm members of the family occupying a permanent dwelling on the same parcel, or (2) as a temporary living or working quarters for up to one-hundred and eighty (180) days while a dwelling unit is being constructed on the same premises, or (3) for persons having short-term or temporary employment within the Township, or (4) for use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm providing they meet the following requirements:

1. The temporary dwelling must be located on the same lot or parcel as the principal residential dwelling.
2. The temporary dwelling has a water system and septic tank system that meets the requirements of the St. Joseph County Health Department. A certificate from said department showing such compliance shall be filed with the Building Inspector before any use or occupancy is made of said temporary dwelling.



3. The lot area to be associated with the temporary dwelling must be defined, and the yard requirements for a single-family dwelling shall be met.
4. Any mobile home shall have skirting of non-corrosive metal or plastic.
5. Provided that the applicant demonstrates the ability and intent to erect, reconstruct, and/or complete a permanent dwelling on the premises.
6. If the temporary dwelling is a manufactured home, all plumbing, electrical apparatus, insulation and installation and construction within and connected to the mobile home shall be of a type and quality conforming in all material respects to the safety requirements contained in the mobile home construction and safety standards as promulgated by the rules of the U.S. Department of Housing and Urban Development (HUD) specifications for mobile home construction as amended.
7. The time allowed by the temporary dwelling permit shall not exceed one year. A temporary housing permit issued under this section may be renewed annually for the same unit or location with the approval of the Zoning Administrator. It shall be the property owner's responsibility to renew a permit. Failure to renew a temporary permit within the specified time shall constitute expiration.

The fee to be paid for the issuance of a temporary dwelling permit shall be established by the Township Board. If a permit is renewed, an additional fee will be collected.

The Zoning Administrator shall revoke the temporary dwelling permit at any time if the usage violates any of the requirements outlined in this section. If a permit is revoked, the unit must be vacated and removed from the property within thirty (30) days, or it constitutes a violation of the Ordinance and is subject to the penalties outlined in this Ordinance.

8. Temporary dwellings shall be allowed according to the following standards and conditions:
  - A. If a zoning permit has been issued for the permanent dwelling, the Zoning Administrator shall issue the temporary dwelling permit for the mobile home. A reasonable extension may be granted prior to completion of the dwelling.
  - B. For the use of a recreational vehicle or mobile home said permit shall only be valid for one designated site.
  - C. The applicant must first submit plans for and receive a building permit for the construction or reconstruction of a permanent dwelling upon the premises.

- D. The applicant must commence construction or reconstruction of the permanent dwelling within ninety (90) days after issuance of the building permit.
- E. The temporary dwelling shall cease to be used as a dwelling upon completion and occupancy of the permanent dwelling upon the premises. A mobile home used as a temporary dwelling shall be removed within thirty (30) days after the purpose for which the permit was issued no longer exists.

#### **4.38 TRAFFIC VISIBILITY AND CORNER CLEARANCE**

On any corner lot in any zone, no fence, structure or planting over thirty (30) inches in height, shall be erected or maintained on the street side of a line drawn between two points each being thirty (30) feet from the intersection of the rights-of-way of two intersecting streets in order to prevent traffic hazards arising from inadequate visibility.

#### **4.39 WALLS AND FENCES**

Walls and fences shall be subject to the following conditions:

1. All zoning districts:
  - A. All fences shall be erected with fence posts and supports on the interior side except to fence farm animals and livestock, in which case posts and supports may be on the exterior side but within the property line.
  - B. Under no circumstances shall a fence be constructed of used or unconventional fencing materials including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
  - C. Fences may be located on the property line, but may not extend into any right-of-way or onto adjacent property.
  - D. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
  - E. Fences shall not be located within thirty (30) feet of the ordinary high-water mark of a lake or stream.
  - F. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
  - G. Retaining walls are exempt from these provisions.

2. Medium Density Residential (R-2) and High Density Residential (R-3) Districts:
  - A. Fences not greater than six (6) feet in height are allowed in side or rear yards.
  - B. Fences not more than four (4) feet in height are allowed in the front yard if they are not more than twenty-five percent (25%) solid.
  - C. Fences not more than three (3) feet in height are allowed in the front yard if they are more than twenty-five percent (25%) solid.
  - D. Fences on lots having a lot area in excess of four (4) acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions for all zoning districts as stated above, provided that any fence located within thirty (30) feet of a road right-of-way shall meet the following conditions:
    - i. Fences not more than four (4) feet in height are allowed if they are not more than twenty-five percent (25%) solid.
    - ii. Fences not more than three (3) feet in height are allowed if they are more than twenty-five percent (25%) solid.

#### **4.40 WATERFRONT LOTS**

In order to preserve water quality in lakes, rivers and streams and to prevent deterioration of these resources and their tributaries, it is necessary to regulate the use of adjoining lands. Land uses abutting Township lakes, rivers and streams (not located with the Surface Water Overlay District), shall conform to the following provisions where applicable:

1. Planting Strips: a strip twenty-five (25) feet wide, bordering river and stream banks, shall be planted and maintained in trees or shrubs, or if undisturbed, it shall be left in its natural state. The following variations may be made:
  - A. An opening, not to exceed twenty (20) feet may be made in the planting strip to provide convenient access from each property.
  - B. Trees and shrubs may be pruned or trimmed for a distance not to exceed fifty (50) feet on each property to obtain a view of the river or stream.
2. Location of Septic Tank Drain fields: No septic tanks, dry wells, or drain fields may be closer than one-hundred (100) feet to the ordinary high-water mark of any lake, river or stream edge and must be constructed in compliance with all regulations of the St. Joseph County Health Department in placement and design.

3. Uses on Waterfront Lots: On waterfront lots, the water frontage shall be the front yard. In such case, no building is permitted within twenty-five (25) feet of the adjoining street right-of-way, and side yard requirements shall be met. All uses on waterfront lots, including additions or extensions to existing buildings, shall meet the following requirements:
  - A. All buildings shall be set back at least sixty-five (65) feet from the ordinary high-water mark, unless the district standard is greater.
  - B. Except for support structure, stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must not be embedded into the ground.
  - C. The use of fertilizer is prohibited within twenty-five (25) feet of the ordinary high-water mark.
  - D. Grazing of livestock shall not be allowed on waterfront lots within twenty-five (25) feet of the ordinary high-water mark.

#### **4.41 WATERFRONT SETBACK AVERAGING**

In order to minimize the blockage of the waterfront view of existing dwellings on a waterfront lot, the setback from the shoreline upon which a structure is to be built shall, as determined by the Zoning Administrator, be the most applicable of the following:

1. Equal to the average setbacks of the structures already built on both sides of the lot or parcel upon which a dwelling is to be built.
2. Equal to the average setback of the existing structures with respect to an adjoining lot built on one side, and the required minimum waterfront yard setback of the other adjoining vacant lot or parcel.
3. Shall at least meet the required minimum setback of this zoning district, if lots and parcels adjacent on both sides of the lot or parcel upon which a structure is to be built upon are vacant.

#### **4.42 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF**

No building, structure, land, or premises shall hereafter be used or occupied, and no building or structure shall be erected, moved, removed, reconstructed, extended, or altered except in conformity with the regulations herein set forth.

#### **4.43 ZONING PERMITS**

No building, structure, land or premises shall hereafter be used or occupied, and no building or structure shall be erected, moved, removed, reconstructed or extended until a zoning permit has been obtained. A zoning permit for a dwelling shall not be issued, where public sewers are not available until a septic system permit has first been obtained from the St. Joseph County Health Department.

An application for a permit shall be in writing and upon forms furnished by the Township. A permit issued by the Zoning Administrator is nontransferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator and shall be furnished upon request. If the application is approved, the Zoning Administrator shall so mark both copies of the application over his signature and file one copy with the Building Official or Township Clerk and return the other copy to the applicant. Zoning Permits shall not be required for any of the following:

1. Sidewalks, patios, driveways, etc., that are not more than thirty (30) inches above adjacent grade.
2. Annual and perennial plants, shrubs, trees, etc.
3. Vegetable and flower gardens.
4. Mailboxes.
5. Yard lights.
6. Exterior building renovations such as windows, doors, siding, roofing, etc., that do not change the existing footprint or the use or function of the building.
7. Interior renovations that do not change the use or function of the building.
8. Other similar activities as determined by the Zoning Administrator.

**ARTICLE 5**  
**CLASSIFICATION OF DISTRICTS**

**5.01 ZONING DISTRICTS**

For the purpose of this Ordinance, Flowerfield Township is hereby divided into the following zoning districts to be known as:

- AG    Agricultural District
- R-1    Rural Residential District
- R-2    Medium Density Residential District
- R-3    High Density Residential District
- SWO    Surface Water Overlay District
- B-1    Business District

**5.02 PROVISION FOR OFFICIAL ZONING MAP**

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled Official Zoning Map of Flowerfield Township. The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance. (See Appendix A).

**5.03 INTERPRETATION OF BOUNDARIES**

The Zoning Administrator shall determine all questions concerning the exact location of the boundary lines of the districts. Appeals on such interpretations may be made to the Zoning Board of Appeals.

**5.04 SCHEDULE OF DISTRICT REGULATIONS**

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**TABLE 5.04**

	AG	R-1	R-2	R-3 WPU	R-3 WOPU	B-1	SWO
Minimum Lot Frontage/Width (ft.)	220	200	120	70	85	100	SAME AS UNDERLYING ZONING DISTRICT
Minimum Lot Area (Gross acre or sq. ft.)	2 acre	2 acre	20,000 sq. ft. (9)	10,000 sq. ft. (9)	15,000 sq. ft. (9)	20,000 sq. ft.	
Minimum Gross Floor Area (Living Space) per Dwelling Unit (sq. ft.) Single Story	960 single	960 single	960 single	960 single	960 single		
Ground Floor requirement for 2-story	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.		
Maximum Lot Coverage of all Structures (percent)	15	25	25	25	25	50	
<b>Principal Structure</b>							
Minimum Front Yard Setback (ft.)	50*	50*	50*	35***	35***	50*	
Minimum Side Yard Setback (ft.)	20	10	10	10	10	25/60	
Minimum Rear Yard Setback (ft.)	35	35	35	35	35	35	
Maximum Building or Structure (peak) Height (ft.)	35 or 2½ stories	35 or 2½ stories	35 or 2½ stories	35 or 2½ stories	35 or 2½ stories	35 or 2½ stories	
<b>Accessory Buildings</b>							
Minimum Front Yard Setback (ft.)	60**	60**	60**	60**	60**	60**	
Minimum Side Yard Setback (ft.)	20	10	10	10	10	10	
Minimum Rear Yard Setback (ft.)	35	10	10	10	10	35	
Maximum Building or Structure (peak) Height (ft.)	35	35	35	35	35	35	

\*Or Eighty-three (83) feet from the center of the road, whichever is greater.

\*\*Or Ninety-three (93) feet from the center of the road, whichever is greater.

\*\*\*Or Sixty-eight (68) feet from the center of the road, whichever is greater.

WPU- with public utilities

WOPU-without public utilities

## 5.05 FOOTNOTES TO SCHEDULE OF REGULATIONS

1. Excepting churches, schools, farm buildings and municipal buildings.
2. Permitted Height: No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected to exceed by no more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
3. In all zoning districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
4. Except for waterfront lots, all yards abutting upon a public street shall be considered front yards for setback purposes. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty percent (60%) of the lots of record on one side of the street in any one block in a single-family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings.
5. Any grade level porch, paved patio, or terrace may project into a front, side or rear yard.
6. The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
7. All area, bulk, and placement requirements shall be in accordance with the standards set by the Michigan Mobile Home Commission.



## **ARTICLE 6**

### **AGRICULTURAL DISTRICT (AG)**

#### **6.01 STATEMENT OF PURPOSE**

Agricultural districts are those open areas of the Township where farming, agricultural production, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the Township, county, state and nation.

#### **6.02 ALLOWED USES**

1. Farms.
2. Cemeteries, churches and parish houses, public schools and educational institutions and other municipal buildings, structures, or uses.
3. Community buildings, public parks and recreational areas.
4. Essential services.
5. Single-family dwelling (on lots of record).
6. Storage buildings.

#### **6.03 ACCESSORY STRUCTURES AND USES**

1. Antennae/satellite dishes.
2. Buildings and uses such as barns, stables, silos, housing for farm labor, and accessory buildings, structures, and uses customarily incidental to any of the foregoing permitted uses customarily associated with agricultural activities.
3. Children's play equipment.
4. Family Child Care Home.
5. Garages.
6. Gardens and/or greenhouses.
7. Home Occupations.
8. Personal pet facilities, including dog runs.

9. Roadside stands not on permanent foundations for the sale of products grown or produced upon the premises together with incidental products related thereto.
10. State Licensed Residential Facilities for Six Persons or Less. All state licensed residential facilities are considered accessory uses, provided they meet the requirements of this section and Act 287, of 1972, as amended. State licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes.
11. Storage sheds.
12. Swimming pools.
13. Small Wind Energy Systems (with a rated capacity of less than 30 KW).

#### **6.04 SPECIAL LAND USES**

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more.
2. Airports and Landing Strips.
3. Camps and Campgrounds, including Recreational Vehicle Parks.
4. Compost Facilities.
5. Confined Animal Feeding Operations (CAFO).
6. Family Businesses.
7. Golf Courses and Country Clubs.
8. Group Child Care Homes.
9. Institutional and Residential Congregate Care Facilities.
10. Kennels and Veterinary Clinics.
11. Large Wind Energy Systems (with a rated capacity of more than 30 KW).
12. Migrant Housing.
13. Natural Resource Removal Operations.
14. Public and Institutional Uses.
15. Sawmills.

16. Single-family Dwellings (not of lot of record).
17. Accessory Building as a Main (principal use, on lot of record) See section 4.02
18. Telecommunications Towers.

**6.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04. Maximum lot coverage shall not exceed a total of twenty-five percent (25%) for structures, drives, and parking areas.

**6.06 GENERAL REQUIREMENTS**

Single-family dwellings are allowed on lots of record as of the date of this Ordinance. Dimensional standards shall be the same as those for dwellings in the Rural Residential (R-1) single-family residential zoning district.

**ARTICLE 7**  
**RURAL RESIDENTIAL DISTRICT (R-1)**

**7.01 STATEMENT OF PURPOSE**

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly large lot low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area. This is intended to accommodate moderately large lots.

**7.02 ALLOWED USES**

1. Private single-family dwellings.
2. Churches.
3. Essential public utility services, excluding buildings and substations and regulator stations.
4. Cemeteries.
5. Farming.
6. Storage buildings.

**7.03 ACCESSORY STRUCTURES AND USES**

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.
2. Antenna/satellite dishes.
3. Children's play equipment.
4. Family day care homes.
5. Garages.
6. Home Occupations.
7. Personal pet facilities, including dog runs.
8. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.
9. Small Wind Energy Systems (with a rated capacity of less than 30 KW).

10. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, of 1972, as amended. State licensed residential facilities include foster-family homes, foster-family group homes, adult foster care family homes, and adult foster care small-group homes.
11. Storage sheds.
12. Swimming pools.

#### **7.04 SPECIAL LAND USES**

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more.
2. Camps and Campgrounds, including Recreational Vehicle Parks.
3. Essential Services buildings, substations, and regulator stations.
4. Family Businesses.
5. Group Child Care Homes.
6. Public and Institutional uses.
7. Golf Courses and Country Clubs.
8. Telecommunication Towers.
9. Large Wind Energy Systems (with a rated capacity of more than 30 KW).
10. Public parks and recreational facilities such as golf courses and parks.
11. Accessory Building as a Main (principal use, on a lot of record), see Section 4.02.

#### **7.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04. Maximum lot coverage shall not exceed a total of twenty-five (25%) for structures, drives, and parking areas.

## **ARTICLE 8**

### **MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)**

#### **8.01 STATEMENT OF PURPOSE**

This zoning district is designed to permit greater residential density than that in the Rural Residential (R-1) district classification. It is designed to accommodate single-family dwellings, two-family dwellings, and higher density housing on moderately sized lots. This district is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to provide service to the inhabitants of the area.

#### **8.02 ALLOWED USES**

1. One-family dwellings.
2. Two-family dwellings.
3. Churches.
4. Essential public utility services, excluding buildings and substations and regulator stations.
5. Cemeteries.

#### **8.03 ACCESSORY STRUCTURES AND USES**

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of business.
2. Antennae/satellite dishes.
3. Children's play equipment.
4. Home Occupations.
5. Personal pet facilities, including dog runs.
6. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
7. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, of 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes.
8. Storage sheds.

9. Swimming pools.

#### **8.04 SPECIAL LAND USES**

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more.
2. Child Care Centers.
3. Essential Services buildings, substations, and regulator stations.
4. Family Businesses.
5. Group Child Care Homes.
6. Institutional and Residential Congregate Care Facilities.
7. Multiple-family Dwellings.
8. Small Wind Energy Systems (with a rated capacity of less than 30 KW).
9. Public golf courses, parks and other municipally owned or operated public recreational facilities.
10. Accessory Building as a Main (principal use, on lot of record) see Section 4.02.

#### **8.05 HEIGHT, AREA, AND DIMENSIONAL REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04. Maximum lot coverage shall not exceed a total of twenty-five percent (25%) for structures, drives, and parking areas.

#### **8.06 GENERAL REQUIREMENTS**

1. Accessory buildings: There may be one (1) accessory building for every eighteen-thousand (18,000) square feet of land area. The aggregate gross square footage of accessory buildings may not exceed the gross square footage of the principal structure.

## **ARTICLE 9**

### **HIGH DENSITY RESIDENTIAL DISTRICT (R-3)**

#### **9.01 STATEMENT OF PURPOSE**

It is the intent of this district to provide for a diverse residential environment by allowing single-family dwellings, duplexes, and multiple-family dwellings, and higher density housing on moderately sized lots which meet the requirements of this district. This district is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to provide service to the inhabitants of the area. Provisions are also made within this district to provide for grouped housing developments such as subdivisions; apartment complexes comprised of structures customarily known as garden apartments, terrace apartments, townhouses, row-housing units, and other housing structures of similar character; and Manufactured/Modular Housing Communities.

#### **9.02 ALLOWED USES**

1. One-family dwellings.
2. Two-family dwellings.
3. Churches.
4. Essential public utility services, excluding buildings, substations, and regulator stations.
5. Cemeteries.
6. Manufactured/Modular Housing Communities.

#### **9.03 ACCESSORY STRUCTURES AND USES**

1. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.
2. Antennae/satellite dishes.
3. Children's play equipment.
4. Family Child Care Homes.
5. Home Occupations.
6. Personal pet facilities, including dog runs.



7. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
8. State licensed residential facilities for six persons or less, provided they meet the requirements of this section and Act 287, of 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes.
9. Storage sheds.
10. Swimming pools.

#### **9.04 SPECIAL LAND USES**

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Adult foster care facilities for seven persons or more.
2. Child Care Centers.
3. Essential Service buildings, substations , and regulator stations.
4. Family Businesses.
5. Group Child Care Homes.
6. Institutional Care Facilities.
7. Multiple-family dwellings.
8. Public golf courses, parks and other municipally owned or operated public recreational facilities.
9. Accessory Building as a Main (principal use, on lot of record) see section 4.02

#### **9.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations as specified in the District Regulation Table 5.04. Maximum **accessory building** shall exceed twenty-four (24) feet in height. Maximum lot coverage shall not exceed a total of thirty-five percent (35%) for structures, drives, and parking areas.

**ARTICLE 10**  
**BUSINESS DISTRICT (B-1)**

**10.01 STATEMENT OF PURPOSE**

This district is designed to provide retail sales and commercial service uses catering to the needs of local residents and public.

**10.02 ALLOWED USES**

1. Automatic dry cleaning or laundry facilities.
2. Retail sales businesses where no assembling, treatment or manufacturing is required.
3. Offices.
4. Banks, building and loan associations, and other lending institutions.
5. Funeral parlors.
6. Restaurants.
7. Essential public utility services.
8. Indoor theaters.
9. Cleaning and laundry service customer stations.
10. Barber shops and beauty parlors.
11. Shoe repair shops.
12. Churches.
13. Multiple uses of buildings providing all of the uses are allowed by right.
14. Off-premises signs.

**10.03 ACCESSORY STRUCTURES AND USES**

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Off-street parking and loading requirements in accordance with this Ordinance.
3. Signs.

#### **10.04 SPECIAL LAND USES**

Obtaining a Special Land Use Permit in accordance with this Ordinance may permit the following uses:

1. Telecommunication Towers.

#### **10.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations s specified in the District Regulation Table 5.04. Maximum lot coverage shall not exceed a total of twenty-five percent (25%) for structures, drives, and parking areas.

## ARTICLE 11

### SURFACE WATER OVERLAY DISTRICT (SWO)

#### 11.01 STATEMENT OF PURPOSE

The Surface Water Overlay District is the application of an additional set of regulations that are supplemental to the underlying zoning district. This district is designed to preserve the safe and healthful conditions on all land within five-hundred (500) feet of the water's edge of all rivers, and their tributary streams, to provide for other unique uses customarily associated with waterfront development. Its regulations are drawn to avoid contamination or destruction of streams and rivers and to protect the riparian rights of waterfront property owners. This article is also intended to regulate numbered and unnumbered zones on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions and to comply with the provisions and requirements of the National Flood Insurance Program, in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.

The purpose of the design requirements of this section is to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering rivers and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment.

The Federal Emergency Management Agency (FEMA) requires the designation of 100-year flood plains to determine eligibility for federal floodplain insurance.

The objectives of this Article include:

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;

5. Insuring that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. Preserving the ability of floodplains to carry and discharge a base flood.

## **11.02 DELINEATION OF THE SURFACE WATER OVERLAY DISTRICT**

The “Zoning Map” shall be used to identify the generalized location of parcels in private and public ownership that are within this defined area.

1. The Digital Flood Insurance Rate Map (DFIRM) Database depicts flood risk information and supporting data used to develop flood risk data. The primary risk classifications used are the 1-percent-annual-chance flood event, the 0.2-percent-annual-chance flood event, and areas of minimal flood risk. The Flood Insurance Studies (FIS’s) and Flood Insurance Rate Maps (FIRM’s) are published by the Federal Emergency Management Agency (FEMA). The FIRM is the basis for floodplain management, mitigation, and insurance activities for the National Flood Insurance Program (NFIP). The hardcopy FIRM and DFIRM and the accompanying FIS’s are the official designation of Special Flood Hazard Areas (SFHA’s) and Base Flood Elevations (BFE’s) for the National Flood Insurance Program (NFIP). The published effective FIRM panel numbers 0035D, 0045D, 0155D, 0160D are issued as the official designation of the SFHA’s. As with any engineering analysis of this type, variation from the estimated flood heights and floodplain boundaries is possible.
2. The Surface Water Overlay Zone, including Special Flood Hazard Areas, shall overlay existing zoning districts delineated on the official zoning map. The boundaries of the Special Flood Hazard Areas shall coincide with the boundaries of the areas indicated as determined by the Flood Insurance Rate Maps.
3. The Flood Insurance Rate Maps are adopted by reference, appended and declared a part of this Ordinance.
4. Where there are disputes as to the location of the Surface Water Overlay Zone, or a Special Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with this Ordinance.
5. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the Surface Water Overlay District. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirement shall be applied.

### **11.03 ALLOWED USES**

All uses allowed in the underlying zoning district.

### **11.04 ACCESSORY STRUCTURES AND USES**

Accessory buildings and uses customarily incidental to and subordinate to the permitted principal use when located on the same lot or parcel of land and not involving the conduct of a business.

### **11.05 SPECIAL LAND USES**

All Special Land Uses allowed in the underlying zoning district.

### **11.06 HEIGHT, AREA, AND DIMENSION REGULATIONS**

As allowed in the underlying zoning district and further stated in this Article.

### **11.07 GENERAL REQUIREMENTS**

1. All new construction and substantial improvements within the Surface Water Overlay District, including the placement of prefabricated buildings and mobile homes, shall:
  - A. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - B. Be constructed with materials and utility equipment resistant to flood damage; and
  - C. Be constructed by methods and practices that minimize flood damage.
2. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
3. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
4. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. The Zoning Administrator or his representative shall review development proposals to determine compliance with the standards in this section.

7. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.
8. The flood carrying capacity of any altered or relocated watercourse not subject to federal or state regulations designed to insure flood carrying capacity shall be maintained.
9. Available flood hazard data from federal or state governments or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the FEMA shall take precedence over data from other sources.
10. Compliance with the standard of this section shall be certified by a registered professional engineer or architect as may be required by the Zoning Administrator.

### **11.08 DEVELOPMENT PERMIT**

Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of (citation for sections dealing with zoning compliance permit issuance) and the following standards:

1. The requirements of this Article shall be met;
2. The requirements of the underlying zoning district and applicable general provisions of this Ordinance must be met; and
3. All necessary development permits shall have been issued by appropriate federal, state and local authorities including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), of 1994, PA 451. Where a development permit cannot be obtained prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

### **11.09 PROHIBITED USES**

The following uses shall not be permitted within the Surface Water Overlay District:

1. Confined Animal Feeding Operations (CAFO's).
2. Slaughterhouses.
3. Gas stations.
4. Automobile repair shops.
5. Automobile washes.
6. Oil-change establishments.

## **11.10 DISTRICT STANDARDS**

1. Front Yard Setback: Shall be the same as the underlying zoning district.
2. Side Yard Setback: Shall be the same as the underlying zoning district.
3. Rear Yard Setback: Shall be the same as the underlying zoning district.
4. Lot Area: Shall be the same as the underlying zoning district.
5. Lot Width: Shall be the same as the underlying zoning district.
6. Floor Area: Shall be the same as the underlying zoning district.

## **11.11 MINIMUM REQUIREMENTS FOR AREAS NOT WITHIN FLOOD HAZARD AREAS**

1. Design Requirements: All new development, including additions or extensions to existing buildings, shall meet the requirements of this section.
  - A. All buildings shall be set back at least sixty-five (65) feet from the ordinary high-water mark.
  - B. Within thirty-five (35) feet of the ordinary high-water mark, a maximum of four-hundred (400) square feet of land may be covered by impervious surfaces, including all structures and paving for each one-hundred (100) linear-foot of water frontage.
  - C. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk appliances, or toxic materials may be dumped or stored within thirty-five (35) feet of the ordinary high-water mark.
  - D. Except for boat dockages, structures that extend more than five (5) feet into the water are prohibited.
  - E. Buildings shall be clustered as much as possible to retain open space and surround tree cover and to minimize changes in topography.
  - F. Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must not be embedded into the ground, except for support structure.
  - G. The use of fertilizer is prohibited within twenty-five (25) feet of the ordinary high-water mark.



2. Natural Vegetative Buffer: A natural vegetative buffer shall provide a planted green belt strip of land or area twenty-five (25)-foot-wide maintained in its natural state. Natural state shall mean native plants, shrubbery, tall grasses, and trees. The natural vegetation strip or area shall be maintained at the shoreline as follows:
  - A. A strip or area of land bordering each bank of a stream or river, at least twenty-five (25) feet wide from the established shoreline or ordinary high-water mark.
  - B. Removal of vegetation in the buffer area shall be limited to no more than twenty-five percent (25%) of the length of this buffer, provided that cutting of this twenty-five percent (25%) shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one-hundred (100) feet of shoreline.
  - C. Existing soil and organic matter shall not be altered or disturbed within the buffer.
3. Drainage of Surface Water: Proper site surface drainage shall be provided so that:
  - A. The removal of surface waters will not be discharged directly into surface water or adversely affect neighboring properties.
  - B. Storm water shall be removed from all roof areas, canopies, and paved areas and either stored on-site in a rain garden designed for that purpose or other comparable detention basin, discharged to an underground drainage system, or released to an authorized community drainage system.
  - C. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development.
  - D. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
  - E. Natural drainage courses shall be protected from grading activity.
  - F. Where known, groundwater flow patterns shall not be interrupted.

#### **11.12 MINIMUM REQUIREMENTS FOR ALL AREAS WITHIN ZONE “A”**

No structure shall be erected in the floodplain Zone “A” as designated on the Flood Insurance Rate Maps.

### **11.13 MINIMUM REQUIREMENTS FOR ALL AREAS WITHIN ZONES “AE” AND “AO”**

1. Specific Base Flood Elevation Standards
  - A. On the basis of the most recent available base flood elevation data the following standards shall apply in the Flood Hazard Area:
    - i. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
    - ii. All new construction and substantial improvements of non-residential structures shall have either:
      - a. The lowest floor, including basement, elevated to or above the base flood level; or
      - b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood-proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in this Article and shall indicate the elevation to which the structure is flood-proofed.
  - B. The most recent base flood elevation data received from FEMA shall take precedence over data from other sources.

### **11.14 ADDITIONAL REQUIREMENTS**

No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Natural Resources and Environment (MDNRE) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the Site Plan Review procedures provided for in this Ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDNRE when it is apparent from the “Zoning Map” that their property is within or directly

adjacent to the designated area. No zoning or building permit will be issued until compliance with this section has been documented.

### **11.15 SITE PLAN REVIEW REQUIREMENTS**

To the extent not otherwise provided pursuant to the site plan requirements, the Zoning Administrator shall require, as applicable, submission of the following materials:

1. Plans drawn to a scale of one inch = one-hundred (100) feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of materials; and the relationship of the above to the location of the channel flood way and regulatory flood protection level.
2. A plan (surface view) showing elevations or contours of the ground at five (5)-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; locations and elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information that may be required by the Zoning Administrator.

### **11.16 ADMINISTRATIVE DUTIES**

1. With regard to the regulation of development within this Article, the duties of the Zoning Administrator shall include, but are not limited to:
  - A. Notification to adjacent communities and the Department of Natural Resources and Environment (DNRE) of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - B. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood-proofed structures, the elevation to which the structure was flood-proofed; and
2. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Flowerfield Township Hall and shall be available for public inspection.
3. It shall be the responsibility of the Building Official to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

## **11.17 SUPPLEMENTARY PERMIT APPLICATION INFORMATION**

In the portion of the zoning ordinance where information which must be submitted with an application for a zoning compliance permit is specified, the following information necessary for administration of the flood hazard area zone requirements should be added.

## **11.18 FLOOD HAZARD AREA APPLICATION INFORMATION**

1. In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a Flood Hazard Area:
  - A. The elevation in relation to mean sea level of the floor, including basement, of all structures;
  - B. Where flood-proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood-proofed;
  - C. Where flood-proofing will be employed, a certificate from a registered professional engineer or architect that the flood-proofing criteria of this Ordinance will be met;
  - D. Where it can be determined that development is proposed within zones A1-A30 on the FIRM a certification as required by this Ordinance;
  - E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
  - F. Proof of development permission from the appropriate federal, state and local agencies as required by this Article including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), of 1994, PA 451;
  - G. Base flood elevation data where the proposed development is subject to Natural Resources and Environmental Protection Act (NREPA), of 1994, PA 451 or is greater than five (5) acres in size; and
  - H. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

**ARTICLE 12**  
**NONCONFORMING USES**

**12.01 DESCRIPTION AND PURPOSE**

The purpose of this section is to allow any lawful use existing at the time of the adoption or amendment of this Ordinance. The lawful use of a dwelling, building, or structure and of land or a premise as existing and lawful at the time of enactment of a zoning ordinance, or, in the case of an amendment of an ordinance, than at the time of the amendment, may be continued although the use does not conform to the ordinance or amendment.

In establishing terms for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses different classes of nonconforming uses may be established in the ordinance with different requirements applicable to each class.

**12.02 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE**

If the use of a dwelling, building, structure or land is lawful at the time of enactment of this Zoning Ordinance or an amendment to this Zoning Ordinance, then that use may be continued although the use does not conform to the Zoning Ordinance or amendment.

A change in the ownership, tenancy, or occupancy of a building or structure shall not restrict the continuance of its existing nonconforming use.

**12.03 EXPANSION OF NONCONFORMING USES**

No nonconforming use of any land or structure shall be enlarged or extended. However, a nonconforming use may be expanded throughout the structure in which it is conducted. Nonconforming uses that are not located within a building or structure may not be expanded to land not actually in use at the time of the adoption of this Ordinance or any amendment to these provisions thereto. Nonconforming uses having multiple buildings or structures shall not be expanded by construction of an additional building or structure. Structures or uses that are nonconforming by reason of height and area or parking provisions may be extended, altered or modernized provided that no additional encroachment of the height, area or parking provisions are thereby.

**12.04 UNLAWFUL USE NOT AUTHORIZED**

Nothing in this Ordinance shall be interpreted as authorization of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

## **12.05 NONCONFORMING DUE TO RECLASSIFICATION**

The foregoing provision of this Article shall also apply to the buildings, land, or uses that hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulation of this Ordinance.

## **12.06 NONCONFORMING USE DISCONTINUED**

If a nonconforming use is discontinued for a period of one-year, it may not thereafter be continued. No nonconforming use, if changed to a use allowed in the zoning district in which it is located, shall be resumed or changed back to a nonconforming use.

## **12.07 EXISTING PLATTED LOTS**

Any lot platted or created prior to 2004 that fails to comply with the requirements of its zoning district may be used for a single-family dwelling providing one of the following is met:

1. A structure is to be erected or rebuilt on any lot of record where there are existing structures within two-hundred and fifty (250) feet on either side of the subject lot of record, the minimum yard requirements for the proposed structure shall be the average of the respective front, side, and rear yards of the adjacent structures within two-hundred and fifty (250) feet of the side lot lines.
2. All structures meet the dimensional requirements of the zoning district in which they are located.

## **12.08 DETERMINATION OF A LOT OF RECORD**

1. Upon application of any person claiming to be the property owner of the legal or equitable title to a parcel of land that was the subject of a deed or land contract not recorded in the Office of the Register of Deeds on the effective date of the Ordinance, the Zoning Board of Appeals is authorized to determine whether the property owner is entitled to have the parcel treated as a lot of record in accordance with this Ordinance.
2. The Zoning Board of Appeals shall grant a favorable determination when it finds, by a preponderance of the evidence that the instrument under which the premises is being purchased was executed prior to the effective date of this Ordinance or the subject amendment(s) thereto.
3. In making its determination, the Zoning Board of Appeals is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.

4. Such a determination shall have only the effect of equating such a property owner with the owner of a lot of record and shall not relieve such property owner from complying with other conditions set forth in this Ordinance in order that a zoning permit is granted.

**ARTICLE 13**  
**PARKING AND LOADING**

**13.01 INTENT AND PURPOSE**

In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the building hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

**13.02 MIXED OCCUPANCIES AND USES NOT SPECIFIED**

In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal work and business hours may be jointly used where adequate arrangements are made to the reasonable satisfaction of the Zoning Administrator to ensure that adequate space is available for each function.

**13.03 SIZE AND ACCESS**

Each off-street parking space shall have an area of not less than one-hundred and seventy (170) square feet exclusive of access drives or aisles and shall be a minimum of nine (9) feet in width. There shall be adequate provision for ingress and egress to all parking spaces. No access or egress to a parking area accessory to a commercial or industrial use shall utilize any residential street unless it is a side street with no residential lots facing upon it. All parking areas with paved surfaces with more than three spaces shall have such spaces legible painted on the surface of the parking area. Parking spaces for disabled persons must meet Americans with Disabilities Act (ADA) requirements.

**13.04 UNITS OF MEASUREMENT**

For the purpose of this section, Floor Area shall mean the gross floor area of all floors of a building or an addition to an existing building excluding basements and those areas used exclusively for storage of goods or supplies.

**13.05 LOCATION OF OFF-STREET PARKING FACILITIES**

Required off-street parking facilities shall be located on the same parcel as a principal use in residential and agricultural zones. In commercial and industrial districts, additional off-street parking is permitted as a principal use on a separate lot, which is adjacent to the principal use.



### **13.06 STANDARDS FOR PARKING AREAS**

Except for single-family dwellings, any person desiring to establish a parking area shall submit plans showing the size, design, landscaping, curb cuts and other features of the parking lot. Every parcel of land, except for single-family dwellings, hereafter established as a parking area shall be developed and maintained in accordance with the following requirements:

1. Parking areas shall be effectively screened on any side that adjoins premises situated in a residential zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties agree, the screening may be a solid uniformly painted fence or wall. No part of any parking area or access drive shall be closer than five (5) feet to any property line unless connected to another adjoining parking area by driveways. No access drive shall be less than twenty (20) feet wide, or closer than twenty-five (25) feet to any adjacent property or fifty (50) feet to any other drive or intersecting street right-of-way lines. No part of a parking area shall extend into the required front setback area.
2. Every parking area shall be surfaced with a durable surface approved by the Planning Commission, provided, however, that where access to the parking area is from an unpaved roadway, a durable dustless surface may be permitted. Adequate lighting shall be provided to protect the users of the parking area. Such lighting shall be arranged to reflect the light away from any adjoining residential buildings or streets.
3. All parking area shall be used solely for the parking of passenger automobiles, and no commercial work, sales or service of any kind shall be conducted thereon. The Planning Commission may establish conditions for screening or enclosures and permit noncommercial buses operated by public or semi-public bodies, provided no such bus be parked within sixty (60) feet of the street line.
4. Parking areas must be approved at the same time and in the same way as approval for the use for which the parking is intended to serve. Where the parking area is on a separate parcel from the use it is intended to serve, the Zoning Administrator shall issue a permit upon receipt of the approved plan.
5. A Site Plan of the parking areas, driveways, signs, lighting, and landscaping shall be provided in this Ordinance for all parking facilities. Parking area, driveways, signs, lighting and landscaping shall be reviewed and approved by the Planning Commission, prior to issuance of a building permit, to ensure its adequacy in relation to ensure compliance with the standards set forth in this section. The Planning Commission shall ascertain that the proposed parking area is safely related to traffic, street, intersections, buildings and pedestrian walkways and that surrounding properties are fully protected from detrimental effects. Parking areas containing ten (10) or more spaces shall be received and approved by the Planning Commission.

6. Parking areas shall be landscaped and plans submitted to the Planning Commission for approval.
7. Parking areas must meet Americans with Disabilities Act (ADA) requirements.

**13.07 TABLE OF OFF-STREET PARKING REQUIREMENTS**

The amount of required off-street parking for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table. The space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

USES	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
<b>RESIDENTIAL</b>	
Residential, One-Family and Two-Family	Two for each single-family dwelling unit
Residential, Multifamily	Two for each dwelling unit plus
Boarding and Rooming House	One for each sleeping room
<b>INSTITUTIONAL</b>	
Churches, Temples, or Synagogues	One for each three seats, based on maximum seating capacity in the main unit of worship
Hospitals	One per six-hundred square feet of gross floor area
Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children’s Homes	One per six-hundred square feet of gross floor area
Elementary and Junior High Schools	One for each teacher and administrator, in addition to the requirements of the auditorium
Senior High Schools	One for each teacher and administrator and one for each ten students, in addition to the requirements of the auditorium
Private Clubs or Lodge Halls	One for each three persons allowed within the maximum occupancy as established by fire, building, or health codes
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or other Similar Uses	One for each two-member families or individuals
Golf Courses open to the general public, except miniature or “par 3” courses	Six for each one golf hole and one for each employee
Auditorium, stadium, sports arena, or Similar place of outdoor assembly	One for each three seats or six feet of bench
<b>BUSINESS AND COMMERCIAL</b>	
Automobile service stations	Two for each lubrication stall, rack, or pit; and one for each employee
Auto wash	One for each employee

USES (cont.)	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE (cont.)
Beauty parlor or barber shop	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair
Drive-in establishments	One for each four-hundred square feet of floor area, with a minimum of twenty-five parking spaces
Establishments for sale and consumption on the premises of beverages, food, or refreshments	One for each two-hundred square feet of floor area
Furniture and appliances; household equipment; repair shops; showroom of plumber, decorator, electrician or Similar trade; shoe repair; and other Similar uses	One for each eight-hundred square feet of floor area
Laundromats and coin-operated dry cleaners	One for each two washing machines
Mortuary establishments	One for each one-hundred square feet of floor area
Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	One for each four-hundred square feet of floor area of sales room
Retail stores, except as otherwise specified herein	One for each two-hundred square feet of floor area
<b>OFFICES</b>	
Banks, savings and loan offices	One for each two-hundred square feet of floor area
Business offices or professional offices except as indicated in the following item	One for each four-hundred square feet of floor area
Medical or dental clinics, professional offices of doctors, dentists, or Similar professions	One for each two-hundred square feet of floor area
<b>INDUSTRIAL</b>	
Industrial or research establishments	One for every 1½ employee in the largest working shift. One space on-site shall also be provided for each construction worker during periods of plant construction
Wholesale or warehouse establishments	One for every 1½ employee in the largest working shift, or one for every two-thousand square feet of floor area, whichever is greater

### 13.08 BUILDING ADDITIONS

Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to meet the requirements of this Article.

### 13.09 PERMITS

Except for agricultural and residential uses, no parking area may be constructed, enlarged or altered before a zoning permit is obtained. Said permit shall not be issued until the Zoning Administrator has approved the Site Plan. No parking area shall be occupied or used as a parking area prior to the issuance of an **Occupancy Permit** for a parking area. Whenever the requirements of an approved Site Plan, this Ordinance or any special requirements are not being met, use of a parking area shall cease within sixty (60) days after revocation of an Occupancy Permit.

### 13.10 REQUIRED OFF-STREET LOADING SPACE

In all districts, every building erected which is to be occupied by manufacturing, storage, retail store, wholesale store, warehouse, market, hotel, hospital, mortuary, laundry or uses similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain off-street loading space. Each loading space shall be at least twelve (12) feet in width, thirty-six (36) feet in length and have a clearance fourteen (14) feet. Such space may occupy any part of the required side or rear yard but shall comply with the same screening and buffering provisions as those required for parking areas to prevent detrimental effects to adjoining properties.

Such loading and unloading space shall be provided according to the following schedule:

GROSS FLOOR AREA (GFA) IN SQUARE FEET	LOADING AND UNLOADING SPACES REQUIRED
0 to 2,000	One-half Space
2,001 to 20,000	One Space
20,001 to 100,000	One Space, plus one space for each 20,000 square feet
100,001 to 500,000	Five Spaces, plus one space for each 40,000 square feet
Over 500,000	Fifteen Spaces, plus one space for each 80,000 square feet

## **ARTICLE 14**

### **SIGNS**

#### **14.01 INTENT AND PURPOSE**

The purpose of this section is to permit such signs as will not, because of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, or impede traffic safety. Further, it is the purpose of this section to regulate such allowed signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of the Township or to adversely impair property values. All signs shall conform to all codes and ordinances of the Township and, except for “Exempted Signs” shall require approval and a permit issued by the Township for all signs erected or structurally altered.

#### **14.02 GENERAL STANDARDS**

For determining the permitted number of signs, a sign shall be considered to be a single display surface or display device, containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign. A sign contains subject matter relating to the premises on which it is located, or to products, accommodations, services, or activities, on the premises or at an alternate location.

#### **14.03 GENERAL REQUIREMENTS**

In all zoning districts, the following signs shall be permitted:

1. One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not to exceed eight (8) square feet in total area.
2. One subdivision sign in subdivision developments, not to exceed thirty-two (32) square feet.
3. A sign or signs aggregating not more than twelve (12) square feet for parking uses where permitted by this Ordinance.
4. Signs within the clear vision corner of any intersection must be ground signs less than thirty (30) inches in height or freestanding signs with a minimum of eight (8) feet to the bottom of the sign. Sign supports within clear vision corners must be six (6) inches in diameter or less.
5. Signs may not be located within public right-of-way.

6. No sign shall extend above or exceed the highest roofline of the principal structure nor be more than twenty (20) feet above the average grade level at the base of the sign. No sign shall exceed the height limitation of the zoning district in which it is located.
7. Back-to-back display on both sides of a signboard is considered a single sign area provided the separation between sides is not more than twelve (12) inches.

#### **14.04 SIGNS IN THE AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS**

1. A sign of not more than thirty-two (32) square feet identifying the name and activities of a nonresidential use is allowed in Agricultural and Residential zoning districts.
2. A professional sign or nameplate of not more than six (6) square feet may be installed on the wall of a principal dwelling or may be a freestanding sign.
3. Wall signs containing the names of the homestead or farmstead on accessory buildings or dwellings are exempt from permit and shall not be included in the calculation of allowed sign area.
4. Freestanding signs containing the names of the homestead or farmstead on accessory buildings or dwellings may be allowed up to thirty-two (32) square feet.

#### **14.05 SIGNS IN THE BUSINESS DISTRICT (B-1)**

1. Each parcel is allowed one freestanding or ground sign. In addition, one wall sign is allowed on each parcel.
2. Directional signs up to eight (8) square feet, designating exits, entrances, parking and loading areas, shipping docks, or similar traffic control signs may be located five (5) feet from the front property line.

##### **Freestanding Signs:**

1. Freestanding signs other than off-premises signs shall be allowed anywhere on the property on which the principal use is located, providing the sign is within one-hundred (100) feet of the principal structure.
2. The total area of such a freestanding sign shall not exceed seventy-five (75) square feet on each of two sides. Freestanding signs having more than two sides shall not exceed one-hundred and fifty (150) square feet for all sides combined.

#### Wall Signs:

1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls that face a public street and not higher than twenty (20) feet from sidewalk grade. Where a principal structure has a marquee or canopy, which is an integral part of the structure, the front line of said marquee or canopy shall be at least eight (8) feet above the walk surface in front of the structure.
2. Wall signs must be attached to the building lying flat against the wall of the building herewith.
3. The maximum size for wall signs is one square foot of sign area for each one linear foot of building width, except in residential districts where the maximum size is six square feet.

#### Ground Signs:

1. The total area of the allowed ground sign shall not exceed one-hundred (100) square feet.
2. The highest point of a ground sign shall not exceed six feet.

#### **14.06 OFF-PREMISES SIGNS**

1. Off-premises freestanding signs must maintain a ten-foot setback from any right-of-way and property line.
2. Off-premises freestanding signs are allowed in all zoning districts.
3. There may be only one off-premises sign per parcel.
4. Off-premises signs in all zoning districts shall be limited to twenty-four square feet.

#### **14.07 BILLBOARDS**

Billboards are allowed only in locations authorized in accordance with Highway Advertising Act, Act 106 of 1972, as amended provided they do not exceed two-hundred and fifty (250) square feet in area. No billboard shall be erected on a lot with less than one-hundred (100) feet of frontage. The setback requirements for a principal building shall be met, and no other use or accessory use shall be permitted on a lot with a billboard. Billboards shall not be situated within one-thousand-three-hundred and twenty (1,320) feet of another billboard or on the same parcel as another sign. Parcels containing billboards must have frontage on a state or federal highway.

## 14.08 TEMPORARY SIGNS

The signs and devices listed in this section shall be allowed on a temporary basis and shall not require a permit.

1. Temporary signs such as “For Rent,” “For Sale,” “Election,” or other noncommercial signs are allowed in all zoning districts. Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of eight (8) square feet are allowed in all zoning districts. Such signs shall be removed within fourteen (14) days after the sale, rental, or lease.
2. One “For Rent” or “For Sale” sign is allowed for each parcel.
3. Temporary signs shall not be displayed for more than six (6) months, except as otherwise provided in this section.
4. Temporary signs may not exceed an area of eight (8) square feet.
5. Only one sign to advertise a new plat may be erected except where two or more drives provide ingress or egress to or from the plat on to a public highway, in which case a sign may be placed at each entrance. Signs advertising new plats shall not exceed thirty-two (32) square feet in area and shall be removed when seventy-five percent (75%) of the platted lots are sold.
6. Construction signs that identify the name of the building; the property owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction, are allowed in all zoning districts. Signs shall have a maximum surface area of sixteen (16) square feet, shall be confined to the site of construction, and shall be removed within fourteen (14) days following occupancy for the intended use of the project.
7. Election campaign signs, announcing a candidate or issue to be voted on, are allowed but shall be confined to private property.
8. Community or special event signs advertising public entertainment or event, if specially approved by the Planning Commission and only for locations designated by the Planning Commission, are allowed during and for fourteen (14) days before and fourteen (14) days after the event.
9. The Planning Commission may allow by permit, temporary pennants, flags, or banners in any business or industrial zone for a period of not more than thirty (30) days, provided that they be kept in a state of good repair.



#### **14.09 ELECTRONIC SIGNS, DIGITAL BILLBOARDS, LED SIGNAGE**

1. Illumination shall be so oriented to the sign that it does not produce glare.
2. There shall be no movie or television-style pictures or depictions.
3. Sign lighting must not cast light away from the sign and must be shielded from vehicular traffic.
4. No lighting or sign shall be so placed or designed as to be confused with or appear similar to a safety device.
5. Electronic Message Board (LED) signs must not exceed a nighttime brightness of three-hundred and seventy-five (375) candelas per meter squared at 4-lux illumination.
6. An electronic sign shall not have a rate of change between two static messages or images exceeding more than one change per eight seconds and each change must be complete in one second or less.
7. The face of the sign shall be dimmed automatically from thirty (30) minutes before sunset to thirty (30) minutes before sunrise down to five percent (5%) of its daylight brightness setting.
8. Electronic Sign, Digital Billboard, or LED Signage will not distract, endanger, or disorient motorists.

#### **14.10 MEASURING SIZE OF SIGNS**

1. The surface area of sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Round, oval, or odd-shaped sign are measured as though they were rectangular. Size shall be determined as the product of the height and width as measured at the widest and tallest points.
2. Wall signs (or any sign where the letters are affixed to a large background such as a wall or fence without a defined border) are measured by establishing an artificial rectangle around the perimeter of the sign message.

#### **14.11 EXEMPTED SIGNS**

The signs and devices listed in this section are exempted from the restrictions and requirements of this Ordinance and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance. The following shall not be included in the application of the regulations herein:

1. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, and having no letter or symbol exceeding two inches in any dimension.
2. Official Flags and insignia of any government when displayed in a manner approved by the government represented.
3. Signs erected or required by governmental bodies or agencies deemed necessary for the protection of the public health, safety, welfare, and morals such as legal notices; identification, informational, or directional signs.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Street numbers and family names on mailboxes and mailbox supports.
7. Signs not visible from any public way or from any point off the lot on which they are located.
8. Holiday decorations and greetings in season.
9. Signs required by law to be displayed.
10. Customary farm and farm crop signs on active farms.
11. Centennial farm signs.

#### **14.12 PROHIBITED SIGNS**

The signs and devices listed in this section shall not be allowed, erected, or maintained in any zoning district.

1. Flashing and intermittently illuminated signs and signs which incorporate in any manner of flashing, or moving lights.
2. String lights used in connection with commercial premises for commercial purposes.

3. Any sign that has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
4. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health because of inadequate maintenance, dilapidation, or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
5. Signs which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
6. Signs that obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.
7. Signs that make use of words such as "STOP," "DANGER," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

#### **14.13 APPLICATION REQUIREMENTS PERTAINING TO ALL BILLBOARDS AND SIGNS**

1. Sign and billboard erection permits: No person shall erect, relocate, or cause to be erected or relocated any sign or billboard greater than eight (8) square feet in size without first obtaining a sign erection permit. No person shall repair, alter, or cause to be repaired or altered any sign or billboard greater than eight (8) square feet in size without obtaining a sign erection permit if two-thirds of the replacement value of the sign or billboard will be exceeded.
2. Procedure to obtain a permit:
  - A. Application for a sign erection permit shall be submitted on forms provided by the Township and permits issued by the Zoning Administrator and shall contain at least the following:
    - i. Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected.
    - ii. Location of the building, structure, or lot to which or upon which the sign or billboard is to be attached or erected.

- iii. Position of the sign or billboard in relation to nearby buildings, structures, signs, or billboards. A scale drawing containing such information shall be submitted.
  - iv. Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to a structure or ground.
  - v. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than thirty (30) pounds per square foot.
  - vi. Name of the person, firm, corporation erecting the sign or billboard.
  - vii. The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.
  - viii. Any required electrical permit.
  - ix. Each applicant shall pay the appropriate permit fees established by the Township Board.
- B. Prior to submission of the application to the Zoning Administrator, the application for sign erection permit shall be submitted to the Electrical Inspector if the sign is to be illuminated. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the Building Code and the customary safe practices followed by the electrical profession. The inspector shall approve said permit if the plans and specifications comply with any such code and practices.
- C. The Zoning Administrator shall, upon filing of an application for a sign erection permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any Building Code and state law, he shall then issue a sign erection permit. Such permit shall be void if the work authorized under a sign erection permit has not been completed within six (6) months from the date of issuance.

**ARTICLE 15**  
**SITE PLAN REVIEW**

**15.01 DESCRIPTION AND PURPOSE**

This Article establishes standards and requirements for the review and approval, by the Planning Commission, of Site Plans. It is the purpose of this Article to require Site Plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access street; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this Article.

**15.02 SITE PLAN AUTHORITY**

As used in this Article, "Site Plan" includes the documents and drawings, as specified by this Article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this Article shall be in addition to those required elsewhere in this Ordinance that is applicable to the use or activity under consideration.

The intent of this Article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

**15.03 SITE PLAN APPROVAL**

A site plan shall be approved if it contains the information required by the Zoning Ordinance and complies with the Zoning Ordinance and the conditions imposed pursuant to the Ordinance, other Township, planning documents, other applicable ordinances, and state and federal statutes. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Zoning Ordinance receives the mutual agreement of the landowner and the individual or body, which initially approved the site plan.

#### **15.04 USES REQUIRING SITE PLAN APPROVAL**

The following buildings, structures, and uses require Site Plan approval by the Planning Commission:

1. All uses allowed in the Business Zoning District (B-1).
2. All Special Land Uses.
3. Earthmoving.
4. Parking facilities containing ten or more parking spaces.
5. Churches.
6. Public parks and recreational facilities such as golf courses and parks.
7. Essential public utility services, excluding buildings, substations, and regulator stations.
8. Cemeteries.

#### **15.05 FORMAL SITE PLAN**

Formal Site Plan Review is mandatory. An application for Formal Site Plan Review along with the Formal Site Plan shall be as soon as possible prior to the next scheduled Planning Commission meeting. The Township Clerk or Zoning Administrator will review the application and plans for completeness, and then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration. Formal Site Plans shall contain the following information:

1. The date, north arrow, and scale: The scale shall be sized to appropriately fit on a 24 x 36 inch-sized sheet. The dates of all revisions shall be noted on the plan.
2. The name and firm address of the individual responsible for the preparation of the Site Plan.
3. The name and address of the property owner or applicant.
4. A location sketch drawn to scale showing the relationship of the proposed use to the area within two-thousand (2,000) feet.
5. All lot and/or property lines and respective zoning districts abutting the subject property, including required setbacks are to be shown and dimensioned.

6. The location and height of all existing structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities, unloading areas, recreation areas, and other uses, on and within one-hundred (100) feet of the subject property's boundary.
7. The location and dimensions of all proposed structures, drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose on and within one-hundred (100) feet of the subject property's boundary.
8. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
9. The location of all landscaping and the location, height, and types of fences and walls.
10. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
11. The location and size of all existing and proposed surface water drainage facilities.
12. Adequate information concerning soils, groundwater, water table, and the impact of the proposed activities on each.
13. Contour intervals shall be shown (two-foot intervals for average slopes of ten percent (10%) and under, five-foot intervals for slopes over ten percent (10%)). Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
  - A. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
  - B. The number and location (by code if necessary) of one-bedroom units, two-bedroom units, etc.
  - C. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub areas or staging areas (excluding all existing rights-of-way), and also indicates total square footage of rights-of-way for each sub area or staging area.
  - D. Typical elevation views of the front and side of each type of building.

14. A narrative describing the overall objectives of the proposed development, including the following:
  - A. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open spaces.
  - B. Dwelling densities by type.
  - C. Proposed method of providing sewer and water service, as well as other public and private utilities.
  - D. Proposed method of providing storm drainage.
  - E. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.
15. Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare, such as reviews of other local, county, state, and federal agencies.
16. The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary and associated regulations are satisfactorily met, complied with, and completed.

The Planning Commission may approve a site plan lacking one or more of the site plan informational requirements set forth herein if it determines, in its sole discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth above.

#### **15.06 REVIEW PROCEDURE**

One copy of the approved Site Plan shall be filed in the Township's records. The Site Plan shall be submitted to the Zoning Administrator, two each copies sized 24 x 36 inches and one copy sized 8½ x 11 inches.

#### **15.07 STANDARDS FOR FORMAL SITE PLAN REVIEW**

1. The Planning Commission shall review the Site Plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by this Article. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.



2. In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the Site Plan, the Planning Commission shall specifically consider the following standards, as applicable:
  - A. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
  - B. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not materially adversely affect adjacent and neighboring properties or uses. The Site Plan is harmonious with existing and future uses in the immediate area. The Site Plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
  - C. Public services, and Utilities: The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
  - D. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance, or appropriate variances obtained.
  - E. Building Arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.

- F. Drainage of surface water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- G. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- H. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to minimize distraction or clutter.
- I. Special features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development, and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
- J. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.

## **15.08 REGULATIONS**

The following regulations shall apply to all land uses requiring Site Plan approval:

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a Site Plan approval until an approved Site Plan has been signed by the chairperson of the Planning Commission.
2. A zoning permit for any use requiring Site Plan approval will not be issued until the chairperson of the Planning Commission has signed an approved Site Plan.
3. The Building Inspector shall not issue a building permit for any use requiring Site Plan approval until the Zoning Administrator has issued a zoning permit.
4. An Occupancy Permit for any use requiring a Site Plan approval will not be issued unless the use as constructed conforms to the approved Site Plan.

## **15.09 CONDITIONS OF APPROVAL**

Decisions rejecting, approving, or conditionally approving a Site Plan shall be based upon requirements and standards contained in this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

The Planning Commission may impose reasonable conditions upon the approval of a Site Plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.
2. Be related to the valid exercise of the police power.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
4. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within three-hundred (300) feet of the proposed use or structure.

## 15.10 SURETY

1. The Planning Commission or Zoning Administrator may require, as a condition of final approval for a Site Plan, a financial guarantee (surety) acceptable to guarantee the construction of required improvements. The performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

“Required improvements” means those features and actions associated with a project which are considered necessary by the Planning Commission, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.

2. Construction or installation of improvements may not begin until the final Site Plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements are properly installed. Only when all improvements are completed, inspected, and approved will Occupancy Permits or Building Permits be issued or property sold. However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.
3. In large projects the surety may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial surety is required before approval of the final phase.

4. Similarly, the surety may be refunded based on completion of improvements. The Planning Commission or Zoning Administrator may reduce the amount of the performance guarantee when portions of the required improvements have been installed. When the Township has received the required surety, it may be released upon request by the property owner. The Zoning Administrator will inspect the project to determine the percent completion of improvements. The Township will release up to eighty percent (80%) of a pro rata portion of the surety based on the percent complete as verified by the Zoning Administrator.
5. To insure compliance with the conditions imposed herein, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements or cleanup associated with a project for which site plan approval is sought, be deposited with Treasurer of the Township to insure faithful completion of the improvements.

#### **15.11 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS**

1. Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the Zoning Administrator. The Zoning Administrator will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.
2. The Zoning Administrator's report should be the basis for whether the improvements is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within one-hundred and twenty (120) days after receipt of the applicant's notice that improvements are complete.

#### **15.12 RELEASE OR EXERCISE OF SURETY**

1. In case of default of performance, the Township, upon ten (10) day's notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.
2. Whatever the type of surety used, the guarantee will not be released until the Zoning Administrator has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be

extended by the Township beyond the completion deadline for good cause and upon extension of the financial surety. In case of exercise of the surety, the proceeds from the guarantee will reflect:

- A. The cost of inflation of the labor and materials needed to complete the improvements.
- B. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project.
- C. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken.

### **15.13 EXCEPTIONS**

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

### **15.14 CHANGES TO SITE PLAN**

Changes to a Site Plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

### **15.15 ENFORCEMENT**

A Site Plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the Site Plan as approved. Any violation of an approved Site Plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and Certificates of Occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved Site Plan or failure to comply with any requirements of this Article, including conditions of approval, shall be considered a violation of this Ordinance.

**ARTICLE 16**  
**SPECIAL LAND USES**

**16.01 DESCRIPTION AND PURPOSE**

Special Land Uses are those uses of land that are essentially compatible with the uses allowed in a zoning district, but possess characteristics or location qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The following requirements and procedures provide for flexible zoning control while affording protection of property values and orderly and compatible development of property within the Township. The purpose of this Article is to establish equitable procedures and criteria that shall be met for all Special Land Uses.

**16.02 SPECIAL LAND USE STANDARDS**

The Township Planning Commission, in addition to its other functions, is authorized to approve Special Land Uses within the various zoning classifications set forth in this Ordinance.

Special Land Uses have been selected because of their unique characteristics, which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, the Township Planning Commission should not permit Special Land Uses within the particular zone in which they are listed unless and until approved by them, under the conditions, controls, limitations, circumstances, and safeguards proposed herein, and/or imposed by the Planning Commission. The Planning Commission must ensure that the proposed Special Land Uses would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use, and would not, in any manner, be detrimental or injurious to the use, development, or enjoyment of adjacent properties, to the occupants therefore, or to the general neighborhood. The Planning Commission should review Special Land Uses in consideration of the public health, safety, morals, and general welfare of the community; the use of the lands in accordance with their character and adaptability; and that the standards required for the allowance of such Special Land Uses will, in its judgment, be met by the applicant at all time.

The standards insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards also insure that the land use or activity is consistent with the public health, safety, and welfare of the Township.

A request for approval of a land use, or activity shall be approved if the request complies with these standards and conditions, other applicable ordinances, and state and federal statutes. The burden of

proof of facts that might establish a right to a Special Land Use Permit under the foregoing standards shall be upon the applicant.

### **16.03 APPLICATION PROCEDURES**

An application for a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

1. All applications for Special Land Use Permits shall be submitted through the Zoning Administrator and shall include all pertinent information, plans, and specifications, as required. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
2. The Planning Commission shall, upon receipt of the application for a Special Land Use shall:
  - A. Advertise for a public hearing in accordance with the requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.
  - B. Hold a public hearing.
  - C. Following such hearing, either grant or deny a permit for such Special Land Use.
3. An application for a Special Land Use shall be accompanied by the following documents and information:
  - A. A Special Land Use application form submitted to the Township that has been completed in full by the applicant.
  - B. A Site Plan as required in this Ordinance.
4. In approving a Special Land Use, the Planning Commission may authorize other or different requirements or may determine that any of such requirements need not be satisfied, if justified by the relevant facts and circumstances and if the standards for consideration of Special Land Uses stated in this Article would nevertheless be satisfied.
5. The decision of the Planning Commission on a Special Land Use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special Land Use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.



#### **16.04 BASIS FOR DETERMINATION**

Prior to the approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

1. The Planning Commission shall review the particular circumstances of the Special Land Use request under consideration in terms of the following general standards, and shall approve a Special Land Use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
  - A. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of the surrounding area.
  - B. The Special Land Use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
  - C. The Special Land Use shall not place demands on public services and facilities in excess of current capacities.
  - D. The Special Land Use is in general agreement with the Township Master Plan.
2. The Planning Commission may impose conditions, with the approval of a Special Land Use which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special Land Use and shall be enforced by the Zoning Administrator.

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

#### **16.05 SPECIAL LAND USES**

The following uses shall only be allowed if the zoning district in which they are located specifically lists such use as a Special Land Use:

1. Adult Foster Care Facilities for seven persons or more.
2. Airports and Landing Strips.

3. Camps and Campgrounds, and Recreational Vehicle Parks.
4. Child Care Centers.
5. Commercial Stables.
6. Compost Facilities.
7. Confined Animal Feeding Operations (CAFO's).
8. Essential Services buildings, substations, and regulator stations.
9. Family Businesses.
10. Golf Courses and Country Clubs.
11. Group Child Care Homes.
12. Institutional and Residential Congregate Care Facilities.
13. Kennels and Veterinary Clinics.
14. Large Wind Energy Systems.
15. Migrant Housing.
16. Multiple Family Dwellings.
17. Natural Resource Removal Operations.
18. Ponds, Agricultural.
19. Public and Institutional Uses.
20. Sawmills.
21. Single-family Dwellings (Not on lots of record).
22. Small Wind Energy Systems.
23. Telecommunication Towers.

#### **16.06 DESIGN STANDARDS**

All Special Land Uses shall meet the requirements of the zoning district in which they are located. The following design standards shall be required in addition to the requirements of the zoning district in which they are located.

**1. ADULT FOSTER CARE FACILITIES FOR SEVEN PERSONS OR MORE**

Adult Foster Care Facilities for seven persons or more shall be permitted subject to the following procedures and conditions:

- A. Adult foster care facilities shall have at least one parking space for every three (3) residents, and an off-street drop-off/pick-up area, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- B. Based on the established capacity of the facility, a minimum of one-hundred and fifty (150) square feet of open space area per person, with not less than five-thousand (5,000) square feet of open space area per facility, shall be provided and maintained. For purposes of this section, “open space area” means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation.
- C. All structures must be set back seventy-five (75) feet from all property lines.
- D. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended.

**2. AIRPORTS, HELIPADS, AND LANDING STRIPS**

Airports and landing strips shall be permitted subject to the following procedures and conditions:

- A. Airports and landing strips must be a minimum total area of at least ten (10) acres.
- B. No structures may be located closer than one-hundred (100) feet to any property line. No structure shall be located in the setback area.
- C. There shall be a greenbelt planting strip with a width of not less than twenty (20) feet along the property lines.
- D. No structure shall exceed twenty-five (25) feet in height.

- E. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
- F. The landing strip shall be arranged to satisfactorily and safely accommodate planes, or other similar aircraft.
- G. There shall be a maximum of one sign which shall bear only the name of the landing strip, shall have a maximum area of thirty-two (32) square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the greenbelt.
- H. There shall be permitted a facility for the repair of planes, and other similar facilities provided they are centrally located.
- I. There shall be no sales or display of aircraft.

**3. CAMPS, CAMPGROUNDS, AND RECREATIONAL VEHICLE PARKS**

Camps, campgrounds, and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:

- A. Camps and campgrounds must be a minimum total area of at least ten (10) acres.
- B. No structures may be located closer than one-hundred (100) feet to any property line. No campsite or any structure shall be located in the setback area.
- C. There shall be a greenbelt planting strip with a width of not less than twenty (20) feet along the property lines and may be within the required setback. Such greenbelt may be required to contain deciduous and/or evergreen trees, and/or evergreen shrubs spaced to provide adequate screen that would grow to an ultimate height of twelve (12) feet. Existing vegetation may be used to meet this requirement.
- D. There shall be recreational areas at a ratio of at least twenty percent (20%) of the gross area of the campground. These recreational areas may be located within the fifty-foot (50) required yard, but not within the twenty-foot (20) greenbelt.
- E. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least thirty-three (33) feet wide and shall have unrestricted access to or from a public street.
- F. No structure shall exceed twenty-five (25) feet in height.

- G. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
- H. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
- I. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of thirty-two (32) square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard, but not within the greenbelt.
- J. Campgrounds, principally for the purpose of RV and tent camping may operate only from March 1 to November 30 of each calendar year.
- K. The facility must have rules of operation and bylaws approved by the Planning Commission.
- L. A facility for the retail sale of groceries, sundries, and other similar commodities is allowed, provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground that shall be posted. Posted hours shall be visible at all times.
- M. There shall be no sales or display of camping vehicles.
- N. There shall be located, within the campground, approved sanitary dumping facilities.
- O. All requirements, as regulated by Act 368 of 1978, as amended, shall be complied with.

#### **4. CHILD CARE CENTERS**

Special Land Uses will be issued to properly licensed childcare centers if the proposed facility meets the following specific guidelines:

- A. Is located not closer than one-thousand five-hundred (1,500) feet to any of the following:
  - i. Another childcare center
  - ii. An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.

- iii. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act 368 of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
    - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  - B. Maintains the property consistent with the visible characteristics of the neighborhood.
  - C. Meets regulations, if any, governing signs used by the facility to identify themselves.
  - D. Meets regulations, if any, requiring off-street parking accommodations for employees.
  - E. The childcare center shall be registered and licensed as required for childcare facility under the Child Care Organizations Act, Act 116 of 1973, as amended.
  - F. All structures, facilities, design elements, and operational requirements of the facility shall be provided or complied with, as determined necessary by the Planning Commission.
  - G. Based on the established capacity of the facility, a minimum of one-hundred and fifty (150) square feet of outdoor open space per person, with not less than five-thousand (5,000) square feet of open space area per facility, shall be provided and maintained on the lot. For purposes of this section, “open space area” means the area located within the side or rear yard of the facility, exclusive of any area occupied by other structures, swimming pool, or required parking facilities. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be completely enclosed by a chain-link or solid fence of at least four (4) feet in height.

## **5. COMMERCIAL STABLES**

Commercial Stables shall meet the following standards:

- A. Boarding and Riding Stables shall have a minimum parcel size of not less than five (5) acres.
- B. Boarding and Riding Stables shall be accessory to the residential use of the parcel.

- C. All buildings, arenas, or exercise areas in which animals are kept shall be located a minimum of one-hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling or any building used by the public, and shall be located within a rear yard. However, horses may be pastured to the property line, provided they are properly fenced.
- D. All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties.
- E. All manure shall be stored and removed or managed in a manner that minimizes off-site odors and must have a waste management plan in accordance with GAAMPS approved by the Michigan Department of Agriculture.
- F. Stables shall comply with Michigan state law.

## **6. COMPOST FACILITIES**

Compost facilities may be permitted provided the Planning Commission finds that the following conditions are met:

- A. The site must be of sufficient size to accommodate the proposed operation.
- B. All active resource recovery-processing operations shall be visually screened from all adjacent parcels. The screen shall consist of berming and/or vegetation buffer located within a five-hundred-foot (500) setback.
- C. Has appropriate fencing to prevent compost material from leaving the site.
- D. Structures shall be permanent and for the storage of equipment only. Furthermore, all equipment associated with this use shall be stored within these structures when not in use.
- E. Access roads to the site shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping of the road. The access road shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public right-of-way.
- F. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
- G. In addition to the requirement set forth herein, applications for such Special Land Use authorization shall include a Site Plan showing the following:

- i. The area to be actively used for the preprocessing, mixing, shredding, grinding, watering, and dewatering of the compost material; and, if the same shall be in phases, a design for such phases shall be shown.
  - ii. The area for any loading and unloading, mechanical processing facilities, and settling ponds.
  - iii. An area for treatment facilities and resource storage and stockpiles.
  - iv. An area for overburdened storage.
  - v. An area for production facilities for resource recovery related activities.
  - vi. Areas for and the types of permanent buildings and/or other improvements.
- H. An opinion based on a qualified engineering report as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigation measures shall be submitted.
- I. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
  - i. The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
  - ii. The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water.
  - iii. Hazardous substances as defined by the U.S. Environmental Protection Agency (EPA) are prohibited. A detailed description of all materials to be processed must be submitted.
  - iv. Composting of manure is prohibited.
  - v. A detailed description showing the volumes, timing, and methods of processing the material.
- J. All structures, materials, and equipment shall be removed within six (6) months after the termination of the use.



- K. The facilities comply with Public Act 141 of 1978, as amended, the St. Joseph County Solid Waste Management Plan, and with all other applicable federal and state laws, rules, and regulations.

**7. CONFINED ANIMAL FEEDING OPERATION (CAFO)**

Confined Animal Feeding Operations (CAFO's) are regulated by the Michigan Department of Agriculture and Rural Development and the GAAMPS it promulgates.

**8. ESSENTIAL SERVICES BUILDINGS, SUBSTATIONS, AND REGULATOR STATIONS**

- A. Essential services located above ground and outside of public rights-of-way will be subject to Site Plan Review and the following terms and conditions:
  - i. All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality, and a different suitable location is not readily available.
  - ii. If the Planning Commission finds that the facility must be screened from view from adjacent residential properties then such screening shall consist of natural materials. Landscaping is preferred to walls and fences.
- B. Public utility structures must comply with the setback provisions of the zoning district in which they are located plus fifty percent (50%). Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.

**9. FAMILY BUSINESSES**

A family business is incidental to the principal residential or agricultural use of the property and may take place in accessory buildings in addition to the principal residence. A family business is allowed subject to the following conditions and limitations:

- A. The business (retail or cottage industry) permitted shall be judged to be consistent with the character of the immediate area.
- B. No outdoor storage shall be allowed.

- C. The business shall not operate between the hours of 11 p.m. and 6 a.m.
- D. One sign relating to the business may be permitted on the premises. The sign shall not exceed twelve (12) square feet in area and shall not be lighted.
- E. There shall be no physical expansion of the business without the approval of the Planning Commission.
- F. No services shall be sold or conducted upon or from the premises that shall constitute a nuisance to adjoining residents because of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries from which the business is conducted.
- G. The business shall be located on the same parcel with the family residence.
- H. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
- I. The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specified period of months or years unless an additional permit is granted.
- J. Vehicles, machinery, and equipment used in conjunction with the family business may not be stored or parked outdoors, unless it is screened from view from adjacent roadways and adjacent properties as may be approved by the Planning Commission.
- K. The Planning Commission may impose additional conditions and regulations, as it deems necessary to protect adjoining residents, property owners, and the values of adjoining properties.

**10. GOLF COURSES AND COUNTRY CLUBS**

Golf courses must be a minimum of forty (40) acres. No structures may be located closer than one-hundred (100) feet to any property line.

**11. GROUP CHILD CARE HOME**

A Group Child Care Home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a Special Land Use permit, if the Group Child Care Home meets the following standards:

- A. Is located not closer than one-thousand five-hundred (1,500) feet to any of the following:
  - i. Another licensed Group Child Care Home.
  - ii. Another adult foster care small-group home or large-group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
  - iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- B. A Group Child Care Home shall have a minimum of one-hundred and fifty (150) square feet of open space area per person, with not less than five-thousand (5,000) square feet of open space area provided and maintained. For purposes of this section, “open space area” means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained.
- C. All outdoor areas shall have a minimum of four (4) foot fencing for the safety of the children in the Group Child Care Home as determined by the Planning Commission.
- D. Maintains the property consistent with the visible characteristics of the neighborhood.
- E. Does not exceed sixteen (16) hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- F. Meets the applicable sign regulations in this Ordinance.
- G. If the Group Child Care Home has employees, there must be provision for off-street parking accommodations.

**12. INSTITUTIONAL AND RESIDENTIAL CONGREGATE CARE FACILITIES**

Institutional care facilities shall be permitted subject to the following procedures and conditions:

- A. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- B. Based on the established capacity of the institutional care facility, a minimum of one-hundred and fifty (150) square feet of open space area per person, with not less than five-thousand (5,000) square feet of open space area per facility, shall be provided and maintained. For purposes of this section, “open space area” means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained.
- C. All structures must be set back seventy-five (75) feet from all property lines.
- D. Parking shall be provided as required in this Ordinance.
- E. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended.

**13. KENNELS AND VETERINARY CLINICS**

Structures, including fences, must be set back one-hundred and fifty (150) feet from all property lines and six-hundred (600) feet from the nearest dwelling or Rural Residential District (R-1), Medium Density Residential District (R-2), or High Density Residential District (R-3) zoning districts. All activities shall be conducted within enclosed structures.

**14. LARGE WIND ENERGY SYSTEMS**

- A. Large Wind Energy Systems (LWES) with a rated capacity of more than 30 KW for commercial power generation usage may be permitted as Special Land Uses. Commercial Wind Turbine Generators to produce electrical energy require treatment as a Special Land Use because:
  - i. LWES are large structures, projecting up to four-hundred (400) feet in height, dominating the skyline in local situations, and multiple

units may be constructed in a concentrated area (e.g. wind energy farm);

- ii. LWES are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal);
- iii. LWES require special sites with favorable wind and land surge conditions; and
- iv. LWES influence the landscape and, therefore, require special consideration to fit into areas where permanent or seasonal housing exists.

B. Applications for LWES shall meet the following conditions:

- i. The distance between any structure of a LWES and the owner's property lines shall be two (2) times the height of the wind tower including the blade in its vertical position;
- ii. Noise from LWES shall not be a nuisance at the property line. The applicant/owners shall provide certification before and after construction, that the LWES will not exceed normal levels;
- iii. The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location;
- iv. No LWES shall be installed until evidence has been given to the local government that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements;
- v. Signage shall be used to warn visitors about the potential danger of falling ice. All LWES within three-hundred and thirty (130) feet of a public road shall be shut down for the duration of any ice storm;
- vi. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. Large Wind Energy System (LWES) projects shall use tubular towers finished in a single, non-reflective matte color or a camouflage scheme. There shall be a uniform appearance where there is more than one tower. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades;

- vii. A study shall be conducted to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study;
  - viii. A process shall be created to resolve any complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint;
  - ix. Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community;
  - x. The minimum eligible site area shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each tower proposed within an eligible property;
  - xi. The applicant shall be required to make application to the Federal Aviation Administration (FAA) to apply for lighting standards that:
    - a. Are of the lowest intensity allowable;
    - b. Avoids strobe lighting or other intermittent white lighting fixtures;
    - c. May be a red top light that does not pulsate or blink; and
    - d. Comply with legal minimums per FAA requirements.
- C. **Removal of Abandoned Towers:** Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within twelve (12) months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the 12-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the period stated above, (or as extended by the ZBA), the Township shall remove the tower and associated facilities and the costs of the removal assessed against the real property.

## 15. MIGRANT HOUSING

- A. The Planning Commission may permit housing of migrant farm workers and migrant employees in the Agricultural Districts (AG) as a Special Land Use. No structure may be used for such purposes in the Township, unless the Planning Commission finds all of the following conditions and requirements are met:
- i. Migrant housing shall be located on the same parcel of land as the principal structure or use to which they are accessory, and said parcel shall be at least ten (10) acres in size.
  - ii. Migrant housing may be occupied only between the periods of May 15 through November 15.
  - iii. Migrant housing may be used only by migrant farm workers and migrant employees.
  - iv. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers.
  - v. Migrant housing shall be located at least two-hundred (200) feet from any public street, at least two-hundred (200) feet from any other property line, and four-hundred (400) feet from any dwelling of an adjacent property owner.
  - vi. No migrant housing shall have more than one story nor accommodate more than one family. No migrant housing shall be closer than thirty (30) feet to another structure.
  - vii. No migrant housing shall be located between the front entry wall of any other migrant housing and a driveway or private roadway serving said other dwelling, and no migrant housing shall be closer than thirty (30) feet to any such drive or roadway.
  - viii. Any other special conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers, to protect the values and desirability of adjacent properties, and to ensure proper supervision of such workers.
- B. The applicant shall submit a Site Plan pursuant to this Ordinance and approved by the Planning Commission that shall signify the applicant's agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:

- i. The premises and all migrant housing shall be available for the inspection of the Zoning Administrator.
- ii. All premises and structures shall be regularly maintained.
- iii. Any migrant housing that is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within six (6) months.

**16. MULTIPLE FAMILY DWELLINGS**

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- A. Every principal entry shall be visible from a public street. No entrance shall be located further than one-hundred and fifty (150) feet from off-street parking facilities.
- B. A front yard of thirty-five (35) feet shall be required.
- C. Where more than one building is located on a lot, the following requirements apply:
  - i. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least fifty (50) feet.
  - ii. No building shall be located behind another unless separated by common yard of at least one-hundred (100) feet.
  - iii. Each building shall a greenbelt of at least thirty (30) feet unobstructed by any accessory structure.
  - iv. No building shall be located closer than a distance equal to its total height to any other building.
  - v. Each building shall contain complete and separate septic system facilities as required by the St. Joseph County Health Department.
- D. Maximum density: The maximum density for multiple dwellings shall not exceed eight (8) units per acre and five (5) townhouses per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density. There shall be a minimum of four-thousand (4,000) square feet of lot area for each dwelling unit.
- E. Landscaping: Screening and buffering is required in accordance with the buffering and landscaping provisions of this Ordinance.



- F. No building shall contain more than twelve (12) dwelling units.
- G. Each unit shall contain complete and separate facilities as required for a single housekeeping unit.
- H. Siting: No dwelling in a grouped housing development shall be closer to a street access drive or a parking area than fifteen (15) feet.
- I. Screened Buffer Strip: When a side or rear lot line abuts property in the Rural Residential Zoning District (R-1) a well-maintained buffer strip no less than ten (10) feet in width shall be required within the side yard and/or rear yard setbacks along shared lot lines. The buffer strip shall contain a well-maintained opaque fence no less than six (6) feet in height. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles, or be closer than thirty (30) feet to any street right-of-way.

**17. NATURAL RESOURCES REMOVAL OPERATIONS**

- A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to strip any topsoil, sand, peat, marl, clay, gravel or similar material, or use lands for filling within the Township without first procuring a Special Land Use permit in accordance with this Ordinance.
- B. Application: The Planning Commission shall conduct a public hearing before approving a permit concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Planning Commission and shall contain the following information in six copies as a condition precedent to the obligation to consider such request:
  - i. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
  - ii. Full legal description of the premises wherein operations are proposed.
  - iii. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - iv. Detailed statement as to exactly what type of deposit is proposed to be removed or deposited.
  - v. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.

- vi. Such other information as may be reasonably required by the Planning Commission to determine whether a permit should be issued or not.
- C. Permit Fees: A fee shall be paid according to a fee schedule adopted by the Township Board.
- D. Permit: After reviewing all of the information submitted by the applicant and such other information as required by the Planning Commission, the Planning Commission shall review, approve, or disapprove said application. The permit shall be issued provided the issuance of the permit would not detrimentally affect the public health, safety, morals and general welfare of the citizens of Flowerfield Township.
- i. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for natural resource removal operations.
  - ii. No residential structures of a permanent or temporary nature shall be allowed.
  - iii. Part or all of the operation must be screened with a fence or other appropriate screening as determined by the Planning Commission.
  - iv. All truck operations shall be directed away from residential streets, whenever practical.
- E. All parcels proposed for natural resource removal shall have access to a major county thoroughfare as designated by being improved to the standards of the St. Joseph County Road Commission. Such access shall not create unreasonable interference with future or existing adjacent land uses.
- F. The Planning Commission shall find, in its discretion that the proposed operation shall not result in serious consequences in relation to interests the Township is authorized to protect.
- i. The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
  - ii. The Planning Commission may approve or disapprove of the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.

- G. The Planning Commission shall consider the following in making its determination, and shall determine the proper disposition of the application following the public hearing.
- i. The proposed use will be reclaimed for an alternate use within a reasonable period of time.
  - ii. The proposed use will not adversely affect existing or future adjacent land uses substantially.
  - iii. The effect of the proposed use on drainage, surface water, water table, groundwater, etc.
  - iv. The proposed use shall not adversely affect the public health, safety, and general welfare.
- H. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any application. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- I. Exception: A permit to fill or remove soil from an area not to exceed twenty-thousand (20,000) square feet may be issued by the Zoning Administrator, provided information is formally submitted including the following:
- i. Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
  - ii. Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
  - iii. Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum six-inch, debris-free top cover suitable for the growing of turf within six months of date of issuance of permit. The maximum period of time such permit may be valid for is six months.
  - iv. No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Township.

**18. PONDS, AGRICULTURAL**

- A. No person shall erect, install, locate, or construct an agricultural pond, unless it has first been approved subject to the following:
  - i. The pond shall be used for agricultural use only.
  - ii. The creation of any pond resulting in the extraction and removal of material off-site shall require the issuance of a Mineral Removal permit in accordance with this Ordinance.
- B. Ponds located within five-hundred (500) feet of a County Drain or surface water must obtain a “Soil Erosion and Sedimentation Permit” from the County Drain Commissioner and be approved by the Michigan Department of Environmental Quality (“MDEQ”) or its successor agency. MEDQ approval is also required for ponds that are either, within a regulated wetland or greater than five (5) acres in size.

**19. PUBLIC AND INSTITUTIONAL USES**

Public and institutional uses may be permitted in any zoning district if the Planning Commission finds that the following conditions are met:

- A. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- B. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- C. That the proposed use is in accordance with the development policies of Flowerfield Township.
- D. All front, side, and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

**20. SAWMILLS**

- A. The minimum area of the site shall be ten-thousand (10,000) square feet.
- B. The minimum street frontage shall be one-hundred (100) feet.
- C. Where the site abuts property in any Rural Residential (R-1), Medium Density Residential (R-2), or High Density Residential (R-3) Zoning District, a buffer of three-hundred feet shall be provided along the property line.

- D. Exterior lighting shall be hooded or shielded to be deflected away from adjacent property.

**21. SINGLE-FAMILY DWELLINGS (NOT ON LOTS OF RECORD)**

- A. The Planning Commission may allow single-family dwellings in the Agricultural (AG) District if the parcel on which the dwelling is to be located in poorly suited for agricultural production and any two of the following conditions are met:
  - i. Soil Conditions: No prime agricultural soils may be included in any part of the proposed parcel.
  - ii. Slope: Slopes greater than twelve percent (12%) may be suitable for residential dwellings.
  - iii. High Groundwater Table, Floodplain, or Wetlands: While these may not be ideal building sites, some circumstances may make them suitable for residential uses.
  - iv. Natural Vegetation: There exist mature stands of trees or thick brush.
  - v. Size, Shape, Orientation, or Physical Features: It must be demonstrated that existing conditions make the parcel difficult or impractical to farm.
- B. The Planning Commission, in making its determination, may consider factors such as, but not limited to:
  - i. Past and present use of the parcel and adjoining parcels.
  - ii. Past productivity, vegetation, and the difficulty in making the parcel suitable for farming.
  - iii. The likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
  - iv. The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of the Township.
- C. Parcel size may not exceed two (2) acres, unless that portion greater than two acres contains no prime agricultural soils.
- D. Must have proof that the water supply and septic systems are approved by the St. Joseph County Health Department.

**22. SMALL WIND ENERGY SYSTEMS**

Small Wind Energy Systems for personal use having a rated capacity of not more than 30 KW and be intended primarily to reduce on-site consumption of utility power. Some locations may be unsuitable for a small energy system; automatically allowing use anywhere could cause problems. The following restrictions shall be required:

- A. No Special Land Use permission is needed on small wind energy systems that remain un-connected to any utilities and when all consumption of energy produced is used with the residing property.
- B. The distance between a Wind Energy System and the owner's property lines shall be at least one and one-half (1½) times the height of the Wind Energy System tower including the top of the blade in its vertical position.
- C. Small Wind Energy Systems shall not be a nuisance at any property line.
- D. No Wind Energy System shall be installed until evidence has been provided, that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements. Off-grid systems shall be exempt from this requirement.
- E. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
- F. A study may be required to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study.

**23. TELECOMMUNICATION TOWERS**

Telecommunication towers for commercial radio, television, commercial telecommunications, and for microwave or television are permitted in the Agricultural (AG) District, according to the following standards:

- A. To minimize the proliferation of towers within the Township, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed transmitting antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures.

Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed transmitting antenna might consist of the following:

- i. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.
    - ii. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
    - iii. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - B. Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
  - C. Available tower space on existing towers will be required to be leased or sold at fair market value.
  - D. Transmitting antennas to be placed on buildings, existing towers or other structures shall be subject to all the requirements of this section, including the Special Land Use permit requirements referenced herein.
2. Design Standards: All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA – 222 or its successor.
3. Minimum Setback Distances:
- A. Towers shall be setback from the property lines and street rights-of-way a minimum of the total height of the structure, to include any antennae projecting above the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or street rights-of-way. When a tower is to be mounted on another structure, the total height shall be combined heights of the structure, tower, and projecting antennas, The Planning Commission shall have the authority to approve a tower with a lesser setback if (1) the proposed tower is to be constructed in a manner that would cause the tower in the case of collapse to remain within the boundaries of the property on which it is located and (2) the Planning Commission determines that a reduced setback will not have a material adverse impact upon any neighboring properties.

- B. Anchorages for guyed towers must be on the same parcel of land as the tower and set back from property lines a minimum of twenty (20) feet.
  - C. Accessory buildings shall be set back in accordance with the requirements of the district in which the property is zoned.
4. Security Fencing: The tower base, anchorages for guyed towers and any accessory buildings shall be enclosed by a security fence consisting of a six (6) foot chain link fence topped with three (3) strands of barbed wire or an eight (8) foot tall chain link fence.
  5. Obscuring Screen: A seven (7) foot tall obscuring screen of evergreens and shrubs shall be established and maintained to screen the tower base and associated accessory buildings from any neighboring properties.
  6. Lighting: Towers shall be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration (FAA), or other federal or state agency having authority over a particular tower.
  7. Signs: The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.
  8. Removal of Abandoned Towers: Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within twelve (12) months of the cessation of operations, unless the Zoning Board of Appeals has approved an extension of the twelve-month period. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relevant documents, such as a signed lease, deed, or land contract. In the event a tower is not removed within the time stated above (or as extended by the Zoning Board of Appeals), the Township may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure the Township's ability to call the bond and effectuate the removal of the tower.
  9. Additional Requirements: In addition to the information required for Special Land Use permits pursuant to this Ordinance, applicants for Special Land Use permits for a transmitting tower shall submit the following information:
    - A. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning land uses and zoning within five-hundred (500) feet of the parcel



on which the tower is located (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from site boundary lines and elevation drawings of the proposed tower. The Site Plan shall be prepared by or under the supervision of a professional engineer, architect, or architectural engineer licensed or registered by the State of Michigan. The Site Plan shall contain the name and firm address of the professional engineer, architect or architectural engineer responsible for the preparation of the Site Plan and the professional seal and signature of that person.

- B. The legal description and ownership of the parcel on which the tower is proposed to be located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
- C. The setback distances between the proposed tower and the boundaries of the parcel on which the proposed tower is located.
- D. The method of fencing, finishing color of the tower and, if applicable, the method of screening and illumination.
- E. A description of compliance with federal, state and local laws.
- F. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicant's location and the location and service area of the proposed telecommunication site.
- G. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):
  - i. Capacity and propagation analysis.
  - ii. Tower height visibility analysis.
  - iii. Antenna separation analysis based on wavelength.
  - iv. Analysis of signal strength and signal thresholds necessary for cell hand-off.
  - v. Availability of suitable structures for antenna mounting.

- vi. Topography as it relates to line of sight transmission for optimum service efficiency.
- vii. Leasable lands and willing property owners.
- viii. Screening potential of existing vegetation, structures, and topographic features.
- ix. Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.
- x. Least number of sites to cover desired area.
- xi. Greatest coverage consistent with physical requirements.
- xii. Opportunities to mitigate possible visual impact.
- xiii. Availability of sites not within an established single-family community.
- xiv. Preservation of view corridors, vistas.
- xv. Potential for preservation of pre-existing character to site.
- xvi. Impact on surrounding residential areas.
- xvii. Availability of road access.
- xviii. Availability of electric power.
- xix. Availability of land based telephone lines or microwave link capability.

2. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special Land Use:

- A. Height of the proposed tower.
- B. Proximity of the tower to residential structures and residential district boundaries.
- C. Nature of uses on adjacent and nearby properties.
- D. Surrounding topography.
- E. Surrounding tree coverage and foliage.
- F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

- G. Proposed ingress and egress.
- H. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- I. Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

## **ARTICLE 17**

### **ADMINISTRATION AND ENFORCEMENT**

#### **17.01 ADMINISTRATION**

The Township Board shall designate a Zoning Administrator to act as its officer to effect proper administration of this Ordinance.

#### **17.02 ZONING PERMITS AND PLANS**

No building or part thereof shall hereafter be erected, moved, enlarged or altered until the Zoning Administrator has granted a Zoning Permit. The owner or his agent shall file an application and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans; a plot plan and such other information as may be necessary to provide for the enforcement of this Ordinance. Plans shall be drawn to scale and shall show dimensions in figures; and in the case of multi-family, business, or industrial buildings by complete specification. Building and plot plans shall be signed by the person preparing them and by the owner of the property or building involved. No Zoning Permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. The Zoning Administrator has the authority to require a property survey if deemed necessary. All Zoning Permits shall expire one year from their date of issuance.

#### **17.03 FEES**

The Township Board is hereby given the authority to establish by resolution, at any regular public meeting, a schedule of fees, rates and charges for the administering of this Ordinance (including, but not limited to, the issuance of permits and the holding of hearing hereunder), provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

#### **17.04 DUTIES OF THE ZONING ADMINISTRATOR**

The office of Zoning Administrator is hereby established. This Ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any Zoning Permit where the proposed building, alteration or use would be in violation of any provision of this Ordinance.

1. Violations: The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall take appropriate action to enforce this Ordinance. The Zoning Administrator shall do one of the following for each violation of the Zoning Ordinance:
  - A. Provide the property owner with an opportunity for corrective action.

- B. Designate the violation as a municipal civil infraction and impose a civil fine for the violation.
- 2. Records: The Zoning Administrator shall keep records of all applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one-family dwellings, and of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Township Board and all other officials of the Township and County.

**17.05 VIOLATION AND SANCTION**

- 1. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, placed, moved, erected, expanded, altered, razed, converted which is begun or changed subsequent to the effective date of this Ordinance, or its amendments in violation of any term or provision of this Ordinance, or the requirements thereof, or any provision that is a condition in a zoning compliance permit, site plan, special use permit, decision of the Zoning Board of Appeals or a variance is hereby declared to be a nuisance per se subject to abatement pursuant to the Michigan Zoning Enabling Act MCL 125.294.
- 2. VIOLATION AND PENALTY: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500.00 (five-hundred), along with costs which may include all expenses, direct and indirect, to which Flowerfield Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of neither less than \$10.00 (ten) nor more than \$500.00 (five-hundred) be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction to obtain an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that such violation continues shall be deemed a separate and distinct violation.

**ARTICLE 18**  
**ZONING BOARD OF APPEALS**

**18.01 CREATION**

There is hereby created a Zoning Board of Appeals (ZBA), which shall perform duties and exercise its powers and jurisdiction as provided by Act 110 of 2006, as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare are secured and substantial justice done.

**18.02 MEMBERSHIP**

The Zoning Board of Appeals shall be composed of not less than three (3) regular members. The first regular member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township.

One regular member may be a member of the Township Board. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.

A member of the Zoning Board of Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

**18.03 REMOVAL**

A member of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

**18.04 TERM**

Terms shall be for three years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for

less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

#### **18.05 ALTERNATE MEMBERS**

A Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meeting of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty consecutive days. An alternate member may also be called to serve as a regular member to reach a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

#### **18.06 GENERAL GRANT OF POWER**

The Zoning Board of Appeals shall perform all the duties and have all the powers prescribed by Act 110 of 2006, as amended. It shall adopt rules of procedure consistent with the provisions of said Act and other local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which the Board is required to pass under the ordinance, or to grant a variance in the ordinance. 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 Township, county, or state.

#### **18.07 EMPLOYEES**

The Board may employ clerical or other assistance as may be necessary, if it shall not incur any expense at any time beyond the amount made available for that purpose.

#### **18.08 MEETINGS**

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its rules of procedure may specify. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.

## **18.09 PROCEDURES**

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a Zoning Ordinance, Special Land Use and Planned Unit Development decisions may not be taken to the Zoning Board of Appeals.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.

An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the Township. In addition, a variance in the Zoning Ordinance may be applied for and granted under section 4 of the Uniform Condemnation Procedures Act, of 1980 PA 87, MCL 215.34. The Zoning Board of Appeals shall state the grounds of any determination made by the board.

An appeal shall be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall transmit as soon as possible to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed 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, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as required.

If the Zoning Board of Appeals receives a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required. However, if the request does not involve a specific parcel of property, notice need only be published and given to the person making the request.



At a hearing, a party may appear personally or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination and may issue or direct the issuance of a permit.

If there are practical difficulties for nonuse variances in the way of carrying out the strict letter of the Zoning Ordinance, the Zoning Board of Appeals may grant a variance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

The following procedures and standards for approval are for the review of all types of variances.

1. The Zoning Board of Appeals may impose conditions as otherwise allowed under this act.
2. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements or to any other non use-related standard in the Ordinance.

#### **18.10 DIMENSIONAL VARIANCES**

Subject to the provisions of this Ordinance, and in addition to other duties and powers specified herein, the Board, after public hearing shall have the power to decide applications for dimension variances:

1. Where it is alleged that there is error or misinterpretation in order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this Ordinance.
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.
3. Where it is alleged that there is practical difficulty in carrying out the strict letter of this Ordinance and a request made to vary such regulations, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

#### **18.11 USE VARIANCES**

The Zoning Board of Appeals does not have the authority to grant variances from uses of lands.

## **18.12 FEES**

Upon filing of a completed appeal or application to the Zoning Administrator, the applicant shall pay a fee as set by the Township Board. Fees must be paid before any action is taken on said petition. Fees may be changed by the Township Board at any regular meeting.

## **18.13 VOTE NECESSARY FOR DECISION**

The final disposition of any matter of the Board shall require the concurring vote of a majority of its members.

## **18.14 DECISION AS FINAL**

The decision of the Zoning Board of Appeals shall be final. The decision of the Zoning Board of Appeals is deemed final either: (1) when the Zoning Board of Appeals issues its decision in writing, or (2) if the Zoning Board of Appeals does not issue a written decision, then when the Zoning Board of Appeals approves the minutes of its decision (at the next meeting).

A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located.

## **18.15 TIME LIMIT**

Subject to the exception set forth below, no variance granted by the Zoning Board of Appeals shall be valid for a period longer than twelve months unless either:

1. The use or structure made possible by the variance is established within the twelve month period, or
2. A building permit for the construction made possible by the variance is obtained within the six-month period and the construction is started and proceeds to completion in accordance with the building permit.

EXCEPTION: Variances granted which render vacant lots that would otherwise be unbuildable under the terms of this Ordinance buildable (e.g. variances from lot area, lot width, road frontage, or lot depth-to-width ratio requirements) shall not be subject to the above twelve month time limitation.

## **18.16 MINUTES AND RECORDS**

The Zoning Board of Appeals shall maintain a record of its proceedings that shall be filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals's Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

**ARTICLE 19**  
**SEVERABILITY AND REPEALS**

**19.01 SEVERABILITY**

Should any article, section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

**19.02 REPEALING CONFLICTING ORDINANCES**

In the case of any inconsistencies between this Ordinance and an ordinance adopted under any other law, this Ordinance shall be controlling. Any ordinances or part thereof, in conflict with any of the terms of this Ordinance are hereby repealed to such extent as they are in conflict or inconsistent. However, the adoption of this Ordinance shall not prevent or bar the continuance or institution of proceedings for offenses heretofore committed in violation of any existing ordinance.

**19.03 PRIOR ORDINANCE**

In the event that any part or provision of this Ordinance is repealed by a court of law as the result of any judgment, then the prior version (Ordinance No. 39) dated March 8, 2011 shall continue in effect.

**19.04 EFFECTIVE DATE**

This Ordinance was adopted on November 14, 2017.

This Ordinance was published on November 28, 2017.

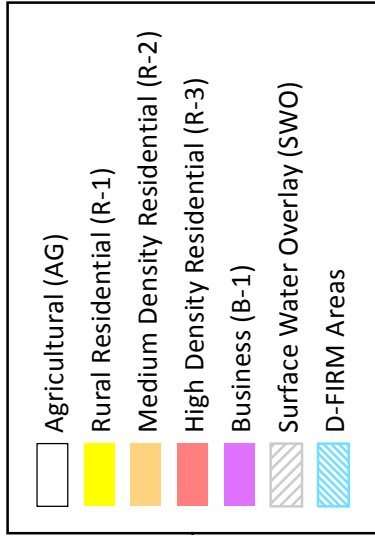
This Ordinance shall take effect on December 29, 2017.

Myron Fuller

Flowerfield Township Clerk

# Flowerfield Township Zoning Map

St Joseph County, Michigan



## APPENDIX A



The information contained herein has been supplied by the local unit of government. St Joseph County assumes no responsibility for the accuracy of the map or the districts herein depicted.

Produced by: St. Joseph County  
Land Resource Centre (269) 467-5576  
Geographic Information Systems Department

