

Zoning Ordinance

SHERMAN TOWNSHIP

ST. JOSEPH COUNTY, MICHIGAN

**Adopted August 7, 2006
Amended July 20, 2015 (amendments effective 8/11/15)**



LSL Planning, Inc.

Community Planning Consultants

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CHAPTER 1 TITLE, PURPOSE, SCOPE

SECTION 1.01 SHORT TITLE

This Ordinance shall be known as the "Sherman Township Zoning Ordinance."

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things:

- A. Encourage the use of lands, waters and other natural resources in the township in accordance with their character and most suitable use;
- B. To limit the improper use of land and resources;
- C. To provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- D. To reduce hazards to life and property;
- E. To provide for orderly development within the township;
- F. To avoid overcrowding of the population;
- G. To provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- H. To lessen congestion on the public roads;
- I. To protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- J. To facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements;
- K. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

SECTION 1.03 THE EFFECT OF ZONING

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations of this Zoning Ordinance and the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, that use of land, building or structure shall be unlawful and shall be declared a nuisance and that use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and the land, building, or structure shall not be used or occupied until brought into conformance.

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

CHAPTER 2 DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

- A. If the meaning of this Ordinance is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- D. The particular shall control the general. For terms used in this Ordinance the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "drug store," as used in this Ordinance, shall not be interpreted to be the same as a "retail store" since each is listed as a separate and distinct use.
- E. 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.
- F. A "building" or "structure" includes any part thereof.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.02 DEFINITIONS - A

ACCESSORY BUILDING

Except as otherwise permitted by this Ordinance, a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a

substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the principal use of the land or building.

ADULT USES

The term shall include adult bookstores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. **Adult Bookstore**
An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of this material.
- B. **Adult Cabaret**
An establishment including, but not limited to, a café, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. **Adult Motion Picture Theater**
An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons.
- D. **Massage Establishment**
Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A Massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- E. **Nude Artist and Photography Studio**
Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

AGRICULTURE

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

ALLEY

A public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

ALTERATIONS

Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

ARCHITECTURAL FEATURES

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

AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

SECTION 2.03 DEFINITIONS - B**BANK**

The rising ground bordering a watercourse, lake or reservoir.

BASEMENT OR CELLAR

A portion of a building having more than one-half ($\frac{1}{2}$) of its height below grade.

BED AND BREAKFAST ESTABLISHMENT

A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BOARD OF APPEALS, or BOARD

The Sherman Township Zoning Board of Appeals.

BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

BUILDING

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

BUILDING HEIGHT

The building height is the vertical distance measured from the established grade to the highest point of the roof surface. When the terrain is sloping, the ground level is measured at the point that the grade meets the foundation or wall of the façade that faces the road.

BUILDING, MAIN

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

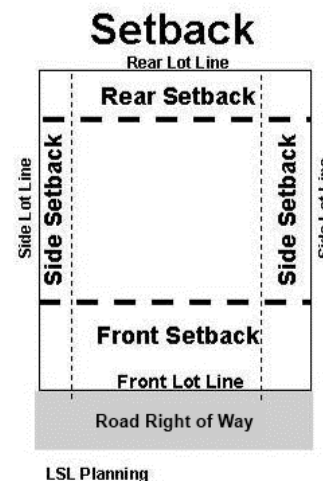
BUILDING PERMITS

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

BUILDING SETBACK LINES

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as required by this Ordinance.

- A. Front Building Setback Line. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. Rear Building Setback Line. The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Building Setback Lines. Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



SECTION 2.04 DEFINITIONS - C**CLINIC**

A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

COMMERCIAL

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

CONVALESCENT OR NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. The convalescent or nursing home shall conform to, and qualify for, license under applicable State law.

SECTION 2.05 DEFINITIONS - D**DAY CARE**

A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Day Care Center.

- A. Day Care Home, Family
A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- B. Day Care Home, Group
A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.
- C. Day Care Facility, Commercial
A non-residential facility where care is provided for any number of children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian.

DRIVE-IN OR DRIVE-THROUGH FACILITIES

A commercial or other establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

DWELLING, OR DWELLING UNIT

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

A. Dwelling, Multiple Family

A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in the building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

B. Dwelling, Two-Family

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

C. Dwelling, Single Family (Detached)

A detached building used or designed for use exclusively by one (1) family.

SECTION 2.06 DEFINITIONS - E

ERECTED

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessory structures reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings that are necessary for the furnishing of adequate service by such utilities

or municipal departments and not including cellular telephone or communications towers or buildings. [Amended, 6/20/11; effective 7/4/11]

EXCAVATING

Excavating shall be the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.

SECTION 2.07 DEFINITIONS - F

FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM

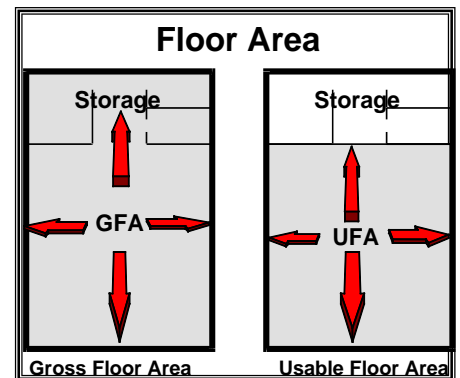
The use of land for cultivation or for raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including stone quarries, or gravel, dirt, or sand removal operations.

FENCE

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

FLOOR AREA, GROSS (GFA)

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)
- B. Gross floor area shall not include attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Any space devoted to off-road parking or loading shall not be included in floor area. Areas of basements (except as provided above), breeze ways, porches, or attached garages are not included.



FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE (See Lot Width)

SECTION 2.08 DEFINITIONS - G**GARAGE**

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located.

SECTION 2.09 DEFINITIONS - H**HOME BASED BUSINESS**

An accessory use of a residential property which does not meet the definition of home occupation or does not comply with the requirements of home occupations but remains secondary to the residential use of a principal residential structure. Home based businesses consist of service oriented, commercial, or light assembly or manufacturing uses that cannot be accommodated within a principal dwelling unit and are typically more intense than those associated with home occupations. [Amended 7/20/15 , effective 8/11/15]

HOME OCCUPATION

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit. Home occupations include activities by artists, composers and craft workers or home office uses, all without sales on the premises. [Amended 7/20/15, effective 8/11/15]

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care, including as an integral part of the institution, related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL OR MOTEL

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

SECTION 2.10 DEFINITIONS - I

Reserved for future use.

SECTION 2.11 DEFINITIONS - J**JUNK YARD**

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

SECTION 2.12 DEFINITIONS - K**KENNEL**

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

SECTION 2.13 DEFINITIONS - L**LAWN**

Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

LOADING SPACE

An off-road space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-road loading space is not to be included as off-road parking space in computation of required off-road parking.

LOT

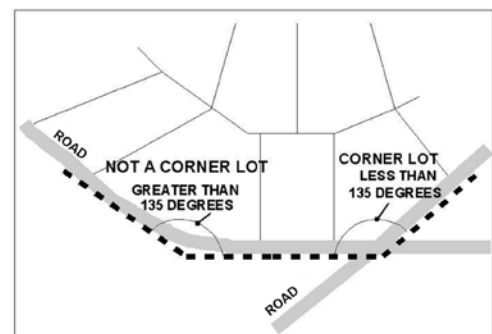
A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

LOT AREA

The total horizontal area within the lot lines of a lot excluding road right-of-way.

LOT, CORNER

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



LOT COVERAGE

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

LOT DEPTH

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

LOT, INTERIOR

A lot other than a corner lot with only one (1) lot line fronting on a road.

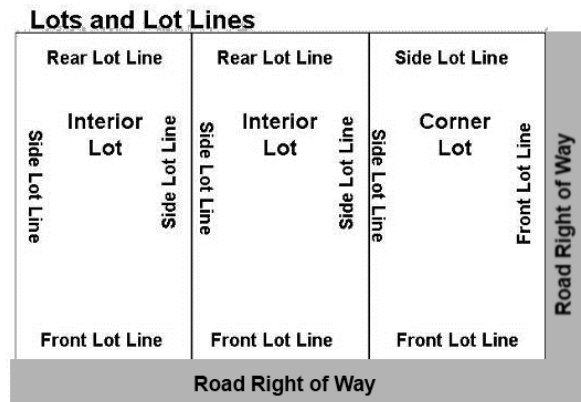
LOT LINES

The property lines bounding the lot:

A. **Front Lot Line.** The line separating the lot from the abutting public or private road right-of-way. A corner or through lot shall have a front lot line abutting each adjacent public or private road right-of-way.

B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of a rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).

C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

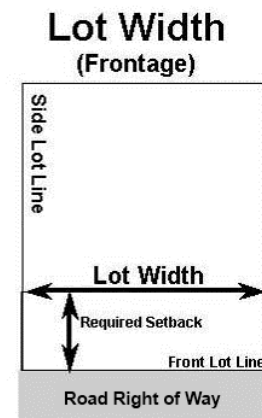


LOT OF RECORD

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

LOT, THROUGH

A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting



on one (1) or both of the roads, the required front yard setback shall be observed on those roads where the structures presently front.

LOT WIDTH

The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front setback line and the rear setback line.

SECTION 2.14 DEFINITIONS - M**MAIN BUILDING**

The building or structure in which the principal use of the lot or parcel is located. Storage buildings, garages, and other accessory uses and structures shall not be considered main buildings.

MANUFACTURED HOME

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

MASTER PLAN

The Master Plan, or Land Use Plan as adopted by Sherman Township, including graphic and written materials, indicating the general location for roads, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of the plan and any amendment to the plan.

MOTOR HOME

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational use. This term does not include manufactured homes.

SECTION 2.15 DEFINITIONS - N**NON-CONFORMING BUILDING**

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

NON-CONFORMING LOTS OF RECORD

A platted lot that conformed with all Township zoning requirements at the time of recording of the plat, which no longer conforms to the zoning regulations and requirements for lot area, lot

width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

NON-CONFORMING USE

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

NON-RESIDENTIAL DISTRICT

The NC Neighborhood Commercial and LI Light Industrial zoning districts.

SECTION 2.16 DEFINITIONS - O

OPEN AIR BUSINESS

Uses operated for profit substantially in the open air, either as an accessory use or a principal use, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

ORDINARY HIGH WATER MARK

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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

OUTDOOR RECREATIONAL FACILITY

Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement park or similar recreation uses (transient or permanent).

SECTION 2.17 DEFINITIONS - P

PARKING LOT

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

PARKING SPACE

An off-road space of at least one hundred sixty-two (162) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a road or alley.

PERSONAL SERVICE ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

PLANNING COMMISSION

The Sherman Township Planning Commission.

PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

PORCH, OPEN

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

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

PRINCIPAL USE

The primary use of land or structures, as distinguished from accessory uses.

SECTION 2.18 DEFINITIONS - R**RECREATION VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. These vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT

The AG Agriculture, RP, Rural Preservation, RR Rural Residential, MDR Medium Density Residential, WR Waterfront Residential, and MHC Manufactured Housing Community districts.

ROAD

See Section 3.03, B for Road definitions. [Amended, 6/20/11; effective 7/4/11]

ROAD COMMISSION

The St. Joseph County Road Commission.

ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

SECTION 2.19 DEFINITIONS - S**SALVAGE YARD**

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SETBACK

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

SHORELINE

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.

SIGNIFICANT NATURAL FEATURE

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality, or other appropriate governmental agency, which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

SPECIFIED ANATOMICAL AREAS

Specified anatomical areas are defined as less than completely and opaquely covered:

- A. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Specified sexual activities are defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; and/or
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. A Residential Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A Group Home Care Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

STORY, HALF

That part of a building between a pitched roof and the uppermost full story having a floor area which does not exceed one-half ($\frac{1}{2}$) the floor area of the full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven (7) feet, at its highest point.

STREET (See Road; Section 3.03, B for Road definitions) [Amended, 6/20/11; effective 7/4/11]

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SECTION 2.20 DEFINITIONS - T**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events.

TOWNSHIP

Sherman Township, St. Joseph County, Michigan.

TOWNSHIP ATTORNEY

The person or firm appointed by the Township Board as the attorney for Sherman Township.

TOWNSHIP BOARD

The Sherman Township Board.

TOWNSHIP BUILDING INSPECTOR

The person or agency appointed by the Township Board as the Building Inspector for Sherman Township.

TOWNSHIP ENGINEER

The person or firm appointed by the Township Board as the Engineer for Sherman Township.

TOWNSHIP PLANNER

The person or firm appointed by the Township Board as the Planner for Sherman Township.

TRAVEL TRAILER

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

SECTION 2.21 DEFINITIONS - V**VEHICLE REPAIR**

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

VEHICLE SERVICE STATION

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of the commodities on or in the vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

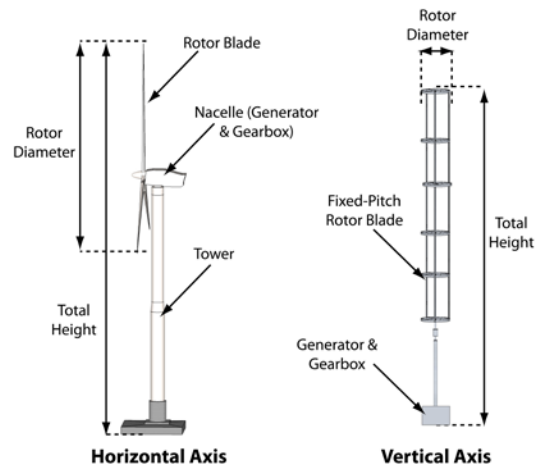
SECTION 2.22 DEFINITIONS – W**WATERFRONT LOT**

A lot having frontage directly upon a lake or other naturally formed impoundment of water.

WIND ENERGY CONVERSION SYSTEMS –

1. Wind Energy Conversion System (WECS): Shall mean a combination of:

- a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
- b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
- d. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.



- e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

A WECS may have a horizontal axis, with a rotor that spins perpendicular to the ground, or a vertical axis, with a rotor that spins parallel to the ground.

2. Commercial WECS: Any WECS that is a Single WECS for Commercial Purposes, any WECS within a wind farm, or any other WECS meant to provide power which is utilized off the site on which the WECS is located.
3. Interconnected WECS: A WECS that is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
4. On-site Service WECS : A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.
5. Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects such as dwellings.
6. Single WECS for Commercial Purposes: A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
7. WECS Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.
8. Wind Farm: Clusters of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. The WECS facilities may or may not be owned by the owner of the property upon which the WECS is placed.

[Amended, 6/20/11; effective 7/4/11]

WIRELESS TELECOMMUNICATION SERVICES

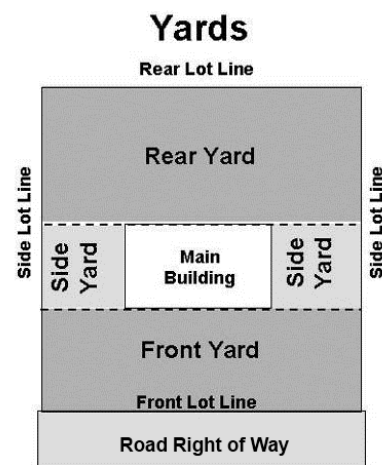
Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

SECTION 2.23 DEFINITIONS - Y

YARD

A yard is an open space on the same land with a building or group of buildings, which open space lies between the foundation of the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.



LSL Planning, Inc.

- B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

SECTION 2.24 DEFINITIONS - Z

ZONING ACT

The Michigan Zoning Enabling Act, Act , Public Act 110 of 2006 (MCL 125.3101 et seq.) of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS, OR BOARD.

The Zoning Board of Appeals of Sherman Township.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.01 REQUIRED AREA, SPACE AND USE CONDITIONS AND EXCEPTIONS

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so created, divided, altered or reduced as to make the area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, the area or dimension shall not be further divided or reduced.
- B. Except as noted in Section 6.05, D, a lot that is platted or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the St. Joseph County Health Department. Prior to construction or use of the lot, the owner of a lot of record must provide proof from the County Health Department that the lot is in conformance with the regulations applicable to the provisions and use of domestic water supplies and sanitary sewer facilities. The main building on this lot shall be located so that it meets at least eighty percent (80%) of the yard requirements of the District in which it is located. [Amended, 6/20/11; effective 7/4/11]
- C. Except as noted in Section 6.05, D, when two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, meet the requirements of this subsection, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. These parcels shall be combined into the lot or lots meeting the lot width and lot size requirements of this Ordinance. No portion of this parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance. This subsection applies to those lots that are:
1. in common ownership;
 2. adjacent to each other or have continuous frontage, and;
 3. individually do not meet the lot width or lot area requirements of this Ordinance.

SECTION 3.02 PRINCIPAL USE

- A. Except as noted in B, below, no lot or parcel of land shall contain more than (1) main building or one (1) principal use.
- B. Land and buildings for multiple family dwellings, shopping areas, and other similar developments may be considered a principal use collectively by the Zoning Administrator if the following conditions are met.
1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
 2. All uses, if not the same, shall be similar in function and/or operation.

SECTION 3.03 ROAD ACCESS, PRIVATE ROADS AND OTHER PRIVATE MEANS OF ACCESS**A. Road access.**

Any lot created after the effective date of this Ordinance shall have frontage upon and shall take access from a public road under the jurisdiction of the St. Joseph County Road Commission or the Michigan Department of Transportation, or from an approved private road, back lot access private drive or shared driveway meeting the requirements of this Section.

B. General regulations applying to all private roads, back lot access private drives and shared driveways.

1. **Definitions.** See Figure 1 for examples. For the purposes of this Section, the following shall apply:

- a. As used in this Section, the term “road” also includes “street,” “avenue,” “drive,” “place,” “way,” “lane,” “boulevard,” “court,” “highway,” or other thoroughfare, except an alley.
- b. **Public road:** A public thoroughfare located within a public road right-of-way and dedicated to public use, which affords traffic circulation and provides access to abutting property.
- c. **Back lot access private drive.** A private access drive that meets the following conditions:

The drive initially provides access to one (1) but no more than two (2) lots, split from a parent parcel, that are not otherwise contiguous to a public or private road (commonly referred to as “back lots”).
- d. **Shared driveway:** A driveway that provides the primary access from a public road to two (2) contiguous lots which, because of their zoning, configuration, or other element related to the land, cannot be or are unlikely to be split into future additional lots.
- e. **Private road:** A privately owned and maintained thoroughfare, located within a private road right-of-way easement, which is not a public road, which affords traffic circulation and provides access to abutting property. [Amended 7/20/15, effective 8/11/15]
- f. **Lot:** A tract of land that can be legally described with certainty and is capable of being located by survey. This definition also includes “parcel” or “site condominium unit.”
- g. **Safe and unimpeded route of travel:** A road surface of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle.

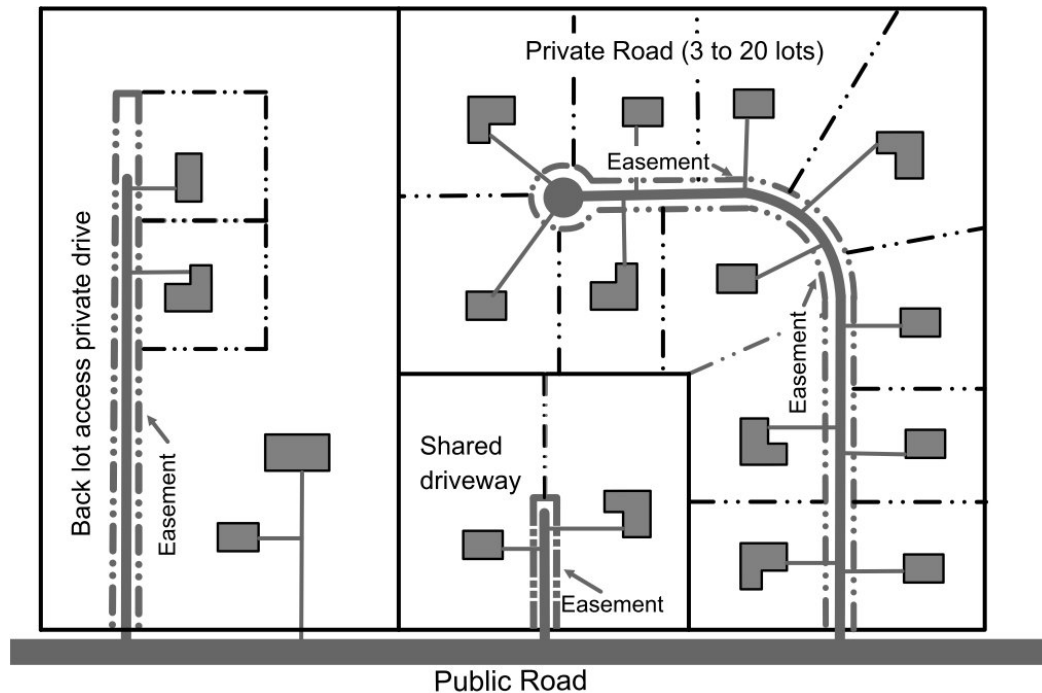


Figure 1: Examples of private means of access (Not to scale; see text for road widths and easement dimensions)

2. **Scope.** The Township recognizes that, as large tracts of land are divided, sold, transferred and developed, private roads, back lot access private drives and shared driveways are being created to provide access to the newly divided properties. The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads and other private means of access. Private roads, back lot access private drives and shared driveways shall meet the requirements of this Ordinance. These regulations shall be enforced to ensure that:
 - a. Private roads, back lot access private drives and shared driveways shall be designed and located to be consistent with the Master Plan and long term development policies of Sherman Township.
 - b. Private roads, back lot access private drives and shared driveways and other private means of access shall be designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.
 - c. Private roads, back lot access private drives and shared driveways shall be constructed and maintained to be passable in all weather conditions and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private road.
 - d. Private roads, back lot access private drives and shared driveways shall be constructed of suitable materials to ensure minimal maintenance and safe passage.
 - e. Private roads, back lot access private drives and shared driveways shall be constructed to protect against or minimize soil erosion and prevent

damage to lakes, streams, wetlands, and other significant natural features of the Township.

3. **Permit Required.** No individual, association, corporation or entity, either public or private, shall construct or extend a private road, back lot access private drive or shared driveway without first having obtained a permit from the Township.
4. **Lots with multiple frontage.** A lot that has frontage on both a public road and a private road or shared driveway shall take its access from the private road or shared driveway if the lot has rights to the easement; however, the Township may approve access from the public road if the property does not have rights to the easement or it can be shown that access to the public road provides a safer or more efficient means of access, and the access has been approved by the appropriate road jurisdiction.
5. **Jurisdiction.** For any proposed private road, back lot access private drive or shared driveway that intersects a public road or State trunk highway, permits from the appropriate agency shall be submitted. If the private road, back lot access private drive or shared driveway intersects an existing private road, written permission from the owners, private road association or other entity that owns the private road shall be submitted. However, in no case shall a private road serve more than twenty (20) lots. [Amended 7/20/15, effective 8/11/15]
6. **Lot area, width and setback requirements.** All setbacks required by this Ordinance shall be measured from the easement right-of-way line. Minimum lot area and lot width requirements shall exclude any private road easements. For corner lots which are bound on two sides by intersections of a public road and private road or back lot access private drive, corner lot setback requirements of Section 3.04 D apply. [Amended 7/20/15, effective 8/11/15]
7. **Land divisions, subdivisions and site condominiums.** No land division, subdivision or site condominium that creates lots accessed by a private road, back lot access private drive or shared driveway shall be approved or recorded unless and until the private means of access has been approved according to this Section.
8. **Legal documentation requirements.** Any application for a private road, back lot access private drive or a shared driveway shall be accompanied by a private easement and maintenance agreement, in recordable form, that meets the following minimum standards:
 - a. The private easement and maintenance agreement shall require the property owner(s) served by the private road, back lot access private drive or shared driveway to be responsible for the ownership and maintenance of the private road, back lot access private drive or shared driveway.
 - b. The agreement shall contain the method for apportioning costs of construction, maintenance and repair of the private road, back lot access private drive, or shared driveway among all of the benefitting property owners. The agreement shall also include provisions for a performance guarantee, if required.
 - c. The agreement shall contain a detailed legal description of the private road, back lot access private drive or shared driveway easement.

- d. The agreement shall bind all of the benefiting lots and owners to the required maintenance of the private road, back lot access private drive or shared driveway, including all succeeding owners.
 - e. The agreement shall contain a clause stating that the applicant(s)/ owner(s) of the private road, back lot access private drive or shared driveway agree that by applying for or securing a permit to construct the private means of access that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road, back lot access private drive or shared driveway or of the failure to properly construct, maintain, use, repair, and replace the private road, back lot access private drive or shared driveway.
 - f. A private easement and maintenance agreement for a private road serving three (3) to twenty (20) lots shall contain a provision to permit the Township Board to authorize the repair of any private road that is not being maintained adequately to permit safe and unimpeded route of travel by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the benefitting owners of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers.
 - g. The Township shall review the private easement and maintenance agreement for the private road, back lot access private drive or shared driveway, as submitted by the applicant, as part of the review and approval process to determine if Township requirements are met.
 - h. After final approval of the private road, back lot access private drive or shared driveway, the applicant shall record the private easement and maintenance agreement with the St. Joseph County Register of Deeds. After recording the private easement and maintenance agreement, a copy of the recorded documents shall be submitted to the Township Clerk.
9. ***Application.***
- a. All applications for a private road, back lot access private drive or shared driveway permit shall be on a form or forms established by the Township and shall include any required fees, the required plans, the private easement and maintenance agreement and any other submittals as outlined below.
 - b. The Zoning Administrator shall determine the number of plan sets required to accompany the application.
 - c. Application fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections. Any funds remaining in escrow after the project has been inspected and approved shall be returned to the applicant.
10. ***Approval Authority.***

- a. Shared driveway. A shared driveway shall be reviewed and approved by the Zoning Administrator. If an application does not meet the requirements of this Section and is not approved, the Zoning Administrator shall provide a written explanation of the denial.
 - b. Back lot access private drive. A back lot private access drive shall be reviewed and approved by the Planning Commission. [Amended 7/20/15, effective 8/11/15]
 - c. Private road. A private road shall be reviewed by the Planning Commission, who shall make a recommendation to the Township Board, according to Subsection E.3, below.
 - d. In making a recommendation and/or a decision, the Zoning Administrator, or the Planning Commission and Township Board, as applicable, may impose such conditions necessary to ensure compliance with this Section and ensure protection of the public health, safety and welfare.
11. *Occupancy permits*. No occupancy permit for a structure on a lot accessed by a private road, back lot access private drive, or shared driveway shall be approved until the road, drive or driveway has been approved and inspected according to this Section.

C. Specific requirements: shared driveway.

1. *Design and construction requirements*.
 - a. The shared driveway shall be located within an easement with a minimum width of forty (40) feet.
 - b. The shared driveway shall have a minimum width of ten (10) feet of travelled surface; however, any shared driveway that exceeds four hundred (400) feet in length shall provide a passing lane that is sixty (60) feet long by twenty (20) feet wide to permit passage by emergency vehicles. An additional passing lane shall be provided for each additional four hundred (400) feet of length. The location of the passing lane(s) shall be determined by the Zoning Administrator. The passing lanes shall be compacted, but need not be paved, and if unpaved shall be planted with turf and kept mowed.
 - c. The road surface may be paved with a hard surface or may be aggregate (gravel).
 - d. Shared driveways shall have a clear height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic and emergency vehicles in all weather conditions. [Amended 7/20/15, effective 8/11/15]
2. *Extension of shared driveway or increase in the number of lots served*. A shared driveway may not be extended, nor may land accessed by the Shared Driveway be divided by any means, so that more than two (2) lots are served by the shared driveway, unless the shared driveway is upgraded as required for private roads serving three (3) to twenty (20) lots and is approved according to the requirements for a private road, or is dedicated to the public, meets the requirements for a public road and is accepted by the applicable road jurisdiction.
3. *Application and approval*. A shared driveway may be approved by the Zoning Administrator upon review of an application accompanied by the following:

- a. The required private easement and maintenance agreement;
- b. A plan drawn and sealed by a surveyor and/or civil engineer licensed by the State of Michigan, showing:
 - (1) all lots to be served, with dimensions and lot area;
 - (2) the location and width of the private road easement;
 - (3) the width of the proposed pavement;
 - (4) the materials to be used for pavement;
 - (5) the frontage and width of all lots served by the private road; and
 - (6) any drainage or utility structures to be located in the easement.

D. Specific requirements: back lot access private drive

1. *Design and Construction Requirements.*
 - a. Easement. A back lot access private drive shall be located within an easement that is sixty-six (66) feet wide.
 - b. Required improvements. A back lot access private drive shall, at minimum, be improved in the same manner as a shared driveway (see subsection C.1, above);
 - c. Back lot access private drives shall have a clear height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, and emergency vehicles in all weather conditions. [Amended 7/20/15, effective 8/11/15]
2. *Extension of a back lot access private drive or increase in the number of lots served.* back lot access private drive may serve a maximum of two (2) lots. A back lot access drive may not serve more than two (2) lots unless plans for the road are reviewed and approved in the manner required for private roads serving three (3) to twenty (20) lots as outlined by Subsection E, below, or shall be dedicated to the public, meet the requirements for a public road and be accepted by the applicable road jurisdiction. [Amended 7/20/15, effective 8/11/15]
3. *Application and approval.*
 - a. The application for a back lot access private drive shall include:
 - (1) The required private easement and maintenance agreement;
 - (2) a plan drawn and sealed by a surveyor licensed by the State of Michigan, showing:
 - (a) The back lot or lots served by the private drive, with dimensions and lot area of the parent parcel and the back lot(s);
 - (b) the location and width of the private road easement;
 - (c) the width of the proposed pavement; and
 - (d) the materials to be used for the road surface. [Amended 7/20/15, effective 8/11/15]
 - b. Approval process. An application for a back lot access private drive shall be approved by the Planning Commission. In order to be approved the proposed back lot access private drive must meet the following standards:

- (1) Meets the standards of the Zoning Ordinance.
- (2) Will be constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
- (3) Will be constructed so as to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and the natural environment of the Township.
- (4) On a case-by-case basis, the Planning Commission may waive certain review requirements, as site conditions warrant.

[Amended 7/20/15, 8/11/15]

E. Specific requirements: private roads

1. *Design requirements:*

- a. A private road, or any combination of interconnected private roads, shall not provide access to more than twenty (20) lots. Roads proposed to provide access to more than twenty (20) lots must be dedicated as a public road, meet the requirements for a public road and be accepted by the applicable road jurisdiction. [Amended 7/20/15, effective 8/11/15]
- b. A private road with only one (1) access to a public road shall not exceed two thousand five hundred (2,500) feet in length, as measured along the centerline of the private road. Any private road exceeding this length shall provide for at least one (1) additional access to a public road.
- c. The specifications for surface and base materials, longitudinal grade, drainage, method of construction, and signs shall conform to the St. Joseph County Road Commission standards for local paved or gravel roads, as applicable.
- d. The private road surface shall have a minimum width of fourteen (14) feet if serving 3 lots and twenty four (24) feet if serving four (4) to twenty (20) lots. [Amended 7/20/15, effective 8/11/15]
- e. Right-of-way/easement width: All private roads constructed after the effective date of this Ordinance shall have a recorded permanent right-of-way and easement with a minimum width of sixty-six (66) feet. The right-of-way shall expressly permit public or private utilities to be installed within the right-of-way.
- f. The private road shall terminate at a dead-end that is extendable into adjacent, undeveloped lots, designed to allow emergency or maintenance vehicles to turn around safely, or a cul-de-sac with a right-of-way radius that meets the road development standards of the St. Joseph County Road Commission (124 feet in diameter). The Road Commission (if applicable) and the Fire Department shall review and comment on the design of an extendable dead-end. [Amended 7/20/15, effective 8/11/15]
- g. Private roads shall have a height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions. [Amended 7/20/15, effective 8/11/15]

2. *Application.* An application for a private road shall include the following:

- a. Completed application form, provided by the Township, along with any fees and escrow established for review.
- b. The required private easement and maintenance agreement.
- c. A detailed written description of the development to be served by the private road, including a description of the private road association or other party to be responsible for the ownership, operation and maintenance of the private road.
- d. Road construction plans drawn by an engineer registered in the State of Michigan. [Amended 7/20/15, effective 8/11/15]
- e. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
- f. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way. Copies of the instruments describing and granting such easements shall be submitted with the application.
- g. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within one hundred (100) feet thereof.
- h. The location of any other buildings and structures located within one hundred (100) feet of the private road right-of-way.
- i. An approved Soil Erosion and Sedimentation Permit.
- j. A narrative (shown on the site plan or submitted separately) describing in general terms the overall description of the proposal and the proposed method of providing sanitary sewer, water service, storm sewers and surface water drainage facilities, as well as other public and private utilities, including details of structures, light fixtures, etc.
- k. The Planning Commission may require that the plans be reviewed and commented upon by the St. Joseph County Drain Commissioner, St. Joseph County Road Commission, the Fire Department or any other agency deemed affected by the proposed private road.
- l. All private roads shall be named on the site plan and the name(s) shall be approved by the St. Joseph County Land Resource Centre. Road identification signs meeting the requirements of the St. Joseph County Road Commission shall be shown to be installed at intersections.

3. *Approval process*

- a. Planning Commission Review. The Planning Commission shall review the application and plans and shall make a recommendation to the Township Board. In order to recommend approval, the Planning Commission must find that the proposed private road:
 - (1) Meets the standards of the Zoning Ordinance.
 - (2) Will be constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
 - (3) Will be constructed so as to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and the natural environment of the Township.

- b. On a case-by-case basis, the Planning Commission may waive certain review requirements, as site conditions warrant.
- c. Township Board Action. Upon receipt of the recommendation by the Planning Commission, the Township Board shall approve, approve with conditions, or deny the application. The record shall include the basis of the Township Board's decision.

[Amended 7/20/15, effective 8/11/15]

4. *Performance guarantee*. The Township shall require, as a condition of the permit for a private road serving three (3) to twenty (20) lots, that the applicant provide a performance guarantee in accordance with Section 13.07 of this Ordinance. The performance guarantee shall be released upon inspection and approval of the completed private road. [Amended 7/20/15, effective 8/11/15]
5. *"As-built" drawings*. After approval, the applicant, at the applicant's expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit and the Road Commission.

F. **Inspections/Certificate of Compliance**

1. *Inspection required*. Upon completion of construction of the private road, back lot access private drive or shared driveway, the Township shall inspect the completed construction to determine if it complies with the approved plans, specifications, permit, and this Ordinance. A Certificate of Compliance shall be issued if all requirements are met.
2. *Failure of inspection*. If the completed private road, back lot access private drive or shared driveway does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this Ordinance.

G. **Maintenance and Repairs**

1. *Maintenance required*. Private roads, back lot access private drives and shared driveways shall be maintained in a manner that complies with the provisions of this Section.
2. *Safe and unimpeded route assured*. All private roads, back lot access private drives and shared driveways shall be continuously maintained at the proper widths and be clear of brush or trees and branches to a height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
3. *Responsibility*. All costs for maintenance and repair of the private road, back lot access private drive or shared driveway shall be the responsibility of the benefitting property owners or any property owners association.

H. **Existing nonconforming private roads, back lot access private drives or shared driveways:**

1. *Nonconforming use may continue*. A nonconforming private road, back lot access private drive or shared driveway existing on the effective date of this Ordinance

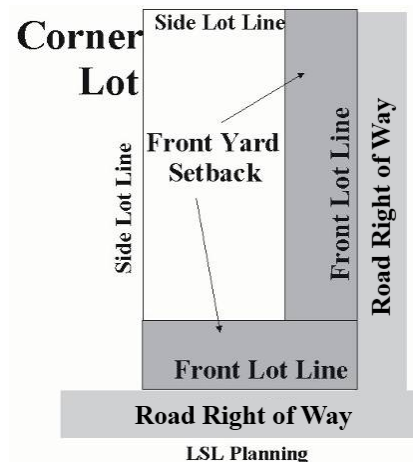
may continue and be maintained and used, even though it may not comply with the provisions of this Section. Any such private means of access shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

2. *Extension.* As of the date of this Ordinance, an existing private road, back lot access private drive or shared driveway that is nonconforming may not be extended to include additional lands and/or additional lots, unless the entire private means of access is upgraded to meet the requirements of this Section.
3. *Existing vacant lots.* A structure may be constructed upon an existing vacant lot of record that takes its primary access from an existing nonconforming private road, back lot access private drive or shared driveway, provided that the structure and all other development thereon meets the requirements of this Ordinance.
4. *Inadequate easement width.* Existing private roads, back lot access private drives or shared driveways that are nonconforming due to inadequate easement width may be improved without requiring the existing easement to be made conforming to the width requirements, provided that the pavement and any other improvements meet the requirements of this Section, and that the width of the easement is not further reduced.
5. *Plans for improvement; process.* Plans to improve an existing nonconforming private road, back lot access private drive or shared driveway shall be reviewed and approved in the same manner as a new private road, back lot access private drive or shared driveway.

[Amended, 6/20/11; effective 7/4/11]

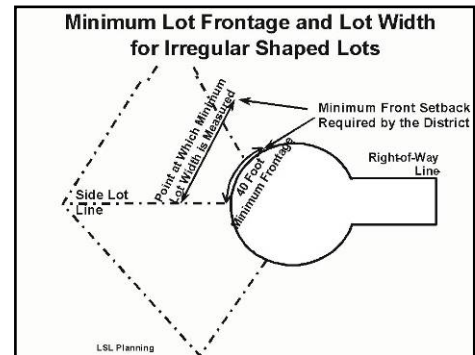
SECTION 3.04 DETERMINING YARD REQUIREMENTS

- A. The front yard setback line shall be measured from the right-of-way line or property line abutting a public or private road right of way, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, except as noted in Section 3.05.
- B. On waterfront lots in the WR District, the front yard shall be considered as the portion of the lot facing the waterfront. A waterfront lot shall not be considered a through lot.
- C. Where an average setback line which is less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building, and at least fifty percent (50%) of the lots within this distance are occupied by a main building, the average setback shall apply.
- D. On corner and through lots, the front yard requirements shall apply on both roads. Any lot line that is not a front lot line shall be a side lot line. There shall be no rear yard setback requirements for corner or through lots. [Amended, 6/20/11; effective 7/4/11]



SECTION 3.05 MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum width of forty (40) feet at the front property line.



SECTION 3.06 HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and wireless telecommunications towers that do not exceed fifty (50) feet in height.
- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing building to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

SECTION 3.07 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
1. may project a maximum of four (4) feet into a front or rear yard setback area; and
 2. shall not project into the side yard setback.
- B. Unless otherwise specified in this Ordinance, a roof overhang may extend into a required yard a maximum of eighteen (18) inches (1.5 feet).
- C. The following requirements apply to porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered.
1. Encroachments:
 - a. The features may project a maximum of ten (10) feet into a front yard setback area;
 - b. may project a maximum of fifteen (15) feet into a rear yard setback area;
 - c. shall not project into a side yard setback area; and
 - d. shall not be placed closer than ten (10) feet to any front or rear lot line.
 2. If the structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building and shall meet the setbacks for the main building.

SECTION 3.08 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

[Amended, 6/20/11; effective 7/4/11]

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the township in any district where single family dwellings are allowed, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

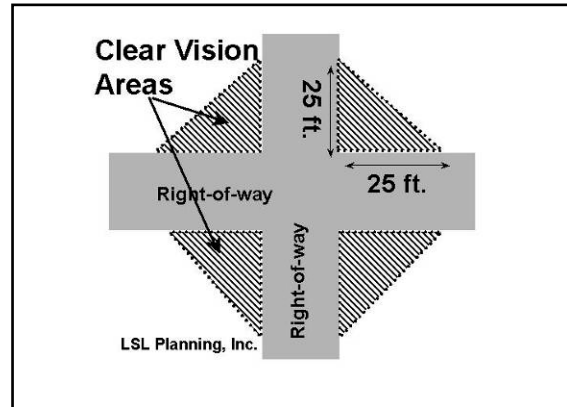
- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
 - 1. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
 - 2. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- F. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the St. Joseph County Health Department.
- G. The foregoing standards shall not apply to a manufactured home located in a manufactured housing community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by state or federal law.

SECTION 3.09 TEMPORARY BUILDINGS OR USES, TEMPORARY HOUSING AND TEMPORARY SALES

- A. Temporary Buildings or Uses. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
 - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.

2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. Temporary Housing. The Zoning Administrator may issue a permit to an individual to locate and occupy a temporary manufactured home in any Residential District.
1. Prior to issuing the permit the Zoning Administrator shall make the following determinations:
 - a. The manufactured home will be used only as a temporary dwelling on the same lot while the individual is constructing a permanent dwelling.
 - b. A building permit has been issued for the construction of a permanent dwelling to the individual applying for the temporary manufactured home permit.
 - c. The manufactured home dwelling meets the requirements of the St. Joseph County Health Department and all applicable Township ordinances.
 2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. Temporary Sales
1. The Zoning Administrator may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event.
 2. In considering a request for a temporary sales permit, the Zoning Administrator must determine that the operation of the sale is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
 - a. that the sale does not have an unreasonable detrimental effect upon adjacent properties;
 - b. that the sale does not affect the nature of the surrounding neighborhood;
 - c. that access to the sales area will not constitute a traffic hazard due to ingress or egress; and
 - d. that adequate off-road parking is available to accommodate the sale.
 3. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the sale relates is continued.
- D. Standards. In considering authorization for the above, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. the use or structure will not have an unreasonable detrimental effect upon adjacent properties;

2. in the case of a temporary use or building as outline above, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
3. the use or structure does not adversely affect the character of the surrounding neighborhood;
4. access to the use area or structure is located at a safe location with relation to surrounding properties, natural features, and adjacent roads.



- E. The Zoning Administrator may, at his or her discretion, submit a request for a temporary use, building, housing or sale, as outlined above, to the Planning Commission for a final decision. In making its decision, the Planning Commission shall consider the same standards as enumerated in C, above.

[Amended, 6/20/11; effective 7/4/11]

SECTION 3.10 INSTALLATION OF LANDSCAPING

Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for land areas disturbed as a result of construction and not covered by impervious surfaces within six (6) months after a certificate of occupancy is issued. A performance guarantee may be required by the Township to ensure that landscaping is installed within the six (6) month period. No landscape materials other than lawn and roadside trees approved by the St. Joseph County Road Commission shall be planted within any public road right-of-way.

SECTION 3.11 INTERSECTION CLEAR VISION

- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. The unobstructed corner shall mean a triangular area formed by the road property lines and a line connecting them at points twenty-five (25) feet from the intersection of the road lines or in the case of a rounded property corner from the intersection of the road property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.
- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways. No fences over four (4) feet in height shall be permitted adjacent a driveway where visibility may be impaired at the road.

SECTION 3.12 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of essential services, as defined by this Ordinance, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this Section is to exempt actions regarding essential services from the application of this Ordinance, but not buildings or activities that are otherwise regulated by this Ordinance. [Amended, 6/20/11; effective 7/4/11]

SECTION 3.13 ILLEGAL DWELLINGS

The use of any basement for dwelling purposes is forbidden in any Zoning District unless the basement meets the appropriate building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.14 EXCAVATIONS, HOLES, OR PONDS

- A. The construction, maintenance, or existence within the township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such a manner as approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other bodies of water created or existing by authority of governmental units or agencies.
- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Ponds created by excavations shall be set back a minimum of fifteen (15) feet from any property line. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.
- D. Ponds shall not be created strictly for the purpose of commercial mineral extraction.

SECTION 3.15 OUTDOOR STORAGE AND PARKING OF RECREATIONAL VEHICLES IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

Except for camping permits as allowed under Section 3.16, the outdoor storage or parking of recreational vehicles shall be prohibited in all Agricultural and Residential Districts, unless the following minimum conditions are met:

- A. All vehicles, if parked outside, shall not be located in any front or side yard setback area except upon a driveway leading to a garage, or in the absence of a garage, to the side or rear yard.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located a principal use. The commercial or noncommercial lease of space for storage or parking of recreational vehicles shall not be permitted, except as specifically permitted within applicable zoning districts.
- C. Recreational vehicles are exempt from these requirements if they are are being prepared for an excursion and will be moved within seventy-two (72) hours.

[Amended, 6/20/11; effective 7/4/11]

SECTION 3.16 CAMPING AND TEMPORARY USE OF RECREATIONAL VEHICLES IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

Travel trailers, tents, camper trailers, and other similar vehicles or equipment intended or adaptable for sleeping purposes shall require a temporary use permit, issued by the Zoning

Administrator, to be placed on a lot within any Agricultural or Residential District, except that federal, state and county properties shall be exempt from the provisions of this subparagraph. Prior to issuing the permit the Zoning Administrator shall ensure that the following conditions are met.

- A. Temporary permits may only be issued for the period between and including May 1 through December 1 of the current calendar year.
- B. Recreational vehicles or campsites granted a permit must be removed or placed into seasonal storage at the end of the permit period.
- C. No more than one (1) recreational vehicle or campsite may be permitted on any lot.
- D. Recreational vehicles must be provided with proper and approved safety and sanitary facilities.

[Amended, 6/20/11; effective 7/4/11]

SECTION 3.17 EXTERIOR LIGHTING

All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from adjacent properties, and shall be shielded to prevent the shedding of light onto adjacent properties or roadways. [Amended, 6/20/11; effective 7/4/11]

SECTION 3.18 NON-CONFORMING USES AND BUILDINGS

- A. General Conditions
 1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of the amendment, may be continued even though the use does not conform with the provisions of this Ordinance or any amendment thereto.
 2. Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure or use which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of the amendment, may be maintained and continued even though the building or structure or use does not conform with the provisions of this Ordinance or any amendment thereto.
 3. Notwithstanding the provisions of this Section, nonconforming residential dwellings damaged by fire, wind, explosion, Act of God, public enemy or other circumstances not the fault of the owner, may be rebuilt or restored provided that the reconstruction takes place within the original nonconforming footprint. Reconstruction shall commence within one (1) year of the date on which the structure was damaged, in accordance with subparagraph D.3.c., below.
- B. Nonconforming Buildings or Structures. Nonconforming building or structures may be extended, enlarged, altered, remodeled or modernized only when the Zoning Board of Appeals determines that the following conditions are met:
 1. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to the extension, enlargement, alteration, remodeling or modernization.

2. The alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.
 3. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.
 4. The enlargement or extension will not interfere with the use of other properties in the vicinity.
 5. The enlargement or extension shall not exceed fifty percent (50%) of the gross floor area of the original building or structure when it became nonconforming.
- C. Any building or structure that is nonconforming by reason of parking or loading provisions and which thereafter provides additional parking and/or loading spaces shall not thereafter be permitted to use the additional spaces to meet requirements for any extension, enlargement, or change of use that requires additional parking and/or loading spaces.
- D. Restoration and Repair
1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
 2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of the building or structure beyond its natural life except for repairs necessary to maintain public safety.
 3. Nonresidential nonconforming buildings or structures damaged by fire, wind, Act of God or public enemy:
 - a. These buildings or structures may be rebuilt or restored if the cost thereof does not exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
 - b. If the cost of restoration or repair would exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering this authorization, the Board of Appeals shall consider the following standards:
 - (1) Whether the substantial improvement will significantly extend the probable duration of the nonconforming building or structure.
 - (2) Whether or not the land previously occupied by the nonconforming structure can be reasonably developed according to the area, height and dimensional standards in the applicable District.
 - c. Reconstruction of nonconforming buildings shall begin within one (1) year of the date on which the structure was damaged. If construction is not commenced and proceeding diligently at the end of one (1) year, the building may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.
- E. Nonconforming Uses: Change or Discontinuance

Except as noted in F, below, the nonconforming use of a building, structure, land or premises shall not be:

1. Re-established after it has been changed to a conforming use.
 2. Re-established after abandoned and discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use as determined by the Zoning Administrator:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intent on the part of the property owner or lessee to abandon the nonconforming use.
- F. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Board of Appeals:
1. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use.
 2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise permitted by this Section.
 3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.
- G. Any building or structure shall be considered existing and lawful and for purposes of Section 3.18, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- H. Where a building or structure is nonconforming for setback by a distance equal to or less than one-half (1/2) of the distance required by this Ordinance the nonconforming setback may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced and all other required setbacks are met.
- I. Any structures or uses which fail to conform to the previous Sherman Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the Zoning Ordinance shall not be considered nonconforming uses or structures and shall be subject to the enforcement provisions of this Ordinance.

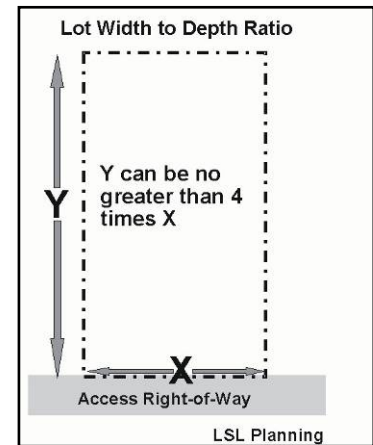
[Amended, 6/20/11; effective 7/4/11]

SECTION 3.19 DEMOLITION PERMITS

No buildings shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance guarantee in accordance with the provisions of Section 13.07 in an amount according to a schedule as determined by the Township Board. The guarantee shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with the requirements as to health and safety as the Zoning Administrator may prescribe, including, but not limited to, filling excavations and proper termination of utility connections.

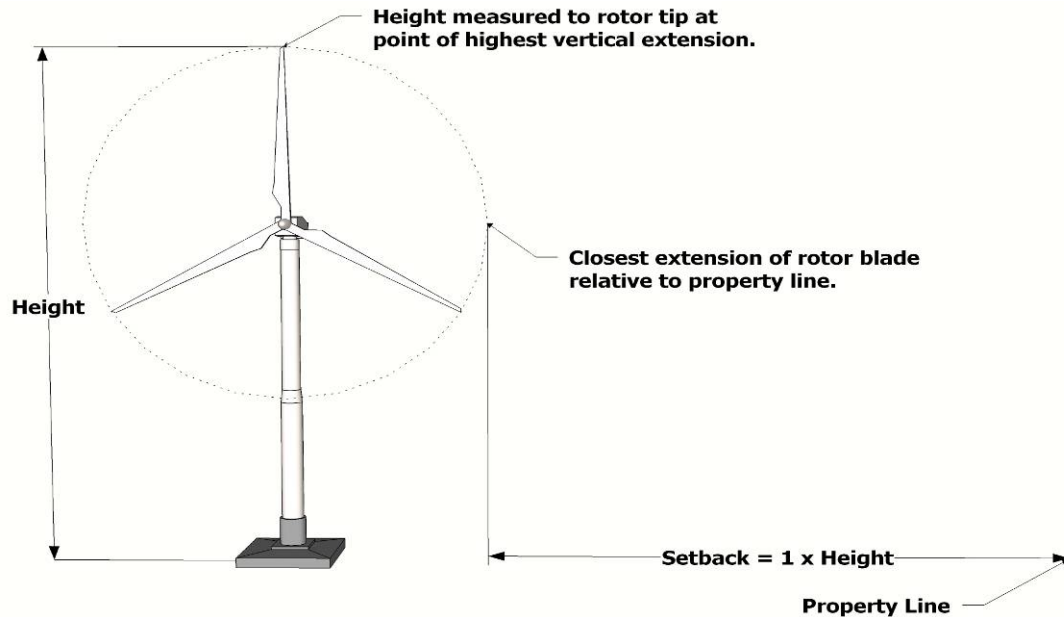
SECTION 3.20 MAXIMUM LOT WIDTH TO DEPTH RATIO

- A. In all Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half ($\frac{1}{2}$) of their road frontage on a cul-de-sac. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the road connected to the cul-de-sac.
- B. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.
- C. The Planning Commission may permit the creation of a lot or parcel which does not comply with this Section. In determining whether to grant this approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other Township ordinances and regulations, unless an appropriate variance is received from the applicable Ordinances or regulations.



SECTION 3.21 WIND ENERGY CONVERSION SYSTEMS

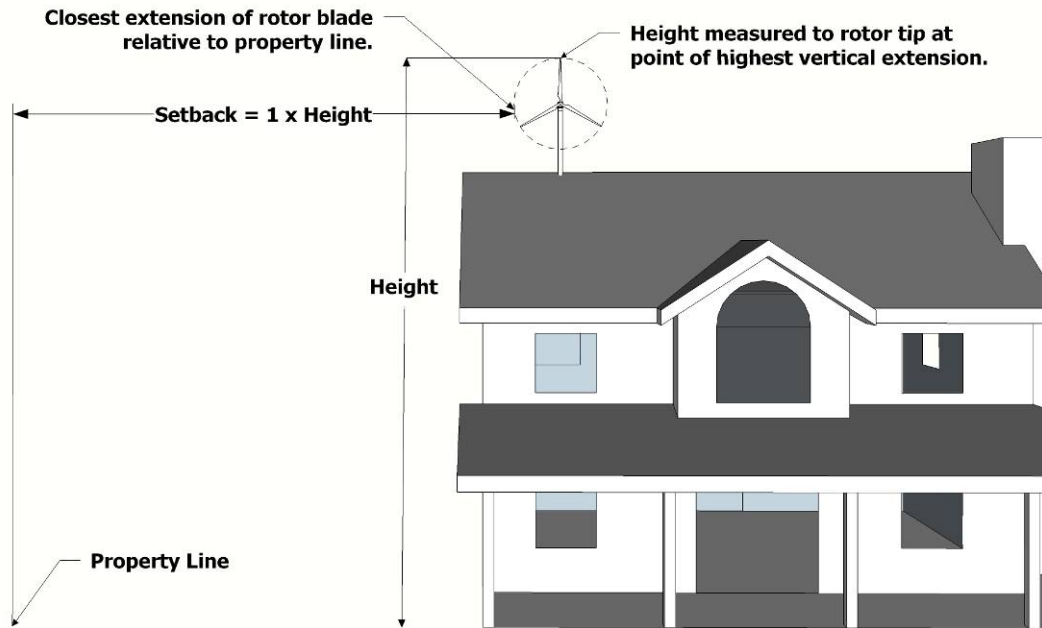
- A. Purpose: This Section establishes requirements and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) shall be governed within Sherman Township.
- B. Review Requirements:
1. An On-Site Service WECS shall be allowed as an accessory use in any zoning district, subject to the requirements of this Section. On-site service WECS shall be subject to the general requirements of this Section as well as Site Plan Review, as required in Chapter 10.
 2. Commercial WECS and WECS Testing Facilities associated with a Commercial WECS may be permitted only as special land uses in the AG Agricultural District and the RP Rural Preservation District and are subject to the general requirements of this Section as well as the general standards for Special Land Uses in Section 9.04 and the specific standards in Section 9.05, Z.
- C. General Requirements for all WECS



Measuring WECS Height and Setback

1. WECS Height: The height of a WECS shall be the distance measured between the ground (at normal grade) and the highest point of the WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).
2. WECS Setback. Setbacks shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a WECS (including guy wire anchors, if present) shall be located within or above any required setback.
3. No sound attributed to the WECS in excess of 55 dB(A) shall be discernible at the property line.
4. Except as required for commercial WECS, there shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed near the base of the tower or to the nacelle. No sign shall exceed three (3) square feet in area.
5. There shall be no lighting on or directed to the WECS, unless a beacon is required by the Federal Aviation Administration.
6. The WECS shall be painted in a neutral matte color, such as gray or light blue, to blend into the background. A building mounted WECS may be painted in similar colors to those on the building.
7. A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. . Emergency shut-off information shall be posted on the tower in an easily viewable location.
8. A WECS shall employ an anti-climbing device or be designed to prevent climbing and other unauthorized access.

9. A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.
 10. The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to Township ordinances.
 11. All WECS installations shall comply with applicable ANSI (American National Standards Institute), NEC (National Electric Code) and National Building Code standards.
 12. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for twelve (12) consecutive months or longer.
- D. On-Site Service WECS:
1. On-Site Service WECS Test Facility. The Zoning Administrator may issue a permit to erect a test facility for testing if adequate wind potential exists on the site proposed for an on-site service WECS, provided that the tower does not exceed the height maximum allowed for an on-site service WECS on the same site. The WECS Test Facility permit shall be valid for a period of up to one (1) year.
 2. On-site Service WECS General Requirements:
 - a. Power rating of the on-site service WECS turbine shall not be greater than 50 kW.
 - b. The on-site service WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company, through net metering, of any power that is generated beyond the needs of the structures or uses on the property. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.
 - c. An existing and approved on-site service WECS may be repaired and maintained; however, a WECS may only be replaced with a new or replacement WECS upon approval of the Zoning Administrator, subject to a finding that the new WECS is of the same or lesser height, rotor diameter, setback, etc. as the WECS it replaces. Any new or replacement WECS that is larger in any respect than the one it replaces must be approved via the Site Plan Review process. For the purposes of this paragraph, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.
 3. Ground-Mounted On-Site Service WECS
 - a. There shall be no more than one (1) ground mounted on-site service WECS per parcel or lot.
 - b. The on-site service WECS shall be located on the property so that it is set back from the nearest property line a distance equal to the WECS height,



Building Mounted WECS Height and Setback

measured to the closest vertical extension of the rotor blade relative to the property line (see illustration).

- c. Lot Area. The on-site service WECS height shall be limited by available setbacks as required in paragraph 1) above; however, no WECS height shall exceed fifty (50) feet on a property less than one (1) acre in area; seventy-five (75) feet on a property at least one acre but less than three (3) acres in area; or one hundred (100) feet on a property three (3) acres in area or greater.
 - d. The minimum rotor blade tip clearance from grade shall be twenty (20) feet.
 - e. The minimum rotor blade tip clearance from any structure shall be twenty (20) feet.
 - f. The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed fifty (50) feet.
 - g. The tower used to support a WECS shall be adequately anchored meeting applicable codes and standards, as certified by an engineer.
4. Building Mounted On-Site Service WECS
- a. There may be more than one (1) on-site service WECS mounted on a single building; however, each individual WECS shall meet all of the requirements in this subsection, and each WECS shall be separated from any other WECS no less than ten (10) feet, measured between the maximum extension of the rotors.
 - b. The diameter of the rotor shall not exceed twenty (20) feet.

- c. The WECS height shall not exceed the maximum height for principal buildings in the district, plus fifteen (15) feet.
 - d. The WECS shall be mounted so that it is set back from the nearest property line(s) a distance equal to the combined height of the WECS and the height of the portion of the structure on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).
 - e. A building mounted WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the road. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.
 - f. The mount and the structure used to support a building mounted WECS shall meet applicable codes and standards, as certified by an engineer.
5. Approval of On-Site Service WECS - Discretionary Conditions: The Planning Commission and the Township Board may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any on-site service WECS. Such other terms and conditions may include, but are not limited to, the following:
- a. The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.
 - b. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
 - c. Altering the location of the WECS to prevent impacts on neighboring properties, provided that all other requirements of this Section are met.
 - d. Requiring a performance guarantee in the form of a bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the site plan approval, including but not limited to the timely and complete removal of a WECS, regulated under the terms of this Section, when required. Such performance guarantee shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

[Amended, 6/20/11; effective 7/4/11]

CHAPTER 4 ZONING DISTRICTS AND MAP

SECTION 4.01 ZONING DISTRICTS

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of Sherman Township, the township is divided into Zoning Districts of a number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, Sherman Township is hereby divided into the following Zoning Districts:

- AG Agricultural District
- RP Rural Preservation District
- RR Rural Residential District
- MDR Medium Density Residential District
- WR Waterfront Residential District
- MHC Manufactured Housing Community District
- NC Neighborhood Commercial District
- LI Light Industrial District

SECTION 4.02 THE ZONING MAP

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

- A. Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.
- B. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- C. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Sherman Township which are subject to the provisions of this Ordinance.

SECTION 4.03 DISTRICTS

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

- A. Where the boundaries are indicated as approximately following the road, alleys, or highways, the centerlines of those roads, alleys, or highways, or the lines extended shall be construed to be those boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following those lot lines.
- C. Boundaries indicated as approximately following township boundary lines shall be construed as following those township lines.

- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of roads or highways shall be construed as being parallel thereto and at the distances there from as indicated on the official Zoning Map. If no distance is given, the dimension shall be determined by the use of the scale shown on the official Zoning Map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow that shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines.
- G. Where the application of the these rules leaves a reasonable doubt as to the boundaries between two (2) districts, or where the boundary line divides a lot or parcel, the boundary line location shall be as described in this Ordinance or shall be described on the official Zoning Map, or a scale shall be applied to the official Zoning Map to determine the location of the boundary.

SECTION 4.04 ZONING OF VACATED AREAS

Whenever any road, alley or other public way within the township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining the road, alley, or public way, these lands shall automatically be subjected to the same zoning regulations as are applicable to lands to the adjoining lands.

SECTION 4.05 ZONING OF FILLED LAND

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

SECTION 4.06 ZONING DISTRICT CHANGES

When District boundaries hereafter become changed, any use made nonconforming by that change may be continued, subject to the provisions of this Ordinance.

CHAPTER 5 AG – AGRICULTURAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE

This District is intended for residential and farm uses, including other uses generally associated with agriculture, and related non-residential uses. The purpose of this District is to preserve the agricultural and rural residential character of the lands within this District, minimizing public service costs, limiting urban influence, and preserving a maximum of open space. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in rural areas with limited public services. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 93 of 1981, the Michigan Right to Farm Act.

SECTION 5.02 SCHEDULE OF USES

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 5.02 may be used for the purposes denoted by the following abbreviations:

P: **Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

SLU: **Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Section 9.04 and specific standards of Section 9.05 are met.

NP: **Not permitted.**

“Other Requirements” references additional requirements or conditions applicable to the use.

Table 5.02, Schedule of Uses – Agricultural District			
	AG	Other Requirements	
Accessory Uses			
Accessory buildings, structures and uses customarily incidental to any of the permitted or special land uses	P		
Home Occupations	P		
Home Based Businesses	SLU	9.05.G	
Outdoor wood boilers	Lots less than 30,000 sq. ft.	NP	
	Lots ≥ 30,000 sq. ft. but < 60,000 sq. ft.	SLU	3.22
	Lots ≥ 60,000 square feet	P	
Agricultural			
Farms, including farm dwellings	P		
Roadside stands accessory to a farm, not exceeding 200 sq. ft. of sales area	P		
Roadside stands exceeding 200 sq. ft. in sales area	SLU	9.05.S	
Greenhouses, not open to the public	P		

Table 5.02, Schedule of Uses – Agricultural District		
	AG	Other Requirements
Residential		
Single-family detached dwellings	P	
Open space developments	SLU	9.05.BB
Migrant labor housing	SLU	9.05.K
Institutional		
Adult foster care family home (6 or fewer adults), including day care	P	
Adult foster care small group home (7 to 12 adults), including day care	SLU	
Foster family home (1-4 children 24 hours per day)	P	
Foster family group home (5-6 children 24 hours per day)	P	
Family day care home (6 or fewer children less than 24 hours per day)	P	
Group child day care home (7 to 12 children less than 24 hours per day)	SLU	9.05.F
Schools, elementary, intermediate and high schools, parochial and private	SLU	
Public facilities, libraries and community centers	P	
Places of worship	SLU	
Cemeteries	P	
Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems	SLU	9.05.W
Recreational		
Public parks and playgrounds	P	
Other Uses		
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU	
Bed and breakfast establishments.	SLU	9.05.B
Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services	SLU	9.05.U

SECTION 5.03 DISTRICT REGULATIONS

- A. No lot, main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following requirements in Table 5.03 are met and maintained in connection with the use of the lot, building, structure, or enlargement. See Section 5.05 for requirements pertaining to accessory structures.

Table 5.03, District Regulations – Agricultural District		
AG		
Required Setbacks (minimum)	Front Yard	60 feet
	Side Yard	60 feet
	Rear Yard	60 feet
Building Height	35 feet or 2½ stories, whichever is less	
Lot Coverage	15%	

Table 5.03, District Regulations – Agricultural District	
AG	
Minimum Lot Area	40 acres (See Section 5.03, B, below)
Minimum Lot Width	330 feet (See also section 3.05, above)
Minimum Dwelling Unit Floor Area	800 square feet GFA/600 square feet GFA on ground floor

B. Permitted Lots

1. For each parcel of forty (40) acres or greater existing as of the effective date of this Ordinance, August 7, 2006, two (2) additional lots may be created for each whole forty (40) acres.
2. For each parcel of less than forty (40) acres but equal to or greater than ten (10) acres existing as of the effective date of this Ordinance, August 7, 2006, excluding any amendment thereto, one (1) additional lot may be created.
3. Any lot created according to the above requirements shall be at least one (1) acre and no greater than two (2) acres in area, unless the County Health Department requires a greater area for installation of an approved sewage disposal system.
4. Each additional lot shall have a minimum of two-hundred (200) feet of public or private road frontage. See also Section 3.05.
5. The permitted lots shall be contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

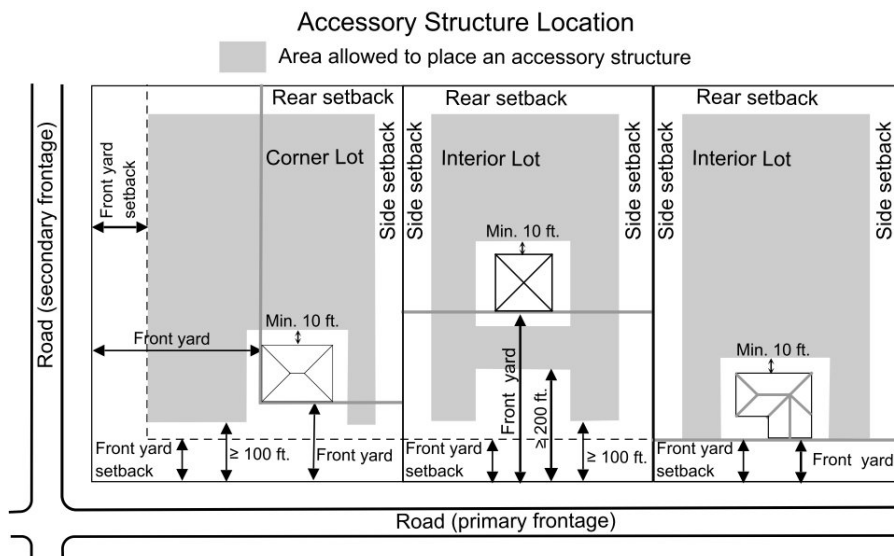
SECTION 5.04 DEVELOPMENT REQUIREMENTS

- A. **Parking and Loading.** All uses shall provide parking spaces, and loading spaces if applicable, as required by Chapter 11.
- B. **Signs.** Signs shall only be permitted according to Chapter 11.
- C. **Site Plan Review.** All uses, except single family detached and two family dwellings, shall be subject to site plan review, according to Chapter 10.
- D. **Variances to the dimensional (non-use) requirements of this Chapter may only be granted upon a finding of practical difficulty by the Zoning Board of Appeals, according to the process and standards in Chapter 12.**

SECTION 5.05 ACCESSORY BUILDINGS, STRUCTURES, AND USES IN THE AG DISTRICT

- A. In the AG District, accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of those buildings and must conform to all regulations of this Ordinance applicable to main buildings.
- B. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- C. An accessory building or use may not be permitted on a lot which does not contain a principal use or main building; however, an accessory building used only for agricultural purposes shall be exempt from this requirement.
- D. No part of an accessory building shall be used as a dwelling for residential purposes.

- E. Detached accessory buildings shall be located:
1. A minimum of ten (10) feet from any main building.
 2. Front yard:
 - a. Except as noted below, an accessory structure shall not be located within the front yard in the area between the façade of the principal dwelling and the corresponding front lot line, however, an accessory structure may be located in the front yard provided it is offset from the side building lines of the principal dwelling at least ten (10) feet on each side of the dwelling and is at least one hundred (100) feet from the front lot line. See graphic.
 - b. On a corner lot, an accessory structure shall be set back from the lot line parallel or corresponding to the front of the main building, as noted in subparagraph a, above. However, along the secondary frontage, an accessory structure need not be set back further than the required setback along that frontage and may be located between the house and the secondary front lot line. See graphic.
 - c. A detached accessory structure may be located in the front yard between the front lot line and the front of the main building, provided that the accessory structure is set back from the front lot line a minimum of two-hundred (200) feet. An accessory structure located in the front yard shall meet the side yard setback of the principal building. See graphic.
 3. Side and rear yard setback:
 - a. For buildings of less than seven hundred and fifty (750) square feet gross floor area (GFA) located in a side or rear yard: a minimum of ten (10) feet to any side or rear lot line;
 - b. For buildings equal to or greater than seven hundred and fifty (750) square feet GFA located in a side or rear yard: a minimum of thirty (30) feet to any side or rear lot line.
 - c. Any building located within a front yard shall meet the above setbacks based on building size as listed above, or the side yard setback requirement for the principal structure, whichever is greater.
 - d. Side yard setbacks shall be measured to the eaves of the building.



- F. See Table 5.03 for height restrictions. An agricultural tower or silo is permitted to exceed the height limitations, provided that it is setback from all property lines a distance equal to the minimum setback as listed above, or the height of the structure from established grade to the highest point of the structure, whichever is greater.
- G. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained. The outside edge of the pool wall, including decks, fences and appurtenances, shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- H. The floor area of all accessory buildings used by non-agricultural and non-residential uses allowed in the AG District shall not exceed twenty-five percent (25%) of the floor area of the main building(s).

SECTION 5.06 FENCES

- A. A fence shall not be constructed in any public right-of-way or private road easement.
- B. Except for front yards as noted below, a fence in the AG District may be erected to a height of six (6) feet; however, a fence that provides an enclosure of animals may be erected to a height of eight (8) feet.
- C. Fences erected within the required front yard in the AG District shall not exceed three (3) feet in height; however, a fence enclosing a crop field may be erected to a height of six (6) feet, and a fence that provides an enclosure for livestock may be erected to a height of eight (8) feet. Fences permitted within the required front yard shall be of a type which is not more than twenty-five percent (25%) solid.
- D. Fences shall not contain barbed wire unless the fence is utilized as an enclosure for a permitted agricultural use.
- E. A fence shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the clear vision area as required by Section 3.11.
- F. A fence shall be set back a minimum of two (2) feet from a sidewalk located within the public right-of-way

SECTION 5.07 KEEPING ANIMALS

- A. Livestock may be kept in any district where farms are a permitted use, subject to the requirements of the Michigan Right to Farm Act, P. A. 93 of 1981 and applicable Generally Accepted Agricultural Management Practices (GAAMPs).
 - 1. All animal holding areas, pens or structures shall be a minimum of fifty (50) feet from any property line adjoining property located within any residential district.
 - 2. Manure shall be properly maintained. All manure stockpile or compost areas shall be a minimum of one hundred (100) feet from any property line adjacent to a lot containing a non-farm residential use or any lot within a residential district, or from the ordinary high water mark of any lake or stream.

[Entire chapter amended, 6/20/11; effective 7/4/11]

CHAPTER 6 RESIDENTIAL DISTRICTS

SECTION 6.01 DESCRIPTION AND PURPOSE

- A. RP, Rural Preservation District: This district intends to maintain existing patterns of low density rural residential growth in areas of the township characterized by woodlands, wetlands and other natural features. The purpose of preserving the essential characteristics of these lands is to maintain natural features and open spaces as long as it is economically viable to do so, and to preclude the necessity of serving scattered urban developments with water, sewer, schools, roadways, and other public services. To achieve these objectives, permitted uses within this District are limited to low density rural residential use together with limited community facilities.
- B. RR, Rural Residential District: The purpose of this District is to preserve the rural character of lands within the township, maintain the integrity of viable agricultural areas, minimize public service costs, and preserve a maximum of open space. This District is intended primarily for large residential lots, principally on non-prime farmland. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the Township to provide public services. No public utilities are planned for these areas.
- C. WR, Waterfront Residential District: This District is intended for medium density single family residential development located on and near the lakes, rivers and streams of Sherman Township. Preservation of lake, stream and river water quality and the rural residential character is an important element for development within this District. The unique character of development in this District is evidenced through smaller lots that once were generally seasonal homes, but are increasingly seeing year-round use.
- D. MDR, Medium Density Residential District: The purpose of this District is to encourage a suitable environment for a variety of residential densities, and compatible supportive recreational, institutional, and educational uses. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in rural areas with limited public services.

SECTION 6.02 SCHEDULE OF USES

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 6.02 may be used for the purposes denoted by the following abbreviations:

- P: **Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: **Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Section 9.04 and specific standards of Section 9.05 are met.
- NP: **Not permitted.**

“Other Requirements” references additional requirements or conditions applicable to the use.

Table 6.02, Schedule of Uses – Residential Districts						
	RP	RR	WR	MDR	Other Requirements	
Accessory Uses						
Accessory buildings, structures and uses customarily incidental to any of the permitted or special land uses	P	P	P	P	6.05	
Home Occupations	P	P	P	P	6.09	
Home Based Businesses	SLU	SLU	NP	NP	9.05.G	
Outdoor Wood Boilers	Lots < 30,000 sq. ft.	NP	NP	NP	NP	3.22
	Lots ≥ 30,000 sq. ft. but < 60,000 sq. ft.	SLU	SLU	SLU	SLU	
	Lots ≥ 60,000 sq. ft.	P	P	P	P	
Private Boat Docks	P	P	P	P	6.05.F	
Agricultural						
Farms, including farm dwellings	NP	P	NP	NP		
Roadside stands accessory to a farm, not exceeding 200 sq. ft. of sales area	NP	P	NP	NP		
Greenhouses, not open to the public	NP	P	NP	P		
New farm buildings, in addition to existing farm buildings, located on a farm in existence and in operation as of 8/7/06	P/ SLU	P	NP	NP	9.05.M	
Residential						
Single-family detached dwellings	P	P	P	P	3.08	
Two-family dwellings (duplex)	NP	NP	SLU	SLU		
Multiple family dwellings	NP	NP	NP	SLU	9.05.L	
Single family site condominium projects	P	P	P	P	6.11	
Open space developments	SLU	SLU	SLU	SLU	9.05.BB	
Migrant labor housing	NP	SLU	NP	NP	9.05.K	
Institutional						
Adult foster care family home (6 or fewer adults), including day care	P	P	P	P		
Adult foster care small group home (7 to 12 adults), including day care	SLU	SLU	SLU	SLU		
Foster family home (1-4 children 24 hours per day)	P	P	P	P		
Foster family group home (5-6 children 24 hours per day)	P	P	P	P	9.05.F	
Family day care home (6 or fewer children less than 24 hours per day)	P	P	P	P		
Group child day care home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	9.05.F	
Nursery schools, day nurseries and child care centers (more than 12 children)	SLU	SLU	NP	SLU	9.05.F	
Schools, elementary, intermediate and high schools, parochial and private	SLU	SLU	NP	SLU		

	RP	RR	WR	MDR	Other Requirements
Colleges, universities and other institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit	SLU	SLU	NP	SLU	
Public facilities, libraries and community centers	SLU	SLU	SLU	SLU	
Places of worship	SLU	SLU	SLU	SLU	
Cemeteries	P	P	NP	P	
Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems	SLU	SLU	SLU	SLU	9.05.W
Recreational					
Marinas	NP	NP	NP	SLU	
Public or private campgrounds	SLU	SLU	SLU	NP	9.05.O
Public parks and playgrounds	P	P	P	P	
Other Uses					
Keeping of horses on lots 5 acres or greater where motor vehicles are not used as the primary means of transportation	P	P	NP	SLU	
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU	NP	NP	NP	9.05.P
Bed and breakfast establishments.	SLU	SLU	SLU	SLU	9.05.B
Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services	SLU	SLU	NP	SLU	9.05.U

SECTION 6.03 DISTRICT REGULATIONS

- A. No lot, main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following requirements in Table 6.03 are met and maintained in connection with the use of the lot, main building structure, or enlargement. See Section 6.06 for requirements pertaining to accessory structures.

	RP	RR	WR (1)	MDR	
Minimum Front Yard (ft.)	60	60 feet	See Section 6.05, A	30	
Minimum Side Yard (ft.)	30	20 feet	10 feet	Single and Two Family	30
				Multiple Family	40
				Nonresidential Uses	40

Table 6.03, District Regulations – Residential Districts						
	RP	RR	WR (1)		MDR	
Minimum Rear Yard (ft.)	30	30 feet	25 feet		30	
Building Height (ft.). Lesser of:	35 ft. or 2½ stories	35 ft. or 2½ stories	35 ft. or 2½ stories		35 ft. or 2½ stories	
Lot Coverage	15%	15%	30%		15%	
Minimum Lot Area (sq. ft.)	5 acres	60,000	Served by public sewer and water		Single Family	30,000
			Yes	No	Two Family	45,000 per each 2 unit bldg.
			12,500	18,000	Multiple Family	First 4 units: 2 acres, plus 2,500 sq. ft. for each unit over 4. Max. net density: 4 units per acre
					Nonresidential Uses	2 acres
Minimum Lot Width (ft.) (See also Sec. 3.05)	235	200	Served by public sewer and water		Single Family	150
			Yes	No	Two Family	200
			75	100	Multiple Family	250
					Nonresidential Uses	200
Minimum Floor Area (sq. ft. of GFA)	800 total 600 on ground floor	800 total 600 on ground floor	800 total 600 on ground floor		Single and Two Family	960 total 600 on ground floor
					Multiple Family	800 square feet UFA per unit plus 400 square feet per bedroom for each bedroom over 2
Maximum Accessory Building Height (ft.)	28	28	Lot Width @ Acc. Structure Bldg. Line	Max. Height (ft.)	22	
			60 or less	14		
			61 to 99	18		
			>100	22		
Maximum Accessory Structure Floor Area	N/A	N/A	50% of the ground floor area of the main building		50% of the ground floor area of the main building	

Notes to Table 6.03:

- (1) See Section 6.05 for additional requirements applying to the WR Waterfront Residential District.

SECTION 6.04 DEVELOPMENT REQUIREMENTS

- A. Parking and Loading. All uses shall provide parking spaces, and loading spaces if applicable, as required by Chapter 11.
- B. Signs. Signs shall only be permitted according to Chapter 11.
- C. Site Plan Review. All uses, except single family detached and two family dwellings, shall be subject to site plan review, according to Chapter 10.
- D. Variances to the dimensional (non-use) requirements of this Chapter may only be granted upon a finding of practical difficulty by the Zoning Board of Appeals, according to the process and standards in Chapter 12.

SECTION 6.05 ADDITIONAL REQUIREMENTS APPLYING TO THE WR WATERFRONT RESIDENTIAL DISTRICT

- A. In the WR Districts, the yard adjacent to the waterfront shall be considered the front yard for the purpose of determining yard locations and setbacks.
- B. Notwithstanding any other provision of this Ordinance, in the WR District no dwelling, accessory building (except for a dock as permitted by Section 6.05.F), or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of fifty (50) feet (as measured from the shoreline or ordinary high water mark) from a lake or stream or of any tributary thereof, except that for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer to the shoreline or ordinary high water mark, except that no structure shall be located closer than thirty (30) feet to the shoreline or ordinary high water mark. Structures, as defined in Chapter 2, also include pools and anything else constructed or erected, which requires location on the ground or attachment to something on the ground. [Amended 7/20/15, effective 8/11/15]
- C. In the WR District, no dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and the shallowest elevation of ground water beneath the building site cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and the ground water level, provided that the land is not within a flood plain or wetland and that such fill will not affect drainage to neighboring properties:
- D. Existing Lots of Record: Any lot within the Waterfront Residential District existing at the effective date of this Ordinance and which does not meet the lot width and/or lot area requirements of the District shall be subject to the following:
 1. If contiguous vacant lots of record, or combinations of contiguous vacant and occupied lots, that are under the same ownership which, if combined, would result in a parcel that is at least eighty percent (80%) of the lot width and/or lot area requirements, the parcel shall be considered a single lot for zoning purposes, when combined.

2. Lots of record that have at least eighty percent (80%) of the above lot width and/or lot area requirements are permitted the following setbacks:
 - a. Front yard: same as required by Table 6.03, above.
 - b. Side yard: ten percent (10%) of the lot width; however, no side yard shall be less than eight (8) feet.
 - c. Rear yard: same as required by Table 6.03, above.
3. Lots of record that are less than eighty percent (80%) of the District lot width and/or lot area requirements may receive a building permit for new construction or expansion by following all requirements listed below.
 - a. A certified survey must be submitted to all governing bodies and the lot must be staked with iron markers. All current building foot prints must be included on the survey.
 - b. A review by the county health department for well and septic needs must be completed and permits issued. Well and septic locations must be added to the certified survey. Health department permits will designate the building maximum size restrictions which must be followed.
 - c. Following the current waterfront setback requirements, and an eight (8) foot side lot setback, the desired new construction must be shown on the certified survey.
 - d. Additional restrictions for height are as follows: The width of the lot shall be measured at the minimum front or rear yard setback line, whichever results in the least width. The height of the building shall not exceed forty five (45) % of the lot width (measured as specified in this subsection) but in no circumstance shall the height exceed thirty five (35) feet.
 - e. Detailed construction plans will be required.
 - f. All information will then be submitted to the township zoning administrator/building inspector for final approval.

[Amended 7/20/15, effective 8/11/15]

E. Riparian Access to Lakes.

1. It is the intent of this subsection to promote the integrity of the lakes within the township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.
2. In any Zoning District where a parcel of land is contiguous to a lake, either natural or man-made, a parcel of land may be used as riparian access property only if the following conditions are met:
 - a. In all Districts there shall be at least one hundred (100) feet of lake frontage, as measured along the ordinary high water mark of the lake for each single family dwelling, two-family dwelling unit, or multiple-family

dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four (4) dwelling units would require four hundred (400) feet of lake frontage to gain access to the lake for all of the units. However, an existing single family dwelling located upon a waterfront lot of record in existence at the time that this Ordinance is adopted that does not meet the frontage requirement shall be permitted riparian access.

- b. The parcel of land providing access shall have a lot depth of at least one hundred and fifty (150) feet.
 - c. In no event shall water frontage of the subject parcel of land consisting of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or Michigan Department of Environmental Quality (MDEQ) MIRIS (Michigan Resources Information System) Map, or have otherwise been determined to be wetland by the MDEQ be used for riparian access without MDEQ permits; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
 - d. The access parcel of land shall not abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
3. No individual property owner with riparian rights may give access in legal form to any other person, entity, business or association, unless the property is sold as a whole to a new owner.
 4. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- F. Private Boat Docks Accessory to Permitted Uses.
1. One (1) private boat dock per dwelling shall be permitted. Docks may not extend farther than thirty (30) feet from and perpendicular to the shoreline of any lake or navigable stream; however, the Zoning Administrator may allow a greater length where required to access water of adequate depth for boats. Docks shall not interfere with navigation.
 2. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.
- G. Accessory Structures in WR.
1. Accessory structures are subject to the provisions of 6.06, unless otherwise addressed in this Section.
 2. Accessory structure on a separate unimproved lot.
 - a. One accessory structure may be allowed on a separate unimproved lot without a principal building in the following circumstances only:

- (1) The lot is directly across a public or private street from a waterfront lot improved with a principal dwelling to which the building is accessory;
- (2) The lots would be contiguous absent of the public or private street right of way or easement which separates them;
- (3) Back lots must have at least 40' of road frontage;
- (4) The lot upon which the accessory building is constructed and the improved lot to which it is accessory shall be held in common ownership. A restrictive covenant confirming such common ownership and prohibiting the separate conveyance of either lot shall be recorded with the St. Joseph County Register of Deeds prior to the issuance of a building permit or installation of any accessory building. A restrictive covenant preventing separate conveyance is not required if placement of the accessory structure accommodates and anticipates a future principal structure.

b. Standards.

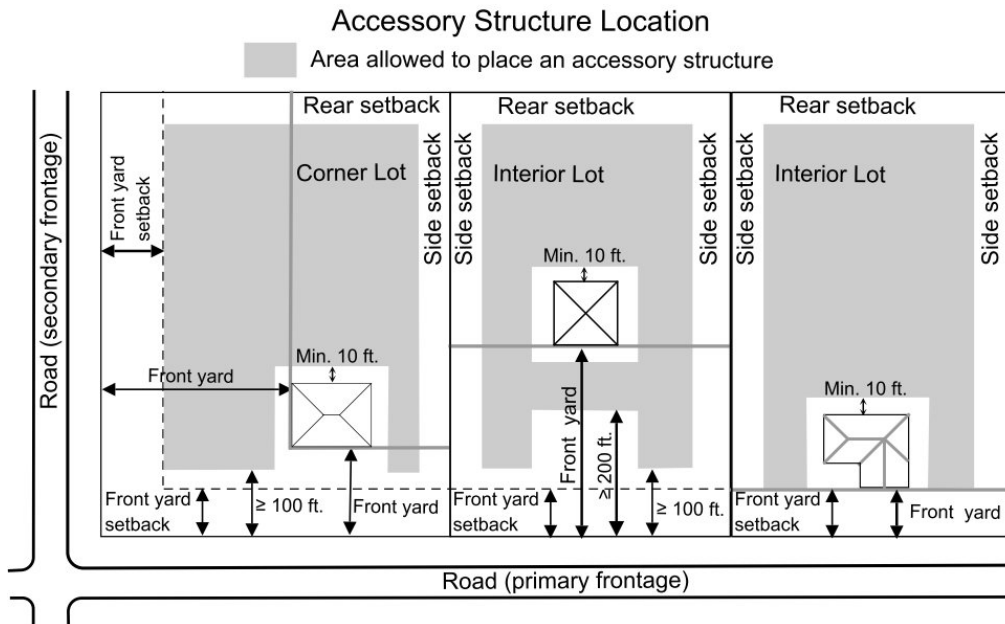
- (1) Accessory buildings and accessory structures shall meet the minimum front, side and rear yard setbacks required for principal buildings.
- (2) Height of accessory buildings shall comply with Table 6.03.
- (3) Maximum accessory structure floor area shall not exceed 768 square feet.

[Amended 7/20/15, effective 8/11/15]

SECTION 6.06 ACCESSORY BUILDINGS, STRUCTURES, AND USES IN RESIDENTIAL DISTRICTS

- A. See Section 6.05 for specific requirements pertaining to accessory structures in the WR Waterfront Residential District.
- B. In the Residential Districts, accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of those buildings and must conform to all regulations of this Ordinance applicable to main buildings.
- C. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- D. An accessory building or use may not be permitted on a lot which does not contain a principal use or main building.
- E. No part of an accessory building shall be used as a dwelling for residential purposes.
- F. Detached accessory buildings shall be located:
 1. A minimum of ten (10) feet from any main building.
 2. Front yard:
 - a. Except as noted below, an accessory structure shall not be located within the front yard in the area between the façade of the principal dwelling and the corresponding front lot line, however, an accessory structure may be located in the front yard provided it is offset from the side building lines of the principal dwelling at least ten (10) feet on each side of the dwelling

- and is at least one hundred (100) feet from the front lot line. An accessory structure located in the front yard shall meet the side yard setback of the principal building. See graphic.
- b. On a corner lot, an accessory structure shall be set back from the lot line parallel or corresponding to the front of the main building, as noted in subparagraph a, above. However, along the secondary frontage, an accessory structure need not be set back further than the required setback along that frontage and may be located between the house and the secondary front lot line. See graphic.
 - c. A detached accessory structure may be located in the front yard between the front lot line and the front of the main building, provided that the accessory structure is set back from the front lot line a minimum of two-hundred (200) feet. An accessory structure located in the front yard shall meet the side yard setback of the principal building. See graphic.
3. Side and rear yard setback:
- a. For buildings of less than seven hundred and fifty (750) square feet gross floor area (GFA) located in a side or rear yard: a minimum of ten (10) feet to any side or rear lot line;
 - b. For buildings equal to or greater than seven hundred and fifty (750) square feet GFA located in a side or rear yard: a minimum of thirty (30) feet to any side or rear lot line.
 - c. Any building located within a front yard shall meet the above setbacks based on building size as listed above, or the side yard setback requirement for the principal structure, whichever is greater.
 - d. Side yard setbacks shall be measured to the eaves of the building.



- G. See Table 6.03 for height restrictions.
- H. Swimming pools:

1. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
2. The outside edge of the pool wall, including decks, fences and appurtenances, shall not be located closer than ten (10) feet from any rear or side property line.
3. For an in-ground or surface swimming pool, the pool or the property upon which the pool is located shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area and shall be decorative in nature and well maintained.
4. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children.
5. The required height for all new residential pool barriers is 4'-0" measured from the established grade line outside of the enclosed perimeter to the highest point of the barrier (including any posts and finials).
6. Swimming pools shall not be located in the front yard, except in WR Districts, when compliant with the requirements of Section 6.05 B and the following standards:
 - a. Supporting members for fences used as pool barriers must be identical in appearance on both sides or be designed and located so that the structural members are not to be visible from the adjoining property.
 - b. Above-ground pools must be fully skirted with lattice work or another appropriate material or evergreen landscaping with a minimum height of 48 inches around the swimming pool and shall be adequate to screen the view of the pool area from adjacent properties and from the water.
 - c. No artificial lighting shall be maintained or operated in connection with a swimming pool in such a manner as to be a nuisance or an annoyance to neighboring properties or from the water.
 - d. Setbacks to a well, septic tank or drainfield system are subject to County Health Department standards.
 - e. Swimming pools are subject to all local, state and federal standards and permitting requirements.

[Amended 7/20/15, effective 8/11/15]

- I. The floor area of all accessory buildings used by non-residential uses permitted in the Residential Districts shall not exceed twenty-five percent (25%) of the floor area of the main building(s).

SECTION 6.07 FENCES

- A. A fence shall not be constructed in any public right-of-way or private road easement.
- B. A fence erected within the required front yard setback in any Residential District shall not exceed three (3) feet in height. A fence within the required front yard setback shall be of a type which is not more than twenty-five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed
- C. A fence in any other yard shall not exceed six (6) feet in height, measured from the surface grade to the uppermost portion of the fence

- D. A fence in a Residential District shall not contain razor wire, concertina wire, barbed wire or any similar sharpened object.
- E. A fence shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the clear vision area as required by Section 3.11.
- F. A fence shall be set back a minimum of two (2) feet from a sidewalk located within the public right-of-way.

SECTION 6.08 HOME OCCUPATIONS

- A. No employee other than the resident occupants and no more than one (1) non-resident employee shall be permitted. [Amended 7/20/15, effective 8/11/15]
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal structure or attached accessory building, but shall not, in any case, exceed a total floor area equal to not more than twenty percent (20%) of the ground floor area of the dwelling unit. [Amended 7/20/15, effective 8/11/15]
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding six (6) square feet in area. [Amended 7/20/15, effective 8/11/15]
- D. Any traffic generated by the home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located in the driveway or parking space and not within a front yard setback area. [Amended 7/20/15, effective 8/11/15]
- E. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- F. Outside storage of goods and materials associated with the home occupation is prohibited. [Amended 7/20/15, effective 8/11/15]
- G. No sales or access of the general public is permitted. [Amended 7/20/15, effective 8/11/15]

SECTION 6.09 KEEPING ANIMALS

- A. Livestock may be kept in any district where farms are a permitted use, subject to the requirements of the Michigan Right to Farm Act, P. A. 93 of 1981.
- B. RP and RR Districts:
 - 1. Horses and other large- and small-hoofed animals may be kept on any property in the RP or RR districts, provided that there is a minimum lot area of 60,000 square feet for each animal kept on the premises. Stables shall be used only for boarding of animals owned by the family residing upon the premises.

2. Raising of one (1) large- or small-hoofed animal, rabbit or fowl for hobby purposes such as for showing at fairs or similar exhibitions, shall be permitted on any property in the RP or RR districts without limitation to lot size.
3. All animal holding areas, pens or structures shall be a minimum of fifty (50) feet from any property line adjoining property located within any residential district.
4. Manure shall be properly maintained. All manure stockpile or compost areas shall be a minimum of one hundred (100) feet from any property line, or the ordinary high water mark of any lake or stream.

SECTION 6.10 RESIDENTIAL SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership pursuant to the Condominium Act, Public Act 59 of 1978, as amended, and which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the zoning district provided the unit meets the District Regulations for the zoning district in which it is located, according to Table 6.03.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 10.

[Entire chapter amended, 6/20/11; effective 7/4/11]

CHAPTER 7 MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE

The Manufactured Housing Community District is intended to provide regulations for manufactured housing communities and to provide for additional variety in housing opportunities and choices.

SECTION 7.02 SCHEDULE OF USES

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 7.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Section 9.04 and specific standards of Section 9.05 are met.

Other Requirements” references additional requirements or conditions applicable to the use.

Table 7.02, Schedule of Uses – MHC DISTRICT		
	MHC	Other Requirements
Accessory Uses		
Community offices	P	
Laundry facilities serving the manufactured housing community	P	
Recreation facilities serving the manufactured housing community	P	
Accessory buildings incidental to the principal use	P	
Principal Uses		
Manufactured housing community	P	
Single family detached dwellings	P	
Family day care home	P	
Foster care family home	P	
Adult foster care small group home, including day care	SLU	
Group day care homes	SLU	9.05.F
Public Utility buildings, telephone exchange buildings, electric transformer stations, substations and gas regulator stations	SLU	9.05.W

SECTION 7.03 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS

- A. All manufactured housing communities shall comply with the requirements of the Mobile Home Commission Act, PA 96 of 1987, as amended, the applicable Michigan Administrative Rules (referred to hereafter as the Manufactured Housing Commission Rules) and the following:

B. Access and Roads

1. Two (2) access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a Community road shall be interpreted as satisfying this requirement.
2. Safe-sight distance, as required by the clear vision requirements of Section 3.11, shall be provided at intersections.
3. The minimum distance between intersections with a public and/or private road rights-of-way or internal roads shall not be less than one-hundred and fifty (150) feet, as measured along the right-of-way line thereof.
4. The following types of internal roads shall have driving surfaces that are not less than the following widths:

Table 7.03 MHC Internal Roadway Widths	
One-way, no parking	16 feet
Two-way, no parking	21 feet
One-way, parallel parking, one side	23 feet
One-way, parallel parking, two sides	33 feet
Two-way, parallel parking, one side	31 feet
Two-way, parallel parking, two sides	41 feet

5. An orderly road name system and unit numbering system shall be established by the community owner and the plan of this system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and road names shall be adequately marked at all internal road intersections.
6. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

C. Resident Vehicle Parking

1. All home sites shall be provided with two (2) parking spaces, either on or off the home site, meeting the requirements Rule 925 of the Manufactured Home General Rules.
2. If the two (2) resident vehicle parking spaces required by this Section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site.
3. Any resident parking space shall have a clear parking width of nine (9) feet and a clear length of eighteen (18) feet.

D. Visitor Parking Facilities.

1. A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking.

2. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

E. Sidewalks

1. Sidewalks shall be constructed in the Community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the Community. Sidewalks shall be installed along one (1) side of all internal collector roads within the Community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a Community fronting along public thoroughfares; however, the Planning Commission may waive this requirement where there are no connections to an existing sidewalk or pathway system.
2. All sidewalks shall be constructed in compliance with all of the following requirements:
 - a. Sidewalks shall have a minimum width of four (4) feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicapped individuals.
 - b. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of three (3) feet shall be constructed between at least one (1) entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

F. Lighting

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. If a Community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

G. Utilities

1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of

the fire code. There shall be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the community.

4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the MDEQ manufactured housing community standards.
5. All storm sewers shall be constructed in accordance Parts 2-4 of the MDEQ manufactured housing community standards. Additional requirements for a community may be established by the St. Joseph County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

H. Site Size, Spacing and Setback Requirements

1. Home Site Area. The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
 2. Setbacks.
 - a. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two (2) long sides and the entrance side:
 - (1) Support pillars that are installed adjacent to the edge of an internal road shall be set back four (4) feet or more from the edge of the internal road or two (2) feet or more from the edge of a sidewalk.
 - (2) Roof overhangs shall be set back four (4) feet or more from the edge of the internal road.
 3. Setbacks From Property Boundary Lines.
 - a. Homes, permanent buildings and facilities, and other structures shall not be located closer than fifty (50) feet from the property boundary line of the Community.
 - b. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.
- I. Screening/Landscaping: Manufactured Housing Communities shall be landscaped as follows:
1. If a Manufactured Housing Community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use in accordance with the requirements of Section 8.08.

2. If the Community abuts a non-residential development, it need not provide screening.
 3. In all cases, however, a Community shall provide landscape screening along the boundary abutting a public right-of-way in accordance with the requirements of Section 8.08
 4. Alternative screening may be utilized if they conceal the Manufactured Housing Community as effectively as the requirements of Section 8.08.
 5. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the Community shall be graded and equipped to drain all surface water in a safe and efficient manner.
- J. Open Space Requirements
1. Manufactured Housing Communities shall provide open space in accordance with the following requirements: A Community that contains fifty (50) or more home sites shall not have less than two percent (2%) of the Community's gross acreage dedicated to designated open space, but in no case less than twenty five thousand (25,000) square feet. At least one-half (½) of the required open space, up to two (2) acres, shall be dedicated to Community recreational uses.
 2. Community recreation uses with the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
 3. Required setbacks may not be used in the calculation of open space area.
- K. Site Constructed Buildings and Dwellings.
1. Site constructed buildings within the Community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the Community.
 2. The maximum height of any community or similar building shall not exceed thirty five (35) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.
 3. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.
 4. Site-built single-family dwellings may be located in a Community as follows:
 - a. One (1) single-family dwelling may be permitted for the exclusive use of the Community owner or manager in a Community of thirty (30) acres or less.
 - b. Two (2) single-family dwellings may be permitted for the exclusive use of the Community owner, manager, or caretaker in a Community in excess of thirty (30) acres.
 - c. Any such single-family dwellings permitted under this Section shall comply in all respects with the requirements of single-family dwellings in the MDR Medium Density Residential District.

- L. Signs
1. All signs in a Manufactured Housing Community are subject to the requirements of Chapter 11.
 2. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the Community.
 3. The permitted sign shall be located from the road a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type.
 4. One (1) sign, not exceeding thirty two (32) square feet in area shall be permitted for the first entrance provided to the Community.
 5. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
- M. RV Storage: If boats, boat trailers and utility trailers are permitted to be parked within the Manufactured Housing Community, adequate parking spaces for these vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.
- N. Compliance with Regulations: The design, layout, construction and use of a Manufactured Housing Community shall in all other respects comply with the regulations on the design, construction and use of Manufactured Housing Communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of Manufactured Housing Communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.
- O. Compliance with Americans with Disabilities Act: To the extent applicable, the Community shall comply in all respects with the Americans with Disabilities Act, 42 USC § 12101, *et seq.* and the administrative rules promulgated thereunder.

SECTION 7.04 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.

- A. Home Size: Manufactured homes within a Community shall meet all regulations in the Manufactured Home Commission Rules Handbook as amended.
- B. Installation: The installation of manufactured housing on each site within the Community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the Community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
1. Skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that the installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the

- requirements established by the rules of the Michigan Manufactured Housing Commission.
2. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- D. Storage of Personal Property
1. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured home, or within carports which are open on any side.
 2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 3. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured home site for the storage of personal property.
- E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the Community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a Community.
- F. A manufactured home shall be used only for those uses permitted in this district. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a Manufactured Housing Community.
- G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- H. New or pre-owned manufactured homes, which are to remain on-site in the Manufactured Housing Community, may be sold by the resident, owner or a licensed dealer or broker, provided that the manufactured housing development management permits the sale.
- I. The owner or operator of any Community shall be responsible for all road maintenance, snow removal and trash collection within the confines of the Community.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder, and this Ordinance.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall have approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the Community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the Community are maintained free from any trash or other discarded materials.

- M. Every unit shall be equipped with fire extinguishing equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

SECTION 7.05 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS

- A. Review: Prior to the establishment of a new Manufactured Housing Community, an expansion of a Manufactured Housing Community, or construction of any building within the Community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- B. Application: All plans submitted to the Planning Commission for review under this Section shall contain the following information, provided, however, that detailed construction plans shall not be required to be submitted to the Township:
1. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet (1" = 50') for property under three (3) acres and at least one inch equals one hundred feet (1" = 100') for those three (3) acres or more.
 2. All site and/or property lines are to be shown in dimension.
 3. The location and height of all existing and proposed structures on and within the subject property, and existing within one hundred (100) feet of the subject property.
 4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
 5. The location and the pavement and right-of-way width of all abutting roads, roads, or alleys.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
 7. The name and address of the property owner and developer.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Location of all fire hydrants, if applicable.
 10. The number of manufactured housing sites proposed.
 11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of stormwater management facilities.
 12. Utility and other easements.
 13. Existing wetlands.
 14. Proposed sign locations.

15. All required setbacks and separations.
- C. Fee: Fees for the review of a Manufactured Housing Community plan shall be established by resolution of the Township Board.
- D. Decision
 1. The plan shall be reviewed by the Planning Commission for compliance with the design standards for Manufactured Housing Communities contained in this Chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the Manufactured Housing Community complies with the Ordinance and regulations, it shall be approved.
 2. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents, in writing, to allow a longer period of review.

[Entire chapter amended, 6/20/11; effective 7/4/11]

CHAPTER 8 NON-RESIDENTIAL DISTRICTS

SECTION 8.01 DESCRIPTION AND PURPOSE

- A. NC, Neighborhood Commercial District: This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. Generally, square footage of Neighborhood Commercial uses should not exceed ten-thousand (10,000) square feet of building area.
- B. LI Light Industrial District: This Zoning District is intended to provide exclusive areas for industrial uses in areas served by adequate infrastructure. Uses in this Zoning District are to provide for various types of light industrial and manufacturing uses, wholesale businesses, warehouses and other uses compatible with one another and with surrounding land uses and with an absence of objectionable external effects. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity, and creative site design. The regulations are defined to exclude uses which would have a detrimental effect upon the orderly development and functioning of the District, as well as surrounding land uses.

SECTION 8.02 SCHEDULE OF USES

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by the following abbreviations:

- P: **Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: **Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Section 9.04 and specific standards of Section 9.05 are met.
- NP: **Not permitted.**

“Other Requirements” references additional requirements or conditions applicable to the use.

Table 8.02 Schedule of Uses – Non-Residential Districts			
	NC	LI	Other Requirements
Accessory Uses			
Any structure or use customarily incidental to the permitted and special land uses	P	P	
Outdoor storage and/or sales areas	SLU	SLU	9.05.N
Office Uses			
Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities	P	NP	
Executive, administrative, professional, accounting, drafting, and other similar professional office activities, as determined by the Zoning Administrator.	P	NP	
Medical and dental offices, but not including clinics	P	NP	
Veterinary hospitals and animal clinics	SLU	NP	9.05.Z

Table 8.02 Schedule of Uses – Non-Residential Districts			
	NC	LI	Other Requirements
Retail Uses			
Drug stores and pharmacies	P	NP	
Open air businesses	SLU	NP	9.05.N
Retail building supplies	SLU	P	9.05.R
Retail stores, providing goods within a completely enclosed building	P	NP	
Restaurants, Recreation, Lodging and Assembly			
Hotel or motel	SLU	NP	9.05.H
Outdoor recreational facility	SLU	NP	
Places of religious worship	SLU	NP	
Private clubs, fraternal organizations, and lodge halls	P	NP	
Restaurants with drive-in or drive-through facilities.	SLU	NP	9.05.Q
Restaurants, excluding drive-through facilities	P	NP	
Theaters or similar places of public assembly	SLU	NP	9.05.T
Services			
Commercial child care centers	P	SLU	9.05.F
Kennels	SLU	NP	9.05.J
Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public	NP	P	
Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator	P	SLU	
Automobile and Truck Oriented Uses			
Bulk oil, propane, and gasoline storage and distribution	NP	SLU	9.05.C
Truck and freight terminals	NP	SLU	9.05.V
Vehicle repair	SLU	P	
Vehicle service stations	SLU	SLU	9.05.X
Vehicle wash establishments	SLU	SLU	9.05.Y
Industrial and Manufacturing/Processing			
Commercial greenhouses and other indoor agriculture	P	P	
Processing of food products, but not including slaughtering, rendering or refining	NP	P	
Assembly of furniture, fixtures and other household goods	NP	P	
Printing, publishing, and allied industries	NP	P	
Light manufacture and assembly of goods from previously prepared materials	NP	P	
Biological products, drugs, medicinal chemicals and pharmaceutical preparations	NP	P	
Research and development	NP	P	
Storage Uses			
Junk yards	NP	SLU	
Warehousing, refrigerated and general storage	NP	P	

Table 8.02 Schedule of Uses – Non-Residential Districts			
	NC	LI	Other Requirements
Other Uses			
Adult uses	NP	SLU	9.05.A
Commercial storage warehouses	SLU	SLU	9.05.D
Funeral homes and mortuary establishments	SLU	NP	9.05.E
Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU	SLU	9.05.P
Residential dwellings within or in addition to an allowed use	SLU	NP	
Single family dwellings in existence at the time of adoption of this Ordinance. Any such single family use that is converted to another permitted or special land use shall not subsequently be re-established as a single family use.	P	NP	
Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services	SLU	SLU	9.05.U
Trade or industrial schools	NP	P	
Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and television and radio towers	NP	P	
Utility and public service buildings, without storage yards, but not including essential public services as poles, wires, and underground utility systems	P	P	
Wholesale businesses	NP	P	

SECTION 8.03 DISTRICT REGULATIONS

- A. No lot, building, or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements in Table 8.03 are met and maintained in connection with the use of the lot, building, structure, or enlargement.

Table 8.03 District Regulations – Commercial and Industrial Districts		
	NC	LI
FRONT YARD	60 feet	60 feet
SIDE YARD	Side abutting Residential Districts or uses	50 feet
	Side abutting other Districts	20 feet
REAR YARD	35 feet	35 feet
LOT COVERAGE	40% (including building and parking areas)	60% (including building and parking areas)
BUILDING HEIGHT	40 feet or 3 stories, whichever is less	40 feet
MINIMUM LOT AREA	25,000 square feet	5 acres
MINIMUM LOT WIDTH	100 feet	330 feet

- B. Notwithstanding the above, permitted single family uses in the NC District shall be subject to the Site Development Requirements of the RR, Rural Residential District (see Section 6.03).

SECTION 8.04 DEVELOPMENT REQUIREMENTS

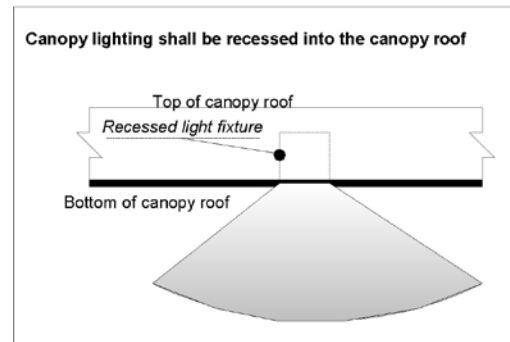
- A. Parking and Loading. All uses shall provide parking spaces, and loading spaces if applicable, as required by Chapter 11.
- B. Signs. Signs shall only be permitted according to Chapter 11.
- C. Site Plan Review. All uses, except single family detached and two family dwellings, shall be subject to site plan review, according to Chapter 10.
- D. Variances to the dimensional (non-use) requirements of this Chapter may only be granted upon a finding of practical difficulty by the Zoning Board of Appeals, according to the process and standards in Chapter 12.

SECTION 8.05 DISTRICT SPECIFIC REQUIREMENTS

- A. NC District
 - 1. Except as otherwise permitted by this Ordinance, the outdoor storage of goods or materials shall be prohibited in the front yard setback area. Goods or materials stored in the side or rear yard shall be screened from the view from the road and from abutting properties. The required front yard area, except for necessary entrance drives and required off-road parking areas, shall be landscaped.
- B. LI District: No lot, building, or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, building, structure, or enlargement.
 - 1. The first thirty five (35) feet of the front yard area, except for necessary entrance drives, shall be landscaped.
 - 2. All Permitted Uses and Special Land Uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, and the on-site parking of vehicles, or as otherwise permitted by this Ordinance.
 - a. Outside storage of materials, equipment, or vehicles is permitted, subject to the following restrictions:
 - (1) Materials, equipment or vehicles may be stored only in the side or rear yards, except that materials may not be stored on the road side of a corner lot. In no case shall materials be stored in any required yard.
 - (2) All storage of materials, equipment and vehicles shall be visually screened to a height of at least six (6) feet above the elevation of the nearest adjacent road or property. This screening shall consist of either a decorative fence, wall, or greenbelt, or a combination of these materials.
 - (3) In no case shall the outside storage of material, equipment and vehicles be stacked higher than the height of the visual screen.
 - (4) One (1) non-gated opening, no greater than twelve (12) feet in width, shall be permitted in the screen for each two-hundred (200) feet of property frontage on a public road.

SECTION 8.06 ACCESSORY BUILDINGS, STRUCTURES, AND USES IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS

- A. Accessory buildings attached to the main building, including enclosed garages, shall be deemed a part of that building and must conform to all regulations of this Ordinance applicable to main buildings.
- B. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- C. Canopy roofs, such as those for gas pump islands accessory to vehicle service stations, banks, and other similar uses shall be permitted to encroach into any required yard, provided that:
1. A minimum setback of ten (10) feet is maintained from any property line.
 2. The height of the canopy roof shall not exceed fourteen (14) feet and shall be open on all sides.
 3. The colors and design of the canopy shall be compatible with the main building.
 4. Lighting on or within the canopy shall be flush mounted or recessed into the canopy roof (see illustration).
 5. Signs on the canopy fascia shall comply with the wall sign provisions of Chapter 11 of this Ordinance.
- D. An accessory building or use may not be permitted on a lot that does not contain a principal use or main building.
- E. No part of an accessory building shall be used as a dwelling.
- F. Detached accessory buildings shall be located:
1. a minimum of ten (10) feet from any main building;
 2. not less than the minimum front yard setback required for the main building, but in no case located within the front yard between the main building and the front lot line;
 3. for buildings of less than seven hundred and fifty (750) square feet gross floor area (GFA): a minimum of ten (10) feet to any side or rear lot line; for buildings equal to or greater than seven hundred and fifty (750) square feet GFA: a minimum of thirty (30) feet to any side or rear lot line.
 4. Side yard setbacks shall be measured to the eaves of the building.
- G. The floor area of all accessory buildings in Nonresidential Districts shall not exceed twenty-five percent (25%) of the floor area of the main building(s).



SECTION 8.07 FENCES

- A. A fence shall not be constructed in any public right-of-way or private road easement.

- B. A fence erected within the required front yard in any non-residential district shall not exceed three (3) feet in height. A fence within the required front yard shall be of a type which is not more than twenty-five percent (25%) solid.
- C. The height of a fence in any other yard shall not exceed eight (8) feet.
- D. A fence shall not contain razor wire, concertina wire, barbed wire or any similar sharpened object.
- E. A fence shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the clear vision area as required by Section 3.11.
- F. A fence shall be set back a minimum of two (2) feet from a sidewalk located within the public right-of-way.

SECTION 8.08 GREENBELTS AND LANDSCAPING

- A. In order to provide protective screening for Residential Districts or uses adjacent or near Non-Residential Districts, the Planning Commission may require a landscaped greenbelt to be installed on the Non-Residential District property. These requirements shall not apply to a yard adjacent to a road if the Non-Residential District and the Residential District are separated by a public or private road right-of-way.
- B. The greenbelt shall be a strip at least ten (10) feet in depth relative to the property line, planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.

[Entire chapter amended, 6/20/11; effective 7/4/11]

CHAPTER 9 SPECIAL LAND USES

SECTION 9.01 SCOPE

This Chapter provides a set of procedures and standards for uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the township as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Sherman Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the Specific Requirements cited in Section 9.05, as applicable.

SECTION 9.02 ELIGIBLE USES

Only those uses specifically listed in each district as a Special Land Use shall be allowed, and allowed only within the district in which they are listed, after approval pursuant to this Chapter. No other use(s) may be authorized.

SECTION 9.03 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted to the Township, accompanied by:
 1. the payment of a fee or fees as established by the Township Board;
 2. a completed application form, as provided by the Township; and
 3. a complete site plan as specified in Chapter 10.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of the hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which are imposed into the record certifying the decision. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- E. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.
 1. The Planning Commission may grant one (1) six (6) month extension of this time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond

the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- F. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

[Amended, 6/20/11; effective 7/4/11]

SECTION 9.04 GENERAL STANDARDS

- A. An application for a Special Land Use shall be reviewed for compliance with the General Standards of this Section, the Specific Requirements of Section 9.05 and the review standards for site plans in Section 10.08.
- B. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed;
 2. be served adequately by essential public facilities and services such as highways, roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 3. not create excessive additional requirements at public cost for public facilities and services; and
 4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- C. The Planning Commission may stipulate additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with these conditions may result in the revocation of the Special Land Use approval, pursuant to Section 9.03, F, above. Conditions imposed shall be those necessary to:
1. meet the intent and purpose of the Zoning Ordinance;
 2. relate to the review standards of this Chapter;
 3. ensure compliance with those standards;
 4. protect the general welfare;
 5. protect individual property rights; and
 6. ensure that the intent and objectives of this Ordinance will be observed.

SECTION 9.05 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards of Section 9.04 are basic to all Special Land Uses. The specific and detailed requirements set forth in this Section relate to particular uses and are requirements which must be met in addition to the foregoing general standards .

A. Adult Uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District or use, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls of this subsection are for the purpose of preventing a concentration of these uses within any area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
 - a. No adult use shall be permitted on a lot or parcel which is within one thousand (1,000) feet of a main building or accessory structure of another adult use.
 - b. No adult use shall be located in any main building or accessory structure which already contains an adult use.
 - c. No adult use shall be located within five hundred (500) feet of any Residential District, or within five hundred (500) feet of any other development which contains dwellings.
 - d. No adult use shall be located on a lot or parcel within five hundred (500) feet of a public park, school, day care or child care facility, or place of religious worship.
 - e. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Township Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - f. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.
3. Use Requirements
 - a. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.

- b. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M. and no such use shall be open on Sundays.
 - c. No alcohol shall be served at any adult use.
 - d. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that minors are not allowed.
 - e. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- B. Bed and breakfast establishments.
1. The establishment shall be serviced by approved water and sanitary sewer services.
 2. These uses shall only be established in a single family detached dwelling.
 3. Parking shall be located to minimize negative impacts on adjacent properties.
 4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
 5. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of nine (9) guest rooms.
 6. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
 7. One (1) sign shall be allowed for identification purposes. This sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, the illumination shall only be of an indirect nature; internally lighted signs are not permitted. The permitted sign shall be set back at least one-half ($\frac{1}{2}$) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
 8. The establishment shall contain the principal residence of the operator.
 9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
 10. Breakfast may be served only to the operator's family, employees, and overnight guests.
- C. Bulk oil and gasoline distribution.
1. The minimum lot size shall be five (5) acres.
 2. The lot shall be located so that at least one (1) side abuts a state trunk line or County Primary road, and all access shall be from that road.

3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent Residential District or use.
 4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source or encroach upon any adjacent property.
- D. Commercial storage warehouses.
1. Minimum lot area shall be two (2) acres.
 2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the MDR District.
 3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 6. Parking lanes and access aisles adjacent to the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
- E. Funeral homes and mortuary establishments.
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
 2. A well designed and landscaped off-road vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-road parking area or its related maneuvering space.
 3. A caretaker's or owner/operator's residence may be provided within the main building.
 4. The proposed site shall front upon a paved state trunk line, County Primary, or County Local road. All ingress and egress shall be from this thoroughfare.
- F. Group and commercial day care homes and facilities, including nursery schools, day nurseries and day care centers.
1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
 2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use in accordance with the requirements of Section 8.08.
 3. Required off-road parking, as well as off-road pick-up and drop-off areas shall be provided.

4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
5. For group day care homes, in addition to the above, a Special Land Use Permit shall be issued when all of the following requirements are met:
 - a. The group day care home is not located closer than 1,500 feet, measured along the adjacent roads or roads, to any of the following:
 - (1) Another licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979 (MCL 400.701-400.737)
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Public Act 368 of 1978 (MCL 333.6101-333.6523)
 - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
 - b. The group day care home shall maintain the property consistent with the visible characteristics of the neighborhood. For the purposes of this Ordinance, this shall mean that there shall be no exterior evidence that the home is used in any manner different from other single family homes in the neighborhood.
 - c. The group day care home shall not exceed 16 hours of operation during a 24-hour time period. The Planning Commission may limit but not prohibit the operation of a group day care home between the hours of 10 PM and 6 AM.
 - d. The Planning Commission may, at its discretion, permit a group day care home that does not meet all of the requirements of Section 9.05 F, 5, a through c, above.

[Amended, 6/20/11; effective 7/4/11]

G. Home-based businesses

1. Intent. It is the intent of these regulations to allow for businesses that are more intensive than home occupations at appropriate locations that can meet the general standards for a special land use and the specific standards of this subsection. The Planning Commission may, in considering a special land use for a home based business, impose greater restrictions than those listed, but only to the degree that the public health, safety and welfare is protected.
2. The following shall not be permitted as a home based business:
 - a. Waste hauling and sanitary services
 - b. Junk yards or scrapping operations
 - c. Retail sales of goods not produced on the premises
 - d. Vehicle or implement repair, including body work and painting. This prohibition shall not apply to non-motorized or horse-drawn vehicles.

3. The home-based business shall not be used as an attempt to establish a commercial or industrial use in a residential area.
4. The parcel containing the home based business shall contain a single family dwelling as the principal use. The home based business shall be owned and operated by a resident of the dwelling located on the property.
5. Structure. The home based business shall be conducted entirely within one (1) approved accessory building that meets all area and setback requirements of this ordinance. The office of the home based business may be located in the dwelling, but no more than twenty percent (20%) of the area of one floor of the dwelling may be dedicated to the office.
6. Accessory buildings accommodating home based businesses shall not exceed 2,000 square feet.
7. Employees. No more than two (2) persons at a time who are not residents of the dwelling may be employed on the premises at which the home-based business is conducted.
8. Parking. Parking spaces required for employees and customers of the home-based business shall be provided off the road. Parking shall be determined by the following: in addition to the parking required for the primary use, there shall be one (1) space per each employee not residing on the premises, plus one (1) space for each four hundred (400) square feet of usable floor area dedicated to customer service or display areas. All parking spaces shall be constructed in conformance with the requirements of Chapter 11. No home based business shall require more than six (6) parking spaces above the requirement for the principal use.
9. Prohibited Buildings. Buildings or structures that must meet special building code requirements, such as, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of motor oil, lubricants, and anti-freeze), and other similar systems are prohibited.
10. Signs. One (1) sign shall be permitted, not exceeding six (6) square feet in area. The sign shall not be illuminated or higher than six (6) feet above grade.
11. Traffic. Any traffic generated by the home-based business shall not be so great or occur at a time that would cause serious adverse effect within or upon the surrounding neighborhood, and determined by the Zoning Administrator.
12. No equipment or process shall be used on the premises which creates excessive noise, vibration, glare, fumes or odors, or electrical interference.
13. Outdoor Storage and Screening:
 - a. Outdoor materials storage shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use.
 - b. Storage of vehicles and materials associated with the business shall either be wholly contained within the accessory structure or screened on site, within a side or rear yard. Screening shall consist of fencing (fences shall not exceed six (6) feet in height) and landscaping of such quantity to create an effective screen that is at least six (6) feet in height. In no case shall there be more than two (2) vehicles or pieces of equipment stored outside.

14. Only those goods or products which are clearly primary to the home-based business may be sold on the premises. No merchandise for sale shall be displayed for advertising purposes so as to be viewable from the road.
15. For any home based business located on a lot that is not on a Class A, all-weather road, as defined by the St. Joseph County Road Commission, delivery or shipping of goods shall be via US Mail or similar private parcel delivery service. Use of trucks with more than two (2) axles or any truck-trailer combination is prohibited.
16. At the time of special land use approval, the Planning Commission may impose conditions upon the operation of the home based business in order to protect the public health, safety and welfare, including, but not limited to the following:
 - a. Hours of operation
 - b. Increased setbacks
 - c. Screening

[Amended 6/20/11, effective 7/4/11; Amended 7/20/15, effective 8/11/15]

H. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any road or any other driveway.

I. Junk yards.

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable direct access to a County Primary road or state trunkline to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or roads. The fence or wall shall be continuously maintained in good condition and contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-

way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.

6. The fence or wall enclosing the storage area shall meet the applicable main building setback requirements.
 7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 9. All portions of the storage area shall be accessible to emergency vehicles.
 10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
 11. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other similar substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 13. Minimum site size for these facilities shall be six (6) acres.
 14. All fences shall be set back a minimum of fifty (50) feet from any Residential District or use property line.
 15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
 16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the township. These conditions can include a provision for periodic inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
- J. Kennels.
1. The minimum lot size shall be five (5) acres.
 2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
 3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.
- K. Migrant Housing.

Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted as a Special Land Use by the Planning Commission in the AG and RR Districts as an accessory use. No structure may be used for such purposes in Sherman Township unless the Planning Commission finds that all of the following conditions are met:

1. Migrant housing may be occupied for no more than ten (10) months during one calendar year.
 2. Migrant housing may not be used for the housing of persons not at some time employed by the owner of the dwelling.
 3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to Sherman Township where any dwelling is used to house one (1) or more migrant workers. It is the purpose and intent of this provision to incorporate by reference these rules, regulations, and standards and further to apply the same to the housing of one (1) or more migrant workers notwithstanding that State regulations may have a greater housing unit or migrant worker threshold.
 4. Seasonal dwellings shall be located at least two hundred (200) feet from any public road, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
 5. No seasonal dwelling shall have more than one (1) story nor contain more dwelling units than are reasonably necessary to meet the needs of the owner of the premises.
 6. No seasonal dwelling shall be closer than twenty (20) feet to the private roadway serving the dwelling.
 7. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving the other dwelling.
 8. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state, and federal building codes, health codes, and other applicable codes and ordinances.
 9. Approval of the Special Land Use and site plan shall signify the applicant's agreement to comply with the plan and all the conditions placed upon the use and requirements at all times and shall further agree to the following:
 - a. The premises and all seasonal dwellings shall be available for periodic inspection of the Zoning Administrator and Building Inspector.
 - b. All premises and structures shall be regularly maintained.
 - c. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a township, county, state, or federal agent or official.
 - d. Any seasonal dwelling which is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within six (6) months of the close of the second season following.
 10. Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a zoning permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall state any conditions of use imposed by the Planning Commission.
- L. Multiple family dwellings.

1. All dwelling units shall have a minimum of eight-hundred (800) square feet per unit plus four hundred (400) square feet per bedroom for each bedroom over two (2).
 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any road or any other driveway.
 4. Buildings shall not be constructed closer to each other than a distance equal to one and one-half (1½) times the height of the taller building.
 5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- M. New farm buildings, in addition to existing farm buildings, located on a farm in existence and in operation as of 8/7/06, in the RR District.
1. Minimum area shall be twenty (20) acres.
 2. The size of the new building shall be in relation to the farming operation being conducted on the property.
 3. The new building(s) shall not be part of a confined animal feeding operation.
 4. No more than two (2) new farm buildings may be approved under this subsection.
 5. One (1) of the buildings allowed under this subsection, if it meets the requirements of this subsection and the general standards for special land uses as outlined in Section 9.04 and is under two thousand (2,000) square feet, may be approved by the Zoning Administrator. If a second building is desired, a special land use is required, regardless of building size.
- N. Open air businesses and outdoor storage and/or sales areas.
1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
 4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
 5. The Planning Commission may require the permittee to furnish a performance guarantee in accordance with Section 13.07 of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
 6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 7. Ingress and egress shall be provided as far as practicable from two (2) intersecting roads and shall be at least one hundred (100) feet from an intersection.

8. All lighting shall be shielded from adjacent properties used for residential purposes.
9. In the case of a plant materials nursery:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
 - b. All loading activities and parking areas shall be provided on the same premises (off-road).
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
10. No display area shall be located within ten (10) feet of a road right-of-way line.

[Amended, 6/20/11; effective 7/4/11]

- O. Public or private campgrounds.
 1. Minimum lot size shall be three (3) acres. The campground shall provide direct vehicular access to a public road.
 2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. The convenience shopping facility, excluding laundry and similar ancillary uses, shall not exceed a useable floor area of one thousand (1,000) square feet.
 4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. These parking area(s) shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
 5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
 6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any road.
 7. Any open drainage ways must have seeded banks sloped at least three (3) feet for every one (1) foot of height and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of St. Joseph County.
 8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
 9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

- P. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - c. The earth removal will not alter predominant drainage patterns or cause drainage impacts to adjoining properties;
 - d. The earth removal involves a total of less than five hundred (500) cubic yards;
 - e. The earth removal is for the purpose of construction of a swimming pool.
 - f. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Natural Resources Environmental Protection Act of 1994, or any other applicable state or federal law.
 - g. Public improvement operations involving the Township, St. Joseph County Road Commission or the Michigan Department of Transportation are exempt from this provision.
 2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
 - (1) a north arrow, scale, and date;
 - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - (4) the location and nature of all structures on the lands;
 - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - (6) existing elevations of the lands at intervals of not more than five (5) feet;
 - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - (8) mineral processing and storage areas;
 - (9) proposed fencing, gates, parking areas, and signs;
 - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a

- description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
- (11) a map showing access routes between the subject lands and the nearest County Primary road; and
 - (12) areas to be used for ponding.
- c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
 - d. A site rehabilitation plan including the following:
 - (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - (2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
 - e. The Planning Commission may require an environmental assessment, engineering data, or other information concerning the need for and consequences of this extraction if it is believed that the extraction may have a severe adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or road line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure sublaterals support to

surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District.

5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road.
6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in condition or manner as to constitute a danger to children or others who may enter the removal areas.
 - a. Banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations.
 - b. The Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. These conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
9. An applicant for a permit shall submit a performance guarantee in accordance with the requirements of Section 13.07 of this Ordinance, naming Sherman Township as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The guarantee shall have other terms and shall be in an amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance guarantee shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and

restoration requirements, and all other matters required of the applicant under the terms of the permit.

- b. The timely and faithful compliance with all of the provisions of the performance guarantee shall be a condition of any mineral removal operations. In the absence of compliance with the terms of the performance guarantee, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

Q. Restaurants with drive in or drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces, inclusive of the service ordering station, shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

R. Retail building supplies.

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two (2) intersecting roads and shall be at least one hundred (100) feet from an intersection.
4. All lighting shall be shielded from adjacent Residential Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.

S. Roadside stands with two-hundred (200) square feet or more of sales area.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for the use, capable of keeping trash, paper, and other debris from blowing off the premises.
 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any road or driveway.
 3. No lighting shall be provided except that which may be necessary for safety purposes.
 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- T. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use property line.
 3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby roads which are likely to provide access to the site.
 4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any road or any other driveway.
- U. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
1. Towers for Commercial Wireless Telecommunication Services shall be required to locate on any existing approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
 2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate

- both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services that have any part located within two hundred (200) feet of any Residential District .
 - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the District in which it is located, except that in no case shall the structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District .
 - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
 5. The Planning Commission may require the structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
 6. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
 7. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal or continue its use.
- V. Truck and freight terminals.
1. Minimum lot size shall be three (3) acres.
 2. The lot location shall have at least one (1) property line abutting a paved state trunkline or County Primary road. The ingress and egress for all vehicles shall be directly from that thoroughfare.
 3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.

4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- W. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any of these buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 2. Any building shall comply with the yard setback requirements for main buildings of the District in which it is located.
- X. Vehicle service stations
1. Minimum lot area shall be fifteen thousand (15,000) square feet.
 2. Minimum lot width shall be one hundred (100) feet.
 3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
 4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any road, with a maximum of one (1) per road when located on a corner lot, and one (1) for any other road.
 5. Drive or curb openings shall be located at least seventy-five (75) feet from any intersection and at least twenty-five (25) feet from any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
 7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
 8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, road or right-of-way.
 9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) vehicles) shall not be permitted for a period exceeding ten (10) days.
 11. The parking and rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If

the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.

12. The lot shall be located so that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, place of religious worship or hospital.
 13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of the lights from view by adjacent property.
 14. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
- Y. Vehicle wash establishments.
1. All washing activities must be carried on within a building.
 2. Vacuuming activities may not be conducted in the front or side yard setback.
 3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, in accordance with Section 11.06, so no vehicles are required to wait on an adjoining road to enter the site.
- Z. Veterinary hospitals and animal clinics.

Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback.

- AA. Wind Energy Conversion Systems: Commercial WECS and WECS Testing Facilities associated with a Commercial WECS.
1. Site Requirements
 - a. Compliance with General Requirements. In addition to the requirements of this Section, all requirements of Section 3.19, C, General Requirements for All WECS, shall be met.
 - b. Minimum Area. Minimum project area shall be twenty (20) acres. Multiple parcels may be assembled to create a project area, but all parcels shall be contiguous along adjoining property lines for no less than fifty (50) feet. All setback requirements shall be measured from the project limits.
 - c. Height. The permitted maximum height of a WECS or WECS Testing Facility shall be two hundred and fifty (250) feet, subject to setback limitations. Towers shall be required to be less than two hundred and fifty (250) feet in height under the following circumstances:
 - (1) Where setbacks require a lesser height per subparagraph d, below.
 - (2) When state or federal regulations require a lesser height.
 - (3) As part of special land use review, a determination is made that lesser tower heights would be more appropriate for a certain area of the community.
 - d. Setbacks. No part of a WECS or Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear

- yard setback. WECS towers shall be setback from the closest property line a minimum distance equal to one and a half (1.5) feet for every one (1) foot of WECS height. No portion of a WECS or WECS Testing Facility shall be located within thirty (30) feet of an above ground utility line.
- e. Separation. Each WECS shall be separated from any other WECS a distance equal to or greater than the diameter of the largest rotor of any two adjacent WECS.
 - f. Rotor Clearance. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, overhead power line, land or tree.
 - g. Tower Access. To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one of the following provisions:
 - (1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - (2) A locked anti-climb device shall be installed on the tower.
 - (3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
 - h. Signs. Each WECS may have one (1) sign not exceeding three (3) square feet in area, that identifies the name of the manufacturer, located on the tower or the nacelle. In addition, each WECS and WECS Testing Facility shall have one (1) sign, not to exceed two (2) square feet in area, posted near the base of the tower or mounting apparatus. The sign shall contain the following information:
 - (1) Warning: high voltage.
 - (2) Manufacturer's name.
 - (3) Emergency phone number.
 - (4) Emergency shutdown procedures.
 - i. Utility Company Interconnection (Interconnected WECS).
 - (1) No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the Township.
 - (2) All wiring from the WECS facility to the connection to the utility grid shall be underground.
2. Application Requirements. In addition to the application requirements for special land uses in Chapter 9 and for site plans in Chapter 10, an application for a Commercial WECS or WECS Testing Facility shall be accompanied by the following:
- a. Site Plan requirements:
 - (1) Lot lines and dimensions. All exterior lot lines of the project area shall include bearings and distances.
 - (2) Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.

- (3) Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or Testing Facility. The boundaries shall include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
 - (4) Existing and proposed setbacks of all WECS and other structures located on the project site.
 - (5) Sketch elevation of the premises accurately depicting the proposed WECS installation and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
 - (6) Access road to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.
 - b. Planned security measures to prevent unauthorized trespass and access.
 - c. WECS and Testing Facility Maintenance Programs – Provide a description of the maintenance program used to maintain the WECS and Testing Facility, including removal when determined to be obsolete.
 - d. Shadow flicker studies, to show how shadow flicker can be minimized or eliminated.
 - e. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.
 - (1) Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township.
 - (2) Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
 - f. Additional detail as required by this Section.
 - g. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, avian species and other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed.
3. Approval of Testing Facilities. Township grant of a Special Land Use permit for a WECS Testing Facility does not guarantee subsequent approval of a Commercial WECS. Should the Testing Facility prove the viability of a Commercial WECS, a separate Special Land Use application to establish one or more Commercial WECS is required.

4. Performance Requirements
 - a. Inspection: The Township shall have the right upon issuing any WECS and WECS Testing Facility Special Land Use permit to inspect the premises on which the WECS facility is located at all reasonable times. The Township may hire a consultant to assist with any inspection of a WECS or Testing Facility at the applicant's cost.
 - b. Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Township can review on a monthly basis.
 - c. Security: If a Special Land Use is approved pursuant to this Chapter, the Township Board shall require a performance guarantee in accordance with the provisions of Section 13.07 of this Ordinance, which will be furnished by the applicant to the Township in order to ensure full compliance with this subsection and any conditions of approval.
 - (1) When determining the amount of the required guarantee, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor).
 - (2) The performance guarantee shall be deposited or filed with the Township Clerk after a Special Land Use has been approved but before approval of a building permit for construction of the WECS or WECS Testing Facility.
 - (3) At a minimum, the performance guarantee shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. The performance guarantee shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place.
 - (4) The performance guarantee shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS or WECS Testing Facility) for at least thirty (30) years from the date of the Special Land Use approval. Failure to keep the performance guarantee in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a Special Land Use approval and this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the Special Land Use approval.
 - d. Road repair: Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense.

- e. Liability: The applicant shall insure each Commercial WECS at all times for at least \$2,000,000 for liability to cover the applicant, Township and land owner.
- f. The applicant shall be responsible for compensation to persons damaged by a WECS, including damage caused by stray voltage from a WECS.

[Amended, 6/20/11; effective 7/4/11]

BB. Open Space Developments

1. **Description and Purpose**

The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD, and other design objectives intended to foster an improved living environment.
2. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.
3. **Qualifying Conditions**
 - a. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
 - b. The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within any Residential District. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the intent of the Residential Cluster Development regulations.
 - c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed but will be preserved as a result of the OSD.
4. **Review Procedures**
 - a. **Sketch Plan Approval**
 - (1) To be considered as a OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this subsection.
 - (2) Applications for sketch plan approval for OSDs shall be submitted to the Township at least thirty (30) days prior to the date of first consideration by the Planning Commission.

- (3) The application materials shall include all the following information, unless the Township determines that some of the required information is not reasonably necessary:
 - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file the application.
 - (b) Parallel Plan used to determine base density that meets the requirements of Section 9.05, AA, 6 (c) 1.
 - (c) Written documentation that the proposal meets the standards of Section 9.05, AA, 8.
 - (d) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - (e) Arrangement and area calculations for open space, including upland and wetland open space areas.
 - (f) A completed application form, supplied by the Zoning Administrator, and an application fee.
 - (g) Ten (10) copies of a sketch plan meeting the requirements of Section 10.03, A.
 - (4) The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.
 - (5) Denial of the sketch plan shall also constitute denial of the Special Land Use request. All future consideration of Open Space Development on the property shall require a new Special Land Use application.
- b. Final Site Plan Approval
- (1) After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
 - (2) The final site plan may be for either the entire project or for one (1) or more phases.
 - (3) Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
 - (4) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file the application.

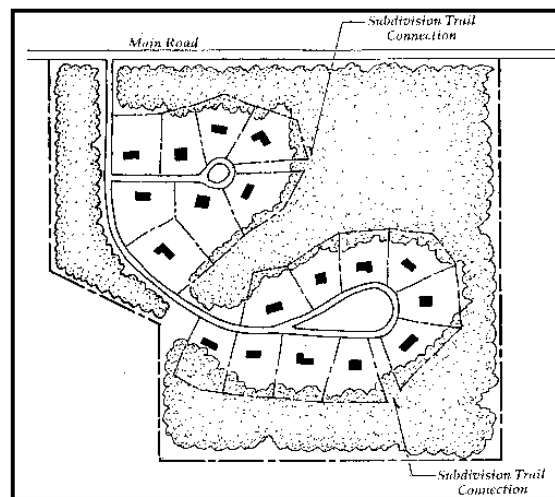
- (b) Written documentation that the proposal meets the standards of Section 13.04, Y, 8.
 - (c) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - (d) Arrangement and area calculations for open space, including upland and wetland open space areas.
 - (e) A completed application form, supplied by the Zoning Administrator, and an application fee.
 - (f) Ten (10) copies of a final site plan for the phase for which approval is requested, meeting the requirements of 14.03, B.
 - c. Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with this subsection.
 - d. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for Special Land Uses.
 - e. The Planning Commission shall deny, approve, or approve with conditions, the final site plan for the OSD.
 - f. Major changes in the final site plan, as provided in Section 10.07, shall be submitted to the Township pursuant to the above procedures applicable to the original application.
5. Permitted Uses
- The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:
- a. Single-family detached dwellings.
 - b. Accessory buildings and uses customarily associated with single family detached dwellings.
 - c. Farms.
 - d. Private open space and recreational facilities for use by the residents of the OSD.
6. Site Development Requirements
- a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the OSD. Minimum floor area and height regulations for dwelling units shall conform to the requirements of the underlying zoning district.
 - b. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 9.05, AA, 6, d.

- c. Development Density
 - (1) Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:
 - (a) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
 - (b) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this subsection shall mean lots or building areas that have areas of sufficient size and shape to accommodate the proposed main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, roads, or other means of permitted access.
 - (c) Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
 - (d) While intended as a conceptual plan, the Planning Commission shall only approve the parallel plan after a determination is found that the submitted plan would otherwise be approvable under current Township ordinances and review considerations.
 - (2) Density Bonus: In order to preserve the maximum amount of open space, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan.
 - (a) In no case shall the density bonus exceed fifty percent (50%) of the base density.
 - (b) The OSD may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space	55% open space	10%
	60% open space	20%
	65% open space	30%
Community or Public Sanitary Sewer Service		30%
Community or Public Water Service		20%

Facility/Open Space Provided	Density Bonus
Community or Public Sanitary Sewer and Water Service	50%

- (c) For the purposes of this Section, *community sanitary sewer service* shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.
 - (d) *Community water service* shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.
- d. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
- (1) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
 - (2) The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
 - (3) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.
 - (4) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be



- located between neighborhood clusters of housing units, as shown in the accompanying illustration.
- (5) All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - (6) All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- e. Development Setback
- (1) Any building area, which for the purposes of this Section shall mean any lot on which a principle use is located, shall be located at least two hundred (200) feet from any public road right-of-way not constructed as part of the OSD.
 - (2) No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
 - (3) The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
 - (4) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
 - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public road right-of-way.
 - (b) Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - (d) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
 - (5) OSD sites abutting more than one (1) public road shall be permitted to reduce the setback on the shortest side of the abutting roads to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in

topography occur, except that as may be necessary for entrance roads or utilities.

7. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
 - a. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
 - b. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units, as shown in the foregoing illustration. This is intended to avoid the suburban development style normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight to ten (8-10) units per cluster for projects of less than fifty (50) dwelling units and not more than ten to fifteen (10-15) for projects with fifty (50) or more dwelling units.
 - c. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
 - d. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
 - e. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight road segments and rows of homes.
8. Review Standards
 - a. The following review standards will be used by the Planning Commission in its consideration of an OSD. Before such developments may be approved the Planning Commission shall find:
 - (1) That the OSD meets the stated purposes of Section 9.05, AA, 1-2 and Qualifying Conditions of Section 9.05, AA, 3.
 - (2) That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.

- (3) That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
 - (4) That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
 - (5) That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
- b. To evaluate these review standards, the Planning Commission may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.
- c. Such additional information may also include the following provisions related to the objective of groundwater protection.
- (1) The Planning Commission may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the St. Joseph County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - (2) The Planning Commission may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.

CHAPTER 10 SITE PLAN REVIEW

SECTION 10.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent roads and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 10.02 SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a site plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- A. All uses within any District that includes the construction of a building addition with an enclosed floor area greater than twenty-five percent (25%) of the existing enclosed building floor area, and/or construction of a new building or structure with an enclosed floor area of five thousand (5,000) square feet or greater, except for:
 1. Accessory buildings
 2. Single family detached and two-family dwellings
 3. Farms
 4. Roadside stands with less than two-hundred (200) square feet of sales area
 5. State licensed residential family care facilities
 6. Family day care homes
 7. Home occupations
- B. A change in use that results in an increase to the number of parking spaces required for the new use, except for any change to a use listed in Section 10.02.A above.
- C. Special Land Uses in all Zoning Districts.
- D. Developments or land divisions, containing six (6) or more lots in any District.
- E. Residential Site Condominiums.
- F. As otherwise required by this Ordinance.

[Amended, 6/20/11; effective 7/4/11]

SECTION 10.03 SITE PLAN REVIEW REQUIREMENTS

- A. Preliminary Site Plan Review
 1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted to the Township for review by the Planning Commission prior to final site plan submittal. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
 - a. Small scale sketch of properties, roads and use of land within one-half (½) mile of the area, including the zoning of surrounding property.
 - b. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
 - (1) Existing adjacent roads and proposed roads
 - (2) Lot lines and approximate dimensions
 - (3) Parking lots and access points
 - (4) Proposed buffer strips or screening
 - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - (6) Location of any signs not attached to the building
 - (7) Existing and proposed buildings.
 - (8) General topographical features including contour intervals no greater than ten (10) feet.
 - (9) All buildings and driveways within one hundred (100) feet of all property lines.
 - c. A narrative (shown on the site plan or submitted separately) describing in general terms:
 - (1) The overall objectives of the proposed development.
 - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private roads and drives, and open space.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
 3. The Planning Commission shall review the preliminary site plan and make recommendations to the applicant that will cause the plan to be in conformance with the requirements of this Ordinance and the review standards of this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.
- B. Final Site Plan Review**
- If desired by the applicant, ten (10) copies of a final site plan prepared by a registered professional competent in these matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:
1. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more.

2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan.
3. The name and address of the property owner or petitioner.
4. A location sketch.
5. Legal description of the subject property.
6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private roads and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
11. The location, pavement width and right-of-way width of all roads and access easements within one hundred (100) feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
14. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
15. The location and size of all surface water drainage facilities.
16. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
17. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

SECTION 10.04 APPLICATION AND REVIEW

- A. Site plans, a completed application form, and an application fee shall be submitted to the Township by the petitioner or his/her designated agent, at least fourteen (14) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.

- D. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) copy shall be kept on file by the Township Clerk, one (1) kept on file by the Zoning Administrator, and one (1) returned to the petitioner or his designated representative.
- E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
 - 1. The Planning Commission may grant one (1) six (6) month extension of this time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

SECTION 10.05 PLAT REQUIREMENTS

In those instances in which Act 288, Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after site plan approval, submit the preliminary and final plats to the proper officer in conformance with the Land Division Act, and in accordance with all other applicable codes, acts and ordinances. Any plat shall remain in conformance with the approved site plan.

SECTION 10.06 ADMINISTRATIVE FEES

Site plan review applications shall be accompanied by a fee, as established by the Township Board. The fee shall be for the payment of administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. In addition, the Township Board may adopt an escrow policy under which an applicant shall pay an additional fee to cover additional necessary costs, such as hiring a planning, engineering and/or legal consultant. Any unused funds in an escrow account shall be returned to the applicant.

SECTION 10.07 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Change in the building size, up to five percent (5%) in total floor area.
 - 2. Movement of buildings or other structures by no more than ten (10) feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in building materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.

6. Changes required or requested by the Township, the St. Joseph County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

SECTION 10.08 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the Planning Commission in making judgment concerning them. These standards shall not be regarded as inflexible requirements nor are they intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, roads and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned roads in the area shall be planned to provide a safe and efficient circulation system for traffic within Sherman Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- H. All roads and driveways shall be developed in accordance with the St. Joseph County Road Commission or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. The Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with

- respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
 - J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent roads. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the township.
 - K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public or private roads, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
 - L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding roads, the effect of traffic in the area, nearby topography, and other factors.
 - M. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
 - N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
 - O. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.

SECTION 10.09 CONDITIONS OF APPROVAL

- A. As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Conditions attached shall be related to and ensure that the review standards of this Chapter are met.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

SECTION 10.10 APPEAL

Any person aggrieved by the action of the Planning Commission regarding site plan review may appeal in writing to the Board of Appeals in accordance with the provisions of Section 12.07.

CHAPTER 11 PARKING, LOADING, AND SIGNS

SECTION 11.01 SCOPE

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

SECTION 11.02 LOCATION OF PARKING

The off-road parking required by this Chapter shall be provided in accordance with the following requirements.

- A. Single and Two Family Dwellings: Off-road parking facilities shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple Family Dwellings: Off-road parking facilities shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. In no event shall any uncovered parking space for a multiple family building in an MDR District be located nearer than ten (10) feet to any main building.
- C. Manufactured Housing Communities: Off-road parking may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum requirements of this Chapter.
- D. Other Land Uses: Off-road parking may be located on each site or in parking lots within three hundred (300) feet of and readily accessible to each site.
- E. Use of Yards:
 1. Residential Districts:
 - a. Parking shall be permitted within any required yard setback, provided that parking within the required front yard shall only be on a driveway that provides access to a garage, or in absence of a garage, to the side or rear yard.
 - b. Parking and storage of recreational vehicles on required setbacks in the Residential Districts shall conform to Section 6.08.
 2. Non-Residential Districts:
 - a. All parking spaces shall be set back a minimum of ten (10) feet from the front lot line.
 - b. All parking spaces shall be set back five (5) feet from any rear or side lot line abutting a Non-residential district and ten (10) feet from any side or rear lot line abutting a Residential District.

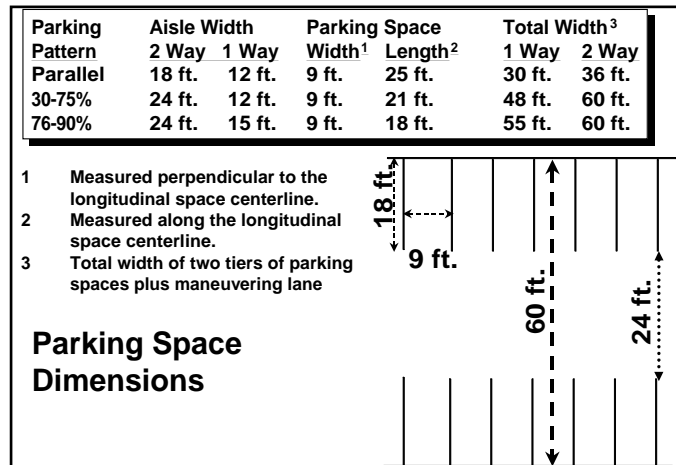
SECTION 11.03 PARKING LOT REQUIREMENTS

- A. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two family dwellings outside manufactured home parks) shall be hard

- surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the area, and shall be completely constructed prior to a Certificate of Occupancy being issued.
- B. In all Zoning Districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
 - C. All illumination for all parking lots in the NC District and LI District shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots shall not exceed twenty-five (25) feet in height, except that lighting in a parking lot abutting a Residential District or use shall not be higher than fifteen (15) feet in height.
 - D. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which the parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
 - E. Required nonresidential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall with a maximum height of six (6) feet, or a landscaped equivalent; provided that this screening shall comply with all clear vision requirements as stated in Section 3.11.
 - F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
 - G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. These devices shall be securely anchored into the parking lot to ensure that they remain stationary.
 - H. Except as may otherwise be required by this Ordinance, the minimum parking space dimensions shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.

SECTION 11.04 PARKING LOT PLANS

The construction of any parking lot shall be in accordance with the requirements of this Ordinance and the construction shall be completed and approved by the Building Inspector before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage,



pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in this work and shall conform to the provisions of this Chapter.

SECTION 11.05 PARKING RESTRICTIONS

- A. In any District, it shall be unlawful to use required off-road parking areas for the storage or parking of vehicles in excess of twenty-four (24) hours, except as may be permitted for an allowed commercial use, such as vehicle sales lots.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of that property. In no case shall vehicles be parked in any required off-road parking lot for the sole purpose of displaying a vehicle for sale, except in approved and licensed vehicle sales lots.
- C. After the effective date of this Ordinance it shall be unlawful on lots or parcels of less than one and one-half (1½) acres for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes except for a period not exceeding twenty-four (24) hours when the vehicle is parked specifically for loading or service to the residence. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.
- D. No vehicle parking, storage, or display shall be permitted within any road right-of-way. On-road parking is permitted in locations specifically designated by public authority for on-road parking. On-road parking spaces shall not be counted toward the required parking for any use.

SECTION 11.06 OFF-ROAD PARKING REQUIREMENTS

- A. Required off-road parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-road parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-road parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwelling	2
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit, plus 1 additional space for each 4 units

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Institutional	
Group day care homes and group foster care homes	1 space for each 4 clients
Places of religious worship, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Private schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Private schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Vehicle wash establishments (self service or automatic)	1 space for each 5 stalls. Three (3) stacking spaces shall be provided at each wash bay; one (1) stacking space shall be provided at each vacuum cleaner.
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	1 space for each 100 sq. ft. UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island
Personal service establishments not otherwise specified	1 space for each 50 sq. ft. UFA
Furniture, appliance and household goods retail sales	1 space for each 1,000 sq. ft. UFA
Funeral homes and mortuary establishments	1 space for each 50 sq. ft. UFA
Open air businesses	1 space for each 200 sq. ft. of indoor UFA plus 1 space for each 1,000 sq. ft. of outdoor display area

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Retail stores not otherwise specified	1 space for each 200 sq. ft. UFA
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 sq. ft. UFA

Offices	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 sq. ft. UFA plus 3 spaces for each non-drive through automatic teller machine . For each drive through ATM, three (3) stacking spaces shall be provided.
Offices not otherwise specified	1 space for each 300 sq. ft. UFA
Medical and dental offices and clinics	1 space for each 75 sq. ft. of waiting room area plus 1 space for each examining room, dental chair, or similar use area

Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 sq. ft. GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	1 space for each 2,000 sq. ft. GFA plus those spaces required for offices located on the premises

SECTION 11.07 OFF-ROAD LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC District all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-road parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-road parking requirements.
- D. LI District
 - 1. In the LI District at least one (1) loading space shall be provided per use. All loading spaces shall be at least ten (10) feet by fifty (50) feet , or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.

2. Loading spaces shall only be permitted off-road and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

SECTION 11.08 SIGNS - DESCRIPTION AND PURPOSE

- A. These provisions are intended to regulate the size, number, location, and manner of display of signs in the township, consistent with the following purposes:
1. To protect the safety and welfare of township residents; to conserve and enhance the character of the township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
 2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
 3. To promote uniformity in the size, number, and placement of signs within zoning districts.
 4. To promote the identification of establishments and premises in the township.

SECTION 11.09 SIGNS - DEFINITIONS

For the purposes of the provisions of this Chapter related to signs, the following words and phrases are defined as follows:

- A. **Construction Sign:** A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction.
- B. **Commercial Establishment:** A business operating independently of any other business located in a freestanding building; in a group of stores or similar establishments that are located side-by-side in a single building, sometimes called a strip mall, as a business completely separated from other businesses by walls from the ground up and separate entrances.
- C. **Community Special Event Sign:** A portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- D. **Directional Sign:** A sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.
- E. **Freestanding Sign:** A sign not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests of the ground.
- F. **Governmental Sign:** A sign erected or required to be erected by the Township, the County of St. Joseph, or by the state or federal government.
- G. **Incidental Sign:** A sign that identifies road address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the road.

- H. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure, or site.
- I. Political Sign: A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.
- J. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.
- K. Sign: A device, structure, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.
- L. Sign Face: The area or display surface used for the message or logo. [Amended 7/20/15, effective 8/11/15]
- M. Sign Standard: A solid base or structure upon which a freestanding sign is built. [Amended 7/20/15, effective 8/11/15]
- N. Subdivision Identification Sign: A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, or other residential development.
- O. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than twelve (12) inches from the exterior face of the wall to which it is attached.

SECTION 11.10 SIGNS PROHIBITED

The following types of signs are expressly prohibited:

- A. Any sign which has flashing, moving, oscillating, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted.
- B. Signs imitating or resembling official traffic or governmental signs or signals.
- C. Any sign not expressly permitted by this Ordinance.

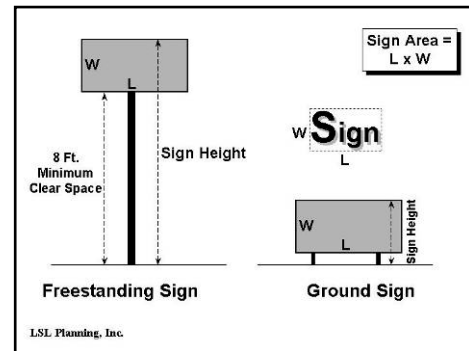
SECTION 11.11 SIGNS EXEMPTED

The following signs shall be exempt from the provisions of this Chapter.

- A. Governmental signs.
- B. Signs for essential services
- C. Historical markers.
- D. Incidental signs.
- E. Memorial signs or tablets.
- F. Political signs, except that such signs shall be removed within the time stated in Section 11.11, F.
- G. Signs with an address and/or name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall.

SECTION 11.12 MEASUREMENT OF SIGNS

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the standard necessary to support the sign. [Amended 7/20/15, effective 8/11/15]
- B. The area of a free-standing or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except that if the two (2) faces are placed back to back and are of equal size, the area of the two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) sign face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent road or the average grade of the ground immediately beneath the sign, whichever is less.

**SECTION 11.13 SIGN APPLICATION AND PERMITS**

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs, except for those exempted by the terms of this Chapter. For purposes of this Section, alteration of a sign shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a sign permit shall be made to the Zoning Administrator, and shall include submission of a fee as may be required by resolution or other action by the Township Board. The application shall include the following:
1. Name, address, and telephone number of the applicant and the person, firm, or corporation erecting the sign.
 2. Address or permanent parcel number of the property where the sign will be located.
 3. A sketch showing the location of the building, structure, or parcel of land upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures, together with the setback from lot lines.
 4. Two (2) scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structures or the ground.
 5. Any required electrical permit.
 6. Identification of the Zoning District in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this Chapter.

- C. All signs requiring electrical service shall be reviewed for compliance with the electrical code applicable to the Township.
- D. The Zoning Administrator shall issue a sign permit if all provisions of this Chapter and other provisions of this Ordinance and other applicable Township ordinances are satisfied. A sign authorized by this permit shall be installed or shall be under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

SECTION 11.14 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the township except in accordance with the provisions of this Ordinance.
- B. All signs shall be stationary and shall not contain any moving parts or have the appearance of movement.
- C. All signs shall pertain only to the business or activity conducted on the premises, except for political signs and community special event signs.
- D. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- E. Political signs shall be removed within ten (10) days after the election or referendum to which the sign refers.
- F. Except for governmental signs, no sign shall be placed in, or extend into, any public road right-of-way.
- G. One (1) construction sign per site per lot or development is permitted, subject to the following restrictions:
 - 1. Construction signs shall not be larger than thirty two (32) square feet and shall not exceed twelve (12) feet in height.
 - 2. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
 - 3. Construction signs shall be removed immediately upon issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
- H. Community special event signs may be permitted to be erected no more than thirty (30) days prior to the event to which they refer and shall be removed within five (5) days following the event.
- I. Seasonal uses approved by the Zoning Administrator in accordance with Section 3.09 shall be allowed one (1) temporary freestanding sign, not to exceed twenty (20) feet in height and fifty (50) square feet in area, and one (1) wall sign with a maximum area of fifty (50) square feet.
- J. Directional signs shall not exceed six (6) square feet in area per sign or contain any advertising copy.
- K. No wall sign shall project above the building roof line.

- L. A sign mounted to a chimney, or a mansard or gabled roof surface with a pitch greater than fifty (50) degrees shall be considered a wall sign.
- M. Flashing and intermittently illuminated signs are prohibited. Any sign lighting shall be shielded from vehicular traffic and adjacent residential properties.
- N. Any freestanding sign within the clear vision area as determined by Section 3.11, or within fifteen (15) feet of a road right-of-way, that is resting directly on the ground shall not exceed four (4) feet in height. If a sign is supported on poles, it shall have a clear area of at least eight (8) feet between the bottom of the sign and the grade of the adjacent road(s).

SECTION 11.15 NONCONFORMING SIGNS; VARIANCES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.
- D. Variances: The Board of Appeals shall not have the authority to approve any sign type within any Zoning District which is not permitted by this Ordinance. The Board of Appeals may consider variances to sign area, height and setback requirements, subject to the standards of approval in Section 12.08.

SECTION 11.16 SIGNS IN RESIDENTIAL DISTRICTS

In addition to signs permitted and as regulated in all Districts, the following signs are permitted in Residential Districts:

- A. When illumination is allowed, signs shall not be internally illuminated. [Amended 7/20/15, effective 8/11/15]
- B. One (1) nonilluminated subdivision identification sign per entrance road for each subdivision development, except that no two (2) signs per subdivision shall be located closer to each other than one thousand three hundred and twenty (1,320) feet. A subdivision identification sign shall not exceed thirty two (32) square feet in area and shall not be higher than six (6) feet.
- C. For permitted nonresidential uses, one (1) freestanding sign not to exceed thirty-two (32) square feet in sign area and placed a minimum of fifteen (15) feet from each side lot line. The sign shall not be illuminated and shall not be higher than six (6) feet. A sign for a bed and breakfast use shall conform to the requirements of Section 19.05, B.
- D. Not more than two (2) signs per property, advertising the sale of produce grown on the premises, each sign not to exceed sixteen (16) square feet and a height not exceeding six (6) feet.
- E. Not more than one (1) sign advertising an allowed home occupation, not to exceed four (4) square feet in area and must be mounted flush against the wall of the principal dwelling unit. [Amended 7/20/15, effective 8/11/15]

SECTION 11.17 SIGNS IN MANUFACTURED HOUSING COMMUNITIES

Signs within Manufactured Housing Communities shall be subject to the specific requirements of Section 7.03, L.

SECTION 11.18 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to signs permitted and as regulated in all Districts, the following signs are permitted in the NC Neighborhood Commercial District and LI Light Industrial District:

- A. Signs may be internally illuminated. Sign faces must be opaque in nature so that individual light bulbs or sources are not evident. [Amended 7/20/15, effective 8/11/15]
- B. One (1) freestanding sign for each lot or parcel of land, not to exceed sixty-four (64) square feet in sign area and not to exceed twenty (20) feet in height.
- C. Wall Signs in the NC Neighborhood Commercial District:
 1. Each commercial establishment shall be permitted to have one (1) wall sign for each public or private road frontage.
 - a. Commercial establishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each lineal foot of road frontage of the freestanding building, with a maximum wall sign area of seventy-five (75) feet.
 - b. Commercial establishments with more than one hundred (100) feet of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each of the first one hundred (100) lineal feet of freestanding building frontage and one and one-half (1½) square feet of sign for each three (3) lineal feet in excess of one hundred (100) lineal feet, with a maximum of one-hundred twenty-five (125) feet.
 - c. Wall sign area for a commercial establishment consisting of a separate business located in a building with other businesses but with a separate and independent entrance shall be calculated in the same manner as in a freestanding building, using the building frontage of the commercial establishment.
 2. The wall sign shall be attached to the same wall which is used to determine its size.
- D. Wall Signs in the LI - Light Industrial District:
 1. Each industrial establishment shall be permitted to have one (1) wall sign for each public or private road frontage.
 2. The size of the wall sign shall comply with the following regulations:
 - a. Industrial establishments with up to one hundred (100) lineal feet of wall fronting a road are permitted to have a sign area not to exceed thirty two (32) square feet.
 - b. Industrial establishments with more than one hundred (100) lineal feet of wall fronting a road are permitted to have a sign area of thirty two (32) square feet plus one (1) additional square foot of sign area for each four (4) lineal feet of wall exceeding one hundred (100) lineal feet.

3. Wall signs shall not face a Residential District unless the District and the building are separated by a public or private road or other Nonresidential District.
4. The wall sign shall be attached to the same wall which is used to determine its size.

SECTION 11.19 SIGNS FOR OTHER LAND USES

Signs for Special Land Uses shall comply with the sign requirements of the District in which the Special Land Use is located; however, the Planning Commission may set more restrictive requirements for signs in the approved conditions for the Special Land Use.

CHAPTER 12 ZONING BOARD OF APPEALS

SECTION 12.01 AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals.

SECTION 12.02 MEMBERSHIP - TERMS OF OFFICE

- A. The Zoning Board of Appeals shall consist of five (5) members.
1. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board; the additional members shall be selected from the electors residing in the township.
 2. All members shall be appointed by the Township Board. The additional members shall not be elected officers of the Township or employees of the Township Board.
 3. The additional members shall be appointed for three (3) year terms; the Planning Commission and Township Board representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Township Board may appoint up to two (2) alternate members for the same terms as the regular members.
1. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one or more meetings.
 2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 3. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member.

SECTION 12.03 DUTIES AND POWERS

The Township Board of Appeals shall have the following specified duties and powers:

- A. Appeals: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
- B. Interpretation: The Zoning Board of Appeals shall have the power to:
1. Hear and decide upon request for the interpretation of the provisions of the text of this Ordinance;
 2. Determine the precise location of boundary lines between Zoning Districts upon appeal from a decision regarding the location by the Zoning Administrator.

- C. Non-Use Variances. The Zoning Board of Appeals shall have the power to authorize specific non-use (dimensional) variances from the requirements of this Ordinance.
- D. The Zoning Board of Appeals shall not have the authority to authorize a use on a property where the zoning district regulations do not authorize the use. [Amended, 6/20/11; effective 7/4/11]
- E. The Zoning Board of Appeals shall not have the authority to approve any sign type within any Zoning District which is not permitted by this Ordinance.

SECTION 12.04 MEETINGS

Meetings shall be open to the public, and shall be held at the call of the Chairman and at other times as the Zoning Board of Appeals shall specify in its rules of procedure.

SECTION 12.05 APPLICATIONS AND HEARINGS

- A. An application to the Zoning Board of Appeals shall consist of a completed application form, provided by the Township, a fee or fees as established by the Township Board, which shall be paid to the Township at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Zoning Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application the Township shall cause notice of the hearing as required by the Zoning Act [Amended, 6/20/11; effective 7/4/11]
- C. The Zoning Board of Appeals may recess hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

SECTION 12.06 DECISIONS

- A. The concurring vote of a majority of the membership (three (3) votes) of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; and to effect any variance from this Ordinance.
- B. The Zoning Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held.
- C. The decision of the Zoning Board of Appeals shall be effective immediately and the decision shall become final. An appeal of a decision by the Zoning Board of Appeals shall be filed with the circuit court within 30 days after the Zoning Board of Appeals certifies its decision in writing to the Township Clerk, or approves the minutes of its decision, whichever occurs first.
- D. An applicant who receives a favorable decision shall have up to one year from the date of the decision to start construction or initiate other act for completion as authorized by the decision. However, if construction or other action has not been initiated in the one year time frame, then said decision shall become null and void.
- E. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

SECTION 12.07 APPEALS

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for appeals shall be filed within twenty-one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown. Notwithstanding the preceding, the Township may pursue appropriate enforcement proceedings, and similar matters despite the stay provision.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

SECTION 12.08 REVIEW STANDARDS FOR VARIANCES

Non-Use Variance: Variances are intended to provide administrative relief from zoning requirements which cause practical difficulties for property owners due to unique circumstances of their properties. A practical difficulty is a situation where strict and literal enforcement of the Zoning Ordinance unreasonably prevents a landowner from establishing a permitted use or structure and conforming to the standards would be unnecessarily burdensome. A dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty and the variance must relate to the unique characteristics of the property. The Board of Appeals does not have the authority to allow uses not otherwise permitted in zoning districts. When granting a dimensional variance, the official record of the hearing must reflect that all of the following conditions are met and that reasonable evidence indicates that a practical difficulty exists due to literal enforcement of the Zoning Ordinance: Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.

- A. Property rights. The strict enforcement of the provisions of this Ordinance would deprive the owner of property rights commonly enjoyed by other properties in the same zoning district and that the variance is necessary for the preservation of a substantial property right.
- B. Exceptional or extraordinary circumstances or conditions. There are exceptional or extraordinary conditions and circumstances unique and related to the property that do not similarly apply to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter;
 2. Exceptional topographic conditions or natural features;

3. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be exceptional or extraordinary.
- C. Cause. The unique conditions and circumstances of the property were not created by the owner, or any previous owner or a result of any action or inaction of the owner.
- D. Substantial detriment. The approval of the requested variance would not be of substantial detriment to other lands or uses nearby land and property.
- E. That Spirit of ordinance. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance and will not be contrary to the public interest.

[Amended 7/20/15, effective 8/11/15]

CHAPTER 13 ADMINISTRATION AND ENFORCEMENT

SECTION 13.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on July 1, 1984, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 13.02 INTERPRETATION

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any other rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 13.03 REMEDIES AND ENFORCEMENT

- A. Any building or structure which is erected, moved, placed reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a municipal civil infraction.
- C. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- D. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. The person violating the Ordinance shall be responsible to reimburse the Township for its reasonable attorney fees for obtaining the remedies permitted by this Section. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

- E. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the same person admitted responsibility or was adjudged to be responsible.
- F. Each day during which any violation continues shall be deemed a separate offense.

SECTION 13.04 ZONE CHANGES AND AMENDMENTS

The Township Board may, from time to time, on recommendation from the Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Ordinance in accordance with the authority of the Zoning Act, as amended.

SECTION 13.05 CONDITIONAL REZONING

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (P. A. 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - 5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 - 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning, such as consistency with the Master Plan, compatibility with surrounding uses, and capability of the property to accommodate the uses thereafter permitted, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning, such as consistency with the Master Plan, compatibility with surrounding uses, and capability of the property to accommodate the uses thereafter permitted. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the Michigan Zoning Enabling Act (P. A. 110 of 2006) as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- E. **Approval.**
 1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such

- documents are incorporated by reference, the reference shall specify where the document may be examined.
- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- F. Compliance with Conditions.
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- G. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
- J. Amendment of Conditions.
1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, as amended.
- L. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION 13.06 PETITIONS

- A. The Township Board, the Planning Commission, or any person desiring an amendment or change in the map or in any other provision of this Chapter shall present to the Planning Commission, through the Township Clerk, a petition for an amendment or change, together with a fee in the amount specified in a Resolution adopted by the Township Board and in effect at the time of application. The fee is waived for a petition initiated by the Township Board or Planning Commission. Fees are intended to cover the cost to the Township of publishing legal notice of the hearing and other reasonable administrative costs.
- B. The Planning Commission shall hold a public hearing after notice, published in a newspaper of general circulation, and by mail or personal service to all owners of property within three hundred (300) feet of the property. Notice of the hearing shall be given by two (2) publications in a newspaper of general circulation in the township. The first publication shall be printed not more than thirty (30) days and not less than twenty

(20) days and the second not more than eight (8) days before the date of the hearing. The Planning Commission shall make a report to the Township Board in accordance with the requirements of the Zoning Act.

SECTION 13.07 PERFORMANCE GUARANTEES

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, equal to the estimated cost of improvements associated with the project subject to the guarantee.
- B. The performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If the improvements are not completed the security shall be forfeited, either in whole or in part.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the requirement improvements. The balance if any shall be returned to the depositor.

SECTION 13.08 FEES

- A. The Township Board shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public at the Township Hall by appointment. Fees may be changed from time to time by resolution of the Township Board.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The estimated fees and costs shall be submitted prior to any Township review of an application or request.
- D. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act, Public Act 442 of 1976) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
- E. The costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, professional planning reviews costs and fees for services or outside consultants, fees and expenses of other professionals who

may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.

- F. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant.

SECTION 13.09 STOP WORK ORDERS

- A. Notice to Owner: Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, that work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except the work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

SECTION 13.10 PROPERTY SURVEYS

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to ensure that all requirements of this Ordinance will be met, the survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless the survey and related information has been provided to the Township.

SECTION 13.11 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 13.12 SEVERABILITY

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

SECTION 13.13 GENERAL RESPONSIBILITY

The Township Board, the Township Zoning Administrator or its duly authorized or appointed Township representative is hereby empowered to enforce the Zoning Ordinance in any permissible manner and in any court of competent jurisdiction. Such enforcement shall include, but is not limited to, the issuance of citations and appearance tickets, the institution of proceedings to abate, enjoin or restrain any activity or construction of any structure that is not in compliance with the provisions of the Township Zoning Ordinance, to issue letters and to request the assistance of the Township Attorney in the enforcement proceedings and to seek court orders curing or abating the violation.

SECTION 13.14 ENACTMENT

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Sherman Township. The effective date of this Zoning Ordinance is August 7, 2006.